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

03-01-10-2008

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)

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

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. Secretary of State
State of Nebraska)

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 if 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.[1]

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.

[1] 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 a~~n 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.

Renumber 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 Counsel. 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~~ 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~~ 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 Untied 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
State-Tribal Relations RRS 50-445..... 7 members

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: 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 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: Louden, 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, 60-3,196, 60-462.01, 60-4,147.02, 60-6,265, 60-6,267, 75-363, and 75-364, Revised Statutes Supplement, 2007; to change 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. Insert the following new section:

Sec. 9. Since an emergency exists, this act takes effect when passed and approved according to law.

Senator Rogert filed the following amendment to LB253:
AM1525

1. On page 3, line 25; page 4, line 3; and page 6, lines 20 and 21, strike "2007" and insert "2008".

2. On page 4, lines 4 and 7; page 7, lines 6 and 11; page 11, lines 20 and 22; page 12, lines 18 and 20; page 16, lines 14, 16, and 24; and page 21, line 16, strike "2008" and insert "2009".
3. On page 16, line 23, strike "1987" and insert "1988".
4. On page 26, line 14, strike "2008" and insert "2009".

Senator Rogert filed the following amendment to LB253:
AM1535
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~~ 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 Louden, 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 Louden, 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 Louden, 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 Louden filed the following amendment to LB202:

AM1540

1. On page 2, strike lines 9 through 15, and insert the following new subsection:

(2) Beginning August 1, 2008, only elected officials who are members or alternate members of the governing body of a joint entity or joint public agency created pursuant to the Interlocal Cooperation Act or the Joint Public Agency Act that provides services under the Integrated Solid Waste Management Act are authorized to vote on whether a lien should be imposed on real property for nonpayment of rates and charges under subsection (4) of section 13-2020. Notwithstanding any other requirements for action by the governing body, a vote in favor of imposing such a lien by a majority of the members eligible to vote on whether a 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

printed on recycled paper

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:

LB/LR	Committee
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
Rolfsmeier, 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; Louden, 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

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. Strike sections 16, 17, and 22.

2. On page 3, line 1, strike "21" and insert "19"; and in line 8 after "law" insert ", ordinance, or resolution".

3. On page 5, strike beginning with the second "retail" in line 6 through line 8 and insert "store that sells only tobacco and products directly related to tobacco. Products directly related to tobacco do not include alcohol, coffee, soft drinks, candy, groceries, or gasoline."; and strike beginning with "sections" in line 9 through "17" in line 10 and insert "section 15".

4. On page 8, strike beginning with "or" in line 12 through "department" in line 13.

5. On page 1, line 3, strike beginning with the first "to" through the second semicolon.

6. Strike beginning with page 1, line 8, through page 2, line 2, and page 10, lines 3 through 8 and insert "and sections 71-5707, 71-5710, 71-5711, and 71-5713, Revised Statutes Supplement, 2007.".

Senator Johnson filed the following amendment to LB480:
AM1534

1. Strike the original sections and insert the following new sections:

Section 1. Section 71-7605, Reissue Revised Statutes of Nebraska, is amended to read:

71-7605 Sections 71-7605 to ~~71-7614~~ 71-7611 shall be known and may be cited as the Nebraska Health Care Funding Act.

Sec. 2. Section 71-7611, Revised Statutes Supplement, 2007, is amended to read:

71-7611 (1) The Nebraska Health Care Cash Fund is created. The State Treasurer shall transfer fifty-five million dollars annually no later than July 15 from the Nebraska Medicaid Intergovernmental Trust Fund and the Nebraska Tobacco Settlement Trust Fund to the Nebraska Health Care Cash Fund, except that such amount shall be reduced by the amount of the unobligated balance in the Nebraska Health Care Cash Fund at the time the transfer is made. The state investment officer upon consultation with the Nebraska Investment Council shall advise the State Treasurer on the amounts to be transferred from the Nebraska

Medicaid Intergovernmental Trust Fund and from the Nebraska Tobacco Settlement Trust Fund under this section in order to sustain such transfers in perpetuity. The state investment officer shall report to the Legislature on or before October 1 of every even-numbered year on the sustainability of such transfers. Except as otherwise provided by law, no more than fifty-five million dollars may be appropriated or transferred from the Nebraska Health Care Cash Fund in any fiscal year.

(2) Any money in the Nebraska Health Care Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(3) One million dollars in the Nebraska Health Care Cash Fund is designated each year for the Autism Treatment Program Act for five fiscal years beginning in fiscal year 2007-08 and shall be distributed in each fiscal year as follows: (a) First, to the Department of Health and Human Services for costs related to application and implementation of the waiver; (b) second, to the department for other medical costs for children who would not otherwise qualify for medicaid except for the waiver; and (c) third, the balance to the Autism Treatment Program Cash Fund. The State Treasurer shall transfer the balance of the funding to the Autism Treatment Program Cash Fund based on the estimated costs of administrative and other medical costs as determined by the Legislature through the appropriation process. The transfers to the Autism Treatment Program Cash Fund in any fiscal year shall be contingent upon the receipt of private matching funds under the Autism Treatment Program Act, with no less than one dollar of private funds received for every two dollars transferred from the Nebraska Health Care Cash Fund to the Autism Treatment Program Cash Fund.

(4) The University of Nebraska and postsecondary educational institutions having colleges of medicine in Nebraska and their affiliated research hospitals in Nebraska, as a condition of receiving any funds appropriated or transferred from the Nebraska Health Care Cash Fund, shall not discriminate against any person on the basis of sexual orientation.

Sec. 3. This act becomes operative on July 15, 2008.

Sec. 4. Original section 71-7605, Reissue Revised Statutes of Nebraska, and section 71-7611, Revised Statutes Supplement, 2007, are repealed.

Sec. 5. The following sections are outright repealed: Sections 71-7601, 71-7602, 71-7604, 71-7609, and 71-7614, Reissue Revised Statutes of Nebraska, section 71-7610, Revised Statutes Cumulative Supplement, 2006, and section 71-7603, Revised Statutes Supplement, 2007.

Sec. 6. Since an emergency exists, this act takes effect when passed and approved according to law.

Senator Stuthman filed the following amendment to LB157:
AM1539

(Amendments to Standing Committee amendments, AM250)

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. (1) If a mother seeking safe-haven care voluntarily delivers a child seventy-two hours old or younger to a hospital staff member who engages in the admission, care, or treatment of patients, when such hospital staff member is at a hospital, the hospital staff member shall, without a court order, take temporary physical custody of the child.

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

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

(b) Notify the Department of Health and Human Services within four hours; and

(c) Place such child with an agency as defined in section 43-121.

(3) A hospital shall incur no civil or criminal liability for any good faith acts or omissions performed by a hospital staff member pursuant to this section.

(4) For purposes of this section, generally accepted standards of professional practice means medical treatment or care of the type, quality, and amount that a hospital staff person would be expected to provide according to the professional standards of care for hospital staff with regard to the medical treatment and care of infants.

Sec. 2. Upon receipt of notice pursuant to section 1 of this act, the Department of Health and Human Services shall contact the Nebraska State Patrol to determine if the child is a missing person as defined in section 43-2003.

Sec. 3. (1) The Department of Health and Human Services shall maintain and update on a monthly basis a report of the number of children who have been left with safe-haven providers pursuant to this section and the number of children abandoned by other means.

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

Sec. 4. The Department of Health and Human Services shall develop and implement a public information program to inform the general public of the provisions of sections 1 to 3 of this act. The department shall also work in conjunction with other departments and agencies of the state and the Nebraska Hospital

Association or its successor entity in development of the program. The program may include, but need not be limited to, educational and informational materials in print, audio, video, electronic, and other media, public service announcements and advertisements, and the establishment of a toll-free hotline. The department shall develop a method that would allow the parent of any newborn infant placed under such sections to provide information about the medical history of the infant, including family medical history, anonymously.

Sec. 5. The Department of Health and Human Services shall explore the possibility of expending funds received from the United States Department of Health and Human Services pursuant to the Promoting Safe and Stable Families Program in order to implement the public information program required by section 4 of this act and to alleviate the burden such program may have on the department's appropriation from the state. When implementing its public information program, the department shall prioritize those areas of the state that have been identified as having the highest teen pregnancy rates.

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

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

(2) It is not a violation of this section for a mother to leave a child who is seventy-two hours old or younger with a hospital staff member pursuant to section 1 of this act if the mother provides the hospital staff member with proof of her identity.

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

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

~~(4)~~ (5) A designation of assets for or use of income by an individual in accordance with section 68-922 shall be considered just cause for failure to use such assets or income to provide medical support of such individual's spouse.

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

Sec. 7. Original section 28-705, Revised Statutes 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:

LB/LR	Committee
LB771	Appropriations (rereferred)
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
Papio-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

Grotrian, 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
Horsemens 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 Unites 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. On page 2, line 27, strike "one full-time employee" 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. Insert the following new section:

Sec. 2. Section 48-2103, Reissue Revised Statutes of Nebraska, is amended to read:

48-2103 For purposes of the Contractor Registration Act:

(1) Commissioner ~~shall mean~~ means the Commissioner of Labor;

(2) Construction ~~shall mean~~ means work on real property and annexations, including new work, additions, alterations, reconstruction, installations, and repairs performed at one or more different sites which may be dispersed geographically;

(3) Contractor ~~shall mean~~ means a person who engages in the business of construction and ~~shall include~~ includes a subcontractor, a general contractor, and any other person arranging for the performance of construction. A person who earns less than ~~one~~ five thousand dollars annually or who performs work or has work performed on ~~the person's~~ his or her own property is not ~~shall not be~~ a contractor; ~~for purposes of the act;~~

(4) Department ~~shall mean~~ means the Department of Labor; and

(5) Working days ~~shall mean~~ means Mondays through Fridays but ~~shall~~ does not include Saturdays, Sundays, or federal or state holidays. In computing fifteen working days, the day of receipt of any notice ~~shall not be~~ is not included and the last day of the fifteen working days ~~shall be~~ is included.

2. On page 4, line 11, after "48-2102," insert "48-2103,".

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. 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. Strike original section 1 and insert the following new section:

Section 1. There is hereby appropriated $27,500 from the General Fund and $27,500 from federal funds for FY2008-09 to the Department of Health and Human Services, for Program 33, to aid in carrying out the provisions of Legislative Bill 171, One Hundredth Legislature, Second Session, 2008.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not 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. Marilynn 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 Louden who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
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. On page 3, line 25; page 4, line 3; and page 6, lines 20 and 21, strike "2007" and insert "2008".

2. On page 4, lines 4 and 7; page 7, lines 6 and 11; page 11, lines 20 and 22; page 12, lines 18 and 20; page 16, lines 14, 16, and 24; and page 21, line 16, strike "2008" and insert "2009".

3. On page 16, line 23, strike "1987" and insert "1988".

4. On page 22, strike beginning with "to" in line 3 through the comma in line 5 and show the old matter as stricken; and strike beginning with "(4)" in line 23 through line 25 and show the old matter as stricken.

5. On page 23, strike beginning with the first "the" in line 1 through the semicolon in line 4 and show the old matter as stricken; and in line 4 strike "(5)" and insert "(4)".

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; Louden, 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; Louden, 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. Insert the following new sections:

Sec. 2. Section 60-387, Revised Statutes Supplement, 2007, is amended to read:

60-387 (1) An application for registration of a motor vehicle shall be accompanied by proof of financial responsibility or evidence of insurance covering the motor vehicle. Proof of financial responsibility shall be evidenced by a copy of proof of financial responsibility filed pursuant to subdivision (2), (3), or (4) of section 60-528 bearing the seal of the department. Evidence of insurance shall give the effective dates of the automobile liability policy, which dates shall be evidence that the coverage is in effect on and following the date of registration, and shall designate, by explicit description or by appropriate reference, all motor vehicles covered. Evidence of insurance in the form of a certificate of insurance for fleet vehicles may include, as an appropriate reference, a designation that the insurance coverage is applicable to all vehicles owned by the named insured, or wording of similar effect, in lieu of an explicit description. Proof of financial responsibility also may be evidenced by ~~(1)~~ (a) a check by the department or its agents of the motor vehicle insurance data base created under section 60-3,136 or ~~(2)~~ (b) any other automated or electronic means as prescribed or developed by the department. For purposes of this section, fleet means a group of at least five vehicles that belong to the same owner.

(2) If a motorcycle is being registered, an application for registration of the motorcycle shall be accompanied by, in

addition to the requirements of subsection (1) of this section, proof of current and effective medical reimbursement insurance coverage of no less than one million dollars.

Sec. 3. Section 60-390, Revised Statutes Cumulative Supplement, 2006, is amended to read:

60-390 The certificate of registration shall contain upon the face thereof the name of the registered owner of the motor vehicle or trailer, his or her residential mailing address, a description of the motor vehicle or trailer as set forth in the application for registration, and whether alternative fuel was used to propel the motor vehicle and, if so, the type of fuel. The certificate of registration shall have and contain the identical registration number denoted on the license plate in connection with which such certificate of registration is issued and shall be valid only for the registration period for which it is issued. On the back of the certificate, the certificate of registration shall include a statement in boldface print that an automobile liability policy or proof of financial responsibility is required in Nebraska. On the back of the certificate for a motorcycle, the certificate of registration shall include a statement in boldface print that an automobile liability policy or proof of financial responsibility and proof of insurance as provided in subsection (2) of section 60-387 is required in Nebraska. By paying the required registration fees, every person whose name appears on the registration of the motor vehicle or trailer certifies that a current and effective automobile liability policy or proof of financial responsibility will be maintained for the motor vehicle or trailer at the time of registration and while the motor vehicle or trailer is operated on a highway of this state and that he or she will also provide a current and effective automobile liability policy, evidence of insurance, or proof of financial responsibility for the motor vehicle or trailer upon demand. By paying the required registration fees, every person whose name appears on the registration of a motorcycle certifies that a current and effective automobile liability policy or proof of financial responsibility and proof of insurance as provided in subsection (2) of section 60-387 will be maintained for the motor vehicle or trailer at the time of registration and while the motor vehicle or trailer is operated on a highway of this state and that he or she will also provide a current and effective automobile liability policy, evidence of insurance, or proof of financial responsibility and proof of insurance as provided in subsection (2) of section 60-387 for the motorcycle upon demand.

Sec. 5. Section 60-3,167, Revised Statutes Cumulative Supplement, 2006, is amended to read:

60-3,167 (1) It shall be unlawful for any owner of a motor vehicle or trailer which is being operated or towed with In Transit stickers pursuant to section 60-376, which is being operated or towed pursuant to section 60-365 or 60-369, or which

is required to be registered in this state and which is operated or towed on a public highway of this state to allow the operation or towing of the motor vehicle or trailer on a public highway of this state without having a current and effective automobile liability policy, evidence of insurance, or proof of financial responsibility. With respect to the operation of a motorcycle under this subsection, the owner shall also be required to have insurance coverage as provided in subsection (2) of section 60-387. The owner shall be presumed to know of the operation or towing of his or her motor vehicle or trailer on a highway of this state in violation of this section when the motor vehicle or trailer is being operated or towed by a person other than the owner.

(2) An owner of a motor vehicle or trailer who operates or tows the motor vehicle or trailer or allows the operation or towing of the motor vehicle or trailer in violation of this section shall be guilty of a Class II misdemeanor and shall be advised by the court that his or her motor vehicle operator's license, motor vehicle certificate of registration, and license plates will be suspended by the department until he or she complies with sections 60-505.02 and 60-528. Upon conviction the owner shall have his or her motor vehicle operator's license, motor vehicle certificate of registration, and license plates suspended by the department until he or she complies with sections 60-505.02 and 60-528. The owner shall also be required to comply with section 60-528 for a continuous period of three years after the violation. This subsection shall not apply to motor vehicles or trailers registered in another state.

~~(2)~~ (3) An owner who is unable to produce a current and effective automobile liability policy, evidence of insurance, or proof of financial responsibility upon the request of a law enforcement officer shall be allowed ten days after the date of the request to produce proof to the appropriate prosecutor or county attorney that a current and effective automobile liability policy or proof of financial responsibility was in existence for the motor vehicle or trailer at the time of such request. An owner of a motorcycle who is unable to produce a current and effective automobile liability policy, evidence of insurance, or proof of financial responsibility and proof of insurance as provided in subsection (2) of section 60-387 upon the request of a law enforcement officer shall be allowed ten days after the date of the request to produce proof to the appropriate prosecutor or county attorney that a current and effective automobile liability policy or proof of financial responsibility and proof of insurance as provided in subsection (2) of section 60-387 was in existence for the motor vehicle or trailer at the time of such request. Upon presentation of such proof, the citation shall be dismissed by the prosecutor or county attorney without cost to the owner and no prosecution for the offense cited shall occur.

~~(3)~~ (4) The department shall, for any person convicted

for a violation of this section, reinstate such person's operator's license, motor vehicle certificate of registration, and license plates and rescind any order requiring such person to comply with section 60-528 without cost to such person upon presentation to the director that, at the time such person was cited for a violation of this section, a current and effective automobile liability policy or proof of financial responsibility <u>or proof of insurance as provided in subsection (2) of section 60-387</u> was in existence for the motor vehicle or trailer at the time the citation was issued.

2. Renumber the remaining sections and correct internal references accordingly, and correct the operative date provision so that the sections added by this amendment become operative on 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. Strike the original sections and insert the following new sections:

Section 1. There is hereby appropriated $34,125 from the Department of Motor Vehicles Cash Fund for FY2008-09 to the Department of Motor Vehicles, for Program 70, to aid in carrying out the provisions of Legislative Bill 253, One Hundredth Legislature, Second Session, 2008.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 2. There is hereby appropriated (1) $66,213 from the Motorcycle Safety Education Fund and $47,295 from the Motorcycle Safety and Training Fund for FY2008-09 and (2) $195,269 from the Motorcycle Safety and Training Fund for FY2009-10 to the Department of Motor Vehicles, for Program 644, to aid in carrying out the provisions of Legislative Bill 253, One Hundredth Legislature, Second Session, 2008.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $24,265 for FY2008-09 or $33,162 for FY2009-10.

Senator Howard filed the following amendment to LB205:
AM1563

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. Strike the original sections and insert the following new sections:

Section 1. There is hereby appropriated (1) $208,000 from the General Fund for FY2008-09 and (2) $251,000 from the General Fund for FY2009-10 to the Department of Revenue, for Program 112, to aid in carrying out the provisions of Legislative Bill 663, One Hundredth Legislature, Second Session, 2008.

Sec. 2. There is hereby appropriated $4,500,000 from the General Fund for FY2009-10 to the State Department of Education, for Program 158, to aid in carrying out the provisions of Legislative Bill 663, One Hundredth Legislature, Second Session, 2008.

There is included in the amount shown for FY2009-10 $4,500,000 General Funds which are hereby appropriated to the Tax Equity and Educational Opportunities Fund, which fund is hereby appropriated to provide state aid to public school districts pursuant to the Tax Equity and Educational Opportunities Support 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

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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 21st century economy that leverages technology, values educational excellence and fosters entrepreneurism.

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 21st 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 21st 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. Strike original section 6.
2. On page 15, line 22, strike the new matter.
3. On page 16, strike line 12 and insert "age and (b) carries proof of"; in line 23 after the last comma insert "and"; and strike beginning with the last comma in line 24 through "protection" in line 25.
4. On page 17, strike beginning with "Except" in line 1 through "enforcement" in line 2 and insert "Enforcement"; strike lines 6 through 10; and in line 11 strike "(6)" and insert "(5)".
5. On page 26, strike beginning with "and" in line 19 through the last comma in line 20.
6. Renumber the remaining sections and correct internal 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:

LB/LR	Committee
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. Strike the original sections and insert the following new sections:

Section 1. This act shall be known and may be cited as the Redistricting Act.

Sec. 2. For purposes of the Redistricting Act:

(1) Committee means the Redistricting Committee of the Legislature;

(2) Director means the Director of Research of the Legislature or his or her designee;

(3) Executive board means the Executive Board of the Legislative Council;

(4) Other district means a legislative district, supreme court judicial district, public service commission district, board of regents district, or state board of education district; and

(5) Redistricting plan means a plan for congressional districts and other districts prepared pursuant to the requirements of the act.

Sec. 3. (1) The Redistricting Committee of the Legislature shall be established as a special committee of the Legislature in each year ending in one. The committee may introduce and exercise jurisdiction over legislative bills and

resolutions relating to redistricting and hold hearings regarding such legislation.

(2) 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.

(3) 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 chairperson and the vice-chairperson shall not be affiliated with the same political party.

(4) The committee shall continue in existence until all legislative 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 according to the Redistricting Act for purposes of reformulating the challenged redistricting plan.

(5) The committee shall receive staff support from the office of the director.

Sec. 4. (1) The committee shall be responsible for administering the Redistricting Act.

(2)(a) After reviewing previous redistricting guidelines used by the Legislature, the committee shall adopt substantive and procedural guidelines, consistent with the act, 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.

(b) The committee shall at the earliest feasible time make available to the public the guidelines prepared under this section.

Sec. 5. The committee shall introduce legislative bills pertaining to redistricting congressional districts and other districts during the legislative session of each year ending in one. The bills shall be processed utilizing the normal procedures established for processing legislation introduced in the Legislature.

Sec. 6. (1) Under the direction of the committee, the director shall (a) acquire appropriate information, (b) review and evaluate available facilities, and (c) develop programs and procedures for preparing redistricting plans on the basis of each federal decennial census. Funds shall be expended for the purchase or lease of equipment and materials only with prior approval of the chairperson of the executive board.

(2) By December 31 of each year ending in zero, the director shall obtain from the United States Department of Commerce, Bureau of the Census, information regarding geographic and political units in this state for which federal census population data has been gathered and will be tabulated.

Sec. 7. 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 redistricting plans shall be made available to the Legislature and the public.

Sec. 8. (1) After the redistricting plans formulated under section 7 of this act 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.

(2) Following the public hearings, the committee shall proceed to process the legislative bills introduced under section 5 of this act.

Senator Erdman offered the following amendment to the Schimek amendment:

AM1570

(Amendments to AM1567)

1. On page 3, strike beginning with "programs" in line 16 through "preparing" in line 17 and insert "internal procedures for the office of Legislative Audit and Research to assist in the preparation of".

2. On page 4, line 4, strike "(1)"; and strike lines 12 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. Strike the original sections and all amendments thereto and insert the following new section:

Section 1. (1) Under the direction of the Executive

Board of the Legislative Council, the Director of Research of the Legislature or his or her designee shall (a) acquire appropriate information, (b) review and evaluate available facilities, and (c) develop internal procedures for the office of Legislative Audit and Research to assist in the preparation of redistricting plans for congressional districts, legislative districts, supreme court judicial districts, public service commission districts, board of regents districts, and state board of education districts on the basis of each federal decennial census. Funds shall be expended for the purchase or lease of equipment and materials only with prior approval of the chairperson of the Executive Board.

(2) By December 31 of each year ending in zero, the director shall obtain from the United States Department of Commerce, Bureau of the Census, information regarding geographic and political units in this state for which federal census 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

printed on recycled paper

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, Louden, 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

Excused and not voting, 4:

Aguilar	Dierks	Harms	Rogert

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

Excused and not voting, 3:

Dierks	Flood	Harms

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:

LB/LR	Committee
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. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. (1) If a mother seeking safe-haven care voluntarily delivers a child seventy-two hours old or younger to a hospital staff member who engages in the admission, care, or treatment of patients, when such hospital staff member is at a hospital, the hospital staff member shall, without a court order, take temporary physical custody of the child.

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

(a) Perform any act necessary, in accordance with

generally accepted standards of professional practice, to protect, preserve, or aid the physical health or safety of the child during the temporary physical custody;

(b) Notify the Department of Health and Human Services within four hours; and

(c) Place such child with an agency as defined in section 43-121.

(3) For purposes of this section, generally accepted standards of professional practice means medical treatment or care of the type, quality, and amount that a hospital staff person would be expected to provide according to the professional standards of care for hospital staff with regard to the medical treatment and care of infants.

Sec. 2. (1) The mother of a child left with a hospital staff member pursuant to section 1 of this act may claim the child within forty-eight hours after delivery of the child to the hospital staff member. Such claim shall be made to the entity having physical or legal custody of the child.

(2) If the mother does not reclaim such child within the forty-eight-hour period described in subsection (1) of this act, she shall be presumed to have (a) intended to leave the child and (b) consented to termination of her parental rights.

Sec. 3. Upon receipt of notice pursuant to section 1 of this act, the Department of Health and Human Services shall contact the Nebraska State Patrol to determine if the child is a missing person as defined in section 43-2003.

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

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

Sec. 5. The Department of Health and Human Services shall develop and implement a public information program to inform the general public of the provisions of sections 1 to 4 of this act. The department shall also work in conjunction with other departments and agencies of the state, the Nebraska Hospital Association or its successor entity, and the Nebraska Adoption Agency Association or its successor entity in development of the program. The program may include, but need not be limited to, educational and informational materials in print, audio, video, electronic, and other media, public service announcements and advertisements, and the establishment of a toll-free hotline. The department shall develop a method that would allow the parent of any newborn infant placed under such sections to provide information about the medical history of the infant, including

family medical history, anonymously.

Sec. 6. The Department of Health and Human Services shall explore the possibility of expending funds received from the United States Department of Health and Human Services pursuant to the Promoting Safe and Stable Families Program in order to implement the public information program required by section 5 of this act and to alleviate the burden such program may have on the department's appropriation from the state. When implementing its public information program, the department shall prioritize those areas of the state that have been identified as having the highest teen pregnancy rates.

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

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

(2) It is not a violation of this section for a mother to leave a child who is seventy-two hours old or younger with a hospital staff member pursuant to section 1 of this act if the mother provides the hospital staff member with proof of her identity.

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

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

~~(4)~~ (5) A designation of assets for or use of income by an individual in accordance with section 68-922 shall be considered just cause for failure to use such assets or income to provide medical support of such individual's spouse.

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

Sec. 7. Original section 28-705, Revised Statutes 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. On page 1, strike lines 1 and 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

printed on recycled paper

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. On page 2, lines 13, 15, and 18; and page 3, line 16, 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. On page 2, strike lines 7 and 8 and show as stricken; in line 9 strike "(b)", show as stricken, and insert "(a)"; in line 11 strike "(c)", show as stricken, and insert "(b)"; in line 12 strike "(d)", show as stricken, and insert "(c)"; in line 15 strike "(e)", show as stricken, and insert "(d)"; in line 20 strike "(d)", show as stricken, and insert "(c)"; and in line 22 strike "(1)(e)", 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:

LB/LR	Committee
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. 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. On page 2, line 16, after both commas insert "nonprofit"; and in line 17 after the first comma insert "nonprofit".

Senator Raikes withdrew his amendment.

Senator Raikes offered the following amendment:
AM1587
1. Strike original section 1 and insert the following new section:
Section 1. Section 77-2704.12, Revised Statutes Cumulative Supplement, 2006, is amended to read:
77-2704.12 (1) Sales and use taxes shall not be imposed on the gross receipts from the sale, lease, or rental of and the storage, use, or other consumption in this state of purchases by (a) any nonprofit organization created exclusively for religious purposes, (b) any nonprofit organization providing services exclusively to the blind, (c) any nonprofit private educational institution established under sections 79-1601 to 79-1607, (d) any nonprofit private college or university established under sections 85-1101 to 85-1111, (e) any nonprofit (i) hospital, (ii) health clinic when two or more hospitals or the parent corporations of

the hospitals own or control the health clinic for the purpose of reducing the cost of health services or when the health clinic receives federal funds through the United States Public Health Service for the purpose of serving populations that are medically underserved, (iii) skilled nursing facility, (iv) intermediate care facility, (v) assisted-living facility, (vi) intermediate care facility for the mentally retarded, (vii) nursing facility, (viii) home health agency, (ix) hospice or hospice service, or (x) respite care service licensed under the Health Care Facility Licensure Act, (f) ~~and organized not for profit,~~ any nonprofit licensed child-caring agency, (g) any nonprofit licensed child placement agency, or (h) any nonprofit organization certified by the Department of Health and Human Services to provide community-based services for persons with developmental disabilities.

(2) Any organization listed in subsection (1) of this section shall apply for an exemption on forms provided by the Tax Commissioner. The application shall be approved and a numbered certificate of exemption received by the applicant organization in order to be exempt from the sales and use tax.

(3) The appointment of purchasing agents shall be recognized for the purpose of altering the status of the construction contractor as the ultimate consumer of building materials which are physically annexed to the structure and which subsequently belong to the owner of the organization or institution. The appointment of purchasing agents shall be in writing and occur prior to having any building materials annexed to real estate in the construction, improvement, or repair. The contractor who has been appointed as a purchasing agent may apply for a refund of or use as a credit against a future use tax liability the tax paid on inventory items annexed to real estate in the construction, improvement, or repair of a project for a licensed not-for-profit institution.

(4) Any organization listed in subsection (1) of this section which enters into a contract of construction, improvement, or repair upon property annexed to real estate without first issuing a purchasing agent authorization to a contractor or repairperson prior to the building materials being annexed to real estate in the project may apply to the Tax Commissioner for a refund of any sales and use tax paid by the contractor or repairperson on the building materials physically annexed to real estate in the construction, improvement, or repair.

(5) Any person purchasing, storing, using, or otherwise consuming building materials in the performance of any construction, improvement, or repair by or for any institution enumerated in subsection (1) of this section which is licensed upon completion although not licensed at the time of construction or improvement, which building materials are annexed to real estate and which subsequently belong to the owner of the institution, shall pay any applicable sales or use tax thereon. Upon becoming

licensed and receiving a numbered certificate of exemption, the institution organized not for profit shall be entitled to a refund of the amount of taxes so paid in the performance of such construction, improvement, or repair and shall submit whatever evidence is required by the Tax Commissioner sufficient to establish the total sales and use tax paid upon the building materials physically annexed to real estate in the construction, 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. On page 1, strike line 2 and insert "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,".

LEGISLATIVE BILL 402. Placed on Select File with amendment.
ER8127
1. On page 1, lines 1 and 2, strike "adopt the Redistricting Act" and insert "provide duties for the Director 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

printed on recycled paper

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, Louden, Synowiecki, White. Nay: 0. Absent: 0.

(Signed) John Synowiecki, Chairperson

AMENDMENT - Print in Journal

Senator Louden filed the following amendment to LB579:
AM1591

1. Strike the original sections and insert the following new sections:

Section 1. The Legislature finds that it is in the interest of the state to:

(1) Facilitate investment in customer-owned renewable energy resources;

(2) Stimulate the economic growth of the state;

(3) Enhance the continued diversification of the energy resources used in this state as long as diversification does not shift fixed costs to other distribution system customers; and

(4) Ensure that electric consumers throughout the state are treated equitably when providing incentives for renewable energy development that benefits the state.

Sec. 2. For purposes of sections 1 to 6 of this act:

(1) Customer-generator means the end-use customer that is the owner or operator of a qualified generation unit;

(2) Facility charges means the local distribution system's costs associated with providing electric service for the customer-generator that are not avoidable by the local distribution utility as a result of the operation of a qualified generation unit rated above ten kilowatts;

(3) Local distribution system means any system utilized for the distribution of electric energy to the end-use consumer. Transmission facilities rated higher than sixty-nine kilovolts shall not be considered a component of the local distribution system;

(4) Local distribution utility means a public power district, public power and irrigation district, individual

municipality, or nonprofit electric cooperative corporation which is the owner or operator of the local distribution system to which the customer-generator is interconnected;

(5) Qualified generation unit means a facility for the generation of electricity which:

(a) Uses as its energy source solar, wind, biomass, or hydropower resources;

(b) Is located on premises that are owned, operated, leased, or otherwise controlled by the customer-generator;

(c) Operates parallel with the local distribution system;

(d) Is intended primarily to offset part of or all of the customer-generator's requirements for electric energy at the same location;

(e) Is not intended to offset or provide credits for electric consumption at another location owned, operated, leased, or otherwise controlled by the customer-generator or for any other customer; and

(f) Meets all applicable safety, performance, and reliability standards established by the National Electrical Code filed with the Secretary of State and adopted by the State Electrical Board under subdivision (5) of section 81-2104, the National Electrical Safety Code, the Institute of Electrical and Electronics Engineers, Underwriters Laboratories, Inc., and the American National Standards Institute and meets the interconnection standards adopted by the local distribution utility;

(6) Customer-generator rate class means a rate class for customers that interconnect qualified generation units rated above ten kilowatts to the local distribution system;

(7) Excess generation means the energy generated which exceeds the customer-generator's requirements for electric energy at the same location; and

(8) Net metering means billing the customer-generator according to the difference between the amount of electricity supplied by the local distribution utility in a billing period and the amount of electricity generated from the customer side of the meter using a qualified generation unit.

Sec. 3. (1) A local distribution utility shall interconnect the qualified generation unit of any customer-generator that the local distribution utility serves if the customer-generator pays for any costs incurred by a local distribution utility for equipment or services required for safety or performance necessary to meet the standards referred to in sections 1 to 6 of this act.

(2) A local distribution utility shall provide at no additional cost to any customer-generator with a qualified generation unit a meter that is capable of measuring the flow of electricity in both directions at the same rate. Such measurement for a qualified generation unit rated ten kilowatts or less may be accomplished through use of a single, bidirectional electric

revenue meter that has only a single register for billing purposes.

(3) A local distribution utility may, at its own expense, install additional monitoring equipment to separately monitor the flow of electricity in each direction.

(4) A local distribution utility may create a customer-generator rate class or classes for qualified generation units rated above ten kilowatts. Rate classes shall be based on a cost of service study, may be designated according to the size of a qualified generation unit, shall be nondiscriminatory, and may allow for facility charges to cover the use of the distribution system. In addition, rates shall be developed for purchases or deliveries of electricity by the customer-generator for qualified generation units rated above ten kilowatts. Such rates shall not be less than the wholesale power supply costs of the local distribution utility and shall provide monetary credits to the customer-generator for its excess generation deliveries. Monetary credits shall be applied to monthly bills of the customer-generator for the preceding monthly period and shall offset the cost of energy owed by the customer-generator. If the energy portion of the customer-generator's bill is less than zero in any month, monetary credits shall be carried over to future bills of the customer-generator until the balance is zero. At the end of the calendar year, any excess monetary credits shall be paid out to coincide with the final bill of each calendar year.

(5) A local distribution utility shall provide net metering service to any customer-generator with a qualified generation unit rated at ten kilowatts or less. Excess generation shall be compensated as a monetary credit not less than the average wholesale cost per kilowatt hour for the distribution utility for the month of generation. Monetary credits shall be applied to monthly bills of the customer-generator for the preceding monthly period and shall offset the cost of energy owed by the customer-generator. If the energy portion of the customer-generator's bill is less than zero in any month, monetary credits shall be carried over to future bills of the customer-generator until the balance is zero. At the end of the calendar year, any excess monetary credits shall be paid out to coincide with the final bill of each calendar year. Facilities charges shall not be applied to customer-generators having qualified generation units less than ten kilowatts. Nothing in this section shall prevent a local distribution utility from providing net metering services to customer-generators having qualified generation units at or above ten kilowatts with the approval of the governing board.

(6) A local distribution utility shall not be required to provide net metering service to additional customer-generators regardless of size after the date during a calendar year on which the total generating capacity of all customer-generators using net metering served by such local distribution utility is equal to

or in excess of one percent of the capacity necessary to meet the local distribution utility's average aggregate customer monthly peak demand forecast for that calendar year.

(7) A local distribution utility shall not be liable directly or indirectly for permitting the interconnection of a qualified generation unit or for acts or omissions of the customer-generator that cause property damage or injury, including death, to any third party, to the local distribution utility, or to the customer-generator. The distribution utility may require proof of liability insurance coverage.

Sec. 4. (1) A customer-generator shall, at its own expense, provide lockable switching equipment capable of isolating the qualified generation unit from the local distribution system. The equipment shall be approved by the local distribution utility and shall be accessible by the local distribution utility at all times.

(2) A customer-generator shall request an inspection from the State Electrical Division pursuant to subsection (1) of section 81-2124 or subsection (1) of section 81-2125 and shall provide documentation of the completed inspection to the local distribution utility prior to interconnection with the local distribution system.

(3) A customer-generator is responsible for notifying the local distribution utility of its intent to install a qualified generation unit at least sixty days prior to its installation and is responsible for all costs associated with the qualified generation unit, including all costs related to any modifications to the qualified generation unit or the local distribution system that may be required for the purpose of safety and reliability.

(4) A customer-generator owns the renewable energy credits of the electricity it generates.

Sec. 5. No local distribution utility may require a customer-generator whose qualified generation unit meets the standards of sections 1 to 6 of this act to comply with additional safety, performance, or reliability standards or to perform or pay for additional tests.

Sec. 6. Sections 3 to 5 of this act do not apply to any local distribution utility that, prior to the effective date of this act, has properly adopted a net metering standard utilizing the public process set forth in the federal Public Utility Regulatory Policies Act of 1978, 16 U.S.C. 2601 et seq., as such act existed on the effective date of this act.

Sec. 7. Section 70-1012, Reissue Revised Statutes of Nebraska, is amended to read:

70-1012 Before any electric generation facilities or any transmission lines or related facilities carrying more than seven hundred volts are constructed or acquired by any supplier, an application, filed with the board and containing such information as the board shall prescribe, shall be approved by the board,

except that such approval shall not be required (1) for the construction or acquisition of a transmission line extension or related facilities within a supplier's own service area or for the construction or acquisition of a line not exceeding one-half mile outside its own service area when all owners of electric lines located within one-half mile of the extension consent thereto in writing and such consents are filed with the board, (2) for any generation facility when the board finds that: (a) Such facility is being constructed or acquired to replace a generating plant owned by an individual municipality or registered group of municipalities with a capacity not greater than that of the plant being replaced, (b) such facility will generate less than twenty-five thousand kilowatts of electric energy at rated capacity, and (c) the applicant will not use the plant or transmission capacity to supply wholesale power to customers outside the applicant's existing retail service area or chartered territory, ~~or~~ (3) for acquisition of transmission lines or related facilities, within the state, carrying one hundred fifteen thousand volts or less, if the current owner of the transmission lines or related facilities notifies the board of the lines or facilities involved in the transaction and the parties to the transaction, or (4) for the construction of a new, or the interconnection of an existing, qualified generation unit as defined in section 2 of this act.

Sec. 8. Original section 70-1012, Reissue Revised 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. Insert the following new section:

Section 1. Sections 1 to 5 of this act shall be known and may be cited as the Nebraska Advantage Film Production Incentive Act.

2. On page 1, line 3, strike "sections 1 to 4 of this act" and insert "the Nebraska Advantage Film Production Incentive Act".

3. On page 2, lines 8 and 9 and 15; and page 5, lines 4 and 5, strike "Game and Parks Commission" and insert "Department of Economic Development".

4. On page 5, line 6, strike "sections 1 to 3 of this act" and insert "the Nebraska Advantage Film Production Incentive Act"; in line 7 strike each occurrence of "commission" and insert "department"; and in line 9 strike "such sections" and insert "the act".

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:

LB/LR	**Committee**
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; Raikes, 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. In lieu of the Gay amendment, FA154, on page 2, line 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

printed on recycled paper

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. On page 1, line 17, after the period insert "For purposes of this section, a county jail shall not be deemed a 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. Because of the enactment of Laws 2007, LB 124, strike the original sections and insert the following new sections:

Section 1. Section 45-705, Revised Statutes Supplement, 2007, is amended to read:

45-705 (1) No person shall act as a mortgage banker or use the title mortgage banker in this state unless he, she, or it is licensed or has registered with the department as provided in the Mortgage Bankers Registration and Licensing Act or is licensed under the Nebraska Installment Loan Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Strike original section 6.

2. On page 1, line 2, strike "67-344,"; and in line 8 after "Act" insert "of 1998".

3. On page 2, lines 14 and 20; and page 11, line 19, before each occurrence of "address" insert "street" and after each occurrence of "address" insert "and post office box number, if any,".

4. On page 3, lines 1 and 4, before "address" insert "street" and before "box" insert "post office".

5. On page 11, lines 12 and 13, after "box" insert "number".

6. On page 12, lines 1 and 3, before "address" insert "street"; in line 1 after "address" insert "or post office box number, if any"; and in line 3 after "address" insert "and post office box number, if any".

7. On page 25, line 7, strike "or" and insert "and".

8. On page 26, line 5, strike "67-344,".

9. Renumber the remaining sections accordingly.

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

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. (1) If a parent seeking safe-haven care voluntarily delivers a child thirty days of age or younger to a firefighter or a hospital staff member who engages in the admission, care, or treatment of patients, when such firefighter is at a fire station or such hospital staff member is at a hospital, the firefighter or hospital staff member shall, without a court order, take temporary physical custody of the child.

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

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

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

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

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

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

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

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

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

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

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

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

medical support of such individual's spouse.

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

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

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

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

ER8133

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

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

LEGISLATIVE BILL 690. Placed on Select File with amendment.

ER8132

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. On page 1, strike beginning with "sections" in line 1 through line 6 and insert "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.".

LEGISLATIVE BILL 92. Placed on Select File with amendment.
ER8135

1. Because of the amendment of section 43-3810 by Laws 2007, LB 296:

a. Strike original section 10 and insert the following new section:

Sec. 10. Section 43-3810, Revised Statutes Supplement, 2007, is amended to read:

43-3810 The chief executive officer of the department or his or her designee shall meet as necessary with consular officials to discuss, clarify, and coordinate activities, ideas and concerns of a high-profile nature, timely media attention, and joint prevention efforts regarding the protection and well-being of foreign national minors and minors ~~holding dual citizenship~~ having multiple nationalities and families.

b. On page 1, line 3; and page 7, line 11, strike "43-3809, and 43-3810" and insert "and 43-3809"; and

c. On page 1, line 4; and page 7, line 12, after "2006" insert ", and section 43-3810, Revised Statutes Supplement, 2007".

2. On page 1, line 3; page 6, lines 5 and 7; and page 7, 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. On page 2, lines 1 and 2 strike "$114,024" and insert "$186,738"; and in line 8 strike both occurrences of "$78,024" and insert "$132,738".

Senator Pahls filed the following amendment to LB709:
AM1573

1. On page 6, line 6; and page 7, line 3, after the second "dealer" insert "is".

2. On page 6, line 9, after "and" insert "to submit sufficient documentation to the county clerk or designated county official for the county clerk or designated county official to subsequently"; and in line 14 after "purchaser" insert "and shall process the documents and deliver the certificate of title, with notation of lien, if any, to the appropriate parties as otherwise required by the Motor Vehicle Certificate of Title Act. If the certificate of title is to be delivered to the purchaser or to a lienholder, the county clerk or designated county official shall mail the certificate of title, by registered or certified mail, within ten days after receipt of the appropriate documents, taxes, and fees".

3. On page 6, line 13; page 7, line 11; and page 8, line 25, strike "taxes" and insert "documents, taxes,".

4. On page 7, line 6, after "and" insert "to submit

sufficient documentation to the county treasurer or designated county official for the county treasurer or designated county official to subsequently"; strike beginning with the first comma in line 6 through "documents" in line 7; in line 11 after "purchaser" insert "and shall process the documents and deliver the certificate of registration to the appropriate parties as otherwise required by the Motor Vehicle Registration Act. The county clerk or designated county official shall mail the certificate of registration within ten days after receipt of the appropriate documents, fees, and taxes"; in line 16 strike "provide services to" and insert "collect documentation from"; in line 19 strike the first comma and insert "and" and strike "and the"; in line 20 strike "collection of" and insert "collect"; and in line 22 after "1967" insert ", and issue license plates and validation and tonnage decals".

5. On page 8, line 25, after "fees" insert "necessary to issue a certificate of title, certificate of registration, license plates, and validation and tonnage decals and".

6. On page 9, strike beginning with "certificates" in line 19 through the second comma in line 20 and insert "license plates"; and in line 21 after "manner" insert "at the time the purchase of the vehicle is completed".

7. On page 10, line 20, strike the comma and insert "and"; and strike beginning with the second "and" in line 21 through the comma in line 23.

8. On page 11, line 3, after "records" insert "relating to the authority granted under this section".

Senator Pirsch filed the following amendment to LB157:
FA160
Strike Section 1.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

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

LB1058 General Affairs
LB1059 Natural Resources
LB1060 Appropriations
LR229CA Urban Affairs

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

NOTICE OF COMMITTEE HEARINGS

Agriculture

Room 1524

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

LB1053

(Signed) Philip Erdman, Chairperson

Urban Affairs

Room 1510

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

LB984
LB997
LR229CA

(Signed) Mike Friend, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1078. Introduced by Pirsch, 4.

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

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

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

repeal the original section.

LEGISLATIVE BILL 1080. Introduced by Raikes, 25.

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

LEGISLATIVE BILL 1081. Introduced by Raikes, 25.

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

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

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

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

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

LEGISLATIVE BILL 1084. Introduced by Flood, 19.

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

LEGISLATIVE BILL 1085. Introduced by Flood, 19.

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

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

LEGISLATIVE BILL 1086. Introduced by Lautenbaugh, 18.

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

LEGISLATIVE BILL 1087. Introduced by Dierks, 40.

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

LEGISLATIVE BILL 1088. Introduced by Dierks, 40.

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

LEGISLATIVE BILL 1089. Introduced by Dierks, 40.

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

LEGISLATIVE BILL 1090. Introduced by Lathrop, 12.

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

RESOLUTIONS

LEGISLATIVE RESOLUTION 230CA. Introduced by Pedersen, 39.

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

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

To amend Article VIII, section 2:

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

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

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

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

For

Against.

Referred to the Reference Committee.

UNANIMOUS CONSENT - Add Cointroducers

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

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

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

VISITORS

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

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

ADJOURNMENT

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

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

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:

LB/LR	**Committee**
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. On page 3, line 23, strike "Treasury Management Cash" 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. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 81-8,240, Reissue Revised Statutes of Nebraska, is amended to read:

81-8,240 As used in sections 81-8,240 to 81-8,254, unless the context otherwise requires:

(1) Administrative agency shall mean any department, board, commission, or other governmental unit, any official, any employee of the State of Nebraska acting or purporting to act

by reason of connection with the State of Nebraska, ~~or~~ any corporation, partnership, business, firm, governmental entity, or person who is providing health and human services to individuals under contract with the State of Nebraska and who is subject to the jurisdiction of the office of Public Counsel as required by section 73-401, and any county or municipal correctional or jail facility and employee thereof acting or purporting to act by reason of connection with the county or municipal correctional or jail facility; but shall not include (a) any court, (b) any member or employee of the Legislature or the Legislative Council, (c) the Governor or his or her personal staff, (d) any political subdivision or entity thereof except a county or municipal correctional or jail facility, (e) any instrumentality formed pursuant to an interstate compact and answerable to more than one state, or (f) any entity of the federal government; and

(2) Administrative act shall include every action, rule, regulation, order, omission, decision, recommendation, practice, or procedure of an administrative agency.

Sec. 2. Section 81-8,244, Reissue Revised Statutes of Nebraska, is amended to read:

81-8,244 The Public Counsel may select, appoint, and compensate as he or she sees fit, within the amount available by appropriation, such assistants and employees as he or she deems necessary to discharge the responsibilities under sections 81-8,240 to 81-8,254. He or she shall appoint and designate one assistant to be a deputy public counsel, one assistant to be a deputy public counsel for corrections, one assistant to be a deputy public counsel for institutions, and one assistant to be a deputy public counsel for welfare services.

Such deputy public counsels shall be subject to the control and supervision of the Public Counsel.

The authority of the deputy public counsel for corrections shall extend to all facilities and parts of facilities, offices, houses of confinement, and institutions which are operated by the Department of Correctional Services and all county or municipal correctional or jail facilities.

The authority of the deputy public counsel for institutions shall extend to all mental health and veterans institutions and facilities operated by the Department of Health and Human Services 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 state-operated regional center within the prior twelve months and to all complaints pertaining to administrative acts of the department when those acts are concerned with the rights and interests of individuals placed within those institutions and facilities.

The authority of the deputy public counsel for welfare services shall extend to all complaints pertaining to

administrative acts of administrative agencies when those acts are concerned with the rights and interests of individuals involved in the welfare services system of the State of Nebraska.

The Public Counsel may delegate to members of the staff any authority or duty under sections 81-8,240 to 81-8,254 except the power of delegation and the duty of formally making recommendations to administrative agencies or reports to the Governor or the Legislature.

Sec. 3. Original sections 81-8,240 and 81-8,244, Reissue Revised Statutes of Nebraska, are repealed.

2. On page 1, line 3, after "county" insert "or municipal"; and in line 4 after "facilities" insert "and mental health and veterans institutions; to provide for appointment of a deputy public counsel for institutions".

LEGISLATIVE BILL 467A. Placed on Select File with amendment.
ER8137

1. On page 1, line 3; and page 2, line 5, strike "First Session, 2007" and insert "Second Session, 2008".

2. On page 2, lines 2 and 8, strike "FY2007-08" and insert "FY2008-09"; and in lines 3 and 8 strike "FY2008-09" and insert "FY2009-10".

LEGISLATIVE BILL 575. Placed on Select File with amendment.
ER8138

1. On page 1, line 2, after the semicolon insert "to require nonprofit status for a sales and use tax exemption;"; and in line 4 after the semicolon insert "to provide an operative 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. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Sections 1 to 5 of this act shall be known and may be cited as the Nebraska Advantage Film Production Incentive Act.

Sec. 2. For purposes of the Nebraska Advantage Film Production Incentive Act:

(1) Crew means any person who works on preproduction, principal photography, and postproduction, except producers, principal cast, and the director;

(2) Film means a professional single media or multimedia program or feature, which is not child pornography or obscene material, including, but not limited to, national advertising messages that are broadcast on a national affiliate or cable

network, fixed on film or digital video, which can be viewed or reproduced and which is exhibited in theaters, licensed for exhibition by individual television stations, groups of stations, networks, cable television stations, or other means, or licensed for home viewing markets;

(3) Production company means a person or company that produces film for exhibition; and

(4) Production cost means:

(a) Wages or salaries of persons who are residents of this state and who have earned income from working on a film in this state, including payments to personal services corporations with respect to the services of qualified performing artists, as determined under section 62(a)(2)(B) of the Internal Revenue Code of 1986, as amended;

(b) The cost of construction and operations, wardrobe, and accessories;

(c) The cost of photography, sound, and lighting;

(d) The cost of editing;

(e) Rental of facilities, locations, and equipment; and

(f) Wages and salaries of persons who are defined and registered as Nebraska expatriates by the Film Office of the Department of Economic Development, not to exceed ten percent of total production cost eligible for the credit.

Sec. 3. (1) A rebate as provided in this section in the amount of up to twenty-five percent of documented production costs incurred in Nebraska for production of a film in this state shall be paid to the production company responsible for the production if the Film Office of the Department of Economic Development determines that the proposed project has a reasonable chance of economic success.

(2)(a) The amount of rebate paid to a production company with a minimum budget for a film of less than thirty million dollars shall be:

(i) Twenty-five percent if fifty percent or more of the crew are residents of Nebraska and are employed in this state;

(ii) Fifteen percent if twenty-five percent up to but not including fifty percent of the crew are residents of Nebraska and are employed in this state; and

(iii) Ten percent if less than twenty-five percent of the crew are residents of Nebraska and are employed in this state.

(b) The amount of rebate paid to a production company with a minimum budget for a film of thirty million dollars or more shall be twenty-five percent.

(3) The rebate program shall be administered by the Film Office.

(4) To be eligible for a rebate payment:

(a) The production company responsible for a film shall submit documentation to the Film Office of the amount of wages or salaries paid to residents of this state directly relating to the

production and the amount of other production costs incurred in this state directly relating to the production;

(b) The production company shall file a Nebraska income tax return;

(c) Except for major studio productions, the production company shall provide to the Film Office the name of the completion guarantor and a copy of the bond guaranteeing the completion of the project or, if a film has not secured a completion bond, the production company shall provide evidence to the office that all Nebraska crew and local vendors have been paid and there are no liens against the production company pending in this state;

(d) The minimum budget for the film shall be two million dollars of which not less than one million two hundred fifty thousand dollars of the production costs are incurred in this state. The minimum budget requirements of this subdivision shall be met by any production company that produces multiple film projects within one year if each project meets a minimum budget of three hundred thousand dollars and the total budget of all projects in one year is not less than two million dollars of which not less than one million two hundred fifty thousand dollars of the production costs are incurred in this state;

(e) The production company shall provide evidence to the Film Office of complete financing for production prior to the receipt of any rebate under this section; and

(f) The production company shall provide evidence to the Film Office of a certificate of general liability insurance with a minimum coverage of one million dollars and a workers' compensation policy pursuant to state law which shall include coverage of employer's liability prior to the receipt of any rebate under this section.

(5) The Film Office shall approve or disapprove all claims for rebate and shall notify the State Treasurer of such approval or disapproval. The State Treasurer shall issue payment for all approved claims from funds in the Film Enhancement Rebate Program Fund. The amount of rebates paid from the fund in any single fiscal year shall not exceed five million dollars. If the amount of approved rebates exceeds the amount specified in this subsection in a fiscal year, rebate payments shall be made in the order in which the rebates are approved by the office. If an approved rebate is not paid, in whole or in part, the unpaid rebate or unpaid portion may be paid in the following fiscal year subject to the limitations specified in this subsection.

Sec. 4. The Film Enhancement Rebate Program Fund is created. The fund shall consist of appropriations to the fund and any public or private donations, contributions, and gifts received for the benefit of the fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 5. The Film Office is created within the Department of Economic Development. The office shall be responsible for administration of the Nebraska Advantage Film Production Incentive Act and shall have such other duties as assigned by the department. The department may develop forms and adopt and promulgate rules and regulations to carry out the act.

2. On page 1, strike beginning with "revenue" in line 1 through line 8 and insert "economic development; to adopt the Nebraska Advantage Film Production Incentive Act.".

LEGISLATIVE BILL 235A. Placed on Select File with amendment.
ER8141

1. On page 1, line 3, strike "First Session, 2007" and insert "Second Session, 2008".

2. On page 2, line 3, strike "2007" and insert "2008"; in line 5 strike "2008" and insert "2009"; in lines 8, 14, and 20 strike "FY2007-08" and insert "FY2008-09"; in lines 10, 16, and 20 strike "FY2008-09" and insert "FY2009-10"; and in line 12 strike "First Session, 2007" and insert "Second Session, 2008".

LEGISLATIVE BILL 202. Placed on Select File with amendment.
ER8139

1. On page 1, line 3, strike "prohibit" and insert "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 Louden, 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 Louden filed the following amendment to LB534:
AM1579

1. On page 6, strike beginning with the second "and" in line 17 through "practices" in line 18 and insert ". A system of credits shall be established for storm water best management practices. The city or village shall develop a program for pollution prevention and good housekeeping for municipal operations, and consideration shall be given to use of appropriate storm water best management practices to minimize contamination of storm water discharges".

2. On page 11, strike beginning with the second "and" in line 11 through "practices" in line 12 and insert ". A system of credits shall be established for storm water best management practices. The city or village shall develop a program for pollution prevention and good housekeeping for municipal operations, and consideration shall be given to use of appropriate storm water best management practices to minimize contamination of storm water discharges".

3. On page 13, strike beginning with the first "and" in line 4 through "practices" in line 5 and insert ". A system of credits shall be established for storm water best management practices. The county shall develop a program for pollution prevention and good housekeeping for county operations, 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

printed on recycled paper

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:

LB/LR	Committee
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. On page 1, line 15, after the underscored comma insert "any regional behavioral health authority, any community-based behavioral health services provider that contracts with a regional behavioral health authority,"; and in line 22 before the comma insert "or a regional behavioral health authority".

2. On page 2, strike beginning with "or" in line 26 through line 27 and insert "and to all regional behavioral health authorities that provide services and all community-based behavioral health services providers that contract with a regional behavioral health authority to provide services, for any individual who was a patient within the prior twelve months of a state-owned and state-operated regional center, and to all complaints pertaining to administrative acts of the department, authority, or provider when those acts are concerned with the rights and interests of individuals placed within those institutions and facilities or receiving community-based behavioral health services.".

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. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 29-1928, Revised Statutes Cumulative Supplement, 2006, is amended to read:

29-1928 The Legislature finds and declares that the interests of justice may be thwarted by unreliable testimony at trial. There is a compelling state interest in providing safeguards against the admission of testimony the reliability of which may be or has been compromised through improper inducements.

The Legislature further finds and declares that the testimony of a jailhouse informer is sometimes unreliable. A jailhouse informer, due to the receipt or promise of a benefit, is presumed to provide testimony that may be unreliable.

For purposes of sections 29-1928 and 29-1929, a jailhouse informer is a person in custody as: An accused defendant, a convicted defendant awaiting sentencing, a convicted defendant serving a sentence, ~~or~~ a criminal suspect, or a person detained for questioning regarding the event for which such person received a deal, promise, inducement, or benefit. A jailhouse informer is deemed to be in custody whether physically in jail or not.

Sec. 2. Section 29-1929, Revised Statutes Cumulative Supplement, 2006, is amended to read:

29-1929 Before the testimony of a jailhouse informer is admissible in court, the following requirements must be met:

At least ten days before trial, the state shall disclose to the person against whom the jailhouse informer will testify, or to such person's counsel:

(1) The known criminal history of the jailhouse informer;

(2) Any deal, promise, inducement, or benefit that the state or any person acting on behalf of the state has made or may

make in the future to the jailhouse informer;

(3) The specific statements allegedly made by the person against whom the jailhouse informer will testify and the time, place, and manner of disclosure;

(4) All cases known to the state in which the jailhouse informer testified or offered statements against a person but was not called as a witness, whether or not the statements were admitted as evidence in the case, and whether the jailhouse informer received any deal, promise, inducement, or benefit in exchange for or subsequent to such testimony or statement, and all investigations in which the jailhouse informer was involved, known to the prosecutor or the law enforcement authority, during the course of which the jailhouse informer was offered or received any deal, promise, inducement, or benefit; and

(5) Whether at any time the jailhouse informer recanted testimony or statements and, if so, a transcript or copy of such recantation.

Sec. 3. Original sections 29-1928 and 29-1929, Revised Statutes Cumulative Supplement, 2006, are repealed.

LEGISLATIVE BILL 586. Placed on Select File with amendment.
ER8143

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 52-401, Reissue Revised Statutes of Nebraska, is amended to read:

52-401 Whenever any person employs a physician, nurse, chiropractor, or hospital to perform professional service or services of any nature, in the treatment of or in connection with an injury, and such injured person claims damages from the party causing the injury, such physician, nurse, chiropractor, or hospital, as the case may be, shall have a lien upon any sum awarded the injured person in judgment or obtained by settlement or compromise on the amount due for the usual and customary charges of such physician, nurse, chiropractor, or hospital applicable at the times services are performed, except that no such lien shall be valid against anyone coming under the Nebraska Workers' Compensation Act. For persons covered under medical insurance or another health benefit plan, the amount of the lien shall be reduced by the discount or other limitation which would have been applied had the claim been submitted for reimbursement to the medical insurer or administrator of such other health benefit plan.

In order to prosecute such lien, it shall be necessary for such physician, nurse, chiropractor, or hospital to serve a written notice upon the person or corporation from whom damages are claimed that such physician, nurse, chiropractor, or hospital claims a lien for such services and stating the amount due and the nature of such services, except that whenever an action is pending in court for the recovery of such damages, it shall be sufficient

to file the notice of such lien in the pending action.

A physician, nurse, chiropractor, or hospital claiming a lien under this section shall not be liable for attorney's fees and costs incurred by the injured person in securing the judgment, settlement, or compromise, but the lien of the injured person's attorney shall have precedence over the lien created by this section.

Upon a written request and with the injured person's consent, a lienholder shall provide medical records, answers to interrogatories, depositions, or any expert medical testimony related to the recovery of damages within its custody and control at a reasonable charge to the injured person.

Sec. 2. Original section 52-401, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.

LEGISLATIVE BILL 619. Placed on Select File with amendment.
ER8144

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 84-617, Revised Statutes Cumulative Supplement, 2006, is amended to read:

84-617 (1) There is hereby created the State Treasurer Administrative Fund. Funds received by the State Treasurer pursuant to his or her administrative duties shall be credited to the fund. Such funds shall include:

~~(a) Payments for returned check charges or for electronic payments not accepted;~~

~~(b)~~ (a) Payments for wire transfers initiated by the State Treasurer at the request of state agencies;

~~(c)~~ (b) Payments for copies of cashed state warrants;

~~(d)~~ (c) Payments for copies, including microfilm, computer disk, or magnetic tape, of listings relating to outstanding state warrants; and

~~(e)~~ (d) Payments for copies, including microfilm, computer disk, or magnetic tape, of listings of owners of unclaimed property held by the State Treasurer pursuant to the Uniform Disposition of Unclaimed Property Act.

Money in the fund received pursuant to subdivisions (1)(a) through ~~(d)~~ (c) of this section shall be credited to the General Fund quarterly. Money in the State Treasurer Administrative Fund received pursuant to subdivision ~~(1)(e)~~ (1)(d) of this section shall be credited to the Unclaimed Property Cash Fund. The State Treasurer may retain such amount as he or she deems appropriate in the State Treasurer Administrative Fund for purposes of making change for cash payments. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska

State Funds Investment Act.

(2) The State Treasurer may establish a fee schedule for any of the services listed in subsection (1) of this section. The fees shall approximate the cost of providing the service.

~~(3) At any time that the State Treasurer assesses a returned check charge or a charge for an electronic payment that is not accepted against a state agency, that agency may assess the charge to the payor of the check or the person who authorized the electronic payment. The charges assessed by the state agency shall be used to make payment to the State Treasurer or to reimburse the state agency for the assessments.~~

Sec. 2. Any time that the State Treasurer assesses a returned check charge or a charge for an electronic payment that is not accepted against a state agency, that agency may assess a charge to the payor of the check or the person who authorized the electronic payment. The charges assessed by the state agency shall be used to make payment to the State Treasurer and to reimburse the state agency for the assessments and any administrative costs incurred by the agency. The charge assessed by the State Treasurer or a state agency shall not exceed thirty dollars. The charge assessed by the State Treasurer shall be credited to the General Fund and shall be used to offset the expenses incurred in the collection of state agency bad debt.

Sec. 3. Original section 84-617, Revised Statutes Cumulative Supplement, 2006, is repealed.

LEGISLATIVE BILL 620. Placed on Select File with amendment.
ER8145

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 43-3342.03, Revised Statutes Cumulative Supplement, 2006, is amended to read:

43-3342.03 (1) All support orders shall direct payment of support as provided in section 42-369. Any support order issued prior to the date that the State Disbursement Unit becomes operative for which the payment is to be made to the clerk of the district court shall be deemed to require payment to the State Disbursement Unit after a notice to the obligor is issued.

(2) The unit may collect a fee equal to the actual cost of processing any payments for returned check charges or charges for electronic payments not accepted, except that the fee shall not exceed thirty dollars. After a payor has originated two payments resulting in returned check charges or charges for electronic payments not accepted within a period of two years, the unit may issue a notice to the originator that, for the following year, any payment shall be required to be paid by money order, cashier's check, or certified check. After a payor has originated ~~three~~ two payments resulting in returned check charges or electronic payments not accepted, the unit may issue a notice to the originator that

all future payments shall be paid by money order, cashier's check, or certified check, except that pursuant to rule and regulation and at least two years after such issuance of notice, the unit may waive for good cause shown such requirements for methods of payment. The fees shall be remitted to the State Treasurer for credit to the State Disbursement Unit Cash Fund, which is hereby created, which funds shall be used to offset the expenses incurred in the collection of child support bad debt. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(3) The State Disbursement Unit shall use automated procedures, electronic processes, and computer-driven technology to the maximum extent feasible, efficient, and economical for the collection and disbursement of support payments.

(4) Employers with more than fifty employees who have an employee with a child support order shall remit child support payments electronically.

Sec. 2. (1) The State Treasurer, with state agency approval, may collect a fee from a debtor of the state agency electronically equal to the cost of processing any payments for returned check charges or charges for electronic payments not accepted, except that the fee shall not exceed thirty dollars. The fee shall be remitted to the Treasury Management Cash Fund. The fee shall be used to offset the cost incurred by the State Treasurer from the collection of bad debt incurred by the state agency.

(2) After the payor has originated two bad debt payments to a state agency in a period of one year, the state agency may refuse to accept future payments by check and may require a money order, cash, a cashier's check, or a certified check for payment.

Sec. 3. Original section 43-3342.03, Revised Statutes Cumulative Supplement, 2006, is repealed.

2. On page 1, line 1, strike "child support" and insert "debt collection"; and in line 3 after the first "to" insert "collection and disbursement of child support by" and after "Unit" insert "and collection of debt by state agencies; to provide for fees".

LEGISLATIVE BILL 196. Placed on Select File with amendment.
ER8146

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 55-133, Reissue Revised Statutes of Nebraska, is amended to read:

55-133 (1) The Adjutant General shall assign to each organization an armory and such other equipment as may be necessary to comply with the requirements of United States laws or regulations for National Guard units allotted to the State of Nebraska.

(2)(a) The Adjutant General may designate any publicly owned military vehicles of the National Guard described in subdivision (b) of this subsection as military emergency vehicles. Military emergency vehicles shall be operated as emergency vehicles only when responding to a public disaster, war, riot, invasion, insurrection, or resistance of process or in case of imminent danger of the occurrence of any of such events. The Adjutant General shall develop and enforce standard operating procedures for military emergency vehicles.

(b) Vehicles eligible for designation as military emergency vehicles shall be limited to vehicles assigned to:

(i) The Civil Support Team, or any successor unit; and

(ii) The chemical, biological, radiological, nuclear, and high-yield explosives enhanced response force package, commonly known as the CERFP unit, or any successor unit.

Sec. 2. Section 60-610, Reissue Revised Statutes of Nebraska, is amended to read:

60-610 Authorized emergency vehicle shall mean such fire department vehicles, police vehicles, rescue vehicles, and ambulances as are publicly owned, ~~and~~ such other publicly or privately owned vehicles as are designated by the Director of Motor Vehicles, and such publicly owned military vehicles of the National Guard as are designated by the Adjutant General pursuant to section 55-133.

Sec. 3. Section 60-6,230, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,230 (1) Except as provided in sections 60-6,231 to 60-6,233 and subsections (4) and (5) of this section, no person shall operate any motor vehicle or any equipment of any description on any highway in this state with any rotating or flashing light.

(2) Except for stop lights and directional signals, which may be red, yellow, or amber, no person shall display any color of light other than red on the rear of any motor vehicle or any equipment of any kind on any highway within this state.

(3) ~~Blue and green lights may~~ Amber rotating or flashing lights shall be displayed on vehicles of the Military Department for purpose of convoy control when on any state emergency mission.

(4) A single flashing white light may be displayed on the roof of school transportation vehicles during extremely adverse weather conditions.

(5) Blue and amber rotating or flashing lights may be displayed on vehicles used for the movement of snow when operated by the Department of Roads or any local authority.

Sec. 4. Section 60-6,231, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,231 A flashing or rotating red light or red and white light shall be displayed on any authorized emergency vehicle whenever operated in this state. A blue light may also be displayed with such flashing or rotating red light or red and white light.

For purposes of this section, ~~any publicly owned police, fire, or rescue vehicles and publicly or privately owned ambulances and funeral escort vehicles shall be considered to be emergency~~ an authorized emergency vehicle shall include funeral escort vehicles.

Sec. 5. Original sections 55-133, 60-610, 60-6,230, and 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. Strike section 2.

2. On page 4, line 5, strike "sections 54-401 and 54-415" and insert "section 54-401"; and in line 6 strike "are" and insert "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

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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:

LB/LR	Committee
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. On page 2, line 8, strike the new matter; and in line 15 strike "Representatives", show as stricken, and insert "Members".

2. On page 3, line 19, after "(3)" insert "The two members of the Legislature serving on the state board shall be nonvoting, ex officio members. All other members shall be voting members.".

3. On page 4, line 4, before "members" insert "voting".

Senator Louden filed the following amendment to LB801:
AM1629

1. Insert the following new sections:

Section 1. Section 46-701, Revised Statutes Cumulative Supplement, 2006, is amended to read:

46-701 Sections 46-701 to 46-754 and sections 3 to 5 of this act shall be known and may be cited as the Nebraska Ground Water Management and Protection Act.

Sec. 2. Section 46-706, Revised Statutes Cumulative Supplement, 2006, is amended to read:

46-706 For purposes of the Municipal and Rural Domestic Ground Water Transfers Permit Act, the Nebraska Ground Water Management and Protection Act, and sections 46-601 to 46-613.02, 46-636, 46-637, and 46-651 to 46-655, unless the context otherwise requires:

(1) Person means a natural person, a partnership, a limited liability company, an association, a corporation, a municipality, an irrigation district, an agency or a political subdivision of the state, or a department, an agency, or a bureau of the United States;

(2) Ground water means that water which occurs in or

moves, seeps, filters, or percolates through ground under the surface of the land;

(3) Contamination or contamination of ground water means nitrate nitrogen or other material which enters the ground water due to action of any person and causes degradation of the quality of ground water sufficient to make such ground water unsuitable for present or reasonably foreseeable beneficial uses;

(4) District means a natural resources district operating pursuant to Chapter 2, article 32;

(5) Illegal water well means (a) any water well operated or constructed without or in violation of a permit required by the Nebraska Ground Water Management and Protection Act, (b) any water well not in compliance with rules and regulations adopted and promulgated pursuant to the act, (c) any water well not properly registered in accordance with sections 46-602 to 46-604, or (d) any water well not in compliance with any other applicable laws of the State of Nebraska or with rules and regulations adopted and promulgated pursuant to such laws;

(6) To commence construction of a water well means the beginning of the boring, drilling, jetting, digging, or excavating of the actual water well from which ground water is to be withdrawn;

(7) Management area means any area so designated by a district pursuant to section 46-712 or 46-718, by the Director of Environmental Quality pursuant to section 46-725, or by the Interrelated Water Review Board pursuant to section 46-719. Management area includes a control area or a special ground water quality protection area designated prior to July 19, 1996;

(8) Management plan means a ground water management plan developed by a district and submitted to the Director of Natural Resources for review pursuant to section 46-711;

(9) Ground water reservoir life goal means the finite or infinite period of time which a district establishes as its goal for maintenance of the supply and quality of water in a ground water reservoir at the time a ground water management plan is adopted;

(10) Board means the board of directors of a district;

(11) Acre-inch means the amount of water necessary to cover an acre of land one inch deep;

(12) Subirrigation or subirrigated land means the natural occurrence of a ground water table within the root zone of agricultural vegetation, not exceeding ten feet below the surface of the ground;

(13) Best management practices means schedules of activities, maintenance procedures, and other management practices utilized for purposes of irrigation efficiency, to conserve or effect a savings of ground water, or to prevent or reduce present and future contamination of ground water. Best management practices relating to contamination of ground water may include, but not

be limited to, irrigation scheduling, proper rate and timing of fertilizer application, and other fertilizer and pesticide management programs. In determining the rate of fertilizer application, the district shall consult with the University of Nebraska or a certified crop advisor certified by the American Society of Agronomy;

(14) Point source means any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, vessel, other floating craft, or other conveyance, over which the Department of Environmental Quality has regulatory authority and from which a substance which can cause or contribute to contamination of ground water is or may be discharged;

(15) Allocation, as it relates to water use for irrigation purposes, means the allotment of a specified total number of acre-inches of irrigation water per irrigated acre per year or an average number of acre-inches of irrigation water per irrigated acre over any reasonable period of time;

(16) Rotation means a recurring series of use and nonuse of irrigation wells on an hourly, daily, weekly, monthly, or yearly basis;

(17) Water well has the same meaning as in section 46-601.01;

(18) Surface water project sponsor means an irrigation district created pursuant to Chapter 46, article 1, a reclamation district created pursuant to Chapter 46, article 5, or a public power and irrigation district created pursuant to Chapter 70, article 6;

(19) Beneficial use means that use by which water may be put to use to the benefit of humans or other species;

(20) Consumptive use means the amount of water that is consumed under appropriate and reasonably efficient practices to accomplish without waste the purposes for which the appropriation or other legally permitted use is lawfully made;

(21) Dewatering well means a well constructed and used solely for the purpose of lowering the ground water table elevation;

(22) Emergency situation means any set of circumstances that requires the use of water from any source that might otherwise be regulated or prohibited and the agency, district, or organization responsible for regulating water use from such source reasonably and in good faith believes that such use is necessary to protect the public health, safety, and welfare, including, if applicable, compliance with federal or state water quality standards;

(23) Good cause shown means a reasonable justification for granting a variance for a consumptive use of water that would otherwise be prohibited by rule or regulation and which the granting agency, district, or organization reasonably and in good

faith believes will provide an economic, environmental, social, or public health and safety benefit that is equal to or greater than the benefit resulting from the rule or regulation from which a variance is sought;

(24) Historic consumptive use means the amount of water that has previously been consumed under appropriate and reasonably efficient practices to accomplish without waste the purposes for which the appropriation or other legally permitted use was lawfully made;

(25) Monitoring well means a water well that is designed and constructed to provide ongoing hydrologic or water quality information and is not intended for consumptive use;

(26) Order, except as otherwise specifically provided, includes any order required by the Nebraska Ground Water Management and Protection Act, by rule or regulation, or by a decision adopted by a district by vote of the board of directors of the district taken at any regularly scheduled or specially scheduled meeting of the board;

(27) Overall difference between the current and fully appropriated levels of development means the extent to which existing uses of hydrologically connected surface water and ground water and conservation activities result in the water supply available for purposes identified in subsection (3) of section 46-713 to be less than the water supply available if the river basin, subbasin, or reach had been determined to be fully appropriated in accordance with section 46-714;

(28) Test hole means a hole designed solely for the purposes of obtaining information on hydrologic or geologic conditions; ~~and~~

(29) Variance means (a) an approval to deviate from a restriction imposed under subsection (1), (2), (9), or (10) of section 46-714 or (b) the approval to act in a manner contrary to existing rules or regulations from a governing body whose rule or regulation is otherwise applicable; and~~.~~

(30) Measuring device means a device approved by the department used to measure the total volume of water pumped or diverted annually. For surface water diversions, the device shall be approved by the department. For ground water wells, the device shall be approved by the district where the well is located.

Sec. 3. To properly identify the amount of water being pumped from certain water wells and from surface water diversion works located within the state for the preservation of the waters of the state for all beneficial uses, including domestic, agricultural, and manufacturing uses:

(1) Every district shall in either their integrated management plan, if one is required, or if an integrated management plan is not required, in their ground water management plan, include a provision requiring measuring devices to be installed on certain water wells within the district before June 30, 2012.

This section applies to water wells used for any purpose that are capable of pumping fifty gallons per minute or more or are combined with or used for the same project with other water wells that together pump more than fifty gallons per minute; and

(2) The Department of Natural Resources shall require appropriate measuring devices to be installed on surface water diversion works before June 30, 2012.

Sec. 4. Beginning on June 30, 2012, every district shall report at a minimum of once every two years to the Department of Natural Resources, on a form prescribed by the department, the amount of water pumped from water wells within the district that are subject to section 3 of this act. The Director of Natural Resources may require more frequent reporting. The report, at a minimum, shall:

(1) Provide information on such water wells;

(2) Contain the amount of water pumped by each individual water well;

(3) Provide aggregate information for each group of water wells, including domestic wells, irrigation wells, industrial wells, municipal wells, and municipal and industrial combined wells;

(4) Provide any notation as to whether there were any problems with the measuring device during the reporting period;

(5) Provide the registration number of the water well; and

(6) Describe the location of each water well in the manner determined by the department.

Sec. 5. Beginning on June 30, 2014, and, at a minimum, once every two years, the Department of Natural Resources shall report to the Legislature as to the total amount of water pumped by water wells subject to section 3 of this act and from surface water diversion works, identifying the amounts by river basin.

2. On page 9, line 11, after "Original" insert "sections 46-701 and 46-706, Revised Statutes Cumulative Supplement, 2006, and".

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. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. The State Treasurer shall transfer (1) $5,000,000 from the General Fund to the Film Enhancement Rebate Program Fund within five days after the effective date of this act, or as soon thereafter as administratively possible, and (2) an amount specified by the Department of Economic Development not to exceed $5,000,000 from the General Fund to the Film Enhancement Rebate Program Fund on July 6, 2009, or as soon thereafter as administratively possible.

Sec. 2. There is hereby appropriated (1) $5,000,000 from the Film Enhancement Rebate Program Fund for FY2008-09 and (2) $5,000,000 from the Film Enhancement Rebate Program Fund for FY2009-10 to the Department of Economic Development, for Program 603, to aid in carrying out the provisions of Legislative Bill 235, One Hundredth Legislature, Second Session, 2008.

There is included in the appropriation in this section for FY2008-09 $4,885,000 for the payment of rebates, which shall only be used for such purpose. There is included in the appropriation in this section for FY2009-10 $4,890,000 for the payment of rebates, which shall only be used for such purpose.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not 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. On page 5, line 2, before "The" insert "(1)"; in line 3 strike "appropriations" and insert "transfers"; in line 5 after the period insert "The fund shall be used by the Department of Economic Development for the payment of rebates and for administrative expenses directly related to the Nebraska Advantage Film Production Incentive Act."; and after line 8 insert the following new subsection:

"(2) The initial transfer from the General Fund to the Film Enhancement Rebate Program Fund for fiscal year 2008-09 shall be five million dollars. In each fiscal year thereafter, the department shall, by June 30, determine the amount of unexpended and uncommitted funds remaining in the Film Enhancement Rebate Program Fund and the amount of General Funds required to bring the balance of the Film Enhancement Rebate Program Fund available for expenditure to five million dollars. The department shall, no later than July 5 each year, notify the State Treasurer of the amount 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, Louden, 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, Louden, Wallman. Nay: 0. Absent: 0.

(Signed) LeRoy Louden, 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.

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. On page 1, lines 1 and 5, strike "sections" and insert "section"; and in line 2 strike "and 54-702.01".

LEGISLATIVE BILL 621. Placed on Select File with amendment.
ER8150

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 60-4,182, Revised Statutes Supplement, 2007, is amended to read:

60-4,182 In order to prevent and eliminate successive traffic violations, there is hereby provided a point system dealing with traffic violations as disclosed by the files of the director. The following point system shall be adopted:

(1) Conviction of motor vehicle homicide - 12 points;

(2) Third offense drunken driving in violation of any city or village ordinance or of section 60-6,196, as disclosed by the records of the director, regardless of whether the trial court found the same to be a third offense - 12 points;

(3) Failure to stop and render aid as required under section 60-697 in the event of involvement in a motor vehicle accident resulting in the death or personal injury of another - 6 points;

(4) Failure to stop and report as required under section 60-696 or any city or village ordinance in the event of a motor vehicle accident resulting in property damage - 6 points;

(5) Driving a motor vehicle while under the influence of alcoholic liquor or any drug or when such person has a concentration of eight-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood or per two hundred ten liters of his or her breath in violation of any city or village ordinance or of section 60-6,196 - 6 points;

(6) Willful reckless driving in violation of any city or village ordinance or of section 60-6,214 or 60-6,217 - 6 points;

(7) Careless driving in violation of any city or village ordinance or of section 60-6,212 - 4 points;

(8) Negligent driving in violation of any city or village ordinance - 3 points;

(9) Reckless driving in violation of any city or village ordinance or of section 60-6,213 - 5 points;

(10) Speeding in violation of any city or village ordinance or any of sections 60-6,185 to 60-6,190 and 60-6,313:

(a) Not more than five miles per hour over the speed limit - 1 point;

(b) More than five miles per hour but not more than ten miles per hour over the speed limit - 2 points; ~~and~~

(c) More than ten miles per hour <u>but not more than thirty-five miles per hour</u> over the speed limit - 3 points, except that one point shall be assessed upon conviction of exceeding by

not more than ten miles per hour, two points shall be assessed upon conviction of exceeding by more than ten miles per hour but not more than fifteen miles per hour, and three points shall be assessed upon conviction of exceeding by more than fifteen miles per hour but not more than thirty-five miles per hour the speed limits provided for in subdivision (1)(e), (f), (g), or (h) of section 60-6,186; and

(d) More than thirty-five miles per hour over the speed limit - 4 points;

(11) Failure to yield to a pedestrian not resulting in bodily injury to a pedestrian - 2 points;

(12) Failure to yield to a pedestrian resulting in bodily injury to a pedestrian - 4 points; and

(13) All other traffic violations involving the operation of motor vehicles by the operator for which reports to the Department of Motor Vehicles are required under sections 60-497.01 and 60-497.02, not including violations involving an occupant protection system pursuant to section 60-6,270, parking violations, violations for operating a motor vehicle without a valid operator's license in the operator's possession, muffler violations, overwidth, overheight, or overlength violations, motorcycle or moped protective helmet violations, or overloading of trucks - 1 point.

All such points shall be assessed against the driving record of the operator as of the date of the violation for which conviction was had. Points may be reduced by the department under section 60-4,188.

In all cases, the forfeiture of bail not vacated shall be regarded as equivalent to the conviction of the offense with which the operator was charged.

The point system shall not apply to persons convicted of traffic violations committed while operating a bicycle or an electric personal assistive mobility device as defined in section 60-618.02.

Sec. 2. Section 60-682.01, Reissue Revised Statutes of Nebraska, is amended to read:

60-682.01 (1) Any person who operates a vehicle in violation of any maximum speed limit established for any highway or freeway is guilty of a traffic infraction and upon conviction shall be fined:

(a) Ten dollars for traveling one to five miles per hour over the authorized speed limit;

(b) Twenty-five dollars for ~~six to~~ traveling over five miles per hour but not over ten miles per hour over the authorized speed limit;

(c) Seventy-five dollars for traveling ~~eleven to~~ over ten miles per hour but not over fifteen miles per hour over the authorized speed limit;

(d) One hundred twenty-five dollars for traveling ~~sixteen~~

~~to~~ over fifteen miles per hour but not over twenty miles per hour over the authorized speed limit; ~~and~~

(e) Two hundred dollars for traveling ~~twenty-one~~ over twenty miles per hour but not over thirty-five miles per hour ~~or more~~ over the authorized speed limit; and ~~.~~

(f) Three hundred dollars for traveling over thirty-five miles per hour over the authorized speed limit.

(2) The fines prescribed in subsection (1) of this section shall be doubled if the violation occurs within a maintenance, repair, or construction zone established pursuant to section 60-6,188. For purposes of this subsection, maintenance, repair, or construction zone means (a) the portion of a highway identified by posted or moving signs as being under maintenance, repair, or construction or (b) the portion of a highway identified by maintenance, repair, or construction zone speed limit signs displayed pursuant to section 60-6,188. The maintenance, repair, or construction zone starts at the location of the first sign identifying the maintenance, repair, or construction zone and continues until a posted or moving sign indicates that the maintenance, repair, or construction zone has ended.

(3) The fines prescribed in subsection (1) of this section shall be doubled if the violation occurs within a school crossing zone as defined in section 60-658.01.

Sec. 3. Original section 60-682.01, Reissue Revised Statutes of Nebraska, and section 60-4,182, Revised Statutes Supplement, 2007, are repealed.

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

LEGISLATIVE BILL 480. Placed on Select File with amendment.
ER8149

1. In the Johnson amendment, AM 1534, on page 3, line 11, strike "71-7609, and 71-7614" and insert "and 71-7609"; and in line 13 strike "section 71-7603" and insert "sections 71-7603 and 71-7614".

2. On page 1, line 3, strike "Cumulative" and strike "2006" and insert "2007"; and strike beginning with "sections" in line 9 through "2006" in line 12 and insert "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".

LEGISLATIVE BILL 386. Placed on Select File with amendment.
ER8148

1. On page 1, line 1, strike "and".

2. On page 3, line 24, after "otherwise" insert an underscored comma.

3. On page 4, line 21; and page 7, line 3, strike

"attorney" and insert "attorney's".

4. On page 5, line 10, after the second "and" insert "include".

5. On page 6, line 23, strike "other" and insert "otherwise".

6. On page 7, line 1, strike "this section" and insert "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

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. Insert the following new section:

Sec. 7. Section 77-5803, Revised Statutes Supplement, 2007, is amended to read:

77-5803 (1) Any business firm which makes expenditures in research and experimental activities as defined in section 174 of the Internal Revenue Code of 1986, as amended, in this state shall be allowed a research tax credit as provided in the Nebraska Advantage Research and Development Act. The credit amount shall equal fifteen percent of the federal credit allowed under section 41 of the Internal Revenue Code of 1986, as amended, or as apportioned to this state under subsection (2) of this section. The credit shall be allowed for the first tax year it is claimed and for the four tax years immediately following.

(2) For any business firm doing business both within and without this state, the amount of the federal credit may be determined either by dividing the amount expended in research and experimental activities in this state in any tax year ~~may be determined either by satisfactory proof of purchase~~ by the total amount expended in research and experimental activities or by apportioning the amount of the credit on the federal income tax return to the state based on the average of the property factor as determined in section 77-2734.12 and the payroll factor as determined in section 77-2734.13.

2. On page 28, line 4, strike "and 8" and insert "7, and 9"; in line 7 strike "7, and 9" and insert "8, and 10"; and in line 11 strike "section 77-2717" and insert "sections 77-2717 and 77-5803".

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. On page 2, line 23, after the period insert "The reimbursement shall be paid from appropriations to the Office of 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 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

printed on recycled paper

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
Rolfsmeier, 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. Strike original section 1 and insert the following new section:

Section 1. There is hereby appropriated (1) $175,575 from the Contractor Registration Cash Fund for FY2008-09 and (2) $156,883 from the Contractor Registration Cash Fund for FY2009-10 to the Department of Labor, for Program 194, to aid in carrying out the provisions of Legislative Bill 204, One Hundredth Legislature, 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. Strike the original sections and all amendments thereto and insert the following sections:

Section 1. Section 48-652, Revised Statutes Supplement, 2007, is amended to read:

48-652 (1)(a) A separate experience account shall be established for each employer who is liable for payment of contributions. Whenever and wherever in the Employment Security Law the terms reserve account or experience account are used, unless the context clearly indicates otherwise, such terms shall be deemed interchangeable and synonymous and reference to either of such accounts shall refer to and also include the other.

(b) A separate reimbursement account shall be established for each employer who is liable for payments in lieu of contributions. All benefits paid with respect to service in employment for such employer shall be charged to his or her reimbursement account and such employer shall be billed for and shall be liable for the payment of the amount charged when billed by the commissioner. Payments in lieu of contributions received

by the commissioner on behalf of each such employer shall be credited to such employer's reimbursement account, and two or more employers who are liable for payments in lieu of contributions may jointly apply to the commissioner for establishment of a group account for the purpose of sharing the cost of benefits paid that are attributable to service in the employ of such employers. The commissioner shall prescribe such rules and regulations as he or she deems necessary with respect to applications for establishment, maintenance, and termination of group accounts authorized by this subdivision.

(2) All contributions paid by an employer shall be credited to the experience account of such employer. State unemployment insurance tax payments shall not be credited to the experience account of each employer. Partial payments of combined tax shall be credited so that at least eighty percent of the combined tax payment excluding interest and penalty is credited first to contributions due. In addition to contributions credited to the experience account, each employer's account shall be credited as of June 30 of each calendar year with interest at a rate determined by the commissioner based on the average annual interest rate paid by the Secretary of the Treasury of the United States of America upon the state's account in the Unemployment Trust Fund for the preceding calendar year multiplied by the balance in his or her experience account at the beginning of such calendar year. If the total credits as of such date to all employers' experience accounts are equal to or greater than ninety percent of the total amount in the Unemployment Compensation Fund, no interest shall be credited for that year to any employer's account. Contributions with respect to prior years which are received on or before January 31 of any year shall be considered as having been paid at the beginning of the calendar year. All voluntary contributions which are received on or before January 10 of any year shall be considered as having been paid at the beginning of the calendar year.

(3)(a) Each experience account shall be charged only for benefits based upon wages paid by such employer. No benefits shall be charged to the experience account of any employer if (i) such benefits were paid on the basis of a period of employment from which the claimant (A) left work voluntarily without good cause, (B) left work voluntarily due to a nonwork-connected illness or injury, (C) left work voluntarily with good cause to escape abuse as defined in section 42-903 between household members as provided in subdivision (1) of section 48-628.01, (D) left work from which he or she was discharged for misconduct connected with his or her work, ~~or~~ (E) left work voluntarily and is entitled to unemployment benefits without disqualification in accordance with subdivision (3) or (5) of section 48-628.01, <u>or (F) participated in an employee training program approved under 19 U.S.C. 2296(a),</u> and (ii) the employer has filed timely notice of the facts on which

such exemption is claimed in accordance with rules and regulations prescribed by the commissioner. No benefits shall be charged to the experience account of any employer if such benefits were paid on the basis of wages paid in the base period that are wages for insured work solely by reason of subdivision (5)(b) of section 48-627.

(b) Each reimbursement account shall be charged only for benefits paid that were based upon wages paid by such employer in the base period that were wages for insured work solely by reason of subdivision (5) of section 48-627.

(c) Benefits paid to an eligible individual shall be charged against the account of his or her most recent employers within his or her base period against whose accounts the maximum charges hereunder have not previously been made in the inverse chronological order in which the employment of such individual occurred. The maximum amount so charged against the account of any employer, other than an employer for which services in employment as provided in subdivision (4)(a) of section 48-604 are performed, shall not exceed the total benefit amount to which such individual was entitled as set out in section 48-626 with respect to base period wages of such individual paid by such employer plus one-half the amount of extended benefits paid to such eligible individual with respect to base period wages of such individual paid by such employer. The commissioner shall by rules and regulations prescribe the manner in which benefits shall be charged against the account of several employers for whom an individual performed employment during the same quarter or during the same base period. Any benefit check duly issued and delivered or mailed to a claimant and not presented for payment within one year from the date of its issue may be invalidated and the amount thereof credited to the Unemployment Compensation Fund, except that a substitute check may be issued and charged to the fund on proper showing at any time within the year next following. Any charge made to an employer's account for any such invalidated check shall stand as originally made.

(4)(a) An employer's experience account shall be deemed to be terminated one calendar year after such employer has ceased to be subject to the Employment Security Law, except that if the commissioner finds that an employer's business is closed solely because of the entrance of one or more of the owners, officers, partners, or limited liability company members or the majority stockholder into the armed forces of the United States, or of any of its allies, after July 1, 1950, such employer's account shall not be terminated and, if the business is resumed within two years after the discharge or release from active duty in the armed forces of such person or persons, the employer's experience account shall be deemed to have been continuous throughout such period.

(b) An experience account terminated pursuant to this subsection shall be reinstated if (i) the employer becomes subject

again to the Employment Security Law within one calendar year after termination of such experience account and the employer makes a written application for reinstatement of such experience account to the commissioner within two calendar years after termination of such experience account and (ii) the commissioner finds that the employer is operating substantially the same business as prior to the termination of such experience account.

(5) All money in the Unemployment Compensation Fund shall be kept mingled and undivided. The payment of benefits to an individual shall in no case be denied or withheld because the experience account of any employer does not have a total of contributions paid in excess of benefits charged to such experience account.

(6) A contributory or reimbursable employer shall be relieved of charges if the employer was previously charged for wages and the same wages are being used a second time to establish a new claim as a result of the October 1, 1988, change in the base period.

Sec. 2. Original section 48-652, Revised Statutes Supplement, 2007, is repealed.

Senator Chambers filed the following amendment to LB474:
AM1673

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Any disciplinary action which involves any specific act which was deemed to be in violation of or contrary to an official policy, rule, or state law governing: A town marshal; a chief of police or a local police officer; a sheriff or a deputy sheriff; a deputy state sheriff; a special deputy sheriff; the Superintendent of Law Enforcement and Public Safety; an officer of the Nebraska State Patrol; a carrier enforcement officer; a game and Parks Commission conservation officer; or any other person with similar authority to make arrests under authority granted by this state or by any of its political subdivisions, shall be considered a public record.

Sec. 2. Section 79-8,109, Reissue Revised Statutes of Nebraska, is amended to read:

79-8,109 (1) Any teacher, administrator, or full-time employee of any public school district shall, upon his or her request, have access to his or her personnel file maintained by the district and shall have the right to attach a written response to any item in such file. Such teacher, administrator, or employee may in writing authorize any other person to have access to such file, which authorization shall be honored by the district. Such access and right to attach a written response shall not be granted with respect to any letters of recommendation solicited by the employer which appear in the personnel file.

(2) Except as set forth in this subsection, no ~~No~~

other person except school officials while engaged in their professional duties shall be granted access to ~~such~~ a teacher's, administrator's, or full-time employee's personnel file, and the contents thereof shall not be divulged in any manner to any unauthorized person. This subsection shall not apply to specific documents in the personnel file which record disciplinary action taken by the employing district's administration involving a teacher, administrator, or full-time employee which involves any specific event, occurrence, or act which was deemed to be in violation of or contrary to school district policy, rule, or state law.

Sec. 3. Original section 79-8,109, Reissue Revised 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, Louden, 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, Louden, Wallman. Nay: 0. Absent: 1 Senator Fischer.

(Signed) LeRoy Louden, Chairperson

NOTICE OF COMMITTEE HEARINGS

Natural Resources

Room 1525

Friday, February 22, 2008 1:30 p.m.

LB727
LB1145

(Signed) LeRoy Louden, 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

printed on recycled paper

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:

LB/LR	Committee
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 Louden 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

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

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. On page 2, line 9, strike the new matter; and in line 16 strike "Representatives", show as stricken, and insert "Members".

2. On page 4, line 1, after "(3)" insert "The two members of the Legislature serving on the state board shall be nonvoting, ex officio members. All other members shall be voting members."; 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. Strike original section 1 and insert the following new sections:

Section 1. Section 21-2612, Revised Statutes Cumulative Supplement, 2006, is amended to read:

21-2612 (1) The members and managers of a limited liability company shall not be liable under a judgment, decree, or order of a court or in any other manner for a debt, obligation, or liability of the limited liability company. Except as otherwise specifically set forth in the Limited Liability Company Act, no member, manager, employee, or agent of a limited liability company shall be personally liable under any judgment, decree, or order of any court, agency, or other tribunal in this or any other state, or on any other basis, for any debt, obligation, or liability of the limited liability company.

~~(2) The members of a limited liability company, including members acting as managers, shall be liable in the same manner as a corporate officer for unpaid taxes imposed upon a limited liability company when management is reserved to the members. If management is not reserved to the members, the managers of a limited liability company shall be liable in the same manner as a corporate officer for unpaid taxes imposed upon the limited liability company.~~

(2) Any member, manager, or employee of a limited liability company with the duty to collect, account for, or pay over any taxes imposed upon a limited liability company or with the authority to decide whether the limited liability company will pay taxes imposed upon a limited liability company shall be personally liable for the payment of such taxes in the event of willful failure on his or her part to have a limited liability

company perform such act. Such taxes shall be collected in the same manner as provided under section 77-1783.01.

Sec. 6. Section 77-1783.01, Reissue Revised Statutes of Nebraska, is amended to read:

77-1783.01 (1) Any officer or employee with the duty to collect, account for, or pay over any taxes imposed upon a corporation or with the authority to decide whether the corporation will pay taxes imposed upon a corporation shall be personally liable for the payment of such taxes in the event of willful failure on his or her part to have a corporation perform such act. Such taxes shall be collected in the same manner as provided under the Uniform State Tax Lien Registration and Enforcement Act.

(2) Within ~~thirty~~ sixty days after the day on which the notice and demand are made for the payment of such taxes, any officer or employee seeking to challenge the Tax Commissioner's determination as to his or her personal liability for the corporation's unpaid taxes may petition for a redetermination. The petition may include a request for the redetermination of the personal liability of the corporate officer or employee, the redetermination of the amount of the corporation's unpaid taxes, or both. If a petition for redetermination is not filed within the ~~thirty-day~~ sixty-day period, the determination becomes final at the expiration of the period.

(3) If the requirements prescribed in subsection (2) of this section are satisfied, the Tax Commissioner shall abate collection proceedings and shall grant the officer or employee an oral hearing and give him or her ten days' notice of the time and place of such hearing. The Tax Commissioner may continue the hearing from time to time as necessary.

(4) Any notice required under this section shall be served personally or by mail in the manner provided in section 77-27,135.

(5) If the Tax Commissioner determines that further delay in the collection of such taxes from the officer or employee will jeopardize future collection proceedings, nothing in this section shall prevent the immediate collection of such taxes.

(6) For purposes of this section:

(a) Corporation shall mean any corporation and any other entity that is taxed as a corporation under the Internal Revenue Code;

(b) Taxes shall mean all taxes and additions to taxes including interest and penalties imposed under the revenue laws of this state which are administered by the Tax Commissioner; and

(c) Willful failure shall mean that failure which was the result of an intentional, conscious, and voluntary action.

2. On page 67, line 9, after the first comma insert "77-1783.01,".

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,

Nebraska should take to protect its military installations and missions; and

(f) Make recommendations as to what actions, if any, Nebraska should take to increase the likelihood of benefiting from future base realignment and closure processes.

(4) The task force shall submit a report summarizing its activities under this section and containing its recommendations by December 1, 2008, to the Governor and the Legislature. After such date, the chairperson of the task force may call further meetings of the task force.

(5) The BRAC Task Force and this section terminate on 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 & R amendments, ER8140)

1. Insert the following new sections:

Sec. 6. The Film Office of the Department of Economic Development shall provide a report to the Legislature by July 1, 2011, that includes:

(1) A cost-benefit analysis of the film production incentive program;

(2) The amount of incentives paid pursuant to the program;

(3) The nature of films produced in Nebraska during the time the program was providing incentives;

(4) An estimate of the economic activity generated by the production of such films;

(5) Data as to the amount spent on film production in Nebraska before and after the enactment of the program; and

(6) Any other information the office may deem relevant in assessing the effectiveness of the program.

Sec. 7. Sections 1 to 5 of this act terminate on December 31, 2010. Sections 6 and 7 of this act terminate on July 1, 2011.

2. On page 1, line 3, strike "5" and insert "7"; and strike beginning with "which" in line 12 through the first comma in line 13.

3. On page 4, line 19, after the period insert "The office shall not approve claims for rebate for a proposed project if the office determines the film to be:

(a) Pornography or other obscene material;

(b) Material that promotes bias or prejudice toward a particular race, color, culture, nationality, gender, religion,

sexual orientation, or other social category;

(c) Material created for the purpose of influencing public opinion with respect to a particular political candidate or issue; or

(d) Material that portrays the State of Nebraska, its citizens, or its institutions in a negative light.

(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. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Any sustained disciplinary action which involves a specific act, event, occurrence, agency policy, rule, or state law pertaining to verbal, physical, or sexual abuse by: A town marshal; a chief of police or a local police officer; a sheriff or a deputy sheriff; a deputy state sheriff; a special deputy sheriff; the Superintendent of Law Enforcement and Public Safety; an officer of the Nebraska State Patrol; a carrier enforcement officer; a game and Parks Commission conservation officer; or any other person with similar authority to make arrests under authority granted by this state or by any of its political subdivisions, shall be considered a public record.

Sec. 2. Section 79-8,109, Reissue Revised Statutes of Nebraska, is amended to read:

79-8,109 (1) Any teacher, administrator, or full-time employee of any public school district shall, upon his or her request, have access to his or her personnel file maintained by the district and shall have the right to attach a written response to any item in such file. Such teacher, administrator, or employee may in writing authorize any other person to have access to such file, which authorization shall be honored by the district. Such access and right to attach a written response shall not be granted with respect to any letters of recommendation solicited by the employer which appear in the personnel file.

(2) Except as set forth in this subsection, no ~~No~~ other person except school officials while engaged in their professional duties shall be granted access to ~~such~~ a teacher's, administrator's, or full-time employee's personnel file, and the contents thereof shall not be divulged in any manner to any

unauthorized person. This subsection shall not apply to specific documents in the personnel file which record disciplinary action taken by the employing district's administration involving a teacher, administrator, or full-time employee which involves any specific event, occurrence, or act which was deemed to be in violation of or contrary to school district policy, rule, or state law.

Sec. 3. Original section 79-8,109, Reissue Revised 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. Strike original sections 1 and 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. On page 2, line 1, after "Force" insert "is created and"; and in line 8 strike "Legislature" and insert "Legislative 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

printed on recycled paper

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. In the Standing Committee amendments, AM626, on page 1, lines 4 and 5, strike "Nebraska Foreclosure Protection Act" and insert "act"; in line 6 strike the second "on" and insert "of"; and in line 23 strike the underscored period.

2. On page 5, line 6, strike "or due to"; in line 7 after the second "foreclosure" insert an underscored comma; and in line 8 strike "resulting from".

3. On page 8, line 2, strike "(11)" and insert "(15)".

4. On page 9, line 18; and page 10, line 14, after "FACSIMILE" insert "NUMBER".

5. On page 10, line 15, after "EMAIL" insert "ADDRESS".

6. On page 11, line 5, after "facsimile" insert "number".

7. On page 13, lines 15 and 21, strike "consultant" and

insert "consulting".

8. On page 15, line 24, before "The insert "(2)".

9. On page 17, line 8, strike the second comma; and in line 20 after "CONTRACT" insert "WAS".

10. On page 22, line 4, after the first comma insert "or".

LEGISLATIVE BILL 179. Placed on Select File with amendment.
ER8151

1. In the Standing Committee amendments, AM583, on page 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. Insert the following section:
Sec. 6. Since an emergency exists, this act takes effect 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 Louden, 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. Strike the original sections and all amendments thereto and insert the following new section:

Section 1. No person shall be prosecuted for any crime based solely upon the act of leaving a child in the custody of an employee on duty at a hospital licensed by the State of Nebraska. The hospital shall promptly contact appropriate authorities to take custody of the child.

Senator Hudkins filed the following amendment to LB692:
AM1663

1. On page 2, line 20, strike "guests" and insert "guest".

2. On page 3, line 5, strike the underscored period and insert an underscored semicolon; in line 7 strike the last "or"; and in line 10 after "gallery" insert "; or

(e) Any landowner, tenant, or operator or his or her guest, if the firearm is discharged for self-protection under 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. Strike section 4 and insert the following new sections:

Sec. 5. Section 77-2715.07, Revised Statutes Supplement, 2007, is amended to read:

77-2715.07 (1) There shall be allowed to qualified resident individuals as a nonrefundable credit against the income tax imposed by the Nebraska Revenue Act of 1967:

(a) A credit equal to the federal credit allowed under section 22 of the Internal Revenue Code; and

(b) A credit for taxes paid to another state as provided in section 77-2730.

(2) There shall be allowed to qualified resident individuals against the income tax imposed by the Nebraska Revenue Act of 1967:

(a) For returns filed reporting federal adjusted gross incomes of greater than twenty-nine thousand dollars, a nonrefundable credit equal to twenty-five percent of the federal credit allowed under section 21 of the Internal Revenue Code of 1986, as amended;

(b) For returns filed reporting federal adjusted gross income of twenty-nine thousand dollars or less, a refundable credit equal to a percentage of the federal credit allowable under section 21 of the Internal Revenue Code of 1986, as amended, whether or not the federal credit was limited by the federal tax liability. The percentage of the federal credit shall be one hundred percent for incomes not greater than twenty-two thousand dollars, and the percentage shall be reduced by ten percent for each one thousand dollars, or fraction thereof, by which the reported federal adjusted gross income exceeds twenty-two thousand dollars;

(c) A refundable credit for individuals who qualify for an income tax credit as an owner of agricultural assets under the Beginning Farmer Tax Credit Act for all taxable years beginning or deemed to begin on or after January 1, 2001, under the Internal Revenue Code of 1986, as amended; and a refundable credit as provided in section 77-5209.01 for individuals who qualify for an

income tax credit as a qualified beginning farmer or livestock producer under the Beginning Farmer Tax Credit Act for all taxable years beginning or deemed to begin on or after January 1, 2006, under the Internal Revenue Code of 1986, as amended;

(d) A refundable credit for individuals who qualify for an income tax credit under the Nebraska Advantage Microenterprise Tax Credit Act or the Nebraska Advantage Research and Development Act; and

(e) A refundable credit equal to ten percent of the federal credit allowed under section 32 of the Internal Revenue Code of 1986, as amended.

(3) There shall be allowed to all individuals as a nonrefundable credit against the income tax imposed by the Nebraska Revenue Act of 1967:

(a) A credit for personal exemptions allowed under section 77-2716.01;

(b) A credit for contributions to certified community betterment programs as provided in the Community Development Assistance Act. Each partner, each shareholder of an electing subchapter S corporation, each beneficiary of an estate or trust, or each member of a limited liability company shall report his or her share of the credit in the same manner and proportion as he or she reports the partnership, subchapter S corporation, estate, trust, or limited liability company income; and

(c) A credit for investment in a biodiesel facility as provided in section 77-27,236.

(4) There shall be allowed as a credit against the income tax imposed by the Nebraska Revenue Act of 1967:

(a) A credit to all resident estates and trusts for taxes paid to another state as provided in section 77-2730; and

(b) A credit to all estates and trusts for contributions to certified community betterment programs as provided in the Community Development Assistance Act.

(5)(a) For all taxable years beginning on or after January 1, 2007, and before January 1, 2009, under the Internal Revenue Code of 1986, as amended, there shall be allowed to each partner, shareholder, member, or beneficiary of a partnership, subchapter S corporation, limited liability company, or estate or trust a nonrefundable credit against the income tax imposed by the Nebraska Revenue Act of 1967 equal to fifty percent of the partner's, shareholder's, member's, or beneficiary's portion of the amount of franchise tax paid to the state under sections 77-3801 to 77-3807 by a financial institution.

(b) For all taxable years beginning on or after January 1, 2009, under the Internal Revenue Code of 1986, as amended, there shall be allowed to each partner, shareholder, member, or beneficiary of a partnership, subchapter S corporation, limited liability company, or estate or trust a nonrefundable credit against the income tax imposed by the Nebraska Revenue Act of 1967

equal to the partner's, shareholder's, member's, or beneficiary's portion of the amount of franchise tax paid to the state under sections 77-3801 to 77-3807 by a financial institution.

(c) Each partner, shareholder, member, or beneficiary shall report his or her share of the credit in the same manner and proportion as he or she reports the partnership, subchapter S corporation, limited liability company, or estate or trust income. If any partner, shareholder, member, or beneficiary cannot fully utilize the credit for that year, the credit may not be carried forward or back.

(6) There shall be allowed to individuals as a nonrefundable credit against the income tax imposed by the Nebraska Revenue Act of 1967 a credit as provided in the Nebraska Advantage Film Production Incentive Act.

Sec. 6. Section 77-2717, Revised Statutes Supplement, 2007, is amended to read:

77-2717 (1)(a) The tax imposed on all resident estates and trusts shall be a percentage of the federal taxable income of such estates and trusts as modified in section 77-2716, plus a percentage of the federal alternative minimum tax and the federal tax on premature or lump-sum distributions from qualified retirement plans. The additional taxes shall be recomputed by (i) substituting Nebraska taxable income for federal taxable income, (ii) calculating what the federal alternative minimum tax would be on Nebraska taxable income and adjusting such calculations for any items which are reflected differently in the determination of federal taxable income, and (iii) applying Nebraska rates to the result. The federal credit for prior year minimum tax, after the recomputations required by the Nebraska Revenue Act of 1967, and the credits provided in the Nebraska Advantage Microenterprise Tax Credit Act and the Nebraska Advantage Research and Development Act shall be allowed as a reduction in the income tax due. A refundable income tax credit shall be allowed for all resident estates and trusts under the Nebraska Advantage Microenterprise Tax Credit Act and the Nebraska Advantage Research and Development Act. A nonrefundable income tax credit shall be allowed for all resident estates and trusts under the Nebraska Advantage Film Production Incentive Act.

(b) The tax imposed on all nonresident estates and trusts shall be the portion of the tax imposed on resident estates and trusts which is attributable to the income derived from sources within this state. The tax which is attributable to income derived from sources within this state shall be determined by multiplying the liability to this state for a resident estate or trust with the same total income by a fraction, the numerator of which is the nonresident estate's or trust's Nebraska income as determined by sections 77-2724 and 77-2725 and the denominator of which is its total federal income after first adjusting each by the amounts provided in section 77-2716. The federal credit for prior year

minimum tax, after the recomputations required by the Nebraska Revenue Act of 1967, reduced by the percentage of the total income which is attributable to income from sources outside this state, and the credits provided in the Nebraska Advantage Microenterprise Tax Credit Act and the Nebraska Advantage Research and Development Act shall be allowed as a reduction in the income tax due. A refundable income tax credit shall be allowed for all nonresident estates and trusts under the Nebraska Advantage Microenterprise Tax Credit Act and the Nebraska Advantage Research and Development Act. A nonrefundable income tax credit shall be allowed for all nonresident estates and trusts under the Nebraska Advantage Film Production Incentive Act.

(2) In all instances wherein a fiduciary income tax return is required under the provisions of the Internal Revenue Code, a Nebraska fiduciary return shall be filed, except that a fiduciary return shall not be required to be filed regarding a simple trust if all of the trust's beneficiaries are residents of the State of Nebraska, all of the trust's income is derived from sources in this state, and the trust has no federal tax liability. The fiduciary shall be responsible for making the return for the estate or trust for which he or she acts, whether the income be taxable to the estate or trust or to the beneficiaries thereof. The fiduciary shall include in the return a statement of each beneficiary's distributive share of net income when such income is taxable to such beneficiaries.

(3) The beneficiaries of such estate or trust who are residents of this state shall include in their income their proportionate share of such estate's or trust's federal income and shall reduce their Nebraska tax liability by their proportionate share of the credits as provided in the Nebraska Advantage Film Production Incentive Act, the Nebraska Advantage Microenterprise Tax Credit Act, and the Nebraska Advantage Research and Development Act. There shall be allowed to a beneficiary a refundable income tax credit under the Beginning Farmer Tax Credit Act for all taxable years beginning or deemed to begin on or after January 1, 2001, under the Internal Revenue Code of 1986, as amended.

(4) If any beneficiary of such estate or trust is a nonresident during any part of the estate's or trust's taxable year, he or she shall file a Nebraska income tax return which shall include (a) in Nebraska adjusted gross income that portion of the estate's or trust's Nebraska income, as determined under sections 77-2724 and 77-2725, allocable to his or her interest in the estate or trust and (b) a reduction of the Nebraska tax liability by his or her proportionate share of the credits as provided in the Nebraska Advantage Film Production Incentive Act, the Nebraska Advantage Microenterprise Tax Credit Act, and the Nebraska Advantage Research and Development Act and shall execute and forward to the fiduciary, on or before the original due date of the Nebraska fiduciary return, an agreement which states that he

or she will file a Nebraska income tax return and pay income tax on all income derived from or connected with sources in this state, and such agreement shall be attached to the Nebraska fiduciary return for such taxable year.

(5) In the absence of the nonresident beneficiary's executed agreement being attached to the Nebraska fiduciary return, the estate or trust shall remit a portion of such beneficiary's income which was derived from or attributable to Nebraska sources with its Nebraska return for the taxable year. The amount of remittance, in such instance, shall be the highest individual income tax rate determined under section 77-2715.02 multiplied by the nonresident beneficiary's share of the estate or trust income which was derived from or attributable to sources within this state. The amount remitted shall be allowed as a credit against the Nebraska income tax liability of the beneficiary.

(6) The Tax Commissioner may allow a nonresident beneficiary to not file a Nebraska income tax return if the nonresident beneficiary's only source of Nebraska income was his or her share of the estate's or trust's income which was derived from or attributable to sources within this state, the nonresident did not file an agreement to file a Nebraska income tax return, and the estate or trust has remitted the amount required by subsection (5) of this section on behalf of such nonresident beneficiary. The amount remitted shall be retained in satisfaction of the Nebraska income tax liability of the nonresident beneficiary.

(7) For purposes of this section, unless the context otherwise requires, simple trust shall mean any trust instrument which (a) requires that all income shall be distributed currently to the beneficiaries, (b) does not allow amounts to be paid, permanently set aside, or used in the tax year for charitable purposes, and (c) does not distribute amounts allocated in the corpus of the trust. Any trust which does not qualify as a simple trust shall be deemed a complex trust.

Sec. 7. Section 77-2734.03, Revised Statutes Supplement, 2007, is amended to read:

77-2734.03 (1)(a) For taxable years commencing prior to January 1, 1997, any (i) insurer paying a tax on premiums and assessments pursuant to section 77-908 or 81-523, (ii) electric cooperative organized under the Joint Public Power Authority Act, or (iii) credit union shall be credited, in the computation of the tax due under the Nebraska Revenue Act of 1967, with the amount paid during the taxable year as taxes on such premiums and assessments and taxes in lieu of intangible tax.

(b) For taxable years commencing on or after January 1, 1997, any insurer paying a tax on premiums and assessments pursuant to section 77-908 or 81-523, any electric cooperative organized under the Joint Public Power Authority Act, or any credit union shall be credited, in the computation of the tax due under the Nebraska Revenue Act of 1967, with the amount paid during the

taxable year as (i) taxes on such premiums and assessments included as Nebraska premiums and assessments under section 77-2734.05 and (ii) taxes in lieu of intangible tax.

(c) For taxable years commencing or deemed to commence prior to, on, or after January 1, 1998, any insurer paying a tax on premiums and assessments pursuant to section 77-908 or 81-523 shall be credited, in the computation of the tax due under the Nebraska Revenue Act of 1967, with the amount paid during the taxable year as assessments allowed as an offset against premium and related retaliatory tax liability pursuant to section 44-4233.

(2) There shall be allowed to corporate taxpayers a tax credit for contributions to community betterment programs as provided in the Community Development Assistance Act.

(3) There shall be allowed to corporate taxpayers a refundable income tax credit under the Beginning Farmer Tax Credit Act for all taxable years beginning or deemed to begin on or after January 1, 2001, under the Internal Revenue Code of 1986, as amended.

(4) The changes made to this section by Laws 2004, LB 983, apply to motor fuels purchased during any tax year ending or deemed to end on or after January 1, 2005, under the Internal Revenue Code of 1986, as amended.

(5) There shall be allowed to corporate taxpayers refundable income tax credits under the Nebraska Advantage Microenterprise Tax Credit Act and the Nebraska Advantage Research and Development Act.

(6) There shall be allowed to corporate taxpayers a nonrefundable income tax credit for investment in a biodiesel facility as provided in section 77-27,236.

<u>(7) There shall be allowed to corporate taxpayers a nonrefundable income tax credit as provided in the Nebraska Advantage Film Production Incentive Act.</u>

Sec. 8. This act becomes operative for all taxable years beginning or deemed to begin on or after January 1, 2008, under the Internal Revenue Code of 1986, as amended.

Sec. 9. Original sections 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Supplement, 2007, are repealed.

2. On page 1, line 3, strike "<u>5</u> " and insert "<u>4</u>".

3. On page 2, line 15, strike "<u>A rebate</u>" and insert "<u>A nonrefundable income tax credit</u>"; in line 18 strike "<u>paid</u>" and insert "<u>available</u>"; and in line 22 strike "<u>rebate paid</u>" and insert "<u>income tax credit available</u>".

4. On page 3, line 5, strike "<u>rebate paid</u>" and insert "<u>income tax credit available</u>"; in line 8 strike "<u>rebate</u>" and insert "<u>tax credit</u>"; and in line 10 strike "<u>a rebate payment</u>" and insert "<u>an income tax credit</u>".

5. On page 4, lines 10 and 15, strike "<u>rebate</u>" and insert "<u>income tax credit</u>"; in line 18 strike "<u>rebate</u>" and insert "<u>income tax credits</u>" and strike "<u>State Treasurer</u>" and insert "<u>Tax</u>

Commissioner"; and strike beginning with "The" in line 19 through line 27 and insert "The amount of income tax credits approved by the office for any tax year shall not exceed five million dollars. A production company may carry forward unused income tax credits for three tax years.".

6. On page 5, strike line 1.

7. Renumber the remaining section accordingly.

Senator Langemeier offered the following amendment to his amendment: AM1711

(Amendments to AM1702)

1. On page 11, line 20 after the underscored period insert:

"(6) Any income tax credit allowable to a partnership, a limited liability company, a subchapter S corporation, a cooperative, including a cooperative exempt under section 521 of the Internal Revenue Code of 1986, as amended, a limited cooperative association, or an estate or trust may be distributed to the partners, members, shareholders, patrons, or beneficiaries in the same manner as income is distributed for use against their 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. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 48-652, Revised Statutes Supplement, 2007, is amended to read:

48-652 (1)(a) A separate experience account shall be established for each employer who is liable for payment of contributions. Whenever and wherever in the Employment Security Law the terms reserve account or experience account are used, unless the context clearly indicates otherwise, such terms shall be deemed interchangeable and synonymous and reference to either of such accounts shall refer to and also include the other.

(b) A separate reimbursement account shall be established for each employer who is liable for payments in lieu of contributions. All benefits paid with respect to service in employment for such employer shall be charged to his or her reimbursement account and such employer shall be billed for and shall be liable for the payment of the amount charged when billed by the commissioner. Payments in lieu of contributions received

by the commissioner on behalf of each such employer shall be credited to such employer's reimbursement account, and two or more employers who are liable for payments in lieu of contributions may jointly apply to the commissioner for establishment of a group account for the purpose of sharing the cost of benefits paid that are attributable to service in the employ of such employers. The commissioner shall prescribe such rules and regulations as he or she deems necessary with respect to applications for establishment, maintenance, and termination of group accounts authorized by this subdivision.

(2) All contributions paid by an employer shall be credited to the experience account of such employer. State unemployment insurance tax payments shall not be credited to the experience account of each employer. Partial payments of combined tax shall be credited so that at least eighty percent of the combined tax payment excluding interest and penalty is credited first to contributions due. In addition to contributions credited to the experience account, each employer's account shall be credited as of June 30 of each calendar year with interest at a rate determined by the commissioner based on the average annual interest rate paid by the Secretary of the Treasury of the United States of America upon the state's account in the Unemployment Trust Fund for the preceding calendar year multiplied by the balance in his or her experience account at the beginning of such calendar year. If the total credits as of such date to all employers' experience accounts are equal to or greater than ninety percent of the total amount in the Unemployment Compensation Fund, no interest shall be credited for that year to any employer's account. Contributions with respect to prior years which are received on or before January 31 of any year shall be considered as having been paid at the beginning of the calendar year. All voluntary contributions which are received on or before January 10 of any year shall be considered as having been paid at the beginning of the calendar year.

(3)(a) Each experience account shall be charged only for benefits based upon wages paid by such employer. No benefits shall be charged to the experience account of any employer if (i) such benefits were paid on the basis of a period of employment from which the claimant (A) left work voluntarily without good cause, (B) left work voluntarily due to a nonwork-connected illness or injury, (C) left work voluntarily with good cause to escape abuse as defined in section 42-903 between household members as provided in subdivision (1) of section 48-628.01, (D) left work from which he or she was discharged for misconduct connected with his or her work, or (E) left work voluntarily and is entitled to unemployment benefits without disqualification in accordance with subdivision (3) or (5) of section 48-628.01 and (ii) the employer has filed timely notice of the facts on which such exemption is claimed in accordance with rules and regulations prescribed by

the commissioner. No benefits shall be charged to the experience account of any employer if such benefits were paid on the basis of wages paid in the base period that are wages for insured work solely by reason of subdivision (5)(b) of section 48-627. No benefits shall be charged to the experience account of any employer if such benefits were paid during a week when the individual was participating in training approved under section 236(a)(1) of the federal Trade Act of 1974, 19 U.S.C. 2296(a)(1).

(b) Each reimbursement account shall be charged only for benefits paid that were based upon wages paid by such employer in the base period that were wages for insured work solely by reason of subdivision (5) of section 48-627.

(c) Benefits paid to an eligible individual shall be charged against the account of his or her most recent employers within his or her base period against whose accounts the maximum charges hereunder have not previously been made in the inverse chronological order in which the employment of such individual occurred. The maximum amount so charged against the account of any employer, other than an employer for which services in employment as provided in subdivision (4)(a) of section 48-604 are performed, shall not exceed the total benefit amount to which such individual was entitled as set out in section 48-626 with respect to base period wages of such individual paid by such employer plus one-half the amount of extended benefits paid to such eligible individual with respect to base period wages of such individual paid by such employer. The commissioner shall by rules and regulations prescribe the manner in which benefits shall be charged against the account of several employers for whom an individual performed employment during the same quarter or during the same base period. Any benefit check duly issued and delivered or mailed to a claimant and not presented for payment within one year from the date of its issue may be invalidated and the amount thereof credited to the Unemployment Compensation Fund, except that a substitute check may be issued and charged to the fund on proper showing at any time within the year next following. Any charge made to an employer's account for any such invalidated check shall stand as originally made.

(4)(a) An employer's experience account shall be deemed to be terminated one calendar year after such employer has ceased to be subject to the Employment Security Law, except that if the commissioner finds that an employer's business is closed solely because of the entrance of one or more of the owners, officers, partners, or limited liability company members or the majority stockholder into the armed forces of the United States, or of any of its allies, after July 1, 1950, such employer's account shall not be terminated and, if the business is resumed within two years after the discharge or release from active duty in the armed forces of such person or persons, the employer's experience account shall be deemed to have been continuous throughout such period.

(b) An experience account terminated pursuant to this subsection shall be reinstated if (i) the employer becomes subject again to the Employment Security Law within one calendar year after termination of such experience account and the employer makes a written application for reinstatement of such experience account to the commissioner within two calendar years after termination of such experience account and (ii) the commissioner finds that the employer is operating substantially the same business as prior to the termination of such experience account.

(5) All money in the Unemployment Compensation Fund shall be kept mingled and undivided. The payment of benefits to an individual shall in no case be denied or withheld because the experience account of any employer does not have a total of contributions paid in excess of benefits charged to such experience account.

(6) A contributory or reimbursable employer shall be relieved of charges if the employer was previously charged for wages and the same wages are being used a second time to establish a new claim as a result of the October 1, 1988, change in the base period.

Sec. 2. Original section 48-652, Revised Statutes Supplement, 2007, is repealed.

Senator Lathrop filed the following amendment to LB586:
AM1705

(Amendments to E & R amendments, ER8143)

1. On page 1, line 16, after "under" insert "private"; in line 17 after "another" insert "private"; and in line 20 after the period insert "The measure of damages for medical expenses in liability claims shall be the private party rate, not the 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 Haefele 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

printed on recycled paper

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. On page 4, strike lines 7 through 12 and insert the following new subdivision:

"(3) The department may provide state funds for certain program activities or any portion thereof in connection with the implementation of the act to or on behalf of affected herd owners if funds for such activities or any portion thereof have been appropriated and are available. The department shall develop statewide priorities for the expenditure of state funds available for program activities;".

2. On page 5, line 20, after the period insert "An animal or animals under quarantine may be relocated as directed by the State Veterinarian to avoid or lessen exposure to pathogenic agents. Quarantine restrictions imposed by the State Veterinarian as applied to the movement and disposition of an individual animal or a group of animals within an affected herd may vary as appropriate according to risk of exposure to pathogenic agents.".

3. On page 8, line 14, after "(1)" insert "The owner or custodian of an affected herd or affected premises shall be responsible to pay for costs related to: (a) The quarantine, testing, or vaccination of an affected herd; (b) the disinfection or cleaning of the premises of an affected herd; and (c) any other costs associated with the control of anthrax in such herd.

(2)"; and in line 17 strike "(2)" and insert "(3)".

4. On page 9, line 7, strike "(3)" and insert "(4)"; and in line 10 strike "(4)" and insert "(5)".

(Signed) Philip Erdman, Chairperson

Education

LEGISLATIVE BILL 850. Placed on General File with amendment.
AM1703

1. Strike the original sections and insert the following new sections:

Section 1. The school board or board of education of any Class I, II, III, IV, V, or VI school district may permit its

members to participate in the school district's hospitalization, medical, surgical, accident, sickness, or term life insurance coverage or any one or more of such coverages. A board member electing to participate in the insurance program of the school district shall pay both the employee and the employer portions of the premium for such coverage.

A school board or board of education which opts to permit its members to participate in insurance coverage under this section shall report quarterly at a board meeting the board members who have elected such coverage. Such a report shall be made available in the school district office for review by the public upon request.

Sec. 2. A learning community coordinating council may permit members of such council to participate in the learning community's hospitalization, medical, surgical, accident, sickness, or term life insurance coverage or any one or more of such coverages. A learning community coordinating council member electing to participate in the insurance program of the learning community shall pay both the employee and the employer portions of the premium for such coverage.

A learning community coordinating council which opts to permit its members to participate in insurance coverage under this section shall report quarterly at a council meeting the council members who have elected such coverage. Such a report shall be made available in the learning community office for review by the public upon request.

Sec. 3. Section 79-1232, Reissue Revised Statutes of Nebraska, is amended to read:

79-1232 The board of any educational service unit may ~~provide its members with~~ permit its members to participate in the educational service unit's hospitalization, medical, surgical, accident, sickness, or term life insurance coverage or any one or more of such coverages. A board member electing to participate in the insurance program of the educational service unit shall pay both the employee and the employer portions of the premium for such coverage.

An educational service unit board which opts to permit its members to participate in insurance coverage under this section shall report quarterly at a board meeting the board members who have elected such coverage. Such a report shall be made available in the educational service unit office for review by the public upon request.

Sec. 4. Original section 79-1232, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 5. The following section is outright repealed: 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. Strike amendment 5 and all amendments thereto and insert the following new amendment:

"5. On page 4, lines 10 and 15, strike "rebate" and insert "income tax credit"; and strike lines 17 through 27 and insert:

(5) The Film Office shall approve or disapprove all claims for income tax credits. If a claim is approved, the office shall issue nontransferable income tax credit certificates equal to

the amount of income tax credits the production company qualifies for except as provided in subsection (6) of this section. For any income tax credit allowable to a partnership, a limited liability company, a subchapter S corporation, a cooperative, including a cooperative exempt under section 521 of the Internal Revenue Code of 1986, as amended, a limited cooperative association, or an estate or trust, the nontransferable income tax credit certificates shall be issued to the partners, members, shareholders, patrons, or beneficiaries in the same manner as income is distributed for use against their income tax liabilities.

The Film Office shall also certify to the Department of Revenue any production company, partner, member, shareholder, patron, or beneficiary that has been issued nontransferable income tax credit certificates, the amount of the certificate that the production company, partner, member shareholder, patron, or beneficiary qualified for, and the date that the certificate was issued. When the production company or its partners, members, shareholders, patrons, or beneficiaries use the nontransferable income tax credit certificates to offset Nebraska income taxes, the taxpayer shall attach the nontransferable income tax credit certificate or certificates to the return claiming the credit. Upon receipt of the nontransferable income tax certificates with a tax return, the Department of Revenue shall immediately inform the Film Office which certificate or certificates have been used and the amount that was used. If the total amount of the income tax liability of the taxpayer is insufficient to use the entire nontransferable income tax credit certificate, the office shall issue a new certificate for the unused balance and certify the new certificate and its amount to the Department of Revenue. The new certificate shall bear the same date as the certificate that was used.

(6) No more than five million dollars of income tax credit certificates shall be issued, unexpired, and unused at any one time. If there are qualifying claims for income tax credits that would cause the outstanding balance to be greater than five million dollars, the claim shall be deferred until enough certificates have been used to enable the certificate or 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. On page 4, line 20, strike "nonrefundable".

2. On page 5, line 17; page 6, line 13; and page 11, lines 5 and 6, strike "A nonrefundable" and insert "An".

3. On page 10, lines 23 and 24, strike "a nonrefundable" and insert "an".

4. On page 11, line 18, after the period insert "The income tax credit shall be nonrefundable, except that a portion of the income tax credit not used in a tax year equal to forty percent of the amount of income tax credit used in the tax year shall be refundable."; and in line 19 after "unused" insert "and 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

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. Strike original section 2 and insert the following new section:

Sec. 2. Section 32-528, Reissue Revised Statutes of Nebraska, is amended to read:

32-528 (1) In counties having a county board of three commissioners, two commissioners shall be elected at the statewide general election in 1994 and each four years thereafter, and one commissioner shall be elected at the statewide general election in 1996 and each four years thereafter. In counties having a county board of five commissioners, three commissioners shall be elected at the statewide general election in 1994 and each four years thereafter, and two commissioners shall be elected at the statewide general election in 1996 and each four years thereafter. In counties having a county board of seven or more commissioners, one commissioner shall be elected in each odd-numbered commissioner district at the statewide general election in 1994 and each four years thereafter, and one commissioner shall be elected in each even-numbered commissioner district at the statewide general

election in 1996 and each four years thereafter.

(2) Except for commissioners first elected after the county adopts the commissioner form of government or has increased the number of commissioners, the term of each county commissioner shall be four years or until his or her successor is elected and qualified. At the first election held to choose the board of commissioners in any county having three commissioners, the person having the highest number of votes shall serve for four years and the two receiving the next highest number of votes shall serve for two years, and if any three or more persons have the same number of votes, their terms of office shall be determined by the county canvassing board. The county commissioners shall meet the qualifications found in section 23-150. Nothing in this section shall be construed to prohibit the reelection of a commissioner holding office if the commissioner is reelected to represent his or her respective district. The county commissioners shall be elected on the partisan ballot.

(3)(a) In counties having not more than ~~three hundred~~ one hundred fifty thousand inhabitants, one commissioner shall be nominated and elected from each district by the registered voters of the district.

(b) Until 2010, ~~except that~~ in counties having a population of more than one hundred fifty thousand but not more than three hundred thousand inhabitants, one commissioner shall be nominated from each district by the registered voters of the district and shall be elected by the registered voters of the entire county. Beginning in ~~1992 in~~ 2010 in counties having a population of more than one hundred fifty thousand but not more than three hundred thousand inhabitants, one commissioner shall be nominated and elected from each district by the registered voters of the district as provided in subsection (5) of this section.

(c) In counties having more than three hundred thousand inhabitants, one commissioner shall be nominated and elected from each district by the registered voters of the district.

(4) In counties in which a majority has voted to have five commissioners as provided in section 23-148, the three commissioners of such county whose terms of office will expire after the election shall continue in office until the expiration of the terms for which they were elected and until their successors are elected and qualified. Two commissioners shall be appointed pursuant to section 32-567 to serve until the first Thursday after the first Tuesday in January following the next statewide general election. At the next statewide general election, commissioners shall be elected to fill the positions of any commissioners appointed under this section. At the first primary election after such appointments, filings shall be accepted for terms of two years and for terms of four years so that two commissioners will be elected to four-year terms at one election and three commissioners will be elected to four-year terms at the next election.

(5) In counties having more than one hundred fifty thousand but not more than three hundred thousand inhabitants which are changing from nominating by district and electing at large to nominating and electing by district as provided in subdivision (3)(b) of this section, the ~~three~~ commissioners ~~whose terms of office will expire in 1995~~ shall continue in office until the expiration of the terms for which they were elected and until their successors are elected and qualified. At the primary election in ~~1992,~~ 2010, one commissioner in such counties shall be nominated from each odd-numbered district. At the ensuing general election, one commissioner shall be elected from each odd-numbered district. At the primary election in ~~1994,~~ 2012, one commissioner in such counties shall be nominated from each even-numbered district. At the ensuing general election, one commissioner shall be elected from each even-numbered district. ~~Beginning in 1992, each commissioner in such counties shall hold office for four years or until his or her successor is elected and qualified. Nothing in this subsection shall be construed to prohibit the reelection of a commissioner holding office in 1992 or 1994 if such commissioner is reelected to represent the district in which he or she resides.~~

LEGISLATIVE BILL 746. Placed on General File with amendment.
AM1675

1. Insert the following new section:

Sec. 2. Section 85-505.01, Revised Statutes Cumulative Supplement, 2006, is amended to read:

85-505.01 (1) The tuition assistance program prescribed in sections 85-505 to 85-508 shall not be available to:

(a) More than one thousand two hundred members during any fiscal year;

(b) Commissioned and warrant officers who have a baccalaureate degree or are eligible for any other equivalent federal benefits;

(c) Enlisted personnel entitled to any equivalent federal educational benefits, except that this subdivision shall not apply to personnel receiving assistance from the federal Educational Assistance Program for Members of the Selected Reserve, as it existed on September 1, 2001; and

(d) Enlisted personnel who have a baccalaureate degree.

(2) The tuition assistance program prescribed in sections 85-505 to 85-508 shall be available to members of the Nebraska National Guard for a period of ten years, as provided in section 85-505, from the date of initial membership.

(3) Any member of the Nebraska National Guard receiving tuition assistance under sections 85-505 to 85-508 may obtain only one undergraduate degree under such tuition assistance program. Only credit-bearing courses which meet degree requirements shall be approved for tuition assistance. Members shall not receive tuition

assistance for any noncredit courses.

(4) If a member of the Nebraska National Guard voluntarily withdraws from a course for which he or she is receiving tuition assistance, the member shall be liable for all costs relating to such withdrawal, including, but not limited to, all of the costs billed by the educational institution to the Nebraska National Guard. Reimbursement shall be in accordance with section 72-1601.

(5) Any member of the Nebraska National Guard who receives tuition assistance shall agree in writing to serve in the Nebraska National Guard for three years after the completion of the courses for which tuition assistance was given. Any member who receives tuition assistance may be asked to reimburse the State of Nebraska if any such member leaves the Nebraska National Guard during such three-year period. Reimbursement shall be in accordance with section 72-1601.

(6) The Military Department shall retain the responsibility and authority to establish any limitations and controls it deems necessary to ensure maximum fiscal efficiency and productivity of the tuition assistance program prescribed in sections 85-505 to 85-508.

2. On page 2, line 19, strike "eighty" and insert "twenty".

3. Amend the repealer and renumber the remaining sections accordingly.

(Signed) Ray Aguilar, Chairperson

Revenue

LEGISLATIVE BILL 1004. Placed on General File.

LEGISLATIVE BILL 754. Placed on General File with amendment.
AM1732

1. Insert the following new section:

Sec. 3. Since an emergency exists, this act takes effect 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. On page 3, line 14, strike ", including requiring" and insert "and may require".

2. On page 4, line 10, after "report" insert "their"; strike beginning with "about" in line 10 through "assets" in line 11 and insert "technology plans"; and in line 12 strike "this information" and insert "such plans".

3. On page 8, line 8, strike "a program, including the 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. In AM1644, on page 1, lines 10, 15, 18, and 20 strike "five million" and insert "two million five hundred thousand".

2. In ER8140, on page 4, line 22, strike "five million" and insert "two million five hundred thousand".

Senator Nantkes filed the following amendment to LB235:
AM1719

(Amendments to E & R amendments, ER8140)

1. Insert the following new sections:

Sec. 6. The Film Office of the Department of Economic Development shall provide a report to the Legislature by July 1, 2011, that includes:

(1) A cost-benefit analysis of the film production incentive program;

(2) The amount of incentives paid pursuant to the program;

(3) The nature of films produced in Nebraska during the time the program was providing incentives;

(4) An estimate of the economic activity generated by the production of such films;

(5) Data as to the amount spent on film production in Nebraska before and after the enactment of the program; and

(6) Any other information the office may deem relevant in assessing the effectiveness of the program.

Sec. 7. Sections 1 to 5 of this act terminate on December 31, 2010. Sections 6 and 7 of this act terminate on July 1, 2011.

2. On page 1, line 3, strike "5" and insert "7"; and strike beginning with "which" in line 12 through the first comma in line 13.

3. On page 4, line 19, after the period insert "The office shall not approve claims for rebate for a proposed project

if the office determines the film to be:

(a) Pornography or other obscene material;

(b) Material that promotes bias or prejudice toward a particular race, color, culture, nationality, gender, religion, sexual orientation, or other social category;

(c) Material created for the purpose of influencing public opinion with respect to a particular political candidate or issue; or

(d) Material that portrays the State of Nebraska, its citizens, or its institutions in a negative light.

(6)".

Senator Pirsch filed the following amendment to LB619:
AM1652

(Amendments to E & R amendments, ER8144)

1. On page 1, lines 9, 10, 11, 13, 14, 17, and 22, reinstate the stricken matter and strike the new matter.

2. On page 2, line 1, reinstate the stricken matter and strike the new matter.

3. On page 3, strike beginning with "General" in line 1 through "debt" in line 3 and insert "State Treasurer Administrative Fund".

Senator Pirsch filed the following amendment to LB620:
AM1715

(Amendments to E & R Amendments, ER8145)

1. On page 2, strike beginning with "(1)" in line 17 through line 24 and insert

"(1) The State Treasurer, with state agency approval, may electronically collect a bad debt and a fee from a debtor of the state agency equal to the cost of processing any payments for returned check charges or charges for electronic payments not accepted, except that the fee shall not exceed thirty dollars. The 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. On page 1, line 16, after "under" insert "private"; in line 17 after "another" insert "private"; in line 18 after "the" insert "contracted"; and in line 20 after the period insert "The measure of damages for medical expenses in personal injury claims 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

printed on recycled paper

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

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

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 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

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, Louden, Wallman. Nay: 0. Absent: 0.

(Signed) LeRoy Louden, 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. Strike the original sections and all amendments thereto and insert the following new sections:
Section 1. The State Treasurer shall transfer (1) $2,500,000 from the General Fund to the Film Enhancement Rebate Program Fund within five days after the effective date of this

act, or as soon thereafter as administratively possible, and (2) an amount specified by the Department of Economic Development not to exceed $2,500,000 from the General Fund to the Film Enhancement Rebate Program Fund on July 6, 2009, or as soon thereafter as administratively possible.

Sec. 2. There is hereby appropriated (1) $2,5000,000 from the Film Enhancement Rebate Program Fund for FY2008-09 and (2) $2,500,000 from the Film Enhancement Rebate Program Fund for FY2009-10 to the Department of Economic Development, for Program 603, to aid in carrying out the provisions of Legislative Bill 235, One Hundredth Legislature, Second Session, 2008.

There is included in the appropriation in this section for FY2008-09 $2,385,000 for the payment of rebates, which shall only be used for such purpose. There is included in the appropriation in this section for FY2009-10 $2,390,000 for the payment of rebates, which shall only be used for such purpose.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not 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

printed on recycled paper

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. On page 22, line 19 after "may" insert "not"; and strike beginning with "reasonable" in line 19 through line 20, show 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. On page 3, line 19; and page 4, line 25, after "Nebraska" insert "or a resident of the State of Nebraska who is at least sixteen years of age and otherwise qualified to be an 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

printed on recycled paper

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. Insert the following new sections:

Sec. 11. Section 86-552, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-552 For purposes of the Intergovernmental Data Services Program Act, the definitions found in sections ~~86-553~~ 86-554 to 86-561 apply.

Sec. 12. Section 86-562, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-562 The purpose of the system is to allow for the efficient operation of state government and its political subdivisions. In managing and allocating resources on the system, the ~~administrator~~ officer shall assign first priority to providing capacity for statewide applications that are essential to carrying out the duties of state agencies in an efficient and effective

manner. The system may also serve local data processing needs of political subdivisions, provide citizens with a point of access to governmental services and information, and serve other state and local needs, subject to available resources.

Sec. 13. Section 86-563, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-563 In establishing and maintaining the system:

(1) The division:

(a) Shall provide the computer network and services for the system with assistance from the division of communications of the office;

(b) Shall, within available resources, assist ~~the Intergovernmental Data Communications Advisory Council, the Geographic Information System Steering Committee, and other~~ local, state, and federal collaborative efforts to encourage coordination of information systems and data sharing;

(c) Shall coordinate its activities and responsibilities with the functions of the division of communications to minimize overlap and duplication of technical services between the divisions in supporting the system, its applications, and application development; and

(d) May undertake and coordinate planning studies to determine the feasibility, benefits, costs, requirements, and options for the intergovernmental transfer of data;

(2) The ~~administrator:~~ officer:

(a) Shall approve and coordinate the design, development, installation, training, and maintenance of applications by state agencies for use on the system. Any agency proposing to add an application to the system shall submit an evaluation to the ~~administrator~~ officer that examines the cost-effectiveness, technical feasibility, and potential use of the proposed application; that identifies the total costs of the application, including design, development, testing, installation, operation, and any changes to the computer network that are necessary for its operation; and that provides a schedule that shows the estimated completion dates for design, development, testing, installation, training, and full operational status. The ~~administrator~~ officer shall not approve an application by a state agency for use on the system unless his or her review shows that the application is cost effective and technically feasible, that funding is available, and that the proposed schedule is reasonable and feasible;

(b) Shall approve changes in the design of applications by state agencies for use on the system. The ~~administrator~~ officer may require such information from the agency as necessary to determine that the proposed change in design is cost effective and technically feasible, that funding is available, and that the proposed schedule for implementation is reasonable and feasible;

(c) May~~, with the approval of the officer,~~ contract with other governmental entities or private vendors in carrying out the

duties relating to the intergovernmental data services program;

(d) Shall~~, in cooperation with the division of communications,~~ establish a rate schedule that reflects the rates adopted by the division of communications and the information management services division, plus any additional costs of the system. Such fees may reflect a base cost for access to the system, costs for actual usage of the system, costs for special equipment or services, or a combination of these factors. The ~~administrator~~ officer may charge for the costs of changes to the system that are requested by or are necessary to accommodate a request by a user. All fees shall be set to recover all costs of operation;

(e) May~~, with the approval of the officer,~~ enter into agreements with other state and local governments, the federal government, or private-sector entities for the purpose of sale, lease, or licensing for third-party resale of applications and system design. Proceeds from such agreements shall be deposited to the Data Systems Cash Fund;

(f) Shall determine whether a local application shall be a component of the system. No local application shall be resident or operational in any component of the system without explicit authorization of the ~~administrator;~~ officer; and

(g) Shall approve or disapprove the attachment of any peripheral device to the system and may prescribe standards and specifications that such devices must meet;~~ and~~

~~(h) Shall provide assistance as requested by the Nebraska Information Technology Commission to support the technical panel created in section 86-521;~~

(3) The officer ~~and administrator~~ shall be responsible for the proper operation of the system, applications, and peripheral devices purchased or developed by the expenditure of state funds. The ownership of such system, applications, and peripheral devices shall be vested with the state; and

(4) All communications and telecommunications services for the intergovernmental data services program and the system shall be secured from the division of communications.

Sec. 14. Section 86-564, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-564 (1) The ~~administrator~~ officer shall submit as part of the biennial budget request of the office a listing of all applications submitted for consideration, cost estimates for development, testing, and full operation of each application, a recommended priority listing of the applications for which an evaluation is completed, and funding recommendations by application contained within the budget request for the division. All application estimates and requests shall be scheduled over ensuing fiscal years such that annual projected costs and completion of application phases to the point of fully operational status can be clearly determined. Local applications shall not be subject to the provisions of this subsection.

(2) All development costs for approved new applications shall be budgeted and appropriated to the division or to participating state agencies at the discretion of the Legislature. Agencies may independently request appropriations for such application development, however such requests shall be subject to the review and prioritization set forth in subdivision (2)(a) of section 86-563, and at such time as the application becomes an authorized application and funded by the Legislature, the cost of such development shall be appropriated to the division or to participating state agencies. To the extent possible, if office cash or revolving funds or federal funds may be used for application development, such funds may be transferred to the division and expended for application development in order to properly account for all costs associated with application development.

Sec. 15. Section 86-565, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-565 The ~~administrator~~ officer may adopt and promulgate rules, regulations, guidelines, and procedures to carry out sections 86-563 and 86-564.

Sec. 16. Section 86-569, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-569 (1) The Legislature finds that ~~the~~ Geographic Information ~~System is~~ Systems are a computer-based technology that captures, stores, analyzes, and displays information about the earth's surface from ~~a~~ geographically referenced ~~system,~~ systems, that an interest in the ~~system~~ systems is rapidly increasing at all levels of government, and that an institutional mechanism is needed to encourage initiatives, coordinate efforts, avoid duplication, seek efficiencies, develop guidelines, policies, and standards for operations and management, promote education and training, and make recommendations so that such technology will benefit the entire state and endure as an analysis tool for decisionmakers.

~~(2) The Intergovernmental Data Communications Advisory Council has found that there are many levels of experience, expertise, and hardware and software sophistication among the various levels of government and that guidelines, policies, coordination, and standards are required to realize the maximum benefits of this technology, avoid data quality problems, and resolve conflicts at a reasonable cost for the state.~~

~~(3)~~ (2) It is the intent of the Legislature that a Geographic Information ~~System Steering Committee~~ Systems Council be created with statewide responsibilities to take an active role in implementing ~~the~~ Geographic Information ~~System.~~ Systems. Such ~~committee~~ council would help facilitate acquisition of such technology at all levels of government and make recommendations to the Legislature for program initiatives and funding and the fostering of communication, training, and education.

(3) It is the intent of the Legislature that the

Geographic Information Systems Council serve as an advisory council to the Nebraska Information Technology Commission and assist the commission in its overall information technology planning and oversight and provide technical advice and recommendations related to the specialized needs of Geographic Information Systems.

Sec. 17. Section 86-570, Revised Statutes Supplement, 2007, is amended to read:

86-570 (1) The Geographic Information ~~System Steering Committee~~ Systems Council is hereby created and shall consist of ~~nineteen members as follows:~~

(a) The Chief Information Officer or his or her designee and the director or designee of the Department of Environmental Quality, the Department of Health and Human Services, the Conservation and Survey Division of the University of Nebraska, the Department of Natural Resources, and the Governor's Policy Research Office;

(b) The Director-State Engineer or designee;

(c) The State Surveyor or designee;

(d) The Clerk of the Legislature or designee;

(e) The secretary of the Game and Parks Commission or designee;

(f) The Property Tax Administrator or designee;

(g) One representative of federal agencies appointed by the Governor;

(h) One representative of the natural resources districts nominated by the Nebraska Association of Resources Districts and appointed by the Governor;

(i) One representative of the public power districts appointed by the Governor;

(j) Two representatives of the counties nominated by the Nebraska Association of County Officials and appointed by the Governor;

(k) One representative of the municipalities nominated by the League of Nebraska Municipalities and appointed by the Governor; ~~and~~

(l) Two members at large appointed by the Governor; and~~.~~

(m) Such other members as nominated by the Nebraska Information Technology Commission and appointed by the Governor.

(2) The appointed members shall serve ~~for~~ terms ~~of four years, except that of the initial members appointed by the Governor, one of the representatives of the counties shall be appointed for one year and the other shall be appointed for three years, one of the members at large shall be appointed for one year and the other for three years, and the representative of the public power districts shall be appointed for two years. Their successors shall be appointed for four-year terms. Any vacancy on the committee shall be filled in the same manner as the original appointment, and the person selected to fill such vacancy shall have the same qualifications as the member whose vacancy is~~

~~being filled.~~ as determined by the Nebraska Information Technology Commission.

(3) The members shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

Sec. 18. Section 86-571, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-571 (1) The Geographic Information ~~System Steering Committee~~ Systems Council shall elect a chairperson from its members and such other officers as the ~~committee~~ council deems necessary.

(2) As the need arises, advisory committees may be established by the ~~committee~~ council from various levels of government, industry, or the general public to assist the ~~committee.~~ council. The members of advisory committees shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

(3) The ~~committee~~ council shall meet quarterly or upon the call of the chairperson.

Sec. 19. Section 86-572, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-572 The Geographic Information ~~System Steering Committee~~ Systems Council shall:

(1) Make recommendations to the Legislature and the Nebraska Information Technology Commission for program initiatives and funding;

(2) Establish guidelines and policies for statewide Geographic Information ~~System~~ Systems operations and management to include:

(a) The acquisition, development, maintenance, quality assurance such as ~~quality control~~ standards, access, ownership, cost recovery, and priorities of data bases;

(b) The compatibility, acquisition, and communications of hardware and software;

(c) The assessment of needs, identification of scope, setting of standards, and determination of an appropriate enforcement mechanism;

(d) The fostering of training programs and promoting education and information about ~~the~~ Geographic Information ~~System;~~ Systems; and

(e) The promoting of ~~the~~ Geographic Information ~~System~~ Systems development in the State of Nebraska and providing or coordinating additional support to address Geographic Information ~~System~~ Systems issues as such issues arise;

(3) Report to, assist, and advise the Chief Information Officer in setting information technology policy; and

(4) Provide assistance as requested by the ~~Nebraska Information Technology Commission to~~ commission and support the technical panel created in section 86-521.

Sec. 20. Section 86-573, Revised Statutes Cumulative

Supplement, 2006, is amended to read:

86-573 ~~Annually, the chairperson of the Geographic Information System Steering Committee shall submit a written report, approved by the committee, to the Governor and the Clerk of the Legislature and shall send a copy of such report to the Intergovernmental Data Communications Advisory Council.~~

The Geographic Information Systems Council shall provide a report of its activities to the Nebraska Information Technology Commission for inclusion in the biannual progress report submitted to the Governor and the Legislature by the commission pursuant to section 86-518.

Sec. 22. The following sections are outright repealed: 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.

2. On page 3, line 21, after the comma insert "intergovernmental data communications,".

3. Renumber the remaining section and correct the 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. Strike original section 1 and insert the following new section:

Section 1. Section 71-5829.03, Reissue Revised Statutes of Nebraska, is amended to read:

71-5829.03 No person, including persons acting for or on behalf of a health care facility, shall engage in any of the following activities without having first applied for and received the necessary certificate of need:

(1) The initial establishment of long-term care beds or rehabilitation beds except as permitted under ~~subdivision (5)~~ subdivisions (6) and (7) of this section;

~~(2) An increase in the long-term care beds or rehabilitation beds of a health care facility by more than ten beds or more than ten percent of the total bed capacity, whichever is less, over a two-year period;~~

(2) An increase in the long-term care beds of a health care facility by more than ten long-term care beds or more than ten percent of the total long-term care bed capacity of such facility, whichever is less, over a two-year period;

(3) An increase in the rehabilitation beds of a health care facility by more than ten rehabilitation beds or more than ten percent of the total rehabilitation bed capacity of such facility, whichever is less, over a two-year period;

~~(3)~~ (4) A relocation of long-term care beds from a health care facility at one physical facility or contiguous site to another noncontiguous site within the same health planning region if the relocation will cause an aggregate increase in long-term care beds between those locations of more than ten beds or more than ten percent of the total bed capacity, whichever is less, over a two-year period;

~~(4)~~ (5) Any relocation of long-term care beds from a health care facility located in one health planning region to a health care facility in a different health planning region;

~~(5) Any conversion by a hospital of any type of hospital beds to long-term care beds or rehabilitation beds if the total bed capacity of the hospital will have changed by more than ten beds or more than ten percent of the total bed capacity, whichever is less, over a two-year period;~~

~~(6) Any change by a residential care facility to convert residential care beds to long-term care beds; or~~

~~(7) Any change by a domiciliary facility to convert domiciliary beds to long-term care beds.~~

(6) Any initial establishment of long-term care beds through conversion by a hospital of any type of hospital beds to long-term care beds if the total beds converted by the hospital

are more than ten beds or more than ten percent of the total bed capacity of such hospital, whichever is less, over a two-year period; or

(7) Any initial establishment of rehabilitation beds through conversion by a hospital of any type of hospital beds to rehabilitation beds if the total beds converted by the hospital are more than ten beds or more than ten percent of the total bed capacity of such hospital, whichever is less, over a two-year 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. Insert the following new section:
Sec. 11. Since an emergency exists, this act takes effect when passed and approved according to law.

LEGISLATIVE BILL 779. Placed on General File with amendment.
AM1615
1. On page 3, line 3, after "file" insert "with the director".

LEGISLATIVE BILL 918. Placed on General File with amendment.
AM1775
1. Insert the following new section:
Sec. 4. Since an emergency exists, this act takes effect 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 Louden 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

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 "2007" insert "; and to declare an emergency".

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

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 86-501, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-501 Sections 86-501 to 86-530 and section 6 of this act shall be known and may be cited as the Information Technology Infrastructure Act.

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

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

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

86-516 The commission shall:

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

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

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

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

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

(6) Adopt minimum technical standards, guidelines, and architectures upon recommendation by the technical panel;

(7) Establish ad hoc technical advisory groups to study and make recommendations on specific topics, including workgroups to establish, coordinate, and prioritize needs for education, local communities, and state agencies;

(8) By November 15 of each even-numbered year, make recommendations on technology investments to the Governor and the Legislature, including a prioritized list of projects, reviewed by the technical panel~~, for which new or additional funding is requested;~~ pursuant to section 86-521;

(9) Approve grants from the Community Technology Fund and Government Technology Collaboration Fund;

(10) Adopt schedules and procedures for reporting needs, priorities, and recommended projects;~~ and~~

(11) Assist the Chief Information Officer in developing and maintaining Network Nebraska pursuant to section 86-5,100; and ~~.~~

(12) Determine the format that state agencies, boards, and commissions shall use to report their information technology plans under section 6 of this act. The commission shall include an analysis of such plans in the statewide technology plan.

Sec. 4. Section 86-520, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-520 The Chief Information Officer shall:

(1) Maintain, in cooperation with the Department of Administrative Services, an inventory of noneducation state government technology assets, including hardware, applications, and data bases;

(2) Recommend policies and guidelines for acceptable and cost-effective use of information technology in noneducation state government;

(3) Advise the Governor and Legislature on policy issues affecting noneducation state government related to information technology;

(4) Coordinate efforts among other noneducation state government technology agencies and coordinating bodies;

(5) Implement a strategic, tactical, and project planning process for noneducation state government information technology that is linked to the budget process;

(6) Assist the budget division of the Department of Administrative Services and Legislative Fiscal Analyst in evaluating technology-related budget requests;

(7) Work with each governmental department and noneducation state agency to evaluate and act upon opportunities to more efficiently and effectively deliver government services through the use of information technology;

(8) Recommend to the Governor and Legislature methods for improving the organization and management of data by noneducation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Supplement, 2006, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. On page 1, line 2, after "sections" insert "86-501,"; and in line 10 after the semicolon insert "to require reporting of information technology plans by state agencies, boards, and 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. Strike sections 1 to 4 and 22 to 38.
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. Strike original section 1 and insert the following new section:

Section 1. Section 74-1334, Revised Statutes Cumulative Supplement, 2006, is amended to read:

74-1334 (1) Wherever any railroad track crosses any public road in a cut, on a curve or side hill, in timber lands, near buildings, or near any obstruction of view from the road, the Department of Roads shall direct such precautions to be taken as it deems necessary for the safety of the traveling public.

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

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

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

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

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

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

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

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

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

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

Richard Ruby - Board of Public Roads Classifications and Standards

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

(Signed) Deb Fischer, Chairperson

PRESENTED TO THE GOVERNOR

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

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

AMENDMENT - Print in Journal

Senator Langemeier filed the following amendment to LB1011:
AM1772

1. Insert the following new section:

Sec. 3. Section 76-2217.02, Revised Statutes Cumulative Supplement, 2006, is amended to read:

76-2217.02 Trainee real property appraiser means a person who holds a valid credential as a trainee real property appraiser issued under the Real Property Appraiser Act and who, under the direct supervision of a certified residential or certified general real property appraiser, assists the appraiser in any phase of appraisal activity but does not include nonprofessional employees such as clerical employees.

2. On page 4, strike beginning with "also" in line 1 through "and" in line 7, show the old matter as stricken, and insert "signs an appraisal report as a credentialed real property appraiser shall be subject to the act and the Uniform Standards of Professional Appraisal Practice. Any salaried employee of the entities listed in subdivisions (a) through (d) of this subdivision who does not sign an appraisal report as a credentialed real property appraiser".

3. On page 13, line 9, strike "an appraiser trainee" and insert "a trainee real property appraiser"; in lines 10 and 16, strike "appraiser trainee" and insert "trainee real property

appraiser"; strike beginning with "that" in line 11 through "in" in line 12 and insert "of credentialing as a trainee real property appraiser by"; and in line 22 strike "and" and show as stricken and after the second "appraiser" insert ", and trainee real property appraiser".

4. On page 39, line 7, strike "and" and show as stricken; in line 12 strike "two", show as stricken, and insert "one" and strike the period, show as stricken, and insert "; and"; and after line 12 insert the following new subdivision:

"(6) A pocket card fee of no more than fifty dollars for a licensed real property appraiser, certified residential real property appraiser, or certified general real property appraiser holding a temporary credential under the act.".

5. Renumber the remaining sections and correct the 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

printed on recycled paper

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. On page 11, line 8, after "and" insert "rules and".
2. On page 14, line 9, strike "one thousand"; in line 24 after the underscored semicolon insert "and"; and strike line 25.
3. On page 15, strike lines 1 and 2; and in line 3 strike "(iv)" and insert "(iii)".
4. On page 16, line 4, strike "one" and insert "three".
5. Strike beginning with page 20, line 22, through page 21, line 1.
6. On page 23, line 2, strike beginning with "on" through "basis" in line 3; and strike beginning with line 4 through line 25.
7. Strike beginning with page 24, line 1, through page 25, line 5.
8. On page 31, strike beginning with the underscored

comma in line 1 through "Insurance" in line 2; and in line 3 strike "email address" and insert "toll-free telephone number".

9. On page 32, line 3, after the underscored semicolon insert "and"; and strike beginning with "Information" in line 4 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

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

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 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 "It" 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. Insert the following sections:

Sec. 5. Section 48-652, Revised Statutes Supplement, 2007, is amended to read:

48-652 (1)(a) A separate experience account shall be established for each employer who is liable for payment of contributions. Whenever and wherever in the Employment Security Law the terms reserve account or experience account are used, unless the context clearly indicates otherwise, such terms shall be deemed interchangeable and synonymous and reference to either of such accounts shall refer to and also include the other.

(b) A separate reimbursement account shall be established for each employer who is liable for payments in lieu of contributions. All benefits paid with respect to service in employment for such employer shall be charged to his or her reimbursement account and such employer shall be billed for and shall be liable for the payment of the amount charged when billed by the commissioner. Payments in lieu of contributions received by the commissioner on behalf of each such employer shall be credited to such employer's reimbursement account, and two or more employers who are liable for payments in lieu of contributions may jointly apply to the commissioner for establishment of a group account for the purpose of sharing the cost of benefits paid that are attributable to service in the employ of such employers. The commissioner shall prescribe such rules and regulations as he or she deems necessary with respect to applications for establishment, maintenance, and termination of group accounts authorized by this subdivision.

(2) All contributions paid by an employer shall be credited to the experience account of such employer. State unemployment insurance tax payments shall not be credited to the experience account of each employer. Partial payments of combined tax shall be credited so that at least eighty percent of the combined tax payment excluding interest and penalty is credited first to contributions due. In addition to contributions credited to the experience account, each employer's account shall be credited as of June 30 of each calendar year with interest at a rate determined by the commissioner based on the average annual interest rate paid by the Secretary of the Treasury of the United States of America upon the state's account in the Unemployment Trust Fund for the preceding calendar year multiplied by the balance in his or her experience account at the beginning of such calendar year. If the total credits as of such date to all employers' experience accounts are equal to or greater than ninety percent of the total amount in the Unemployment Compensation Fund, no interest shall be credited for that year to any employer's account. Contributions with respect to prior years which are received on or before January 31 of any year shall be considered as having been paid at the beginning of the calendar year. All voluntary contributions which are received on or before January 10 of any year shall be considered as having been paid at the beginning of the calendar year.

(3)(a) Each experience account shall be charged only

for benefits based upon wages paid by such employer. No benefits shall be charged to the experience account of any employer if (i) such benefits were paid on the basis of a period of employment from which the claimant (A) left work voluntarily without good cause, (B) left work voluntarily due to a nonwork-connected illness or injury, (C) left work voluntarily with good cause to escape abuse as defined in section 42-903 between household members as provided in subdivision (1) of section 48-628.01, (D) left work from which he or she was discharged for misconduct connected with his or her work, or (E) left work voluntarily and is entitled to unemployment benefits without disqualification in accordance with subdivision (3) or (5) of section 48-628.01 and (ii) the employer has filed timely notice of the facts on which such exemption is claimed in accordance with rules and regulations prescribed by the commissioner. No benefits shall be charged to the experience account of any employer if such benefits were paid on the basis of wages paid in the base period that are wages for insured work solely by reason of subdivision (5)(b) of section 48-627.

(b) Each reimbursement account shall be charged only for benefits paid that were based upon wages paid by such employer in the base period that were wages for insured work solely by reason of subdivision (5) of section 48-627.

(c) Benefits paid to an eligible individual shall be charged against the account of his or her most recent employers within his or her base period against whose accounts the maximum charges hereunder have not previously been made in the inverse chronological order in which the employment of such individual occurred. The maximum amount so charged against the account of any employer, other than an employer for which services in employment as provided in subdivision (4)(a) of section 48-604 are performed, shall not exceed the total benefit amount to which such individual was entitled as set out in section 48-626 with respect to base period wages of such individual paid by such employer plus one-half the amount of extended benefits paid to such eligible individual with respect to base period wages of such individual paid by such employer. The commissioner shall by rules and regulations prescribe the manner in which benefits shall be charged against the account of several employers for whom an individual performed employment during the same quarter or during the same base period. Any benefit check duly issued and delivered or mailed to a claimant and not presented for payment within one year from the date of its issue may be invalidated and the amount thereof credited to the Unemployment Compensation Fund, except that a substitute check may be issued and charged to the fund on proper showing at any time within the year next following. Any charge made to an employer's account for any such invalidated check shall stand as originally made.

(4)(a) An employer's experience account shall be deemed to be terminated one calendar year after such employer has ceased

to be subject to the Employment Security Law, except that if the commissioner finds that an employer's business is closed solely because of the entrance of one or more of the owners, officers, partners, or limited liability company members or the majority stockholder into the armed forces of the United States, or of any of its allies, after July 1, 1950, such employer's account shall not be terminated and, if the business is resumed within two years after the discharge or release from active duty in the armed forces of such person or persons, the employer's experience account shall be deemed to have been continuous throughout such period.

(b) An experience account terminated pursuant to this subsection shall be reinstated if (i) the employer becomes subject again to the Employment Security Law within one calendar year after termination of such experience account and the employer makes a written application for reinstatement of such experience account to the commissioner within two calendar years after termination of such experience account and (ii) the commissioner finds that the employer is operating substantially the same business as prior to the termination of such experience account.

(5) All money in the Unemployment Compensation Fund shall be kept mingled and undivided. The payment of benefits to an individual shall in no case be denied or withheld because the experience account of any employer does not have a total of contributions paid in excess of benefits charged to such experience account.

(6) A contributory or reimbursable employer shall be relieved of charges if the employer was previously charged for wages and the same wages are being used a second time to establish a new claim as a result of the October 1, 1988, change in the base period.

(7) If an individual's base period wage credits represent part-time employment for a contributory employer and the contributory employer continues to employ the individual to the same extent as during the base period, then the contributory employer's experience account shall not be charged if the contributory employer has filed timely notice of the facts on which such exemption is claimed in accordance with rules and regulations prescribed by the commissioner.

Sec. 7. Section 48-668, Reissue Revised Statutes of Nebraska, is amended to read:

48-668 (1) The commissioner is hereby authorized to enter into arrangements with the appropriate and duly authorized agencies of other states or the federal government, or both, whereby:

~~(1)~~ (a) Services performed by an individual for a single employer for which services are customarily performed by such individual in more than one state shall be deemed to be services performed entirely within any one of the states in which ~~(a)~~ (i) any part of such individual's service is performed, ~~(b)~~ (ii) such individual has his or her residence, or ~~(c)~~ (iii) the employer

maintains a place of business, if there is in effect, as to such services, an election by an employer with the acquiescence of such individual, approved by the agency charged with the administration of such state's unemployment compensation law, pursuant to which services performed by such individual for such employer are deemed to be performed entirely within such state;

~~(2)~~ (b) Service performed by not more than three individuals, on any portion of a day but not necessarily simultaneously, for a single employer which customarily operates in more than one state shall be deemed to be service performed entirely within the state in which such employer maintains the headquarters of his or her business if there is in effect, as to such service, an approved election by an employer with the affirmative consent of each such individual, pursuant to which service performed by such individual for such employer is deemed to be performed entirely within such state;

~~(3)~~ (c) Potential rights to benefits under the Employment Security Law may constitute the basis for payment of benefits by another state or the federal government and potential rights to benefits accumulated under the law of another state or the federal government may constitute the basis for the payment of benefits by this state. Such benefits shall be paid under the Employment Security Law or under the law of such state or the federal government or under such combination of the provisions of both laws, as may be agreed upon as being fair and reasonable to all affected interests. No such arrangement shall be entered into unless it contains provisions for reimbursement to the fund for such benefits as are paid on the basis of wages and service subject to the law of another state or the federal government, and provision for reimbursement from the fund for such benefits as are paid by another state or the federal government on the basis of wages and service subject to the Employment Security Law. Reimbursements paid from the fund pursuant to this section shall be deemed to be benefits for the purposes of the Employment Security Law; and

~~(4)~~ (d) Wages, upon the basis of which an individual may become entitled to benefits under an employment security law of another state or of the federal government, shall be deemed to be wages for insured work for the purpose of determining his or her benefits under the Employment Security Law; and wages for insured work, on the basis of which an individual may become entitled to benefits under the Employment Security Law, shall be deemed to be wages on the basis of which unemployment insurance is payable under such law of another state or of the federal government. No such arrangement shall be entered into unless it contains provisions for reimbursement to the fund for such of the benefits paid under the Employment Security Law upon the basis of such wages and provision for reimbursement from the fund for such benefits paid under such other law upon the basis of wages for insured work,

as the commissioner finds will be fair and reasonable to all affected interests. Reimbursement paid from the fund pursuant to this section shall be deemed to be benefits for the purposes of the Employment Security Law.

(2) Notwithstanding any other provisions of this section, the commissioner shall participate in any arrangements for the payment of benefits on the basis of combining an individual's wages and employment covered under the Employment Security Law with his or her wages and employment covered under the unemployment compensation laws of other states which are approved by the United States Secretary of Labor in consultation with the state unemployment compensation agencies as reasonably calculated to assure the prompt and full payment of benefits in such situations and which include provisions for (a) applying the base period of a single state law to a claim involving the combining of an individual's wages and employment covered under two or more state unemployment compensation laws, and (b) avoiding the duplicate use of wages and employment by reason of such combining. However, no benefits paid pursuant to an agreement to combine wages entered into under this subsection shall be charged against any employer's experience account if the employer's experience account, under the same or similar circumstances, would not be charged under the Employment Security Law. Benefits received by a claimant pursuant to an agreement entered into under this subsection to which he or she is not entitled shall be credited to an employer's experience account or reimbursement account in the same manner as claims paid based solely upon the laws of this state.

Sec. 8. Section 48-668.02, Reissue Revised Statutes of Nebraska, is amended to read:

48-668.02 Reimbursements paid from the fund pursuant to ~~subsections (3) and (4)~~ subdivisions (1)(c) and (1)(d) of section 48-668 shall be deemed to be benefits for the purposes of the Employment Security Law. The commissioner is authorized to make to other state or federal agencies and to receive from such other state or federal agencies reimbursements from or to the fund in accordance with arrangements entered into pursuant to section 48-668.

Sec. 10. Since an emergency exists, this act takes effect when passed and approved according to law.

2. On page 2, line 16, after "the" insert "Nebraska" and after "Court" insert "which may use such information".

3. On page 15, line 9, strike "and" and show as stricken; and in line 13 after "ratio" insert "; and

(iii) No employer with a positive experience account balance shall be assigned to category 20".

4. On page 22, line 1, after "Original" insert "sections 48-668 and 48-668.02, Reissue Revised Statutes of Nebraska,"; and in line 4 strike "and 48-649" and insert ", 48-649, and 48-652".

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, Louden, Wallman. Nay: 0. Absent: 0. Present and not voting: 1 Senator Dubas.

(Signed) LeRoy Louden, Chairperson

AMENDMENT - Print in Journal

Senator Schimek filed the following amendment to LB823:
AM1786

(Amendments to E & R amendments, ER8154)

1. Insert the following new sections:

Sec. 12. Section 86-552, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-552 For purposes of the Intergovernmental Data Services Program Act, the definitions found in sections ~~86-553~~ 86-554 to 86-561 apply.

Sec. 13. Section 86-562, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-562 The purpose of the system is to allow for the efficient operation of state government and its political subdivisions. In managing and allocating resources on the system, the ~~administrator~~ officer shall assign first priority to providing capacity for statewide applications that are essential to carrying out the duties of state agencies in an efficient and effective manner. The system may also serve local data processing needs of political subdivisions, provide citizens with a point of access to governmental services and information, and serve other state and local needs, subject to available resources.

Sec. 14. Section 86-563, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-563 In establishing and maintaining the system:

(1) The division:

(a) Shall provide the computer network and services for the system with assistance from the division of communications of the office;

(b) Shall, within available resources, assist ~~the Intergovernmental Data Communications Advisory Council, the Geographic Information System Steering Committee, and other~~ local, state, and federal collaborative efforts to encourage coordination of information systems and data sharing;

(c) Shall coordinate its activities and responsibilities with the functions of the division of communications to minimize overlap and duplication of technical services between the divisions in supporting the system, its applications, and application development; and

(d) May undertake and coordinate planning studies to determine the feasibility, benefits, costs, requirements, and options for the intergovernmental transfer of data;

(2) The ~~administrator:~~ officer:

(a) Shall approve and coordinate the design, development, installation, training, and maintenance of applications by state agencies for use on the system. Any agency proposing to add an application to the system shall submit an evaluation to the ~~administrator~~ officer that examines the cost-effectiveness, technical feasibility, and potential use of the proposed application; that identifies the total costs of the application, including design, development, testing, installation, operation, and any changes to the computer network that are necessary for its operation; and that provides a schedule that shows the estimated completion dates for design, development, testing, installation, training, and full operational status. The ~~administrator~~ officer shall not approve an application by a state agency for use on the system unless his or her review shows that the application is cost effective and technically feasible, that funding is available, and that the proposed schedule is reasonable and feasible;

(b) Shall approve changes in the design of applications by state agencies for use on the system. The ~~administrator~~ officer may require such information from the agency as necessary to determine that the proposed change in design is cost effective and technically feasible, that funding is available, and that the proposed schedule for implementation is reasonable and feasible;

(c) May~~, with the approval of the officer,~~ contract with other governmental entities or private vendors in carrying out the duties relating to the intergovernmental data services program;

(d) Shall~~, in cooperation with the division of communications,~~ establish a rate schedule that reflects the rates adopted by the division of communications and the information management services division, plus any additional costs of the system. Such fees may reflect a base cost for access to the system, costs for actual usage of the system, costs for special equipment

or services, or a combination of these factors. The ~~administrator~~ officer may charge for the costs of changes to the system that are requested by or are necessary to accommodate a request by a user. All fees shall be set to recover all costs of operation;

(e) May~~, with the approval of the officer,~~ enter into agreements with other state and local governments, the federal government, or private-sector entities for the purpose of sale, lease, or licensing for third-party resale of applications and system design. Proceeds from such agreements shall be deposited to the Data Systems Cash Fund;

(f) Shall determine whether a local application shall be a component of the system. No local application shall be resident or operational in any component of the system without explicit authorization of the ~~administrator;~~ officer; and

(g) Shall approve or disapprove the attachment of any peripheral device to the system and may prescribe standards and specifications that such devices must meet; ~~and~~

~~(h) Shall provide assistance as requested by the Nebraska Information Technology Commission to support the technical panel created in section 86-521;~~

(3) The officer ~~and administrator~~ shall be responsible for the proper operation of the system, applications, and peripheral devices purchased or developed by the expenditure of state funds. The ownership of such system, applications, and peripheral devices shall be vested with the state; and

(4) All communications and telecommunications services for the intergovernmental data services program and the system shall be secured from the division of communications.

Sec. 15. Section 86-564, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-564 (1) The ~~administrator~~ officer shall submit as part of the biennial budget request of the office a listing of all applications submitted for consideration, cost estimates for development, testing, and full operation of each application, a recommended priority listing of the applications for which an evaluation is completed, and funding recommendations by application contained within the budget request for the division. All application estimates and requests shall be scheduled over ensuing fiscal years such that annual projected costs and completion of application phases to the point of fully operational status can be clearly determined. Local applications shall not be subject to the provisions of this subsection.

(2) All development costs for approved new applications shall be budgeted and appropriated to the division or to participating state agencies at the discretion of the Legislature. Agencies may independently request appropriations for such application development, however such requests shall be subject to the review and prioritization set forth in subdivision (2)(a) of section 86-563, and at such time as the application becomes

an authorized application and funded by the Legislature, the cost of such development shall be appropriated to the division or to participating state agencies. To the extent possible, if office cash or revolving funds or federal funds may be used for application development, such funds may be transferred to the division and expended for application development in order to properly account for all costs associated with application development.

Sec. 16. Section 86-565, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-565 The ~~administrator~~ officer may adopt and promulgate rules, regulations, guidelines, and procedures to carry out sections 86-563 and 86-564.

Sec. 17. Section 86-569, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-569 (1) The Legislature finds that ~~the~~ Geographic Information ~~System is~~ Systems are a computer-based technology that captures, stores, analyzes, and displays information about the earth's surface from ~~a~~ geographically referenced ~~system,~~ systems, that an interest in the ~~system~~ systems is rapidly increasing at all levels of government, and that an institutional mechanism is needed to encourage initiatives, coordinate efforts, avoid duplication, seek efficiencies, develop guidelines, policies, and standards for operations and management, promote education and training, and make recommendations so that such technology will benefit the entire state and endure as an analysis tool for decisionmakers.

~~(2) The Intergovernmental Data Communications Advisory Council has found that there are many levels of experience, expertise, and hardware and software sophistication among the various levels of government and that guidelines, policies, coordination, and standards are required to realize the maximum benefits of this technology, avoid data quality problems, and resolve conflicts at a reasonable cost for the state.~~

~~(3)~~ (2) It is the intent of the Legislature that a Geographic Information ~~System Steering Committee~~ Systems Council be created with statewide responsibilities to take an active role in implementing ~~the~~ Geographic Information ~~System.~~ Systems. Such ~~committee~~ council would help facilitate acquisition of such technology at all levels of government and make recommendations to the Legislature for program initiatives and funding and the fostering of communication, training, and education.

(3) It is the intent of the Legislature that the Geographic Information Systems Council serve as an advisory council to the Nebraska Information Technology Commission and assist the commission in its overall information technology planning and oversight and provide technical advice and recommendations related to the specialized needs of Geographic Information Systems.

Sec. 18. Section 86-570, Revised Statutes Supplement, 2007, is amended to read:

86-570 (1) The Geographic Information ~~System Steering Committee~~ Systems Council is hereby created and shall consist of ~~nineteen members as follows:~~

(a) The Chief Information Officer or his or her designee and the director or designee of the Department of Environmental Quality, the Department of Health and Human Services, the Conservation and Survey Division of the University of Nebraska, the Department of Natural Resources, and the Governor's Policy Research Office;

(b) The Director-State Engineer or designee;

(c) The State Surveyor or designee;

(d) The Clerk of the Legislature or designee;

(e) The secretary of the Game and Parks Commission or designee;

(f) The Property Tax Administrator or designee;

(g) One representative of federal agencies appointed by the Governor;

(h) One representative of the natural resources districts nominated by the Nebraska Association of Resources Districts and appointed by the Governor;

(i) One representative of the public power districts appointed by the Governor;

(j) Two representatives of the counties nominated by the Nebraska Association of County Officials and appointed by the Governor;

(k) One representative of the municipalities nominated by the League of Nebraska Municipalities and appointed by the Governor; ~~and~~

(l) Two members at large appointed by the Governor; and~~.~~

(m) Such other members as nominated by the Nebraska Information Technology Commission and appointed by the Governor.

(2) The appointed members shall serve ~~for~~ terms ~~of four years, except that of the initial members appointed by the Governor, one of the representatives of the counties shall be appointed for one year and the other shall be appointed for three years, one of the members at large shall be appointed for one year and the other for three years, and the representative of the public power districts shall be appointed for two years. Their successors shall be appointed for four-year terms. Any vacancy on the committee shall be filled in the same manner as the original appointment, and the person selected to fill such vacancy shall have the same qualifications as the member whose vacancy is being filled.~~ as determined by the Nebraska Information Technology Commission.

(3) The members shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

Sec. 19. Section 86-571, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-571 (1) The Geographic Information ~~System Steering~~

~~Committee~~ Systems Council shall elect a chairperson from its members and such other officers as the ~~committee~~ council deems necessary.

(2) As the need arises, advisory committees may be established by the ~~committee~~ council from various levels of government, industry, or the general public to assist the ~~committee.~~ council. The members of advisory committees shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

(3) The ~~committee~~ council shall meet quarterly or upon the call of the chairperson.

Sec. 20. Section 86-572, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-572 The Geographic Information ~~System Steering Committee~~ Systems Council shall:

(1) Make recommendations to the Legislature and the Nebraska Information Technology Commission for program initiatives and funding;

(2) Establish guidelines and policies for statewide Geographic Information ~~System~~ Systems operations and management to include:

(a) The acquisition, development, maintenance, quality assurance such as ~~quality control~~ standards, access, ownership, cost recovery, and priorities of data bases;

(b) The compatibility, acquisition, and communications of hardware and software;

(c) The assessment of needs, identification of scope, setting of standards, and determination of an appropriate enforcement mechanism;

(d) The fostering of training programs and promoting education and information about ~~the~~ Geographic Information ~~System;~~ Systems; and

(e) The promoting of ~~the~~ Geographic Information ~~System~~ Systems development in the State of Nebraska and providing or coordinating additional support to address Geographic Information ~~System~~ Systems issues as such issues arise;

(3) Report to, assist, and advise the Chief Information Officer in setting information technology policy; and

(4) Provide assistance as requested by the ~~Nebraska Information Technology Commission to~~ commission and support the technical panel created in section 86-521.

Sec. 21. Section 86-573, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-573 ~~Annually, the chairperson of the Geographic Information System Steering Committee shall submit a written report, approved by the committee, to the Governor and the Clerk of the Legislature and shall send a copy of such report to the Intergovernmental Data Communications Advisory Council.~~

The Geographic Information Systems Council shall provide

a report of its activities to the Nebraska Information Technology Commission for inclusion in the biannual progress report submitted to the Governor and the Legislature by the commission pursuant to section 86-518.

Sec. 23. The following sections are outright repealed: 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.

2. On page 3, line 2, after the comma insert "intergovernmental data communications,".

3. Renumber the remaining section and correct the 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. On page 6, line 23, after "department" insert ". The 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

printed on recycled paper

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

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

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 Louden 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 "<u>or</u>
2 <u>custody</u>".

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 "<u>FY2007-08</u>" and
4 insert "<u>FY2008-09</u>"; in lines 3 and 8 strike "<u>FY2008-09</u>" and insert
5 "<u>FY2009-10</u>"; and in line 5 strike "<u>First Session, 2007</u>" and insert
6 "<u>Second Session, 2008</u>".

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. On page 3, lines 4 and 12, strike "2007-08" and insert "2008-09"; in line 13 strike "2008-09" and insert "2009-10"; and in line 14 strike "2009-10" and insert "2010-11".

LEGISLATIVE BILL 609A. Placed on Select File with amendment.
ER8160
1. On page 1, line 3, strike "First Session, 2007" and insert "Second Session, 2008".
2. On page 2, line 2, strike "FY2007-08" and insert "FY2008-09"; in line 3 strike "FY2008-09" and insert "FY2009-10"; and in line 5 strike "First Session, 2007" and insert "Second 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. Strike sections 16, 17, and 22 and insert the following new sections:
Sec. 20. This act becomes operative twelve months after its effective date.
Sec. 23. Since an emergency exists, this act takes effect when passed and approved according to law.
2. On page 3, line 1, strike "21" and insert "19"; and in line 8 after "law" insert ", ordinance, or resolution".

3. On page 5, strike beginning with the second "retail" in line 6 through line 8 and insert "store that sells only tobacco and products directly related to tobacco. Products directly related to tobacco do not include alcohol, coffee, soft drinks, candy, groceries, or gasoline."; and strike beginning with "sections" in line 9 through "17" in line 10 and insert "section 15".

4. On page 8, strike beginning with "or" in line 12 through "department" in line 13.

5. Renumber the remaining sections accordingly.

6. On page 1, line 3, strike "operative dates" and insert "an operative date".

7. Strike beginning with page 1, line 8, through page 2, line 2, and page 10, lines 3 through 8 and insert "and sections 71-5707, 71-5710, 71-5711, and 71-5713, Revised Statutes 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. On page 1, strike beginning with "twelve" in line 3 through line 4 and insert "April 1, 2009."; and strike lines 5 and 6.

Senator Carlson filed the following amendment to LB1094:
AM1808

1. Strike the original sections and insert the following new sections:

Section 1. The Legislature finds that water right holders who agreed to lease and forgo water use during the 2007 irrigation season to assist in the management, protection, and conservation of the water resources of river basins, but remain unpaid due to litigation challenging Laws 2007, LB 701, must be paid. It is the intent of the Legislature to provide payment to such water right holders through the financial assistance provided in section 2 of this act. The Legislature further finds the financial assistance provided by the state under such section shall be repaid through the authority granted under Laws 2007, LB 701, or such other means as provided by the Legislature once the litigation is resolved.

Sec. 2. (1) The Water Contingency Cash Fund is created. The Department of Natural Resources shall administer the fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) No later than ten days after the effective date of this act, the department shall expend from the Water Contingency Cash Fund an amount necessary to provide financial assistance to natural resources districts with jurisdiction that includes a river subject to an interstate compact among three or more states

and that also includes one or more irrigation districts within the compact river basin who, using authority provided by the Legislature, entered into agreements to acquire water rights in the 2007 irrigation season. The natural resources districts shall use the financial assistance provided by the state to compensate water right holders who agreed to lease and forgo the use of water in the 2007 irrigation season. Any financial assistance provided under this section not used for such purpose by the natural resources district within sixty days after it is received by such district shall be returned to the department for credit in the Water Contingency Cash Fund.

Sec. 3. Section 84-612, Revised Statutes Supplement, 2007, is amended to read:

84-612 (1) There is hereby created within the state treasury a fund known as the Cash Reserve Fund which shall be under the direction of the State Treasurer. The fund shall only be used pursuant to this section.

(2) The State Treasurer shall transfer funds from the Cash Reserve Fund to the General Fund upon certification by the Director of Administrative Services that the current cash balance in the General Fund is inadequate to meet current obligations. Such certification shall include the dollar amount to be transferred. Any transfers made pursuant to this subsection shall be reversed upon notification by the Director of Administrative Services that sufficient funds are available.

(3) The State Treasurer, at the direction of the budget administrator of the budget division of the Department of Administrative Services, shall transfer such amounts not to exceed seven million seven hundred fifty-three thousand two hundred sixty-three dollars in total from the Cash Reserve Fund to the Nebraska Capital Construction Fund between July 1, 2003, and June 30, 2007.

(4) The State Treasurer, at the direction of the budget administrator, shall transfer an amount equal to the total amount transferred pursuant to subsection (3) of this section from the General Fund to the Cash Reserve Fund on or before June 30, 2008.

(5) In addition to receiving transfers from other funds, the Cash Reserve Fund shall receive federal funds received by the State of Nebraska for undesignated general government purposes, federal revenue sharing, or general fiscal relief of the state.

(6) On June 15, 2007, the State Treasurer shall transfer fifteen million six hundred seventy-four thousand one hundred seven dollars from the Cash Reserve Fund to the General Fund.

(7) On June 16, 2008, the State Treasurer shall transfer seventeen million nine hundred thirty-one thousand thirty dollars from the Cash Reserve Fund to the General Fund.

(8) On June 15, 2009, the State Treasurer shall transfer four million nine hundred ninety thousand five hundred five dollars from the Cash Reserve Fund to the General Fund.

(9) On or before June 16, 2008, the State Treasurer, at the direction of the budget administrator, shall transfer fifty million dollars from the Cash Reserve Fund to the General Fund.

(10) On or before June 16, 2009, the State Treasurer, at the direction of the budget administrator, shall transfer fifty million dollars from the Cash Reserve Fund to the General Fund.

(11) From the effective date of an endowment agreement as defined in subdivision (3)(c) of section 79-1101 until June 30, 2007, forty million dollars of the Cash Reserve Fund shall be deemed to constitute the Early Childhood Education Endowment Fund. Such funds shall remain part of the Cash Reserve Fund for all purposes, except that the interest earned on such forty million dollars shall accrue as provided in section 84-613.

(12) The State Treasurer, at the direction of the budget administrator, shall transfer such amounts, as certified by the Director of Administrative Services, for employee health insurance claims and expenses, not to exceed twelve million dollars in total from the Cash Reserve Fund to the State Employees Insurance Fund between May 1, 2007, and June 30, 2011.

(13) On July 9, 2007, the State Treasurer shall transfer twelve million dollars from the Cash Reserve Fund to the Nebraska Capital Construction Fund.

(14) On July 9, 2007, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the Job Training Cash Fund. The State Treasurer shall transfer from the Job Training Cash Fund to the Cash Reserve Fund such amounts as directed in section 81-1201.21.

(15) On July 7, 2008, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the Job Training Cash Fund. The State Treasurer shall transfer from the Job Training Cash Fund to the Cash Reserve Fund such amounts as directed in section 81-1201.21.

(16) On or before August 1, 2007, the State Treasurer, at the direction of the budget administrator, shall transfer seventy-five million dollars from the Cash Reserve Fund to the Nebraska Capital Construction Fund.

(17) On or before June 30, 2009, the State Treasurer shall transfer nine million five hundred ninety thousand dollars from the Cash Reserve Fund to the Nebraska Capital Construction Fund.

(18) The State Treasurer, at the direction of the budget administrator, shall transfer an amount equal to the total amount transferred pursuant to subsection (12) of this section from the appropriate health insurance accounts of the State Employees Insurance Fund in such amounts as certified by the Director of Administrative Services to the Cash Reserve Fund on or before June 30, 2011.

(19) On July 9, 2007, the State Treasurer shall transfer one million dollars from the Cash Reserve Fund to the

Microenterprise Development Cash Fund.

(20) On July 9, 2007, the State Treasurer shall transfer two hundred fifty thousand dollars from the Cash Reserve Fund to the Building Entrepreneurial Communities Cash Fund.

(21) On July 7, 2008, the State Treasurer shall transfer one million dollars from the Cash Reserve Fund to the Microenterprise Development Cash Fund.

(22) On July 7, 2008, the State Treasurer shall transfer two hundred fifty thousand dollars from the Cash Reserve Fund to the Building Entrepreneurial Communities Cash Fund.

(23) Within seven days after the effective date of this act, the State Treasurer shall transfer nine million dollars from the Cash Reserve Fund to the Water Contingency Cash Fund.

Sec. 4. Original section 84-612, Revised Statutes 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

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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

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:

LB/LR	**Committee**
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 Louden, 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. On page 1, strike beginning with "sections" in line 1 through line 4 and insert "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.".

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

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. On page 4, after line 12, insert the following new subsection:

"(5) For purposes of this section, the best interests of the child, the child's siblings, or other children in the household does not allow the disclosure of information that would impede a pending or current criminal investigation by a law enforcement agency."; and in line 13 strike "(5)" and insert "(6)".

Senator Pirsch filed the following amendment to LB624:
AM1842

1. Strike original section 1 and insert the following new section:

Section 1. Section 28-905, Revised Statutes Cumulative Supplement, 2006, is amended to read:

28-905 (1) Any person who operates any motor vehicle to flee in such vehicle in an effort to avoid arrest or citation ~~for the violation of any law of the State of Nebraska constituting a misdemeanor, infraction, traffic infraction, or any city or village ordinance, except nonmoving traffic violations,~~ commits the offense of ~~misdemeanor~~ operation of a motor vehicle to avoid arrest.

~~(2) Any person who operates any motor vehicle to flee in such vehicle in an effort to avoid arrest for the violation of any law of the State of Nebraska constituting a felony commits the offense of felony operation of a motor vehicle to avoid arrest.~~

~~(3) Operating a motor vehicle to avoid arrest under subsection (1) of this section is a Class I misdemeanor. The court shall, as part of the judgment of conviction, order such person not to operate any motor vehicle for any purpose for a period of two years and shall order that the operator's license of such person be revoked for a like period.~~

~~(4) Operating a motor vehicle to avoid arrest under subsection (2) of this section is a Class IV felony. The court shall, as part of the judgment of conviction, order such person not to operate any motor vehicle for any purpose for a period of two years and shall order that the operator's license of such person be revoked for a like period.~~

(2)(a) Except as otherwise provided in subsection (3) of this section, any person who violates subsection (1) of this section shall be guilty of a Class I misdemeanor.

(b) The court may, as part of the judgment of conviction under subdivision (a) of this subsection, order that the operator's license of such person be revoked or impounded for a period of not more than one year and order the person not to drive any motor vehicle for any purpose in the State of Nebraska for a like period. The revocation or impoundment shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked.

(3)(a) Any person who violates subsection (1) of this section shall be guilty of a Class IV felony if, in addition to the violation of subsection (1) of this section, one or more of the following also applies:

(i) The person committing the offense has previously been convicted under this section;

(ii) The flight to avoid arrest results directly and proximately in the death of or injury to any person if such death or injury is caused directly and proximately by the vehicle being driven by the person fleeing to avoid arrest; or

(iii) The flight to avoid arrest includes the willful reckless operation of the motor vehicle.

(b) The court shall, as part of the judgment of conviction under subdivision (a) of this subsection, order that the operator's license of such person be revoked or impounded for a period of two years and order the person not to drive any motor vehicle for any purpose in the State of Nebraska for a like period. The revocation or impoundment shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked.

~~(5)(a)~~ (4)(a) Any person who operates a vessel as defined in section 37-1203 to flee in such vessel in an effort to avoid arrest or citation for the violation of any statute punishable as a misdemeanor or any city or village ordinance shall be guilty of misdemeanor operation of a vessel to avoid arrest.

(b) Any person violating subdivision (a) of this subsection shall be guilty of a Class I misdemeanor. Upon conviction thereof the court shall, as part of the judgment of conviction, order such person not to operate any vessel for any purpose for a period of one year.

~~(6)(a)~~ (5)(a) Any person who operates a vessel as defined in section 37-1203 to flee in such vessel in an effort to avoid arrest for the violation of any statute punishable as a felony shall be guilty of felony operation of a vessel to avoid arrest.

(b) Any person violating subdivision (a) of this subsection shall be guilty of a Class IV felony. Upon conviction thereof the court shall, as part of the judgment of conviction, order such person not to operate any vessel for any purpose for a period of two years.

~~(7)~~ (6) An order of the court under subsection (4) or (5) of this section prohibiting operation of a ~~vehicle or~~ vessel ~~and revoking the operator's license~~ shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked.~~, whichever is later.~~

Sec. 2. Original section 28-905, Revised Statutes Cumulative Supplement, 2006, is repealed.

Senator Johnson filed the following amendment to LB395A:
AM1870

(Amendments to Final Reading copy)

1. Strike section 1 and insert the following new section:

Section 1. There is hereby appropriated (1) $25,000 from the Tobacco Prevention and Control Cash Fund for FY2008-09 and

(2) $25,000 from the Tobacco Prevention and Control Cash Fund for FY2009-10 to the Department of Health and Human Services, for Program 179, to aid in carrying out the provisions of Legislative Bill 395, One Hundredth Legislature, Second Session, 2008.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

2. On page 1, line 3, strike "First Session, 2007" and 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 Louden, the Legislature adjourned until 9:00 a.m., Wednesday, February 13, 2008.

Patrick J. O'Donnell
Clerk of the Legislature

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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. On page 1, lines 4 and 5, strike "section 77-2717" and insert "sections 77-2717 and 77-5803"; and in line 6 after "tax" insert ", tax credits,".

LEGISLATIVE BILL 750. Placed on Select File.

LEGISLATIVE BILL 752. Placed on Select File with amendment.
ER8162
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. On page 12, line 7, strike "one year" and insert "two years".

(Signed) Abbie Cornett, Chairperson

General Affairs

LEGISLATIVE BILL 723. Placed on General File with amendment.
AM1668

1. On page 5, line 1; and page 8, line 6, after "Code" insert "and have met the continuing education requirement of subsection (1) of section 81-2117.01".

LEGISLATIVE BILL 1058. Placed on General File with amendment.
AM1866

1. Strike the original sections and insert the following new sections:

Section 1. Section 71-816, Revised Statutes Cumulative Supplement, 2006, is amended to read:

71-816 (1) The Legislature finds that the main sources of funding for the Compulsive Gamblers Assistance Fund are the Charitable Gaming Operations Fund as provided in section 9-1,101 and the State Lottery Operation Trust Fund as provided in section 9-812 and Article III, section 24, of the Constitution of Nebraska. It is the intent of the Legislature that the Compulsive Gamblers Assistance Fund be used primarily for counseling and treatment services for problem gamblers and their families who are residents of Nebraska.

~~(1)~~ (2) The State ~~Advisory~~ Committee on Problem Gambling and Addiction Services is created. Members of the committee shall have a demonstrated interest and commitment and specialized knowledge, experience, or expertise relating to the provision of problem gambling and addiction services in the State of Nebraska. The committee shall consist of twelve members appointed by the Governor and shall include at least three consumers of problem gambling or addiction services. The committee shall appoint one of its members as chairperson of the committee and other officers as it deems appropriate. The committee shall conduct regular meetings

and shall meet upon the call of the chairperson or a majority of its members to conduct its official business.

(3) The committee shall develop and recommend to the division guidelines and standards for the distribution and disbursement of money in the Compulsive Gamblers Assistance Fund. Such guidelines and standards shall be based on nationally recognized standards for compulsive gamblers assistance programs.

(4) In addition, the committee shall develop recommendations regarding (a) the evaluation and approval process for provider applications and contracts for treatment funding from the Compulsive Gamblers Assistance Fund, (b) the use and expenditure of funds for education regarding problem gambling and prevention of problem gambling, and (c) the creation and implementation of outreach and educational programs regarding problem gambling for Nebraska residents. The committee may engage in other activities it finds necessary to carry out its duties under this section.

(5) Based on the recommendations of the committee, the division shall adopt guidelines and standards for the distribution and disbursement of money in the fund and for administration of problem gambling and addiction services in Nebraska.

(6) The division and the committee shall jointly submit a report within sixty days after the end of each fiscal year to the Legislature and the Governor that provides details of the administration of services and distribution of funds.

~~(2) The committee shall be responsible to the division and shall (a) conduct regular meetings, (b) provide advice and assistance to the division relating to the provision of problem gambling and addiction services in the State of Nebraska, (c) evaluate applications for funding from the Compulsive Gamblers Assistance Fund and make recommendations relating to disbursements from the fund, (d) promote the interests of consumers and their families, (e) provide reports as requested by the division, and (f) engage in such other activities as directed or authorized by the division.~~

Sec. 2. Section 71-817, Revised Statutes Cumulative Supplement, 2006, is amended to read:

71-817 The Compulsive Gamblers Assistance Fund is created. The fund shall include revenue transferred from the State Lottery Operation Trust Fund under section 9-812 and the Charitable Gaming Operations Fund under section 9-1,101 and any other revenue received by the division for credit to the fund from any other public or private source, including, but not limited to, appropriations, grants, donations, gifts, devises, bequests, fees, or reimbursements. The division shall administer the fund for the treatment of problem gamblers as recommended by the State ~~Advisory~~ Committee on Problem Gambling and Addiction Services established under section 71-816 and shall spend no more than ten percent of the money appropriated to the fund for administrative

costs. The Director of Administrative Services shall draw warrants upon the Compulsive Gamblers Assistance Fund upon the presentation of proper vouchers by the division. Money from the Compulsive Gamblers Assistance Fund shall be used exclusively for the purpose of providing assistance to agencies, groups, organizations, and individuals that provide education, assistance, and counseling to individuals and families experiencing difficulty as a result of problem gambling, to promote the awareness of gamblers assistance programs, and to pay the costs and expenses of the division and the committee with regard to problem gambling. The division shall not provide any direct services to problem gamblers or their families. Funds appropriated from the Compulsive Gamblers Assistance Fund shall not be granted or loaned to or administered by any regional behavioral health authority unless the authority is a direct provider of a problem gamblers assistance program. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 3. Original sections 71-816 and 71-817, Revised Statutes Cumulative Supplement, 2006, are repealed.

Sec. 4. Since an emergency exists, this act takes effect 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. Insert the following section:

Section 1. Section 24-721, Revised Statutes Cumulative Supplement, 2006, is amended to read:

24-721 Any citizen of the State of Nebraska shall have the right at all times to complain to the Commission on Judicial Qualifications with reference to the acts, activities, or qualifications of any Justice or judge of the Supreme Court or judge of any of the courts of the State of Nebraska or to request that the commission consider the qualifications of any

Justice or judge of the Supreme Court or judge of any of the courts of the State of Nebraska. Upon receipt of any such complaint or request, the commission shall make such investigation as it determines to be necessary. The commission shall have the right to subpoena witnesses; to hold hearings; to require the Justice or judge to submit to physical or mental examination by medical experts; to appoint special masters to conduct hearings; to make independent investigations, either by members of the commission or by special investigators employed by the commission; to hold confidential prehearing proceedings with the person or persons filing the complaint or request, or with his or her or their agents or attorneys; and to hold confidential prehearing proceedings with the judge or Justice involved in the complaint or request. If the commission finds probable cause for the existence of any of the grounds for disciplinary action or retirement specified in section 24-722, it shall reprimand the Justice or judge or order a formal open hearing to be held before it concerning the reprimand, discipline, censure, suspension, removal, or retirement of such Justice or judge. ~~Any reprimand shall be public and shall be announced in a fashion similar to that of a published opinion of the Supreme Court.~~ A judge who receives official notice of a complaint or request pursuant to this section shall not be allowed to retire pursuant to the Judges Retirement Act until the matter is resolved by the commission or the Supreme Court, if the commission recommends action by the court. If a hearing is ordered, the commission shall advise the judge or Justice involved, in writing, of the specific charges which have been made and supported, substantiated, or revealed by the independent investigation of the commission. The judge or Justice shall be given reasonable time in which to formally answer such charges in writing and the matter shall then be set for formal open hearing, at which time the commission shall cause the testimony and the documentary evidence relating to the charges to be produced and recorded in such manner as the commission shall determine to be advisable, giving the judge or Justice involved and his or her attorney a full opportunity to question and cross-examine the witnesses and evidence so produced. The judge or Justice shall have an opportunity to produce at such hearing, testimony, evidence, and documents relating to the charges involved; thereafter any rebuttal evidence may be produced. In the alternative or in addition, the commission may request the Supreme Court to appoint one or more special masters who shall be judges of courts of record to hold a formal open hearing to take evidence in any such matter, and to report to the commission. Whenever any person shall refuse to testify or to produce books, papers, or other evidence when required to do so in any hearing held before the Commission on Judicial Qualifications or before a special master or masters appointed under the provisions of this section for the reason that the testimony or evidence required of him or her may tend to incriminate him or her or subject him or her

to a forfeiture or penalty, he or she may nevertheless be compelled to testify or produce such evidence by order of the Commission on Judicial Qualifications or special master or masters on motion of counsel to the commission. No person who testifies or produces evidence in obedience to the command of the commission or special master or masters in such case shall be liable to any forfeiture or penalty for or on account of any transaction, matter, or thing concerning or arising from that as to which he or she may so testify or produce evidence, nor shall such testimony or evidence be used directly or indirectly in any proceedings against him or her, except that no person shall be exempt from prosecution and punishment for perjury or contempt committed in so testifying. The requirement to testify or produce evidence shall not apply when such person proves the real and substantial danger of a prosecution against him or her in another jurisdiction based on the admissions to be made by him or her in this state. The commission or special master or masters shall have power to punish for contempt for any action specified in section 25-2121. If, after formal open hearing, or after considering the record and report of the masters, the commission finds that the charges are established by clear and convincing evidence, it shall recommend to the Supreme Court that the Justice or judge of the Supreme Court or other judge involved shall be reprimanded, disciplined, censured, suspended without pay for a definite period of time not to exceed six months, removed, or retired as the case may be. All hearings before the commission and all proceedings before masters and before the Supreme Court shall be conducted in accordance with rules promulgated or to be promulgated by the Supreme Court.

2. On page 7, line 5, strike "section" and insert "sections 24-721 and".

3. Renumber the remaining sections and correct internal 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

printed on recycled paper

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, Louden, 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, Louden, Wallman. Nay: 0. Absent: 0.

(Signed) LeRoy Louden, 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. On page 5, line 25, strike "and".
2. On page 6, line 1, strike the underscored period and insert "; and
(4) Licensed racetrack enclosures located within twelve miles of a teleracing facility outside of this state which conducts interstate simulcasting if smoking is permitted at such teleracing 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

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

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. On page 1, strike beginning with "twelve" in line 3 through line 4 and insert "June 1, 2009."; and strike lines 5 and 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. Insert the following new sections:

Sec. 16. (1) On and after the operative date of this section, the governing body of any city, village, or county, or the voters of any city, village, or unincorporated area of any county as provided in subsection (2) of this section, may adopt a nonsmoking ordinance or resolution that is less stringent than or more stringent than the Nebraska Clean Indoor Air Act enacted by this legislative bill, except that such ordinance or resolution shall not be less stringent than sections 71-5707 to 71-5709 as such sections existed prior to the operative date of this section.

(2) A proposed nonsmoking ordinance or resolution or proposed repeal of an enacted ordinance or resolution may be placed on the ballot for the voters of the city, village, or unincorporated area of the county (a) by a majority vote of the governing body of such city, village, or county, (b) by initiative under sections 18-2501 to 18-2538, or (c) by petition meeting the requirements of and subject to sections 32-628 to 32-630 and signed by at least thirty-five percent of the registered voters residing in the unincorporated area of such county on the day such petitions are filed for verification. The election shall be conducted as provided in sections 32-556 to 32-559.

(3) Any ordinance or resolution adopted by the governing body of any city, village, or county under subsection (1) of this section without being submitted to the voters under subsection (2) of this section shall take effect ninety days after its adoption unless, within such ninety-day period, such governing body receives a petition signed by at least thirty-five percent of the registered voters residing in such city, village, or unincorporated area of such county on the date the ordinance or resolution was adopted requesting that such ordinance or resolution be repealed. Upon verification of the signatures on such petition, the ordinance or resolution shall be placed on the ballot.

(4) A copy of any ordinance or resolution adopted or repealed by a city, village, or county under this section shall be provided to the Department of Health and Human Services and to the local public health department as defined in section 71-1626 of such city, village, or county.

Sec. 19. Sections 16 and 19 of this act become operative on their effective date. The other sections of this act become operative on June 1, 2009.

2. On page 5, line 9, strike beginning with "sections" in line 9 through "17" in line 10 and all amendments thereto and insert "sections 15 and 16".

3. In AM1736, strike sections 20 and 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 Louden.

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, 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 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. Insert the following new sections:

Sec. 16. (1) On and after the operative date of this section, the governing body of any county, or the voters of any county, as provided in subsection (2) of this section, may adopt a nonsmoking resolution that is less stringent than or more stringent than the Nebraska Clean Indoor Air Act enacted by this legislative bill, except that such resolution shall not be less stringent than sections 71-5707 to 71-5709 as such sections existed prior to the operative date of this section.

(2) A proposed nonsmoking resolution or proposed repeal of an enacted nonsmoking resolution may be placed on the ballot for the voters of the county (a) by a majority vote of the governing body of such county, (b) by initiative under sections 18-2501 to 18-2538, or (c) by petition meeting the requirements of and subject to sections 32-628 to 32-630 and signed by at least thirty-five percent of the registered voters residing in such county on the day such petitions are filed for verification. The election shall be conducted as provided in sections 32-556 to 32-559.

(3) A resolution adopted by the governing body of any county under subsection (1) of this section without being

submitted to the voters under subsection (2) of this section shall take effect ninety days after its adoption unless, within such ninety-day period, such governing body receives a petition signed by at least thirty-five percent of the registered voters residing in such county on the date the resolution was adopted requesting that such resolution be repealed. Upon verification of the signatures on such petition, the resolution shall be placed on the ballot.

(4) A copy of a resolution adopted or repealed by a county under this section shall be provided to the Department of Health and Human Services and to the local public health department as defined in section 71-1626 of such county.

Sec. 19. Sections 16 and 19 of this act become operative on their effective date. The other sections of this act become operative on June 1, 2009.

2. On page 5, line 9, strike beginning with "sections" in line 9 through "17" in line 10 and all amendments thereto and insert "sections 15 and 16".

3. In AM1736, strike sections 20 and 23.

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

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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 Boeschen, 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. On page 4, line 4, after the period insert "The department shall remit any collected civil penalty to the State Treasurer for distribution in accordance with Article VII, section 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

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

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

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

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

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. Strike the original sections and insert the following new sections:

Section 1. The Legislature finds that matters relating to emergency medical first response and fire protection are matters of state concern, particularly in larger cities that rely primarily or entirely upon volunteers to provide these services. Recognizing the increasing complexity and difficulty of providing these services, the stringent and growing training demands made upon volunteers, the demographics of an aging population, the economic pressures that deny or inhibit employers from granting the opportunity for volunteers to respond to emergency calls during business hours, and the economic costs to residents and businesses of financing either a paid or partly-paid emergency response system, the Legislature hereby declares the necessity of establishing a system and process whereby certain cities of the first class would be required to review, study, and modify on a continuing basis their emergency response systems, with appropriate public input, based upon local conditions and circumstances.

Sec. 2. Not later than January 5, 2009, each city of the first class with a population in excess of thirty-five thousand inhabitants shall employ a full-time fire chief with appropriate training, credentials, and experience and for whom firefighting or emergency medical first response is a full-time career. The fire chief shall be appointed by the mayor with the approval of the city council. The fire chief shall have the immediate superintendence of the fire prevention, fire suppression, and emergency medical first response services and the facilities and equipment related to such services of the city.

Sec. 3. (1) In addition to such duties as may be performed by the fire chief, he or she shall keep and maintain full and complete records regarding the twelve-month period ending thirty days prior to the annual report of the chief to the city council as provided for in subsection (2) of this section. Such

records include, but are not limited to, the number of volunteers in active volunteer service providing emergency response services to the city including their ages, the amount and type of training received by each volunteer during the course of his or her time of service as an active volunteer, the number of new volunteers recruited during such period, the number of volunteers who ceased to be active volunteers during that period, the basic information regarding each volunteer specified in section 35-1309.01, the number and nature of calls or requests for emergency services, the response time for each call, to be calculated from the time of receipt of the dispatch to the time of arrival of the first fire or rescue emergency response vehicle at the site of the request, the number of volunteers responding to each call, and the time each call was received. The city council may specify any additional information to be gathered or collected by the fire chief or as the fire chief may recommend.

(2) The fire chief shall collate and analyze the information gathered pursuant to subsection (1) of this section and shall, no less than once in any twelve-month period, on a date specified by the city council, provide a report to the city council at a regular council meeting on the prior year's experience regarding the volunteer department and shall make such recommendations as he or she deems appropriate.

Sec. 4. Section 35-901, Reissue Revised Statutes of Nebraska, is amended to read:

35-901 (1) For purposes of this section, volunteer department shall mean volunteer fire department or volunteer first-aid, rescue, or emergency squad or volunteer fire company serving any city, village, county, township, or rural or suburban fire protection district.

(2) ~~Each~~ Except as provided in subsection (4) of this section, each volunteer department may establish a volunteer department trust fund. All general donations~~,~~ or contributions, bequests, or annuities made to the volunteer department and all money raised by or for the volunteer department shall be deposited in the trust fund. The trust fund shall be under the control of the volunteer department, and the volunteer department may make expenditures from the trust fund as it deems necessary. The treasurer of the volunteer department shall be the custodian of the trust fund.

(3) The trust fund shall not be considered public funds or funds of any city, village, county, township, or rural or suburban fire protection district for any purpose, including the Nebraska Budget Act, nor shall any city, village, county, township, or rural or suburban fire protection district incur any liability solely by reason of any expenditure from such fund except liability for property when any city, village, county, township, or rural or suburban fire protection district receives title to property acquired with money from such fund.

(4)(a) If the total amount of expenditures and receipts in the trust fund exceeds one hundred thousand dollars in any twelve-month period, the volunteer department shall inform any city, village, county, township, or rural or suburban fire protection district receiving service from the department and such entity may examine or cause to be examined all books, accounts, vouchers, records, and expenditures with regard to the trust fund.

(b) Funds, fees, charges, or donations collected or received by a volunteer department that are (i) in consequence of the performance of fire or rescue services by the volunteer department, (ii) accomplished through the use by the volunteer department of equipment owned by the taxing authority supporting such department and provided to the volunteer department for that purpose, and (iii) paid by or on behalf of the recipient of those services shall not be deposited in a trust fund authorized by this section. Such funds are public funds of the taxing authority supporting the volunteer department and are deemed to have been collected by the volunteer department as the agent of the taxing authority and are held by the department on its behalf. If such funds are in the possession of a volunteer department, the taxing authority shall cause all the books, accounts, records, vouchers, expenditures, and statements regarding such funds to be examined and independently audited by a qualified professional auditor or the Auditor of Public Accounts for the immediately preceding five years.

~~(4)~~ (5) Nothing in this section shall be construed or deemed to permit a violation of the Nebraska Liquor Control Act.

~~(5)~~ (6) All expenditures of public funds as defined in the Nebraska Budget Act for support of a volunteer department or its purposes shall be submitted as claims, approved by the taxing authority supporting such department or its purposes, and published as required by law. All such claims shall be properly itemized for proposed expenditure or reimbursement for costs already incurred and paid except as may be otherwise permitted pursuant to section 35-106.

~~(6)~~ (7) All money raised pursuant to the Nebraska Bingo Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, and the Nebraska Small Lottery and Raffle Act shall be subject to such acts with respect to the deposit and expenditure of such money.

(8) No volunteer department shall charge or collect any funds, fees, charges, or donations as described in subdivision (4)(b) of this section without the express authorization of the taxing authority supporting the department by vote of a majority of the members of the governing body of such taxing authority. Such authorization shall not extend beyond a twelve-month period but may be renewed at the discretion of the taxing authority in the same manner in which it was initially granted. Upon collection or receipt, such funds, fees, charges, or donations shall be remitted

to the designated officer of the taxing authority for deposit to the account of the taxing authority. The taxing authority may appropriate and expend some or all of such funds for the support of a service award benefit program adopted and conducted pursuant to the Volunteer Emergency Responders Recruitment and Retention Act.

Sec. 5. Original section 35-901, Reissue Revised Statutes 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. On page 14, strike lines 21 to 25 and insert the following:

"(3) A wireless carrier receiving funds from the Enhanced Wireless 911 Fund shall not directly assess any of the costs associated with the implementation or provision of enhanced wireless 911 service to any public safety answering point, county, 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. Strike section 1 and insert the following new section:

Section 1. There is hereby appropriated (1) $5,000 from the Tobacco Prevention and Control Cash Fund for FY2008-09 and (2) $25,000 from the Tobacco Prevention and Control Cash Fund for FY2009-10 to the Department of Health and Human Services, for Program 33, to aid in carrying out the provisions of Legislative Bill 395, One Hundredth Legislature, Second Session, 2008.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

2. On page 1, line 3, strike "First Session, 2007" and 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. Insert the following new sections:

Section 1. Section 85-2205, Revised Statutes Supplement, 2007, is amended to read:

85-2205 Base growth factor means

(1) For the calculation of aid for fiscal year 2008-09, the base limitation described in section 77-3446 minus one-half percent; and

(2) For the calculation of aid for fiscal year 2009-10 and each fiscal year thereafter, the base limitation described in section 77-3446 ~~minus~~ plus one-half percent.

Sec. 7. Section 85-2227, Revised Statutes Supplement, 2007, is amended to read:

85-2227 The maximum levy for each community college area shall be certified by the Department of Revenue annually and shall equal one hundred ~~fifteen~~ twenty percent of the local effort rate calculated pursuant to section 85-2224 plus amounts allowed pursuant to subsection (2) of section 85-1517.

2. On page 3, line 4, strike "years 2007-08 and", show as stricken, and insert "year"; strike beginning with "The" in line 12 through "calculation" in line 15 and insert "The average annual percentage growth shall be calculated by taking the difference between the three-year full-time equivalent enrollment average for the current funding year and the three-year full-time equivalent enrollment average for the prior funding year and dividing by the three-year full-time equivalent enrollment average from the prior funding year"; in line 18 strike "ninety-five" and insert "ninety-eight"; in line 19 after "or" insert "one plus the greater of zero or the average annual percentage growth in full-time equivalent enrollments attributable to each community college area times"; and in line 21 after the period insert "The average annual percentage growth shall be calculated by taking the difference between the three-year full-time equivalent enrollment average for the current funding year and the three-year full-time equivalent enrollment average for the prior funding year and dividing by the three-year full-time equivalent enrollment average from the prior funding year.".

3. On page 4, line 19, reinstate the stricken "per".

4. On page 5, line 14, strike "and" and show as stricken; and in line 17 after "areas" insert ";

(h) Funding year, for purposes of calculating average annual percentage growth, means the fiscal year for which aid is being calculated; and

(i) Three-year full-time equivalent enrollment average for any given funding year equals the sum of the audited full-time equivalent enrollment for the three years preceding the funding year divided by three".

5. Amend the repealer and renumber the remaining sections accordingly.

(Signed) Ron Raikes, Chairperson

Judiciary

LEGISLATIVE BILL 766. Placed on General File with amendment.
AM1865

1. Strike the original sections and insert the following new sections:

Section 1. For purposes of sections 1 to 9 of this act:

(1) Fixed location means any site occupied by a secondary metals recycler as the owner of a site or as a lessee of a site under a lease or other rental agreement providing for occupation of the site by the secondary metals recycler for a total duration of not less than one year;

(2) Regulated metals property means all nonferrous metal, except gold and silver, and metal beer kegs, including those kegs made of stainless steel;

(3) Secondary metals recycler means any person, firm, or corporation in this state that:

(a) Is engaged in the business of gathering or obtaining nonferrous metals and metal beer kegs, including those kegs made of stainless steel, that have served their original economic purpose; or

(b) Is in the business of or has facilities for performing the manufacturing process by which nonferrous metals or metal beer kegs, including those kegs made of stainless steel, are converted into raw material products consisting of prepared grades and having an existing or potential economic value by methods including, but not limited to, processing, sorting, cutting, classifying, cleaning, baling, wrapping, shredding, shearing, or changing the physical form or chemical content of the metals, but not including the exclusive use of hand tools.

Sec. 2. (1) A secondary metals recycler shall maintain a record, either as a hard copy or electronically, of all purchase transactions in which the secondary metals recycler purchases regulated metals property.

(2) The following information shall be maintained for transactions in which a secondary metals recycler purchases regulated metals property:

(a) The name and address of the secondary metals recycler;

(b) The name and signature of the individual entering the

information;
(c) The date and time of the transaction;
(d) The weight and grade of the regulated metals property purchased;
(e) The description made in accordance with the custom of the trade of the type of regulated metals property purchased;
(f) The amount of consideration given for the regulated metals property, if any;
(g) The name, signature, date of birth, and address of the vendor of the regulated metals property;
(h) The operator's license number, state identification card number, or federal government-issued identification card number of the person delivering the regulated metals property to the secondary metals recycler;
(i) A photocopy of the current operator's license, state-issued identification card, or federal government-issued identification card, of the person delivering the regulated metals property to the secondary metals recycler;
(j) A fingerprint from the person delivering the regulated metals property. The fingerprint shall be taken from the right index finger, but if the right index finger is missing, the fingerprint shall be taken from the left index finger; and
(k) A photograph or time-stamped video recording of the regulated metals property.
(3) The vendor of the regulated metals property shall receive at no charge a plain written or printed receipt of the recorded transaction containing a copy of the entries required by this section.
(4) A secondary metals recycler shall keep and maintain the information required under this section for not less than one year after the date of the purchase of the regulated metals property.
Sec. 3. During the usual and customary business hours of a secondary metals recycler, any peace officer shall have the right to inspect:
(1) Any and all purchased regulated metals property in the possession of the secondary metals recycler; and
(2) Any and all records required to be maintained under section 2 of this act.
Sec. 4. No secondary metals recycler shall purchase regulated metals property for cash consideration unless the purchase total is not more than twenty-five dollars. Purchases made with the same seller within a four-hour period shall be considered a single transaction. Payment shall be made payable only to the individual named on the identification presented pursuant to section 2 of this act.
Sec. 5. No secondary metals recycler shall purchase or receive regulated metals property:
(1) From any person who is under the age of majority; or

(2) From any person who does not possess a valid form of personal identification or current operator's license required under section 2 of this act at the time of the recorded transaction.

Sec. 6. No secondary metals recycler shall purchase or receive a metal beer keg, including those kegs made of stainless steel, if the serial number or other identifying insignia has been destroyed, removed, altered, covered, or defaced.

Sec. 7. Sections 1 to 9 of this act do not apply to:

(1) Purchases of regulated metals property from a manufacturing, industrial, or other commercial vendor that generates or sells regulated metals in the ordinary course of its business;

(2) The collection or purchase of regulated metals property in the form of beverage or food cans; or

(3) Recycling or neighborhood cleanup programs contracted or sponsored by the state or any political subdivision.

Sec. 8. Any person violating any of the provisions of sections 1 to 9 of this act is guilty of a Class II misdemeanor.

Sec. 9. Nothing in sections 1 to 9 of this act shall be construed to abrogate or affect the provisions of any lawful rule, regulation, resolution, ordinance, or statute which is more restrictive than sections 1 to 9 of this act.

LEGISLATIVE BILL 1055. Placed on General File with amendment.
AM1876

1. Insert the following new section:

Section 1. Section 54-607, Reissue Revised Statutes of Nebraska, is amended to read:

54-607 ~~Whoever, being the~~ The owner of any dog~~, shall permit the same to run~~ running at large for ten days~~,~~ without ~~such~~ a collar as ~~hereinbefore described being securely placed upon the neck of such dog,~~ required in section 54-605 shall be fined ~~in any sum not exceeding~~ an amount not to exceed twenty-five dollars.

2. On page 2, lines 3 through 5, reinstate the stricken matter; in line 5 strike "It"; and in lines 9 through 16 strike the new matter.

3. On page 3, line 5, after "and" insert "he, she, or it may".

4. On page 4, line 16, reinstate "may regulate" and "or" and strike "shall"; and in line 22 after the period insert "A county adopting regulations in accordance with this subsection shall provide for an appeal process with respect to such regulations.".

5. On page 6, line 6, strike "any", show as stricken, and insert "a"; in line 10 after "provocation" insert an underscored semicolon and strike "while" and show as stricken; and in line 11 strike the new matter.

6. On page 7, line 22, after the period insert "The

cost of both procedures is the responsibility of the owner of the dangerous dog.".

7. On page 11, line 19, strike "sections are" and insert "section is"; and in line 20 strike "Sections 54-607 and" and insert "Section".

8. Renumber the remaining sections and correct the 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. Insert the following section:

Sec. 20. The Nebraska Clean Indoor Air Act preempts any smoking ban ordinance, resolution, regulation, or legislation of a political subdivision, and any ordinance, resolution, or other regulation or legislation enacted by a political subdivision prior to the operative date of this act is null and void.

2. On page 2, line 1, strike "19" and insert "20".

3. Renumber the remaining sections accordingly.

Senator Erdman filed the following amendment to LB395:
AM1913

(Amendments to Second Final Reading copy)

1. Strike section 20 and insert the following new sections:

Sec. 20. (1) On and after the operative date of this section, the governing body of any county, or the voters of any county, as provided in subsection (2) of this section, may adopt a nonsmoking resolution that is less restrictive than the Nebraska Clean Indoor Air Act, except that such resolution shall not be less restrictive than sections 71-5707 to 71-5709 as such sections existed prior to the operative date of this section.

(2) A proposed nonsmoking resolution or proposed repeal of an enacted nonsmoking resolution may be placed on the ballot for the voters of the county (a) by a majority vote of the governing body of such county, (b) by initiative under sections 18-2501 to 18-2538, or (c) by petition meeting the requirements of and subject to sections 32-628 to 32-630 and signed by at least thirty-five percent of the registered voters residing in such county on the day such petitions are filed for verification. The election shall be conducted as provided in sections 32-556 to 32-559.

(3) A resolution adopted by the governing body of any county under subsection (1) of this section without being submitted to the voters under subsection (2) of this section shall take effect ninety days after its adoption unless, within

such ninety-day period, such governing body receives a petition signed by at least thirty-five percent of the registered voters residing in such county on the date the resolution was adopted requesting that such resolution be repealed. Upon verification of the signatures on such petition, the proposed repeal of the resolution shall be placed on the ballot for the voters of the county. The election shall be conducted as provided in sections 32-556 to 32-559.

(4) A copy of a resolution adopted or repealed by a county under this section shall be provided to the Department of Health and Human Services and to the local public health department as defined in section 71-1626 of such county.

Sec. 21. Sections 20 and 21 of this act become operative on their effective date. The other sections of this act become operative on June 1, 2009.

2. On page 2, line 1, strike "19" and insert "20".

3. On page 4, line 11, strike "section 15" and insert "sections 15 and 20".

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

printed on recycled paper

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. Insert the following new sections:

Sec. 20. Sections 5, 9, 15, and 21 of this act become operative on January 1, 2009. The other sections of this act become operative on their effective date.

Sec. 21. Original sections 66-4,105 and 66-6,107, Revised Statutes Cumulative Supplement, 2006, and section 66-489, Revised Statutes Supplement, 2007, are repealed.

2. On page 20, line 4; and page 23, line 2, strike "<u>At</u>"

and insert "Commencing January 1, 2009, at".

3. On page 27, line 15, before "sections" insert "and"; in line 16 strike "66-4,105,"; in line 17 strike "66-6,107,"; and strike beginning with "and" in line 18 through the last comma in line 19.

4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 912. Placed on General File with amendment.
AM1927

1. On page 3, line 3, strike "(5)", show as stricken, and insert "(5)(a)" and in line 9 after the semicolon insert "and

(b) Beginning with applications for financial assistance received on or after February 1, 2008, eligible facility does not include any publicly or privately owned sports arena facility with 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. On page 3, strike beginning with the second "of" in line 11 through "population" in line 13 and insert "and villages".

Senator Heidemann filed the following amendment to LB756:
AM1853

1. Insert the following new section:

Sec. 12. Section 60-6,310, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,310 No person shall operate a moped upon a highway unless such person has ~~(1)~~ a valid ~~Class O~~ operator's license. ~~or (2) a valid school or learner's permit.~~

2. On page 17, line 18, strike "15" and insert "16"; and in line 20 after "Original" insert "section 60-6,310, Reissue Revised Statutes of Nebraska, and".

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. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 81-12,126, Revised Statutes Supplement, 2007, is amended to read:

81-12,126 The purpose of the Building Entrepreneurial Communities Act is to support economically depressed rural areas of Nebraska in building entrepreneurial communities through grants that will create community capacity to build and sustain programs to generate and retain wealth in the community and region. Specifically, the act will:

(1) Provide education and technical assistance to energize small business development and entrepreneurship;

(2) Provide technical assistance to facilitate small business transfer;

(3) Build community business capacity and leadership programs;

(4) Generate opportunities that will attract and retain young people and families;

(5) Provide education about philanthropy and intergenerational transfer of wealth;

(6) Build community endowments to support these activities; ~~and~~

(7) Establish community initiatives to attract new residents; and~~.~~

(8) Provide marketing assistance to communities to attract new residents from outside of the State of Nebraska. Marketing assistance may include the creation of new web sites, the improvement of existing web sites, creation and distribution of printed or electronic marketing materials, and programs which promote the community to new residents.

Sec. 2. Original section 81-12,126, Revised Statutes 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. Insert the following new sections:

Sec. 5. Section 2-3234, Revised Statutes Cumulative Supplement, 2006, is amended to read:

2-3234 ~~Each~~ Except as provided in section 2 of this act, each district shall have the power and authority to exercise the power of eminent domain when necessary to carry out its authorized purposes within the limits of the district or outside its boundaries. Exercise of eminent domain shall be governed by the provisions of sections 76-704 to 76-724, except that whenever any district seeks to acquire the right to interfere with the use of any water being used for power purposes in accordance with sections 46-204, 70-668, 70-669, and 70-672 and is unable to agree with the user of such water upon the compensation to be paid for such interference, the procedure to condemn property shall be followed in the manner set forth in sections 76-704 to 76-724 and no other property shall be included in such condemnation. No district shall contract for delivery of water to persons within the corporate limits of any village, city, or metropolitan utilities district, nor in competition therewith outside such corporate limits, except by consent of and written agreement with the governing body of such political subdivision. A village, city, or metropolitan utilities district may negotiate and, if necessary, exercise the power of eminent domain for the acquisition of water supply facilities of the district which are within its boundaries.

Sec. 6. Section 2-3290.01, Revised Statutes Cumulative Supplement, 2006, is amended to read:

2-3290.01 (1) A district shall permit public use of those portions of a water project located on lands owned by the district and on land over which the district has a lease or an easement permitting use thereof for public recreational purposes. All recreational users of such portions of a water project shall abide by the applicable rules and regulations adopted and promulgated by the board.

(2) The district shall provide public access for recreational use at designated access points at any water project. Recreational users, whether public or private, shall abide by all applicable rules and regulations for use of the water project adopted and promulgated by the district or the political subdivision in which the water project is located. Public recreational users may only access the water project through such designated access points. Nothing in this subsection shall require public access when the portion of the project cost paid by the natural resources district with public funds does not exceed twenty percent of the total cost of the project.

(3) For purposes of this section water project means a project with cooperators or others, as authorized in section 2-3235, that results in construction of a reservoir or other body of water having a permanent pool suitable for recreational purposes

greater than one hundred fifty surface acres, the construction of which commenced after July 14, 2006. Water project shall not mean soil conservation projects, wetlands projects, projects described in section 2 of this act, or other district projects with cooperators or others that do not have a recreational purpose.

Sec. 8. Original sections 2-3234 and 2-3290.01, Revised Statutes Cumulative Supplement, 2006, are repealed.

2. On page 2, line 10, before "The" insert "(1)"; and in line 15 after the period insert: "No such project shall include a reservoir or water quality basin having a permanent pool greater than five hundred surface acres. Any project having a permanent pool greater than twenty surface acres shall provide for public access.

(2) A district shall not acquire real property for a project described in subsection (1) of this section by eminent domain proceedings pursuant to sections 76-704 to 76-724 if the real property is to be turned over to a nonpublic entity after such acquisition.".

3. Renumber the remaining section accordingly.

(Signed) LeRoy Louden, Chairperson

AMENDMENT - Print in Journal

Senator Stuthman filed the following amendment to LB766:
AM1966

(Amendments to Standing Committee amendments, AM1865)

1. On page 3, line 4, after the semicolon insert "and"; strike lines 5 through 8; and in line 9 strike "(k)" and insert "(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 Karthauser 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

printed on recycled paper

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, Louden, 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

Excused and not voting, 5:

Dierks	Dubas	Friend	Johnson	Langemeier

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. Strike the original sections and insert the following new sections:

Section 1. Section 46-283, Reissue Revised Statutes of Nebraska, is amended to read:

46-283 The Legislature hereby finds and declares that the practice of reusing ground water from irrigation water reuse pits on irrigated land contributes to the efficient use and conservation of the state's water resources and that such reuse may be more feasible when done from irrigation water reuse pits located within ephemeral natural streams.

Sec. 2. Section 46-286, Revised Statutes Cumulative Supplement, 2006, is amended to read:

46-286 ~~Headwater segment of a~~ An ephemeral natural stream shall mean that portion of a natural stream in which water flows only after a precipitation event or when augmented by surface water runoff caused by the pumping of ground water for

irrigation. The ~~that~~ portion of a natural stream that is shown as an intermittent stream on the most ~~recently published~~ recent United States Geological Survey topographic quadrangle map published prior to the effective date of this act shall be considered an ephemeral natural stream unless the Department of Natural Resources has investigated the stream and determined that the stream or a reach of the stream is perennial or intermittent and subject to Chapter 46, article 2. The department's determination for the purposes of this section shall be adopted and promulgated in rule or regulation.

Sec. 3. Section 46-287, Reissue Revised Statutes of Nebraska, is amended to read:

46-287 Notwithstanding any other provision of law, any person intending to or in the process of reusing ground water from an irrigation water reuse pit located within ~~a headwater segment of a~~ an ephemeral natural stream shall be exempt from the provisions of Chapter 46, article 2, which would otherwise apply to such pits, and from the provisions of section 46-637.

Sec. 4. Section 46-291, Revised Statutes Cumulative Supplement, 2006, is amended to read:

46-291 (1) Upon receipt of an application filed under section 46-290 for a transfer in the location of use of an appropriation, the Department of Natural Resources shall review it for compliance with this subsection. The Director of Natural Resources may approve the application without notice or hearing if he or she determines that: (a) The appropriation is used and will continue to be used exclusively for irrigation purposes; (b) the only lands involved in the proposed transfer are (i) lands within the quarter section of land to which the appropriation is appurtenant, (ii) lands within such quarter section of land and one or more quarter sections of land each of which is contiguous to the quarter section of land to which the appropriation is appurtenant, or (iii) lands within the boundaries or service area of and capable of service by the same irrigation district, reclamation district, public power and irrigation district, or mutual irrigation or canal company; (c) after the transfer, the total number of acres irrigated under the appropriation will be no greater than the number of acres that could legally be irrigated under the appropriation prior to the transfer; (d) all the land involved in the transfer is under the same ownership or is within the same irrigation district, reclamation district, public power and irrigation district, or mutual irrigation or canal company; (e) the transfer will not result in a change in the point of diversion or the point of diversion will be changed but the change meets the following requirements: (i) The new point of diversion is on the same named stream, the same tributary, or the same river or creek as the approved point of diversion; (ii) the proposed point of diversion will not move above or below an existing diversion point owned by another appropriator; and (iii)

the proposed point of diversion will not move above or below a tributary stream or a constructed river return or a constructed drain; and (f) the transfer will not diminish the water supply available for or otherwise adversely affect any other surface water appropriator. If transfer of an appropriation with associated incidental underground water storage is approved in accordance with this subsection, the associated incidental underground water storage also may be transferred pursuant to this subsection as long as such transfer would continue to be consistent with the requirements of this subsection. If necessary, the boundaries of the incidental underground water storage area may be modified to reflect any change in the location of that storage consistent with such a transfer. Transfers shall not be approved pursuant to this subsection until the department has adopted and promulgated rules and regulations establishing the criteria it will use to determine whether proposed transfers are consistent with subdivision (1)(f) of this section.

(2) If after reviewing an application filed under section 46-290 the director determines that it cannot be approved pursuant to subsection (1) of this section, he or she shall cause a notice of such application to be posted on the department's web site, to be sent by certified mail to each holder of a mortgage or deed of trust that is identified by the applicant pursuant to subdivision (1)(b)(v) of section 46-290 and to any entity owning facilities currently used or proposed to be used for purposes of diversion or delivery of water under the appropriation, and to be published at the applicant's expense at least once each week for three consecutive weeks in at least one newspaper of general circulation in each county containing lands to which the appropriation is appurtenant and, if applicable, in at least one newspaper of general circulation in each county containing lands to which the appropriation is proposed to be transferred.

(3) The notice shall contain: (a) A description of the appropriation; (b) the number assigned to such appropriation in the records of the department; (c) the date of priority; (d) if applicable, a description of the land or stream reach to which such water appropriation is proposed to be transferred; (e) if applicable, the type of appropriation to which the appropriation is proposed to be changed; (f) if applicable, the proposed change in the purpose of use; (g) whether the proposed transfer or change is to be permanent or temporary and, if temporary, the duration of the proposed transfer or change; and (h) any other information the director deems relevant and essential to provide the interested public with adequate notice of the proposed transfer or change.

(4) The notice shall state (a) that any interested person may object to and request a hearing on the application by filing such objections in writing specifically stating the grounds for each objection and (b) that any such objection and request shall be filed in the office of the department within two weeks after the

date of final publication of the notice.

(5) Within the time period allowed by this section for the filing of objections and requests for hearings, the county board of any county containing land to which the appropriation is appurtenant and, if applicable, the county board of any county containing land to which the appropriation is proposed to be transferred may provide the department with comments about the potential economic impacts of the proposed transfer or change in such county. The filing of any such comments by a county board shall not make the county a party in the application process, but such comments shall be considered by the director in determining pursuant to section 46-294 whether the proposed transfer or change is in the public interest.

Sec. 5. Section 46-299, Reissue Revised Statutes of Nebraska, is amended to read:

46-299 Any person who has obtained a permit for intentional underground water storage ~~associated with a project not existing on August 26, 1983,~~ and recovery of such water~~,~~ pursuant to section 46-233, 46-240, 46-241, 46-242**,** or 46-297 may, subject to section 46-2,101, levy a fee or assessment against any person for the right or probable right to withdraw or otherwise use such stored water. Such fee or assessment may be levied against any land in connection with which such underground water storage has occurred or probably will occur, and may be varied based on the degree to which underground water storage has occurred or will occur. No fee or assessment shall represent more than the fair market value of such recharge, except that a fee or assessment may include a sum sufficient to amortize the operation, maintenance, repair, and capital costs of the project, apportioned on the degree to which recharge has occurred or is likely to occur, and on the degree to which any surface water is delivered.

Sec. 6. Original 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, are repealed.

LEGISLATIVE BILL 1131. Placed on General File with amendment.
AM1895

1. Strike the original sections and insert the following new sections:

Section 1. Section 2-3226.05, Revised Statutes Supplement, 2007, is amended to read:

2-3226.05 (1) The district may levy an occupation tax upon the activity of irrigation of agricultural lands within such district on an annual basis, not to exceed ten dollars per irrigated acre, for the purpose of repaying principal and interest on any bonds or refunding bonds issued pursuant to section 2-3226.01 for one or more projects under section 2-3226.04.

(2) Acres classified by the county assessor as irrigated shall be subject to such district's occupation tax unless, on or

before July 1, 2007, and on or before March 1 in each subsequent year, the record owner certifies to the district the nonirrigation status of such acres.

(3) Any such occupation tax shall remain in effect so long as the district has bonds outstanding which have been issued stating such occupation tax as an available source for payment.

(4) Such occupation taxes shall be certified to, collected by, and accounted for by the county treasurer at the same time and in the same manner as general real estate taxes, and such occupation taxes shall be and remain a perpetual lien against such real estate until paid. Such occupation taxes shall become delinquent at the same time and in the same manner as general real property taxes. The county treasurer shall publish and post a list of delinquent occupation taxes with the list of real property subject to sale for delinquent property taxes provided for in section 77-1804. In addition, the list shall be provided to natural resources districts which levied the delinquent occupation taxes. The list shall include the record owner's name, the parcel identification number, and the amount of delinquent occupation tax. For services rendered in the collection of the occupation tax, the county treasurer shall receive the fee provided for collection of general natural resources district money under section 33-114.

(5) Such lien shall be inferior only to general taxes levied by political subdivisions of the state. When such occupation taxes have become delinquent and the real property on which the irrigation took place has not been offered at any tax sale, the district may proceed in district court in the county in which the real estate is situated to foreclose in its own name the lien in the same manner and with like effect as a foreclosure of a real estate mortgage, except that sections 77-1903 to 77-1917 shall govern when applicable.

Sec. 2. Original section 2-3226.05, Revised Statutes 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. On page 7, line 4, strike "two hundred ten", show as stricken, and insert "one hundred eighty"; and in line 11 strike "two-hundred-ten-day" and show as stricken.

(Signed) Mike Friend, Chairperson

Judiciary

LEGISLATIVE BILL 764. Placed on General File with amendment.
AM1592

1. Insert the following new sections:

Sec. 6. The intentional tripping or causing to fall, or lassoing or roping the legs of, any equine by any means for the purpose of entertainment, sport, practice, or contest shall not be considered a commonly accepted practice occurring in conjunction with sanctioned rodeos, animal racing, or pulling contests.

Sec. 7. The intentional tripping, causing to fall, or dragging of any bovine by its tail by any means for the purpose of entertainment, sport, practice, or contest shall not be considered a commonly accepted practice occurring in conjunction with sanctioned rodeos, animal racing, or pulling contests.

2. On page 2, lines 3 and 9; page 4, line 8; page 5, line 19; and page 6, lines 2 and 6, strike "and 4" and insert ", 4, 6, and 7".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 844. Placed on General File with amendment.
AM1784

1. Strike the original sections and insert the following new sections:

Section 1. Section 28-101, Revised Statutes Supplement, 2007, is amended to read:

28-101 Sections 28-101 to 28-1350 and sections 5 and 6 of this act shall be known and may be cited as the Nebraska Criminal Code.

Sec. 2. Section 28-416, Revised Statutes Cumulative Supplement, 2006, is amended to read:

28-416 (1) Except as authorized by the Uniform Controlled Substances Act, it shall be unlawful for any person knowingly or intentionally: (a) To manufacture, distribute, deliver, dispense, or possess with intent to manufacture, distribute, deliver, or dispense a controlled substance; or (b) to create, distribute, or possess with intent to distribute a counterfeit controlled substance.

(2) Except as provided in subsections (4), (5), (7), (8), (9), and (10) of this section, any person who violates subsection (1) of this section with respect to: (a) A controlled substance classified in Schedule I, II, or III of section 28-405 which is an exceptionally hazardous drug shall be guilty of a Class II felony; (b) any other controlled substance classified in Schedule I, II, or III of section 28-405 shall be guilty of a Class III felony; or (c) a controlled substance classified in Schedule IV or V of section 28-405 shall be guilty of a Class IIIA felony.

(3) A person knowingly or intentionally possessing a controlled substance, except marijuana, unless such substance was

obtained directly or pursuant to a medical order issued by a practitioner authorized to prescribe while acting in the course of his or her professional practice, or except as otherwise authorized by the act, shall be guilty of a Class IV felony.

(4)(a) Except as authorized by the Uniform Controlled Substances Act, any person eighteen years of age or older who knowingly or intentionally manufactures, distributes, delivers, dispenses, or possesses with intent to manufacture, distribute, deliver, or dispense a controlled substance or a counterfeit controlled substance (i) to a person under the age of eighteen years, (ii) in, on, or within one thousand feet of the real property comprising a public or private elementary, vocational, or secondary school, a community college, a public or private college, junior college, or university, or a playground, or (iii) within one hundred feet of a public or private youth center, public swimming pool, or video arcade facility shall be punished by the next higher penalty classification than the penalty prescribed in subsection (2), (7), (8), (9), or (10) of this section, depending upon the controlled substance involved, for the first violation and for a second or subsequent violation shall be punished by the next higher penalty classification than that prescribed for a first violation of this subsection, but in no event shall such person be punished by a penalty greater than a Class IB felony.

(b) For purposes of this subsection:

(i) Playground shall mean any outdoor facility, including any parking lot appurtenant to the facility, intended for recreation, open to the public, and with any portion containing three or more apparatus intended for the recreation of children, including sliding boards, swingsets, and teeterboards;

(ii) Video arcade facility shall mean any facility legally accessible to persons under eighteen years of age, intended primarily for the use of pinball and video machines for amusement, and containing a minimum of ten pinball or video machines; and

(iii) Youth center shall mean any recreational facility or gymnasium, including any parking lot appurtenant to the facility or gymnasium, intended primarily for use by persons under eighteen years of age which regularly provides athletic, civic, or cultural activities.

(5)(a) Except as authorized by the Uniform Controlled Substances Act, it shall be unlawful for any person eighteen years of age or older to knowingly and intentionally employ, hire, use, cause, persuade, coax, induce, entice, seduce, or coerce any person under the age of eighteen years to manufacture, transport, distribute, carry, deliver, dispense, prepare for delivery, offer for delivery, or possess with intent to do the same a controlled substance or a counterfeit controlled substance.

(b) Except as authorized by the Uniform Controlled Substances Act, it shall be unlawful for any person eighteen years of age or older to knowingly and intentionally employ, hire, use,

cause, persuade, coax, induce, entice, seduce, or coerce any person under the age of eighteen years to aid and abet any person in the manufacture, transportation, distribution, carrying, delivery, dispensing, preparation for delivery, offering for delivery, or possession with intent to do the same of a controlled substance or a counterfeit controlled substance.

(c) Any person who violates subdivision (a) or (b) of this subsection shall be punished by the next higher penalty classification than the penalty prescribed in subsection (2), (7), (8), (9), or (10) of this section, depending upon the controlled substance involved, for the first violation and for a second or subsequent violation shall be punished by the next higher penalty classification than that prescribed for a first violation of this subsection, but in no event shall such person be punished by a penalty greater than a Class IB felony.

(6) It shall not be a defense to prosecution for violation of subsection (4) or (5) of this section that the defendant did not know the age of the person through whom the defendant violated such subsection.

(7) Any person who violates subsection (1) of this section with respect to cocaine or any mixture or substance containing a detectable amount of cocaine in a quantity of:

(a) One hundred forty grams or more shall be guilty of a Class IB felony;

(b) At least twenty-eight grams but less than one hundred forty grams shall be guilty of a Class IC felony; or

(c) At least ten grams but less than twenty-eight grams shall be guilty of a Class ID felony.

(8) Any person who violates subsection (1) of this section with respect to base cocaine (crack) or any mixture or substance containing a detectable amount of base cocaine in a quantity of:

(a) One hundred forty grams or more shall be guilty of a Class IB felony;

(b) At least twenty-eight grams but less than one hundred forty grams shall be guilty of a Class IC felony; or

(c) At least ten grams but less than twenty-eight grams shall be guilty of a Class ID felony.

(9) Any person who violates subsection (1) of this section with respect to heroin or any mixture or substance containing a detectable amount of heroin in a quantity of:

(a) One hundred forty grams or more shall be guilty of a Class IB felony;

(b) At least twenty-eight grams but less than one hundred forty grams shall be guilty of a Class IC felony; or

(c) At least ten grams but less than twenty-eight grams shall be guilty of a Class ID felony.

(10) Any person who violates subsection (1) of this section with respect to amphetamine, its salts, optical isomers,

and salts of its isomers, or with respect to methamphetamine, its salts, optical isomers, and salts of its isomers, in a quantity of:

(a) One hundred forty grams or more shall be guilty of a Class IB felony;

(b) At least twenty-eight grams but less than one hundred forty grams shall be guilty of a Class IC felony; or

(c) At least ten grams but less than twenty-eight grams shall be guilty of a Class ID felony.

(11) Any person knowingly or intentionally possessing marijuana weighing more than one ounce but not more than one pound shall be guilty of a Class ~~IIIA~~ III misdemeanor.

(12) Any person knowingly or intentionally possessing marijuana weighing more than one pound shall be guilty of a Class IV felony.

(13) Any person knowingly or intentionally possessing marijuana weighing one ounce or less shall:

(a) For the first offense, be guilty of an infraction, receive a citation, be fined ~~one~~ three hundred dollars, and be assigned to attend a course as prescribed in section 29-433; ~~if the judge determines that attending such course is in the best interest of the individual defendant;~~

(b) For the second offense, be guilty of a Class IV misdemeanor, receive a citation, and be fined ~~two~~ four hundred dollars and may be imprisoned not to exceed five days; and

(c) For the third and all subsequent offenses, be guilty of a Class IIIA misdemeanor, receive a citation, be fined ~~three~~ five hundred dollars, and be imprisoned not to exceed seven days.

(14) Any person convicted of violating this section, if placed on probation, shall, as a condition of probation, satisfactorily attend and complete appropriate treatment and counseling on drug abuse provided by a program authorized under the Nebraska Behavioral Health Services Act or other licensed drug treatment facility.

(15) Any person convicted of violating this section, if sentenced to the Department of Correctional Services, shall attend appropriate treatment and counseling on drug abuse.

(16) Any person knowingly or intentionally possessing a firearm while in violation of subsection (1) of this section shall be punished by the next higher penalty classification than the penalty prescribed in subsection (2), (7), (8), (9), or (10) of this section, but in no event shall such person be punished by a penalty greater than a Class IB felony.

(17) A person knowingly or intentionally in possession of money used or intended to be used to facilitate a violation of subsection (1) of this section shall be guilty of a Class IV felony.

Sec. 3. Section 28-441, Reissue Revised Statutes of Nebraska, is amended to read:

28-441 (1) It shall be unlawful for any person to use, or

to possess with intent to use, drug paraphernalia to manufacture, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of sections ~~28-101,~~ 28-431~~,~~ and 28-439 to 28-444.

(2) Any person who violates this section shall be guilty of an infraction and fined one hundred dollars.

Sec. 4. Section 29-431, Reissue Revised Statutes of Nebraska, is amended to read:

29-431 As used in sections ~~28-416,~~ 29-422, 29-424, 29-425, ~~and~~ 29-431, and 29-432, ~~to 29-434,~~ unless the context otherwise requires, infraction shall mean the violation of any law, ordinance, order, rule, or regulation, not including those related to traffic, which is not otherwise declared to be a misdemeanor or a felony. Infraction shall include violations of section 60-6,267.

Sec. 5. Section 29-433, Reissue Revised Statutes of Nebraska, is amended to read:

~~29-433~~ A person cited for an infraction pursuant to section 28-416 or convicted of a misdemeanor pursuant to sections 53-180.01 to 53-180.03 shall be assigned to attend a course of instruction relating to the effects of the misuse of drugs, including alcohol and controlled substances if a judge determines that attending such a course is in the best interest of the individual defendant. Such instruction shall include counseling on the legal, medical, psychological, and social effects of drug use and abuse. Such course shall consist of a minimum of five hours and a maximum of ten hours of instruction and counseling. Upon completion of the assigned course, the instructor shall notify the court in writing of such completion and the notification shall be made a part of the record of the citation. Any person failing to complete such course within thirty days after the assignment shall be guilty of an infraction.

Sec. 6. Section 29-434, Revised Statutes Cumulative Supplement, 2006, is amended to read:

~~29-434~~ All drug treatment centers shall provide the necessary facilities and programs to carry out the provisions of section 29-433.

Sec. 7. Section 53-180.05, Reissue Revised Statutes of Nebraska, is amended to read:

53-180.05 (1) Any person violating section 53-180 shall be guilty of a Class I misdemeanor. Any person violating any of the provisions of sections 53-180.01 to 53-180.03 shall be guilty of a Class III misdemeanor and be assigned to attend a course as prescribed in section 29-433.

(2) Any person who knowingly manufactures, creates, or alters any form of identification for the purpose of sale or delivery of such form of identification to a person under the age of twenty-one years shall be guilty of a Class I misdemeanor. For purposes of this subsection, form of identification means any card, paper, or legal document that may be used to establish the age of

the person named thereon for the purpose of purchasing alcoholic liquor.

(3) When a minor is arrested for a violation of sections 53-180 to 53-180.02 or subsection (2) of this section, the law enforcement agency employing the arresting peace officer shall make a reasonable attempt to notify such minor's parent or guardian of the arrest.

Sec. 8. Original 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, are repealed.

LEGISLATIVE BILL 958. Placed on General File with amendment.
AM1964

1. Strike the original sections and insert the following new section:

Section 1. (1) The Assault Weapons Commission is created. The commission shall consist of the following members:

(a) The Chairperson of the Judiciary Committee of the Legislature or his or her designee;

(b) The Governor or his or her designee;

(c) The Attorney General or his or her designee;

(d) The Superintendent of Law Enforcement and Public Safety or his or her designee;

(e) A law enforcement officer of a city of the metropolitan class or his or her designee, appointed by the Governor;

(f) A law enforcement officer of a city other than a city of the metropolitan class or his or her designee, appointed by the Governor; and

(g) A retailer of firearms or his or her designee, appointed by the Governor.

(2) Members of the commission shall serve without compensation but shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

(3) The commission shall create a definition of assault weapons, using the general characteristics listed in subsection (4) of this section, and compile a list of assault weapons which meet such general characteristics. The purpose of the list is to provide the Legislature with information regarding whether such assault weapons should be illegal in this state. The commission shall provide the list in a report to the Legislature. The commission shall also recommend appropriate enforcement penalties and procedures.

(4)(a) General characteristics of an assault weapon are as follows:

(i) A semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine and any one of the following:

(A) A pistol grip that protrudes conspicuously beneath the action of the weapon;

(B) A thumbhole stock;

(C) A folding or telescoping stock;

(D) A grenade launcher or flare launcher;

(E) A flash suppressor; and

(F) A forward pistol grip;

(ii) A semiautomatic, centerfire rifle that has a fixed magazine with the capacity to accept more than ten rounds; and

(iii) A semiautomatic, centerfire rifle that has an overall length of less than thirty inches.

(b) An antique or collectible weapon that has its firing pin removed is not an assault weapon.

(5) The commission may contact members of the general public whom any member of the commission believes can contribute needed or worthwhile information in order for the commission to carry out its purpose.

(6) The commission shall deliver its report to the Legislature on or before February 1, 2009.

(7) The commission shall update the list of assault weapons and provide such updated list to the Clerk of the Legislature and the Judiciary Committee by January 10 of every odd year. The commission may meet as necessary to accomplish the requirements set forth in this section.

(Signed) Brad Ashford, Chairperson

Agriculture

LEGISLATIVE BILL 789. Placed on General File with amendment.
AM1928

1. Strike the original sections and insert the following sections:

Section 1. Section 2-5420, Revised Statutes Cumulative Supplement, 2006, is amended to read:

2-5420 (1) To be eligible for a grant under the Agricultural Opportunities and Value-Added Partnerships Act, an applicant shall:

~~(1)~~ (a) Document a matching amount in money or in-kind contributions or a combination of both equal to twenty-five percent of the grant funds requested, except that if the grant funds will be used to acquire or lease a building or equipment to be used in a farming or ranching operation or in a private enterprise, an applicant shall provide a matching amount in money and in-kind contribution of no less than fifty percent of the grant funds requested of which the matching amount in money shall be no less than twenty-five percent of the grant funds requested;

~~(2)~~ (b) Specify measurable goals and expected outcomes for the project for which the grant funds are requested; and

~~(3)~~ (c) Specify an evaluation and impact assessment process or procedure for the project for which the grant funds are requested.

(2) Priority for the awarding of grants may be given to applicants that provide a matching amount in money.

(3) Whenever grant funds are used to acquire or lease a building or equipment to be used in a farming or ranching operation or in a private enterprise, any removal from the state or resale of the building or equipment within three years after the date of award of the grant funds without the prior approval of the Department of Economic Development shall be deemed a utilization or diversion of grant funds to a purpose or expenditure not specified or contemplated in the application or terms of the award of the grant for purposes of section 2-5421.

Sec. 2. Original section 2-5420, Revised Statutes Cumulative Supplement, 2006, is repealed.

Sec. 3. Since an emergency exists, this act takes effect 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 qualify 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. Strike the original sections and insert the following new sections:

Section 1. Sections 1 to 6 of this act shall be known and may be cited as the Stem Cell Research Act.

Sec. 2. For purposes of the Stem Cell Research Act:

(1) Committee means the Stem Cell Research Advisory Committee;

(2) Human embryo means the developing human organism from the time of fertilization until the end of the eighth week of gestation and includes an embryo or developing human organism created by somatic cell nuclear transfer; and

(3) Somatic cell nuclear transfer means a technique in which the nucleus of an oocyte is replaced with the nucleus of a somatic cell.

Sec. 3. (1) The Stem Cell Research Advisory Committee is created. The committee shall consist of the dean of every medical school in Nebraska that is accredited by the Liaison Committee on Medical Education or his or her designee and additional members appointed as follows: (a) The dean of every medical school in Nebraska shall nominate three scientists from outside Nebraska conducting human stem cell research with funding from the National Institutes of Health of the United States Department of Health and Human Services; and (b) the chief medical officer as designated in section 81-3115 shall select two of such scientists from each set of nominations to serve on the committee. Appointments by the chief medical officer pursuant to this subsection shall be approved by the Legislature. Members appointed by the chief medical officer shall serve for staggered terms of three years each and until their successors are appointed and qualified. Such members may be reappointed for additional three-year terms.

(2) The committee shall meet not less than twice each year.

(3) Members of the committee not employed by medical schools in Nebraska shall receive a stipend per meeting to be determined by the Division of Public Health of the Department of Health and Human Services based on standard consultation fees,

and all members of the committee shall be reimbursed for their actual and necessary expenses incurred in service on the committee pursuant to sections 81-1174 to 81-1177.

Sec. 4. (1) The committee shall establish a grant process to award grants to Nebraska institutions or researchers for the purpose of conducting nonembryonic stem cell research. The grant process shall include, but not be limited to, an application identifying the institution or researcher applying for the grant, the amount of funds to be received by the applicant from sources other than state funds, the sources of such funds, and a description of the goal of the research for which the funds will be used and research methods to be used by the applicant.

(2) The committee shall annually report to the Legislature the number of grants awarded, the amount of the grants, and the researchers or institutions to which the grants were awarded. No more than three years after the effective date of this act, the committee shall report to the Legislature on the progress of any projects that have been awarded grants under the Stem Cell Research Act.

Sec. 5. (1) The Stem Cell Research Cash Fund is created. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) Money credited to the Stem Cell Research Cash Fund pursuant to section 71-7608 shall be used to provide a dollar-for-dollar match, up to five hundred thousand dollars per fiscal year, of funds received by institutions or researchers from sources other than funds provided by the State of Nebraska for nonembryonic stem cell research. Such matching funds shall be awarded through the grant process established pursuant to section 4 of this act. No single institution or researcher shall receive more than seventy percent of the funds available for distribution under this section on an annual basis.

(3) Up to three percent of the funds credited to the Stem Cell Research Cash Fund shall be available to the Division of Public Health of the Department of Health and Human Services for administrative costs, including stipends and reimbursements pursuant to section 3 of this act.

Sec. 6. No state facilities, no state funds, fees, or charges, and no investment income on state funds shall be used to destroy human embryos for the purpose of research. In no case shall state facilities, state funds, fees, or charges, or investment income on state funds be used to create a human embryo by somatic cell nuclear transfer for any purpose.

Sec. 7. Section 71-7608, Revised Statutes Supplement, 2007, is amended to read:

71-7608 The Nebraska Tobacco Settlement Trust Fund is created. The fund shall include any settlement payments or other revenue received by the State of Nebraska in connection with any

tobacco-related litigation to which the State of Nebraska is a party. The Department of Health and Human Services shall remit such revenue to the State Treasurer for credit to the fund, except that (1) of such revenue received on or after April 1, 2005, two million five hundred thousand dollars shall be credited annually to the Tobacco Prevention and Control Cash Fund and (2) within seven days after the effective date of this act, and on July 1 of each year thereafter five hundred thousand dollars shall be credited to the Stem Cell Research Cash Fund created under section 5 of this act. Subject to the terms and conditions of such litigation, money from the Nebraska Tobacco Settlement Trust Fund shall be transferred to the Nebraska Health Care Cash Fund as provided in section 71-7611. Any money in the Nebraska Tobacco Settlement Trust Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 8. Original section 71-7608, Revised Statutes Supplement, 2007, is repealed.

Sec. 9. Since an emergency exists, this act takes effect 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. Insert the following section:

Sec. 16. The proprietor of an establishment having a license issued under the Nebraska Liquor Control Act may designate smoking areas in such establishment and allow smoking in such designated smoking areas during times when no prepared foods are being served in the establishment. The duties and restrictions of sections 71-5708 and 71-5709, as such sections existed prior to the operative date of this act, shall apply to such proprietor.

2. On page 2, line 1, strike "19" and insert "20".

3. On page 4, line 11, strike "section 15" and insert "sections 15 and 16".

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

printed on recycled paper

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

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 cybertormenting; and

WHEREAS, bullying causes deep psychological pain and children who are bullied often experience low self-esteen 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. On page 24, strike beginning with "other" in line 24 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. Strike original sections 2 and 4.

2. On page 2, line 2, strike "may" and insert "shall".

3. On page 4, strike lines 16 through 25 and insert the following new subsection:

"(4)(a) Every owner of a manufactured home or mobile home shall obtain a certificate of title for the manufactured home or mobile home prior to affixing it to real estate.

(b) If a manufactured home or mobile home has been affixed to real estate, and a certificate of title was not issued before it was so affixed, the owner of such manufactured home or mobile home shall apply for and be issued a certificate of title at any time for surrender and cancellation as provided in section 60-169.".

4. On page 5, strike lines 1 through 3.

5. On page 7, line 20, strike "is created" and insert

"attaches".

6. On page 10, strike beginning with "section" in line 14 through the first "and" in line 15; and in line 15 strike ", 60-147,".

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. In the Standing Committee amendments, AM1782:

a. On page 18, line 5; page 23, line 12; page 29, line 9; and page 31, line 11, strike "effective date of this act" and insert "operative date of this section";

b. On page 19, line 16, strike the comma;

c. On page 24, line 16, strike "(6)";

d. On page 32, line 8, strike "the" and strike the first "a" and insert "the"; and

e. On page 44, line 24, strike "act", show as stricken, and insert "Nebraska Installment Loan Act".

2. On page 1, strike beginning with "section" in line 1 through line 11 and insert "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.".

LEGISLATIVE BILL 755. Placed on Select File with amendment.
ER8164

1. On page 1, strike lines 2 through 12 and insert "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; 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. Insert the following section:

Sec. 4. Cigar bar means a bar or pub which, in addition to selling alcohol, receives thirty-three percent or more of its profit from the sales of cigars, cigarettes, and other tobacco products as well as incidental products related to the use of such tobacco products.

2. On page 5, line 3, after "outlets" insert "and cigar bars"; and after line 21 insert

"(4) A cigar bar shall certify in reasonable detail to the Department of Health and Human Services the income and receipts from cigar, cigarette, and other tobacco and tobacco-related

product sales annually and the total amount of revenue earned from the total operation of business to verify the business status as a cigar bar.".

3. Renumber the remaining sections and correct internal 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

printed on recycled paper

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; Louden, 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. Strike the original sections and insert the following new sections:

Section 1. Section 77-1359, Revised Statutes Cumulative Supplement, 2006, is amended to read:

77-1359 The Legislature finds and declares that agricultural land and horticultural land shall be a separate and distinct class of real property for purposes of assessment. The assessed value of agricultural land and horticultural land shall not be uniform and proportionate with all other real property, but the assessed value shall be uniform and proportionate within the class of agricultural land and horticultural land.

For purposes of sections 77-1359 to 77-1363:

(1) Agricultural land and horticultural land means a parcel of land<u>, excluding any farm home site or farm site,</u> which is primarily used for agricultural or horticultural purposes, including wasteland lying in or adjacent to and in common ownership or management with other agricultural land and horticultural land. Agricultural land and horticultural land does not include any land directly associated with any building or enclosed structure;

(2) Agricultural or horticultural purposes means used for the commercial production of any plant or animal product in a raw or unprocessed state that is derived from the science and art of agriculture, aquaculture, or horticulture. Agricultural or horticultural purposes includes the following uses of land:

(a) Land retained or protected for future agricultural or horticultural purposes under a conservation easement as provided in the Conservation and Preservation Easements Act except when the parcel or a portion thereof is being used for purposes other than agricultural or horticultural purposes; and

(b) Land enrolled in a federal or state program in which payments are received for removing such land from agricultural or horticultural production;

(3) Farm home site means not more than one acre of land contiguous to a farm site which includes an inhabitable residence and improvements used for residential purposes, and such improvements include utility connections, water and sewer systems, and improved access to a public road; and

(4) Farm site means the portion of land contiguous to land actively devoted to agriculture which includes improvements that are agricultural or horticultural in nature, including any uninhabitable or unimproved farm home site.

Sec. 2. Original section 77-1359, Revised Statutes Cumulative Supplement, 2006, is repealed.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.

LEGISLATIVE BILL 888. Placed on General File with amendment.
AM2003

1. On page 2, lines 8 and 10, strike "two" and insert "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. On page 10, line 3, after "system" insert "for political subdivisions".

LEGISLATIVE BILL 838. Placed on General File with amendment.
AM1788

1. On page 4, line 25, strike "(1)" and insert "(a)".

2. On page 5, line 1, strike "(2)" and insert "(b)" and strike "live" and insert "reside"; in line 3 strike "(3)" and 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. Strike the original sections and insert the following new sections:

Section 1. Sections 1 to 11 of this act shall be known

and may be cited as the Electronics Recycling Act.

Sec. 2. The purpose of the Electronics Recycling Act is to establish a comprehensive electronic device recycling system that ensures the safe and environmentally sound management of electronic devices and encourages the design of electronic devices that are recyclable and less toxic.

Sec. 3. For purposes of the Electronics Recycling Act:

(1) Computer means a desktop, portable or laptop, electronic, magnetic, optical, electrochemical, or other high-speed data processing device which is capable of performing logical, arithmetic, or storage functions, and includes, but is not limited to, a computer central processing unit and a monitor. Computer does not include an automated typewriter or typesetter, a portable handheld calculator, a portable digital assistant, or other similar device;

(2) Department means the Department of Environmental Quality;

(3)(a) Electronic device means a computer, video display device, or television; and

(b) Electronic device does not include:

(i) An electronic device that is a part of a motor vehicle or any component part of a motor vehicle assembled by or for a vehicle manufacturer or franchise dealer, including replacement parts for use in a motor vehicle;

(ii) An electronic device that is functionally or physically a part of a larger piece of equipment designed and intended for use in an industrial, commercial, or medical setting, including diagnostic, monitoring, or control equipment;

(iii) An electronic device that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or air purifier; or

(iv) A telephone of any type unless it contains a video display area greater than nine inches measured diagonally;

(4) Manufacturer means a person who:

(a) Sells electronic devices under its own brand or label for sale in the United States;

(b) Sells electronic devices in this state without affixing a brand or label onto such device;

(c) Resells in this state under its own brand or label electronic devices manufactured by another firm or entity, unless the firm or entity which manufactured the electronic devices sold under the brand or label of the reseller meets the registration requirements of the act;

(d) Imports electronic devices into the United States. If the company from whom an importer purchases the electronic device has a presence or assets in the United States, that company shall be deemed to be the manufacturer; or

(e) Manufactures electronic devices, supplies them to any

person within a distribution network that includes wholesalers or retailers in this state, and benefits from the sale in this state of such electronic devices through the distribution network;

(5) Monitor means a separate video display component of a computer that does not contain a tuner, whether sold separately or together with a computer central processing unit or computer box, and includes a cathode ray tube, liquid crystal display, gas plasma, digital light processing, or other image projection technology greater than four inches when measured diagonally, and its case, interior wires, and circuitry;

(6) Recycling means any process by which an electronic device that would otherwise have become solid waste or hazardous waste is collected, separated, and processed to be returned to use in the form of raw materials or products or is refurbished or donated for reuse;

(7) Television means a stand-alone display system containing a cathode ray tube, liquid crystal display, gas plasma, digital light processing, or other type of display primarily intended to receive video programming via broadcast, having a viewable area greater than four inches when measured diagonally, able to adhere to standard consumer video requirements, and having the capability of selecting different broadcast channels and support sound capability; and

(8) Video display device means a device that has an output surface having a viewable area greater than four inches when measured diagonally that displays moving graphical images or a visual representation of image sequences or pictures and shows a number of quickly changing images on a screen in fast succession to create the illusion of motion, including, but not limited to, a device that is an integral part of the display that cannot be easily removed from the display by the consumer and that produces the moving image on the screen and includes technology using a cathode ray tube, liquid crystal display, gas plasma, digital light processing, or other image projection technology.

Sec. 4. Beginning July 1, 2009, no manufacturer shall offer for sale in this state a new electronic device if the manufacturer is not in compliance with the Electronics Recycling Act.

Sec. 5. (1) On or before January 31, 2009, and each January 31 thereafter, a manufacturer shall register and certify with the department the number of electronic devices sold in this state by the manufacturer in the previous calendar year.

(2) On or before January 31, 2010, and each January 31 thereafter, a manufacturer may certify the number of electronic devices recycled from this state by the manufacturer in the previous calendar year. The manufacturer or group of manufacturers may recycle electronic devices from any manufacturer to meet the fifty percent requirement in subsection (2) of section 6 of this act.

Sec. 6. (1) On or before January 31, 2009, and each January 31 thereafter, a manufacturer shall remit to the department a recycling fee equal to two dollars per electronic device sold in this state by the manufacturer in the previous calendar year and the following registration fee based on the number of electronic devices sold in this state by the manufacturer in the previous calendar year:

(a) One thousand dollars for sales of five hundred to one thousand electronic devices;

(b) Five thousand dollars for sales of more than one thousand to two thousand five hundred electronic devices; or

(c) Seven thousand five hundred dollars for sales of more than two thousand five hundred electronic devices.

(2) Beginning January 1, 2010, the recycling fee shall be fifty percent of the required recycling fee prescribed in subsection (1) of this section if the manufacturer or group of manufacturers has certified that it has recycled a minimum of fifty percent of the number of electronic devices sold in this state in the previous calendar year as described in section 5 of this act.

Sec. 7. The department shall:

(1) Collect the fees as prescribed in section 6 of this act and remit such fees to the State Treasurer for credit to the Waste Reduction and Recycling Incentive Fund; and

(2) Exercise all powers necessary and appropriate to carry out the Electronics Recycling Act.

Sec. 8. No manufacturer shall charge a fee for the collection, transportation, or recycling of an electronic device at the time and place of collection for recycling.

Sec. 9. It is the intent of the Legislature that the Electronics Recycling Act cover all aspects of infrastructure development and the collection, transportation, and recycling of electronic devices. If a federal program is adopted to collect, transport, and recycle electronic devices which is at least as stringent as the Electronics Recycling Act, the Electronics Recycling Act shall terminate.

Sec. 10. All fees remitted pursuant to the Electronics Recycling Act, after deducting costs of program administration, shall be used pursuant to subsection (6) of section 81-15,160 to award grants for infrastructure development and the collection, transportation, and recycling of electronic devices. Any unused fees shall be carried over and available for grants in the following year.

Sec. 11. The Environmental Quality Council may adopt and promulgate rules and regulations to carry out the Electronics Recycling Act.

Sec. 12. Section 81-15,160, Revised Statutes Supplement, 2007, is amended to read:

81-15,160 (1) The Waste Reduction and Recycling Incentive Fund is created. The department shall deduct from the fund amounts

sufficient to reimburse itself for its costs of administration of the fund. The fund shall be administered by the Department of Environmental Quality. The fund shall consist of proceeds from the fees imposed pursuant to the Waste Reduction and Recycling Incentive Act.

(2) The fund may be used for purposes which include, but are not limited to:

(a) Technical and financial assistance to political subdivisions for creation of recycling systems and for modification of present recycling systems;

(b) Recycling and waste reduction projects, including public education, planning, and technical assistance;

(c) Market development for recyclable materials separated by generators, including public education, planning, and technical assistance;

(d) Capital assistance for establishing private and public intermediate processing facilities for recyclable materials and facilities using recyclable materials in new products;

(e) Programs which develop and implement composting of yard waste and composting with sewage sludge;

(f) Technical assistance for waste reduction and waste exchange for waste generators;

(g) Programs to assist communities and counties to develop and implement household hazardous waste management programs; and

(h) Capital assistance for establishing private and public facilities to manufacture combustible waste products and to incinerate combustible waste to generate and recover energy resources, except that no disbursements shall be made under this section for scrap tire processing related to tire-derived fuel.

~~The State Treasurer shall transfer two million one hundred thousand dollars from the Waste Reduction and Recycling Incentive Fund to the General Fund within five days after August 16, 2002.~~

(3) Grants up to one million dollars annually shall be available until June 30, 2009, for new scrap tire projects only, if acceptable scrap tire project applications are received. Eligible categories of disbursement under section 81-15,161 may include, but are not limited to:

(a) Reimbursement for the purchase of crumb rubber generated and used in Nebraska, with disbursements not to exceed fifty percent of the cost of the crumb rubber;

(b) Reimbursement for the purchase of tire-derived product which utilizes a minimum of twenty-five percent recycled tire content, with disbursements not to exceed twenty-five percent of the product's retail cost;~~, except that persons who applied for a grant between June 1, 1999, and May 31, 2001, for the purchase of tire-derived product which utilizes a minimum of twenty-five percent recycled tire content may apply for reimbursement on or~~

~~before July 1, 2002. Reimbursement shall not exceed twenty-five percent of the product's retail cost and may be funded in fiscal years 2001-02 and 2002-03;~~

(c) Participation in the capital costs of building, equipment, and other capital improvement needs or startup costs for scrap tire processing or manufacturing of tire-derived product, with disbursements not to exceed fifty percent of such costs or five hundred thousand dollars, whichever is less;

(d) Participation in the capital costs of building, equipment, or other startup costs needed to establish collection sites or to collect and transport scrap tires, with disbursements not to exceed fifty percent of such costs;

(e) Cost-sharing for the manufacturing of tire-derived product, with disbursements not to exceed twenty dollars per ton or two hundred fifty thousand dollars, whichever is less, to any person annually;

(f) Cost-sharing for the processing of scrap tires, with disbursements not to exceed twenty dollars per ton or two hundred fifty thousand dollars, whichever is less, to any person annually;

(g) Cost-sharing for the use of scrap tires for civil engineering applications for specified projects, with disbursements not to exceed twenty dollars per ton or two hundred fifty thousand dollars, whichever is less, to any person annually; and

(h) Disbursement to a political subdivision up to one hundred percent of costs incurred in cleaning up scrap tire collection and disposal sites.

The director shall give preference to projects which utilize scrap tires generated and used in Nebraska.

(4) Priority for grants made under section 81-15,161 shall be given to grant proposals demonstrating a formal public/private partnership except for grants awarded from fees collected under subsection (6) of section 13-2042.

(5) Grants awarded from fees collected under subsection (6) of section 13-2042 may be renewed for up to a five-year grant period. Such applications shall include an updated integrated solid waste management plan pursuant to section 13-2032. Annual disbursements are subject to available funds and the grantee meeting established grant conditions. Priority for such grants shall be given to grant proposals showing regional participation and programs which address the first integrated solid waste management hierarchy as stated in section 13-2018 which shall include toxicity reduction. Disbursements for any one year shall not exceed fifty percent of the total fees collected after rebates under subsection (6) of section 13-2042 during that year.

(6) Grants shall be awarded from fees collected under the Electronics Recycling Act.

~~(6)~~ (7) Any person who stores waste tires in violation of section 13-2033, which storage is the subject of abatement or cleanup, shall be liable to the State of Nebraska for the

reimbursement of expenses of such abatement or cleanup paid by the Department of Environmental Quality.

~~(7)~~ (8) The Department of Environmental Quality may receive gifts, bequests, and any other contributions for deposit in the Waste Reduction and Recycling Incentive Fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 13. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

Sec. 14. Original section 81-15,160, Revised Statutes Supplement, 2007, is repealed.

LEGISLATIVE BILL 1065. Placed on General File with amendment.
AM1991

1. Insert the following new section:

Sec. 7. A local distribution utility shall file an annual report with the Nebraska Power Review Board. The report shall indicate the number of net metering systems within the local distribution utility, the rated kilowatt hour capacity of each system, the location of each qualified generation unit, and the type of energy source used by such qualified generation unit.

2. On page 2, line 12; page 4, line 19; and page 8, line 8, strike "6" and insert "7".

3. On page 6, line 15, strike "less than" and insert "rated at" and after "kilowatts" insert "or less"; and in line 18 strike "at or".

4. On page 8, line 13, after "adopted" insert "or has initiated consideration of".

LEGISLATIVE BILL 1066. Placed on General File with amendment.
AM2020

1. Strike the original sections and insert the following new sections:

Section 1. Section 70-1014.01, Reissue Revised Statutes of Nebraska, is amended to read:

70-1014.01 (1) An application by a municipality, a registered group of municipalities, a public power district, a public power and irrigation district, an electric cooperative, an electric membership association, or any other governmental entity for a facility that will generate not more than ten thousand kilowatts of electric energy at rated capacity and will generate electricity using solar, wind, biomass, landfill gas, methane gas, or hydropower generation technology or an emerging generation technology, including, but not limited to, fuel cells and micro-turbines, shall be deemed a special generation application. Such application shall be approved by the board

if the board finds that ~~(1)~~ (a) the application qualifies as a special generation application, ~~(2)~~ (b) the application will provide public benefits sufficient to warrant approval of the application, although it may not constitute the most economically feasible generation option, and ~~(3)~~ (c) the application under consideration represents a separate and distinct project from any previous special generation application the applicant may have filed.

(2) An application by a municipality, a registered group of municipalities, a public power district, a public power and irrigation district, an electric cooperative, an electric membership association, or any other governmental entity for a facility that will generate more than ten thousand kilowatts of electric energy at rated capacity and will generate electricity using renewable energy sources, such as solar, wind, biomass, landfill gas, methane gas, or hydropower generation technology, or an emerging technology, including, but not limited to, fuel cells and microturbines, may be filed with the board if (a) the total production from all such renewable projects, excluding sales from such projects to other electric-generating entities, does not exceed ten percent of total energy sales as shown in the Annual Electric Power Industry Report to the United States Department of Energy and (b) the power supplier's governing body conducts at least one advertised public hearing which affords the ratepayers of the producing entity a chance to review and comment on the subject of the application.

(3) The application shall be approved by the board if the board finds that (a) the applicant is using renewable energy sources referred to in subsection (2) of this section, (b) that the total production from all renewable projects of the power supplier does not exceed ten percent of the power supplier's total energy sales as described in subsection (1) of this section, and (c) the power supplier's governing body has conducted at least one advertised public hearing which affords its ratepayers a chance to review and comment on the subject of the application.

Sec. 2. Original section 70-1014.01, Reissue Revised Statutes of Nebraska, is repealed.

LEGISLATIVE BILL 1094. Placed on General File with amendment.
AM2036

1. Strike the original sections and insert the following new sections:

Section 1. The Legislature finds that water right holders who lease and forgo water use to assist in the management, protection, and conservation of the water resources of river basins must be paid. It is the intent of the Legislature to provide payment to such water right holders through the financial assistance provided in section 2 of this act. The Legislature further finds the financial assistance provided by the state

under such section shall be repaid through the authority granted under Laws 2007, LB 701, or such other means as provided by the Legislature once the litigation is resolved.

Sec. 2. (1) The Water Contingency Cash Fund is created. The Department of Natural Resources shall administer the fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) No later than five days after the effective date of this act, a natural resources district with jurisdiction that includes a river subject to an interstate compact among three or more states and that also includes one or more irrigation districts within the compact river basin, and such natural resources district, using authority granted under Laws 2007, LB 701, enters or has entered into agreements, shall submit a request in writing to the department certifying the amount of financial assistance necessary to meet its obligations under section 2-3226.04. Within fifteen days after the effective date of this act, if such a request has been received by the department, the department shall expend from the Water Contingency Cash Fund the amount requested to provide financial assistance to the submitting natural resources district. The natural resources district shall use the financial assistance provided by the state from the Water Contingency Cash Fund to compensate water rights holders who agree or have agreed to lease and forgo the use of water. Any financial assistance provided under this section not used for such purpose by the natural resources district within sixty days after it is received by such district shall be returned to the department for credit in the Water Contingency Cash Fund.

Sec. 3. Section 84-612, Revised Statutes Supplement, 2007, is amended to read:

84-612 (1) There is hereby created within the state treasury a fund known as the Cash Reserve Fund which shall be under the direction of the State Treasurer. The fund shall only be used pursuant to this section.

(2) The State Treasurer shall transfer funds from the Cash Reserve Fund to the General Fund upon certification by the Director of Administrative Services that the current cash balance in the General Fund is inadequate to meet current obligations. Such certification shall include the dollar amount to be transferred. Any transfers made pursuant to this subsection shall be reversed upon notification by the Director of Administrative Services that sufficient funds are available.

(3) The State Treasurer, at the direction of the budget administrator of the budget division of the Department of Administrative Services, shall transfer such amounts not to exceed seven million seven hundred fifty-three thousand two hundred sixty-three dollars in total from the Cash Reserve Fund to the Nebraska Capital Construction Fund between July 1, 2003, and June

30, 2007.

(4) The State Treasurer, at the direction of the budget administrator, shall transfer an amount equal to the total amount transferred pursuant to subsection (3) of this section from the General Fund to the Cash Reserve Fund on or before June 30, 2008.

(5) In addition to receiving transfers from other funds, the Cash Reserve Fund shall receive federal funds received by the State of Nebraska for undesignated general government purposes, federal revenue sharing, or general fiscal relief of the state.

(6) On June 15, 2007, the State Treasurer shall transfer fifteen million six hundred seventy-four thousand one hundred seven dollars from the Cash Reserve Fund to the General Fund.

(7) On June 16, 2008, the State Treasurer shall transfer seventeen million nine hundred thirty-one thousand thirty dollars from the Cash Reserve Fund to the General Fund.

(8) On June 15, 2009, the State Treasurer shall transfer four million nine hundred ninety thousand five hundred five dollars from the Cash Reserve Fund to the General Fund.

(9) On or before June 16, 2008, the State Treasurer, at the direction of the budget administrator, shall transfer fifty million dollars from the Cash Reserve Fund to the General Fund.

(10) On or before June 16, 2009, the State Treasurer, at the direction of the budget administrator, shall transfer fifty million dollars from the Cash Reserve Fund to the General Fund.

(11) From the effective date of an endowment agreement as defined in subdivision (3)(c) of section 79-1101 until June 30, 2007, forty million dollars of the Cash Reserve Fund shall be deemed to constitute the Early Childhood Education Endowment Fund. Such funds shall remain part of the Cash Reserve Fund for all purposes, except that the interest earned on such forty million dollars shall accrue as provided in section 84-613.

(12) The State Treasurer, at the direction of the budget administrator, shall transfer such amounts, as certified by the Director of Administrative Services, for employee health insurance claims and expenses, not to exceed twelve million dollars in total from the Cash Reserve Fund to the State Employees Insurance Fund between May 1, 2007, and June 30, 2011.

(13) On July 9, 2007, the State Treasurer shall transfer twelve million dollars from the Cash Reserve Fund to the Nebraska Capital Construction Fund.

(14) On July 9, 2007, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the Job Training Cash Fund. The State Treasurer shall transfer from the Job Training Cash Fund to the Cash Reserve Fund such amounts as directed in section 81-1201.21.

(15) On July 7, 2008, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the Job Training Cash Fund. The State Treasurer shall transfer from the Job Training Cash Fund to the Cash Reserve Fund such amounts as directed in

section 81-1201.21.

(16) On or before August 1, 2007, the State Treasurer, at the direction of the budget administrator, shall transfer seventy-five million dollars from the Cash Reserve Fund to the Nebraska Capital Construction Fund.

(17) On or before June 30, 2009, the State Treasurer shall transfer nine million five hundred ninety thousand dollars from the Cash Reserve Fund to the Nebraska Capital Construction Fund.

(18) The State Treasurer, at the direction of the budget administrator, shall transfer an amount equal to the total amount transferred pursuant to subsection (12) of this section from the appropriate health insurance accounts of the State Employees Insurance Fund in such amounts as certified by the Director of Administrative Services to the Cash Reserve Fund on or before June 30, 2011.

(19) On July 9, 2007, the State Treasurer shall transfer one million dollars from the Cash Reserve Fund to the Microenterprise Development Cash Fund.

(20) On July 9, 2007, the State Treasurer shall transfer two hundred fifty thousand dollars from the Cash Reserve Fund to the Building Entrepreneurial Communities Cash Fund.

(21) On July 7, 2008, the State Treasurer shall transfer one million dollars from the Cash Reserve Fund to the Microenterprise Development Cash Fund.

(22) On July 7, 2008, the State Treasurer shall transfer two hundred fifty thousand dollars from the Cash Reserve Fund to the Building Entrepreneurial Communities Cash Fund.

<u>(23) Within seven days after the effective date of this act, the State Treasurer shall transfer nine million dollars from the Cash Reserve Fund to the Water Contingency Cash Fund.</u>

Sec. 4. Original section 84-612, Revised Statutes Supplement, 2007, is repealed.

Sec. 5. Since an emergency exists, this act takes effect 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

printed on recycled paper

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. Insert the following new sections:

Sec. 8. (1) On and after the effective date of this act, the University of Nebraska Medical Center shall develop, staff, and maintain an accredited laboratory to conduct postnatal tissue and fluid research and stem cell research.

(2) For purposes of this section:

(a) Amniotic fluid means the fluid inside the amnion;

(b) Placenta means the organ that forms on the inner wall of the human uterus during pregnancy;

(c) Postnatal tissue and fluid means the placenta, umbilical cord, and amniotic fluid expelled or extracted in connection with the birth of a human being;

(d) Stem cells means unspecialized or undifferentiated cells that can self-renew and have the potential to differentiate into specialized cell types; and

(e) Umbilical cord means the gelatinous tissue and blood vessels connecting an unborn human being to the placenta.

Sec. 9. Section 71-7611, Revised Statutes Supplement, 2007, is amended to read:

71-7611 (1) The Nebraska Health Care Cash Fund is created. The State Treasurer shall transfer fifty-five million five hundred thousand dollars annually no later than July 15 from the Nebraska Medicaid Intergovernmental Trust Fund and the Nebraska Tobacco Settlement Trust Fund to the Nebraska Health Care Cash Fund. The state investment officer upon consultation with the Nebraska Investment Council shall advise the State Treasurer on the amounts to be transferred from the Nebraska Medicaid Intergovernmental Trust Fund and from the Nebraska Tobacco Settlement Trust Fund under this section in order to sustain such transfers in perpetuity. The state investment officer shall report to the Legislature on or before October 1 of every even-numbered year on the sustainability of such transfers.

(2) Any money in the Nebraska Health Care Cash Fund available for investment shall be invested by the state investment

officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(3) One million dollars in the Nebraska Health Care Cash Fund is designated each year for the Autism Treatment Program Act for five fiscal years beginning in fiscal year 2007-08 and shall be distributed in each fiscal year as follows: (a) First, to the Department of Health and Human Services for costs related to application and implementation of the waiver; (b) second, to the department for other medical costs for children who would not otherwise qualify for medicaid except for the waiver; and (c) third, the balance to the Autism Treatment Program Cash Fund. The State Treasurer shall transfer the balance of the funding to the Autism Treatment Program Cash Fund based on the estimated costs of administrative and other medical costs as determined by the Legislature through the appropriation process. The transfers to the Autism Treatment Program Cash Fund in any fiscal year shall be contingent upon the receipt of private matching funds under the Autism Treatment Program Act, with no less than one dollar of private funds received for every two dollars transferred from the Nebraska Health Care Cash Fund to the Autism Treatment Program Cash Fund.

(4) The State Treasurer shall distribute five hundred thousand dollars from the Nebraska Health Care Cash Fund to the University of Nebraska Medical center for the purposes provided in section 8 of this act.

~~(4)~~ (5) The University of Nebraska and postsecondary educational institutions having colleges of medicine in Nebraska and their affiliated research hospitals in Nebraska, as a condition of receiving any funds appropriated or transferred from the Nebraska Health Care Cash Fund, shall not discriminate against any person on the basis of sexual orientation.

2. On page 4, line 25, strike "section 71-7608" and insert "sections 71-7608 and 71-7611"; and in line 26 strike "is" and insert "are".

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. Insert the following new section:

Sec. 3. The following section is outright repealed: Section 37-102, Reissue Revised Statutes of Nebraska.

2. On page 2, strike beginning with "eight" in line 4 through the comma in line 5, show as stricken, and insert "nine members, three from each of the three congressional districts,"; strike beginning with the first "and" in line 8 through the period in line 9, show as stricken, and insert "On the effective date of this act, the members serving in districts 5, 6, and 7 shall be designated to represent the third congressional district, the members serving in districts 3, 4, and 8 shall be designated to represent the first congressional district, and the members serving in districts 1 and 2 shall be designated to represent the second congressional district. A third member shall be appointed to represent the second congressional district. As the terms of the members serving on the effective date expire, their successors shall be appointed from the congressional district they were designated to represent. The members shall represent the general public and have demonstrated competence, experience, and interest in matters under the jurisdiction of the commission."; strike beginning with "At" in line 12 through the period in line 14 and show the old matter as stricken; and in line 22 before "district" insert "congressional".

3. On page 3, line 1, after "in" insert "congressional"; and in line 12 after the period insert "This subsection shall not apply to any member serving on the effective date of this act designated to represent a district in which he or she does not reside.".

COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 1045. Placed on General File with amendment.
AM1819

1. Strike section 1 and insert the following new section:

Section 1. (1) If an insurer reduces or eliminates any coverage in or introduces a more restrictive condition as part of a policy in force delivered or issued for delivery in this state and subject to sections 44-514 to 44-521 or section 44-522 or 44-523 prior to renewal of the policy and other than at the request of the named insured or as required by law, the insurer shall send to the named insured a notice explaining clearly what coverage has been reduced or eliminated or what condition has been restricted. The notice may be in a printed or electronic form. If the named insured does not receive the notice, the reduction or elimination

of coverage or restrictive condition shall not become part of the policy. It shall be conclusively presumed that all insureds received the notice if it was sent by email or first-class mail to the named insured's last-known email address or mailing address contained in the policy.

(2) Notice of any reduction or elimination of coverage or restrictive condition as part of a policy in force delivered or issued for delivery in this state and subject to sections 44-514 to 44-521 or section 44-522 or 44-523 and other than at the request of the named insured or as required by law shall be sent to each agency that holds an agency contract with the insurer prior to the introduction into the marketplace of a policy containing the reduction or elimination of coverage or restrictive condition.

(3) Nothing in this section shall restrict the right of the parties to an insurance contract to amend the contract, during the policy term but not during the renewal process, pursuant to an endorsement attached to the policy if requested by a named insured under the policy. An endorsement attached to a policy pursuant to 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. Strike the original sections and insert the following new sections:

Section 1. Each seat on each school bus purchased new, other than by a school board or board of education, on or after January 1, 2010, to be operated for the transportation of public school children in Nebraska shall be equipped with lap-shoulder belts sufficient to allow each passenger who is being transported to use a separate belt. The belts shall meet the standards under 49 C.F.R. 571.208, as such regulation existed on January 1, 2008.

Sec. 2. Section 79-601, Reissue Revised Statutes of Nebraska, is amended to read:

79-601 (1) The school board or board of education of any public school district may, when authorized by a majority vote of the members of such board, purchase out of the general fund of the district a school bus or buses for the purpose of providing transportation facilities for school children to and from school and to and from all school-related activities. Each seat on each school bus purchased new on or after January 1, 2010, by a school board or board of education to be operated for the transportation of public school children in Nebraska shall be equipped with

lap-shoulder belts sufficient to allow each passenger who is being transported to use a separate belt. The belts shall meet the standards under 49 C.F.R. 571.208, as such regulation existed on January 1, 2008.

(2) The school board or board of education of any public school district providing such transportation facilities for children attending public schools shall also provide transportation without cost for children who attend nonprofit private schools which are approved for continued legal operation under rules and regulations established by the State Board of Education pursuant to subdivision (5)(c) of section 79-318. Such transportation shall be provided for only such children attending nonprofit private schools who reside in a district which provides transportation to public school students, and such transportation shall extend only from some point on the regular public school route nearest or most easily accessible to their homes to and from a point on the regular public school route nearest or most easily accessible to the school or schools attended by such children. The governing body of such nonprofit private school, on a form to be provided by the State Department of Education, shall certify to the public school district the names, addresses, and days of school attendance of children transported and such other information useful in operating the transportation facility as may be required by rules established by the State Board of Education. Transportation shall be provided for nonprofit private school children only at times when transportation is being provided for public school children.

(3) The school board or board of education of any public school district may enter into a contract with a municipality or county pursuant to section 13-1208.

Sec. 3. Section 79-609, Reissue Revised Statutes of Nebraska, is amended to read:

79-609 (1) The school board or board of education, after consultation with a member of the Nebraska State Patrol, shall determine the number of passengers that may be safely transported in each bus.

(2)(a) Any company or agency that provides transportation of pupils by school bus and contracts directly with the pupils or their parents, (b) the school board or board of education of the public schools, and (c) the governing authority of any private, denominational, or parochial school in this state shall provide, at least twice during each school year to each pupil who is transported in a school bus, instruction in safe riding practice, ~~and~~ participation in emergency evacuation drills, and instruction in proper use of lap belts, shoulder belts, or lap-shoulder belts.

(3) The operator of a school bus equipped with an occupant protection system as defined in section 60-6,265 shall wear such system whenever the vehicle is in motion.

(4) Each passenger on a school bus that is equipped with lap belts, shoulder belts, or lap-shoulder belts shall be

transported only in a designated seating position and shall wear such a belt, properly adjusted and fastened, at all times while the bus is in operation.

(5) Nothing in this section shall be construed to increase or decrease the liability of a school district to a school bus passenger or other person for personal injury to the school bus passenger caused solely due to the failure to use such a belt or the misuse of such a belt by the injured passenger or another passenger.

(6) Nothing in this section shall be construed to increase or decrease the liability of a school district for the continued operation or use of a school bus which is not equipped with lap-shoulder belts as described in section 79-601.

Sec. 4. Original sections 79-601 and 79-609, Reissue 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 Louden, 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 Louden, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 720. Placed on General File with amendment.
AM2044

1. Strike original sections 3, 4, and 6 and insert the following new sections:

Sec. 3. Section 86-247, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-247 All telephone solicitation messages ~~delivered~~ transmitted by an automatic dialing-announcing device shall:

(1) At the beginning of the message, state clearly the identity of the person making the call; and

(2) During or after the message, state clearly the telephone number, other than that of the device which made the call, or address of such person.

Sec. 5. Section 86-256, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-256 (1) Any person using an automatic dialing-announcing device other than for telephone solicitations

shall register the device with the commission pursuant to the application process, without a fee, and shall include with the application a detailed explanation of the use planned and the ~~script~~ message to be used.

(2) All telephone messages transmitted by an automatic dialing-announcing device other than telephone solicitations shall:

(a) At the beginning of the message, state clearly the identity of the person on whose behalf the message is being transmitted;

(b) During or after the message, state clearly the telephone number, other than that of the device which made the call, or address of the person operating the device; and

(c) Transmit messages only between the hours of 8 a.m. and 9 p.m. at the location of the person receiving the message.

(3) This section does not apply to (a) a message from any elementary, secondary, or postsecondary educational institution to any of its students, parents, or employees, (b) a message to a person with whom the person placing the call or the person on whose behalf the message is being transmitted has an established business or personal relationship, or (c) a message from an employer advising any of its employees of work schedules.

(4) A person contracting with a third party to connect or operate an automatic dialing-announcing device for other than telephone solicitations shall be jointly and severally liable with the third party for connecting and operating the automatic dialing-announcing device in violation of the Automatic Dialing-Announcing Devices Act or the rules and regulations adopted and promulgated under the act.

(5) A person contracting with a third party to connect or operate an automatic dialing-announcing device for other than telephone solicitations shall file with the commission the message to be used within twenty-four hours after the message is transmitted.

2. On page 8, lines 5 and 6, strike "script" and insert "message".

3. On page 9, line 4, strike "86-248,".

4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 721. Placed on General File with amendment.
AM2039

1. Strike beginning with "The" on page 4, line 23, through page 5, line 9, and insert "The Office of the Nebraska Capitol Commission shall secure services as necessary to design, fabricate, and install fountains within each of the four courtyards of the State Capitol consistent with fountains as identified among restoration recommendations contained in the Capitol Landscape Restoration Master Plan. Installation of the fountains shall be completed no later than June 30, 2011.".

LEGISLATIVE BILL 878. Placed on General File with amendment.
AM2041

1. On page 3, line 3, strike "for" and show as stricken; and in line 11 after the period insert "Elected officials may be recalled only for malfeasance in office, misfeasance in office, nonfeasance in office, or conviction of a crime involving an act of dishonesty or a false statement.".

2. On page 4, line 15, strike "or" and after the second "office" insert ", or conviction of a crime involving an act of dishonesty or a false statement,".

3. On page 7, lines 2 and 7, strike "or"; in line 3 after "office" insert ", or conviction of a crime involving an act of dishonesty or a false statement"; and in line 7 after the second comma insert "or conviction of a crime involving an act of dishonesty or a false statement,".

4. On page 9, lines 2 through 4, strike the new matter; and in lines 4 and 5 reinstate the stricken matter.

LEGISLATIVE BILL 889. Placed on General File with amendment.
AM2043

1. Strike original section 14 and insert the following new section:

Sec. 14. A political subdivision shall not use a design-build contract or construction management at risk contract for a project, in whole or in part, for road, street, highway, water, wastewater, utility, or sewer construction, except that a city of the metropolitan class may use a design-build contract or construction management at risk contract for the purpose of complying with state or federal requirements to control or minimize overflows from combined sewers.

2. On page 2, line 3; and page 6, line 4, strike "15" and insert "14".

3. On page 4, line 6, after the second comma insert "or"; and strike beginning with the third comma in line 6 through "Act" in line 10.

4. On page 5, line 10, strike "and"; and in lines 13 through 15 strike the new matter and reinstate the stricken matter.

5. On page 6, line 6, strike "seventy-five percent", show as stricken, and insert "two-thirds".

6. On page 20, line 18, strike "79-2013, and 79-2015" and insert "and 79-2013"; in line 20 strike "section is" and insert "sections are"; and in line 21 strike "Section 79-2014" and insert "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. In the Standing Committee amendments, AM1865:

a. On page 1, line 11, after the semicolon insert "and"; and

b. On page 3, line 3, strike the comma.

LEGISLATIVE BILL 855. Placed on Select File with amendment.
ER8167

1. In the Standing Committee amendments, AM1832:

a. On page 7, lines 20 and 23, strike "service" and insert "services";

b. On page 9, line 27, strike the period, show as stricken, and insert "; and";

c. On page 13, line 12, after "payment" insert an underscored comma;

d. On page 14, line 8, after "union's" insert "or organization's";

e. On page 18, line 7, strike "provides" and insert "provide";

f. On page 21, lines 20 and 27, strike the semicolon and insert an underscored period;

g. On page 22, line 3, strike "; and" and insert an underscored period;

h. On page 24, line 20, strike the second comma;

i. On page 25, line 22, after the second "for" insert an underscored comma;

j. On page 30, line 3, strike "sections 14 and" and insert "section 14 or"; and in line 5 strike "spouse", show as stricken, and insert "spouses";

k. On page 40, line 10, strike the comma;

l. On page 53, line 26, strike "any" and insert "each";

m. On page 56, line 17; page 57, line 27; and page 70, line 16, strike "act" and insert "Discount Medical Plan Organization Act";

n. On page 57, line 2, strike "exists" and insert "exist";

o. On page 64, lines 2, 10, and 17, strike "material" and insert "materials"; in line 3 strike the semicolon and insert an underscored period; in line 7 strike "insured" and insert "insurance"; and in line 8 strike "; and" and insert an underscored period;

p. On page 70, lines 19 and 20, strike "Discount Medical Plan Organization Act" and insert "act"; and

q. On page 78, lines 14 and 26, after "thereof" insert an underscored comma.

2. On page 1, strike beginning with "44-1601" in line 1 through line 8 and insert "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.".

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. On page 2, line 5, after the period insert "The fire chief shall promulgate, implement, and enforce rules governing the actions and conduct of volunteer members of the department so as to be in conformity with the personnel policies of the city.".

2. On page 4, line 13, after the second comma insert "or", strike ", or donations" and insert "solicited,", and after "collected" insert an underscored comma; and in line 16 after "department" insert "at a given place and time".

3. On page 5, line 1, after "audited" insert "at the expense of the taxing authority"; in line 19 after "shall" insert "solicit," and after "charge" insert an underscored comma; in line 20 after the second comma insert "or" and strike ", or donations"; and in line 27 after the third comma insert "or" and strike ", or 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

printed on recycled paper

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. On page 2, lines 18 and 20, strike the new matter and reinstate the stricken matter; in line 18 after the reinstated "metropolitan" insert "<u>or primary</u>" and after the reinstated "class" insert "<u>or a county with a population of more than two hundred thousand</u>"; and in line 20 after the reinstated "city" insert "<u>or county</u>".

(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. On page 1, line 20, strike "thirty-five thousand" and insert "thirty-seven thousand five hundred".

2. On page 2, line 6, after "such" insert "other"; and in line 7 after "chief" insert "employed pursuant to section 2 of 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 Anthoney 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. On page 2, lines 1 and 7, after "Any" insert "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. Strike the original sections and insert the following new sections:
Section 1. Section 81-653, Reissue Revised Statutes of

Nebraska, is amended to read:

81-653 ~~It is the intent of sections 81-653 to 81-661~~ (1) Sections 81-653 to 81-660 and section 8 of this act shall be known and may be cited as the Brain Injury Registry Act.

(2) The intent of the Brain Injury Registry Act is to require the establishment and maintenance of a ~~brain injury registry~~ Brain Injury Registry in and for the State of Nebraska. The purpose of the ~~brain injury registry~~ Brain Injury Registry is to provide a central data bank of accurate, precise, and current information ~~which will~~ to assist in the statistical identification ~~and~~ of persons with brain or head injury, planning for the treatment and rehabilitation of such persons, and ~~with brain or head injury and in~~ the prevention of such injury.

Sec. 2. Section 81-654, Revised Statutes Supplement, 2007, is amended to read:

81-654 For purposes of ~~sections 81-653 to 81-661:~~ the Brain Injury Registry Act:

~~(1) Brain injury registry shall mean the system of reporting established by sections 81-653 to 81-661 in which cases of brain or head injury in this state are reported and recorded in order to achieve the goals of statistical identification and planning for treatment and rehabilitation of persons with brain or head injury and prevention of such injury;~~

~~(2)~~ (1) Brain or head injury ~~shall mean~~ means clinically evident neurotrauma resulting directly or indirectly from closed or penetrating brain or head trauma, infection, febrile condition, anoxia, vascular lesions, toxin, or spinal cord injury, not primarily related to congenital or degenerative conditions, chemical dependency, or aging processes, which impairs mental, cognitive, behavioral, or physical functioning; and

~~(3)~~ (2) Department ~~shall mean~~ means the Department of Health and Human Services.

Sec. 3. Section 81-655, Reissue Revised Statutes of Nebraska, is amended to read:

81-655 The department shall establish and maintain a ~~central registry~~ Brain Injury Registry. The registry shall consist of information concerning persons with brain or head injury that occurs within the state. The registry shall include such information as ~~, which information~~ the department deems necessary and appropriate for the statistical identification ~~and~~ of persons with brain or head injury, planning for the treatment and rehabilitation of such persons, ~~with brain or head injury~~ and the prevention of such injury. Any information released from the registry shall be disclosed as Class I, Class II, and Class IV data as provided in sections 81-663 to 81-675.

Sec. 4. Section 81-656, Revised Statutes Cumulative Supplement, 2006, is amended to read:

81-656 In order to implement the intent and purposes of ~~section 81-653,~~ the Brain Injury Registry Act, the department

shall:

(1) Adopt and promulgate necessary rules and regulations~~,~~ ~~including~~ to carry out the act, including, but not limited to, a uniform system of classification of brain or head injury which is consistent with medically and clinically accepted standards and definitions for use in reporting by treating medical personnel and hospitals. ~~The~~ In adopting and promulgating such rules and regulations, the department shall be guided by the standards and definitions of the International Classification of Disease, Clinical Modification Coding System of the World Health Organization;~~ and~~

(2) Execute any contracts that the department deems necessary to carry out the act; and

~~(2)~~ (3) Comply with all necessary requirements in order to obtain funds or grants.

Sec. 5. Section 81-657, Revised Statutes Supplement, 2007, is amended to read:

81-657 (1) If a person with brain or head injury is ~~not admitted to a hospital within the state but is~~ treated in this state in the office of a physician or psychologist licensed ~~under the Uniform Credentialing Act,~~ to practice in this state but is not admitted to a hospital within this state, the treating physician or psychologist shall provide a report ~~the brain or head of such~~ injury to the department within thirty days after such treatment and identification of the person sustaining such injury. ~~Each treating physician or psychologist shall be required to report each brain or head injury only one time.~~

~~(2) Each hospital and each rehabilitation center located within a hospital in the State of Nebraska shall annually report to the department a brain or head injury which results in admission or treatment.~~

(2) If a person with a brain or head injury is admitted to or treated at a hospital or at a rehabilitation center located within a hospital in this state, such hospital or rehabilitation center shall provide a report of such injury to the department within thirty days after such admission or treatment and identification of the person sustaining such injury.

(3) ~~The report~~ A report provided under this section shall contain the following information about the person ~~sustaining the~~ who has sustained a brain or head injury:

(a) Name;

(b) Social security number;

(c) Date of birth;

(d) Gender;

(e) Residence;

(f) Date of the injury;

(g) Final diagnosis or classification of the injury according to the International Classification of Disease, Clinical Modification Coding System, as adopted by the department;

(h) Cause of the injury and, if practicable, whether the injury resulted from an accident involving the use of alcohol;

(i) Place or site of occurrence of the injury;

(j) Identification of the reporting source;

(k) Dispensation upon discharge;

(l) Payor source; and

(m) Any additional information the department ~~can demonstrate is reasonable in order to implement the purposes stated in section 81-653.~~ deems necessary and appropriate to carry out the purposes of the Brain Injury Registry Act.

Sec. 6. Section 81-659, Reissue Revised Statutes of Nebraska, is amended to read:

81-659 No patient-identifying data as defined in section 81-664 shall be ~~divulged,~~ disclosed, made public, or released by the department to any public or private person or entity. All other data obtained from medical records of persons sustaining brain or head injury is for the confidential use as Class I, Class II, or Class IV data of the department and the private or public persons or entities that the department determines may view such records as provided in sections 81-663 to 81-675.

Sec. 7. Section 81-660, Revised Statutes Cumulative Supplement, 2006, is amended to read:

81-660 No physician, psychologist, hospital, or administrator, officer, or employee of a hospital or medical professional who is in compliance with sections 81-657 and 81-663 to 81-675 shall be civilly or criminally liable for ~~divulging~~ disclosing the information required ~~pursuant to~~ under section 81-657.

Sec. 8. Within thirty days after receiving a report of a brain or head injury, the department shall provide relevant and timely information to the person with such injury to assist such person in accessing necessary and appropriate services relating to such injury. The department may develop such information or utilize information developed by other sources and approved by the department. The department may provide such information directly or contract with an appropriate entity to facilitate the provision of such information. Costs associated with providing such information shall be paid from cash funds, gifts, and grants. No funds from the General Fund shall be used to pay such costs. Funds received by the department for the payment of such costs shall be remitted to the State Treasurer for credit to the Health and Human Services Cash Fund. The department shall not be required to provide information under this section if sufficient funding is unavailable.

Sec. 9. Section 81-664, Revised Statutes Supplement, 2007, is amended to read:

81-664 For purposes of sections 81-663 to 81-675:

(1) Aggregate data means data contained in the medical record and health information registries maintained by the department which is compiled in a statistical format and which does

not include patient-identifying data;

(2) Approved researcher means an individual or entity which is approved by the department pursuant to section 81-666 to obtain access to data contained in the medical record and health information registries maintained by the department to assist in the scientific or medical research for the prevention, cure, or control of a disease or injury process;

(3) Case-specific data means data contained in the medical record and health information registries concerning a specific individual other than patient-identifying data;

(4) Department means the Department of Health and Human Services;

(5) Medical record and health information registry means the system of reporting certain medical conditions occurring in this state, as prescribed by law, which are reported and recorded in order to achieve the goals of prevention, cure, and control through research and education, and includes the birth defects registry established in section 71-646, the cancer registry established in sections 81-642 to 81-650, the ~~brain injury registry established in sections 81-653 to 81-661,~~ Brain Injury Registry established pursuant to the Brain Injury Registry Act, and the Parkinson's Disease Registry established in the Parkinson's Disease Registry Act;

(6) Patient-identifying data means the patient's name, address, record number, symbol, or other identifying particular assigned to or related to an individual patient; and

(7) Research means study specific to the diseases or injuries for which access to data is requested and which is dedicated to the prevention, cure, or control of the diseases or injuries.

Sec. 10. Original sections 81-653, 81-655, and 81-659, Reissue Revised Statutes of Nebraska, sections 81-656 and 81-660, Revised Statutes Cumulative Supplement, 2006, and sections 81-654, 81-657, and 81-664, Revised Statutes Supplement, 2007, are repealed.

Sec. 11. The following section is outright repealed: Section 81-661, Revised Statutes Supplement, 2007.

LEGISLATIVE BILL 796. Placed on General File with amendment.
AM1925

1. Strike original sections 2, 3, 10, and 11 and insert the following new sections:

Section 1. Section 38-1901, Revised Statutes Supplement, 2007, is amended to read:

38-1901 Sections 38-1901 to 38-1920 and sections 4, 6, and 7 of this act shall be known and may be cited as the Medical Radiography Practice Act.

Sec. 2. Section 38-1902, Revised Statutes Supplement, 2007, is amended to read:

38-1902 For purposes of the Medical Radiography Practice Act and elsewhere in the Uniform Credentialing Act, unless the context otherwise requires, the definitions found in sections 38-1903 to 38-1913 and section 4 of this act apply.

Sec. 4. Limited computed tomography radiographer means a person licensed pursuant to section 6 of this act to practice medical radiography restricted to computed tomography.

Sec. 5. Section 38-1915, Revised Statutes Supplement, 2007, is amended to read:

38-1915 (1) A person licensed by the department, with the recommendation of the board, as a medical radiographer may practice medical radiography on any part of the human anatomy for interpretation by and under the direction of a licensed practitioner, including computed tomography but excluding interpretative fluoroscopic procedures. An applicant for a license as a medical radiographer shall:

(a) Complete an educational program in radiography approved by the board pursuant to subsection (1) of section 38-1918;

(b) Complete an application in accordance with the Uniform Credentialing Act; and

(c) Successfully complete an examination approved by the board.

(2) Presentation of proof of registration in radiography with the American Registry of Radiologic Technologists is proof of meeting the requirements of subdivisions (1)(a) and (c) of this section.

Sec. 6. (1) A person licensed by the department, with the recommendation of the board, as a limited computed tomography radiographer may practice medical radiography restricted to computed tomography. An applicant for a license as a limited computed tomography radiographer shall:

(a) Complete an application in accordance with the Uniform Credentialing Act;

(b) Be certified by (i) the Nuclear Medicine Technology Certification Board or (ii) the American Registry of Radiologic Technologists in nuclear medicine technology; and

(c) Be certified by the American Registry of Radiologic Technologists in computed tomography.

(2) A nuclear medicine technologist who meets the requirements for training and experience for nuclear medical technology under the Radiation Control Act may perform computed tomography without being licensed under the Medical Radiography Practice Act if such practice is limited to X-rays produced by a combination nuclear medicine-computed tomography system and administered as an integral part of a nuclear medicine procedure that uses a computed tomography protocol for purposes of attenuation correction and anatomical localization only and if the nuclear medicine technologist has received

documented device-specific training on the combination nuclear medicine-computed tomography system as prescribed by rules and regulations adopted and promulgated by the department.

Sec. 7. The requirements of section 6 of this act do not apply to a student while enrolled and participating in an educational program in nuclear medicine technology who, as part of the educational program, applies X-rays to humans using a computed tomography system while under the supervision of the licensed practitioners, medical radiographers, or limited computed tomography radiographers associated with the educational program. A person registered by the Nuclear Medicine Technology Certification Board or the American Registry of Radiologic Technologists may apply for a license as a temporary limited computed tomography radiographer. Temporary limited computed tomography radiographer licenses shall expire twenty-four months after issuance and shall not be renewed. Persons licensed as temporary limited computed tomography radiographers shall be permitted to perform medical radiography restricted to computed tomography while under the direct supervision and in the physical presence of licensed practitioners, medical radiographers, or limited computed tomography radiographers.

Sec. 14. Section 71-3519, Revised Statutes Supplement, 2007, is amended to read:

71-3519 Sections 71-3501 to 71-3520 and section 10 of this act shall be known and may be cited as the Radiation Control Act.

Sec. 15. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, and 16 of this act become operative on December 1, 2008. The other sections of this act become operative on their effective date.

Sec. 16. Original sections 38-1901, 38-1902, 38-1907, 38-1915, 71-3503, 71-3505, 71-3507, 71-3508.03, and 71-3517, Revised Statutes Supplement, 2007, are repealed.

Sec. 17. Original section 71-3519, Revised Statutes Supplement, 2007, is repealed.

2. On page 12, line 2, after "concern" insert an underscored comma.

3. On page 16, line 23, strike the first comma and show as stricken.

4. On page 21, line 1, after the stricken matter insert "four hundred"; and in lines 2 through 6 reinstate the stricken matter and strike the new matter.

5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 972. Placed on General File with amendment.
AM1977

1. On page 2, strike the new matter in lines 8 through 11 and insert "and must provide satisfactory evidence of being credentialed in such other jurisdiction at a level with requirements that are at least as stringent as or more stringent

than the requirements for the comparable credential being applied 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. On page 18, lines 17 and 18; and page 31, lines 10 and 11, reinstate the stricken matter and strike the new matter.

2. On page 18, line 22; and page 31, line 15, after "9" insert ", except that a manufacturer which has two or more facilities, divisions, or subsidiaries or which is comprised of two or more separate and distinct legal entities with the same ownership may apply for and obtain a manufacturer's license for each such facility, division, subsidiary, or entity with approval 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. Strike the original sections and insert the following new sections:

Section 1. Section 79-758, Revised Statutes Supplement, 2007, is amended to read:

79-758 For purposes of the Quality Education Accountability Act:

(1) Assessment means the process of measuring student achievement and progress on ~~state and locally adopted~~ state-adopted standards;

(2) Assessment instrument means a test aligned with state ~~and local~~ standards that is designed to measure student progress and achievement; and

~~(3) Assessment portfolio means the compilation of assessment practices and procedures, assessment instruments, and national assessment instruments used by a school district in meeting assessment and reporting requirements; and~~

~~(4)~~ (3) National assessment instrument means a nationally norm-referenced test developed and scored by a national testing service.

Sec. 2. Section 79-760.01, Revised Statutes Supplement, 2007, is amended to read:

79-760.01 The State Board of Education shall adopt measurable ~~model~~ academic content standards for at least ~~three~~ the grade levels required for statewide assessment pursuant to section 79-760.03. The standards shall cover the subject areas of reading, writing, mathematics, science, and social studies. The standards adopted shall be sufficiently clear and measurable to be used for testing student performance with respect to mastery of the content described in the state standards. The State Board of Education shall develop a plan to review and update standards for each subject area every five years. The state board shall review and update the standards in reading by July 1, 2009, the standards in mathematics by July 1, 2010, and the standards in all other subject areas by July 1, 2013. The state board plan shall include a review of commonly accepted standards adopted by school districts.

Sec. 3. Section 79-760.02, Revised Statutes Supplement, 2007, is amended to read:

79-760.02 In accordance with timelines that are adopted by the State Board of Education, but in no event later than one year following the adoption or modification of state standards, each school district shall adopt measurable quality academic content standards in the subject areas of reading, writing, mathematics, science, and social studies. The standards may be the same as, or may be equal to or exceed in rigor, the measurable

~~model~~ academic content standards adopted by the state board and shall cover at least the same grade levels. School districts may work collaboratively with educational service units, with learning communities, or through interlocal agreements to develop such standards. Educational service units and learning communities shall develop a composite set of standards shared by member school districts. ~~The State Department of Education shall adopt and promulgate appropriate rules and regulations to insure the rigor of the measurable quality academic content standards.~~

Sec. 4. Section 79-760.03, Revised Statutes Supplement, 2007, is amended to read:

79-760.03 (1) For school year 2009-10 and each school year thereafter, the State Board of Education shall implement a statewide system for the assessment of student learning and for reporting the performance of school districts and learning communities pursuant to this section. The assessment and reporting system shall measure student knowledge of subject matter materials covered by measurable academic content standards selected by the state board.

(2) The state board shall adopt a plan for an assessment and reporting system and implement and maintain the assessment and reporting system according to such plan. The plan shall be submitted annually to the Governor, the chairperson of the Education Committee of the Legislature, and the Clerk of the Legislature. The state board shall select ~~three~~ grade levels for assessment and reporting required pursuant to subsections (4) through (7) of this section. The purposes of the system are to:

(a) Determine how well public schools are performing in terms of achievement of public school students related to the state academic content standards;

(b) Report the performance of public schools based upon the results of state assessment instruments and national assessment instruments;

(c) Provide information for the public and policymakers on the performance of public schools; and

(d) Provide for the comparison among Nebraska public schools and the comparison of Nebraska public schools to public schools elsewhere.

(3) The Governor shall appoint a technical advisory committee to review the statewide assessment plan and state assessment instruments developed under the Quality Education Accountability Act. The technical advisory committee shall consist of three to five nationally recognized experts in educational assessment and measurement. The members shall serve terms of three years, except that two of the members shall be appointed for initial terms of two years. Any vacancy shall be filled by the Governor for the remainder of the term. One of the members shall be designated as chairperson by the Governor. Members shall be reimbursed for their actual and necessary expenses as

provided in sections 81-1174 to 81-1177. The committee shall advise the Governor, the Legislature, the state board, and the State Department of Education on the development of statewide assessment instruments and the statewide assessment plan. The appointments to the committee shall be confirmed by the Legislature.

~~(3)~~ (4) The state board shall prescribe a statewide assessment of writing that relies on writing samples in each of three grades selected by the state board. Each year at least one of the three selected grades shall participate in the statewide writing assessment with each selected grade level participating at least once every three years.

~~(4)~~ (5) For school year 2009-10 and for each school year thereafter, the state board shall prescribe a statewide assessment of reading. ~~that is based on model assessments developed pursuant to section 79-760. The reading assessment instruments shall be developed in collaboration with educational service units and be approved by a majority of the educational service unit administrators.~~ The statewide assessment of reading shall include assessment instruments for each of the grade levels three through eight and for one grade in high school and standards ~~selected~~ adopted by the state board pursuant to section 79-760.01.

~~(5)~~ (6) For school year 2010-11 and for each school year thereafter, the state board shall prescribe a statewide assessment of mathematics. ~~that is based on model assessments developed pursuant to section 79-760. The mathematics assessment instruments shall be developed in collaboration with educational service units and be approved by a majority of the educational service unit administrators.~~ The statewide assessment of mathematics shall include assessment instruments for each of the grade levels three through eight and for one grade in high school and standards ~~selected~~ adopted by the state board pursuant to section 79-760.01.

~~(6) School districts shall develop assessment portfolios. Such assessment portfolios may be developed through school district collaboration with educational service units and learning communities or through interlocal agreements. Educational service units shall conduct a peer review of local district assessments annually. Educational service units shall submit documentation of the district portfolios for review by the State Department of Education not more than once every three years. Assessment portfolios shall include all assessment instruments required by the state board and by the Quality Education Accountability Act.~~

~~(7) The department shall identify criteria for rating assessment instruments and assessment portfolios. The department shall establish statewide minimum proficiency levels for local assessments and shall include proficiency levels in the rating of assessment instruments and assessment portfolios. The department shall contract with independent, recognized assessment experts to review and rate locally developed assessment instruments and portfolios according to such criteria and proficiency levels.~~

(7) For school year 2011-12 and each school year thereafter, the state board shall prescribe a statewide assessment of science. The statewide assessment of science shall include assessment instruments for each of the grade levels selected by the state board and standards adopted by the state board pursuant to section 79-760.01. The grade levels shall include at least one grade in elementary school, one grade in middle school or junior high school, and one grade in high school.

(8) The department shall conduct studies to verify the technical quality of assessment instruments and demonstrate the comparability of assessment instrument results required by the ~~Quality Education Accountability Act.~~ act. The department shall annually report such findings to the Governor, the Legislature, and the ~~State Board of Education.~~ state board.

(9) The ~~State Board of Education~~ state board shall recommend national assessment instruments for the purpose of national comparison. Each school district shall ~~include national assessment instruments in its assessment portfolio.~~ report individual student data for scores and sub-scores according to procedures established by the state board and the department pursuant to section 79-760.05.

(10) The aggregate results of assessment instruments and national assessment instruments shall be reported by the district on a building basis to the public in that district, to the learning community coordinating council if such district is a member of a learning community, and to the department. Each learning community shall also report the aggregate results of any assessment instruments and national assessment instruments to the public in that learning community and to the department. The department shall report the aggregate results of any assessment instruments and national assessment instruments on a learning community, district, and building basis as part of the statewide assessment and reporting system.

(11)(a) The assessment and reporting plan shall:

(i) Provide for the confidentiality of the results of individual students; and

(ii) Include all public schools and all public school students.

(b) The state board shall adopt criteria for the inclusion of students with disabilities, students entering the school for the first time, and students with limited English proficiency.

(12) The state board may select additional grade levels and additional subject areas for statewide assessment to comply with federal requirements.

(13) The state board shall not require school districts to administer assessments or assessment instruments other than as prescribed by the act.

Sec. 5. Section 79-760.05, Revised Statutes Supplement,

2007, is amended to read:

79-760.05 (1) The State Board of Education shall implement a statewide system for tracking individual student achievement, using the student identifier system of the State Department of Education, that can be aggregated to track student progress by demographic characteristics, including, but not limited to, race, poverty, high mobility, attendance, and limited English proficiency, on available measures of student achievement which include, but need not be limited to, national assessment instruments~~,~~ and state assessment instruments. ~~, local assessment instruments, and other similar measures.~~ Such a system shall be designed so as to aggregate student data by available educational input characteristics, which may include class size, teacher education, teacher experience, special education, early childhood programs, federal programs, and other targeted education programs. School districts shall provide the department with individual student achievement data ~~as requested~~ from assessment instruments required pursuant to section 79-760.03 in order to implement the statewide system.

(2) The department and the coordinator appointed pursuant to section 79-11,150 shall annually analyze and report on student achievement for the state, each school district, and each learning community aggregated by the demographic characteristics described in subsection (1) of this section. The department shall report the findings to the Governor, the Legislature, school districts, educational service units, and each learning community. Such analysis shall include aggregated data that would indicate differences in achievement due to available educational input characteristics described in subsection (1) of this section. Such analysis shall include indicators of progress toward state achievement goals for students in poverty, limited English proficient students, and highly mobile students according to the plan developed by the coordinator pursuant to section 79-11,150.

Sec. 6. Original sections 79-758, 79-760.01, 79-760.02, 79-760.03, and 79-760.05, Revised Statutes Supplement, 2007, are repealed.

(Signed) Ron Raikes, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 786. Placed on General File with amendment.
AM2084

1. On page 3, strike lines 9 through 13; in line 14 strike "(3)" and insert "(2)"; in line 17 strike "(4)" and insert "(3)"; and in line 21 strike "(5)" and insert "(4)".

LEGISLATIVE BILL 1051. Placed on General File with amendment.
AM2089

1. On page 3, line 15, strike "fifteen" and insert "twelve".

LEGISLATIVE BILL 1068. Placed on General File with amendment.
AM1983

1. Strike original section 6 and insert the following new sections:

Sec. 6. Section 39-2110, Reissue Revised Statutes of Nebraska, is amended to read:

39-2110 Following adoption and publication of the specific criteria required by section 39-2109, the Department of Roads, after consultation with the appropriate local authorities in each instance, shall assign a functional classification to each segment of highway, road, and street in this state. Before assigning any such classification, the department shall make reasonable effort to resolve any differences of opinion between the department and any county or municipality. Whenever a new road or street is to be opened or an existing road or street is to be extended, the department shall, upon a request from the operating jurisdiction, assign a functional classification to such segment in accordance with the specific criteria established under section 39-2109.

Sec. 7. Section 39-2112, Reissue Revised Statutes of Nebraska, is amended to read:

39-2112 Any county or municipality may, based on changing traffic patterns or volume or a change in jurisdiction, request the Department of Roads to reclassify any segment of highway, road, or street. Any county that wants to use the minimum maintenance, remote residential, or scenic recreation functional classification, or wants to return a road to its previous functional classification, may request the department to reclassify an applicable segment of highway or road. If a county board wants a road or a segment of road to be classified as remote residential it shall hold a public hearing on the matter prior to requesting the department to reclassify such road or segment of road. The department shall review such request and either grant or deny the reclassification in whole or in part. Any county or municipality dissatisfied with the action taken by the department under this section, may appeal to the Board of Public Roads Classifications and Standards in the manner provided in section 39-2111.

2. On page 2, strike beginning with "by" in line 9 through the period in line 10, show as stricken, and insert an underscored period.

3. On page 8, line 10, strike "six" and insert "eighteen".

4. On page 9, strike beginning with "The" in line 23 through line 25 and show as stricken.

5. On page 11, strike beginning with "The" in line 5 through line 6.

6. On page 12, line 4, after the second comma insert "39-2110,".
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, Louden, 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, Louden, 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. On page 6, line 13, strike "29-433" and show as stricken, strike the underscored semicolon and insert "5 of this act", and reinstate the stricken "if the"; and in lines 14 and 15 reinstate the stricken matter.

2. On page 8, lines 10 through 12, strike the new matter.

3. On page 9, line 5, strike "29-433" and insert "5 of this act if the judge determines that attending such course is in 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

printed on recycled paper

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. On page 2, line 5, strike "(1)", show as stricken, and insert "(1)(a)"; in lines 5, 7, and 8 strike the new matter and reinstate the stricken matter; and in line 8 after the semicolon insert "and

(b) Beginning with applications for financial assistance received on or after February 1, 2008, associated hotel means any publicly or privately owned facility in which the public may, for a consideration, obtain sleeping accommodations and which is located within four hundred fifty yards of an eligible facility, measured from the eligible facility but not from any parking facility or 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. On page 2, line 6, strike "and 71-7009" and insert "71-7009, and 71-7011".
2. On page 18, line 20, strike "68-1017,".

LEGISLATIVE BILL 1014. Placed on Select File with amendment.
ER8172

1. In the Standing Committee amendment, AM2006:
   a. On page 4, line 25, strike "(1)", show as stricken, and insert "(a)"; and in line 26 strike "(2)", show as stricken, and insert "(b)";
   b. On page 5, line 20, strike the second comma;
   c. On page 12, lines 12 and 13, strike "effective date of this act" and insert "operative date of this section";
   d. On page 14, line 1, after the first "district" insert "court district";
   e. On page 16, line 20, strike "costs", show as stricken, and insert "cost"; and in line 21 strike "contributes", show as stricken, and insert "contribute";
   f. On page 17, line 12, strike "sections" and insert

"this section and section" and strike "and 24-1302";

g. On page 20, lines 20 and 21, strike "Conducting hearings" and insert "Hearings conducted";

h. On page 25, line 16, strike ", and" and insert "and,";

i. On page 30, line 11, strike the second comma and show as stricken;

j. On page 36, line 23, after "creditor" insert an underscored comma;

k. On page 49, line 9, after the second "motion" insert an underscored comma;

l. On page 53, lines 7 and 15, strike "43-1408" and insert "43-1418";

m. On page 57, line 8, after "court" insert an underscored comma;

n. On page 60, line 5, strike the commas; in line 7 strike the second comma; and in line 15 strike the first comma;

o. On page 65, line 15, strike "(a)", show as stricken, and insert "(1)"; in line 20 strike "(b)", show as stricken, and insert "(2)"; and in line 23 strike "(c)", show as stricken, and insert "(3)";

p. On page 66, line 2, strike "(d)", show as stricken, and insert "(4)"; and in line 11 strike "(e)", show as stricken, and insert "(5)";

q. On page 76, line 8, before "The" insert "(2)"; and in line 17 strike "(2)", show as stricken, and insert "(3)";

r. On page 77, line 15, strike "(3)", show as stricken, and insert "(4)"; in line 17 strike "(4)", show as stricken, and insert "(5)"; and in line 21 strike "(5)", show as stricken, and insert "(6)";

s. On page 99, line 4, strike "35" and insert "28"; in line 6 strike "43-1408" and insert "43-1418"; in line 11 strike "72" and insert "73"; and in line 14 strike "73" and insert "72"; and

t. On page 100, line 13, strike "sections are" and insert "section is"; and in line 14 strike "Sections 43-2927 and" and insert "Section".

2. On page 1, strike beginning with "24-730" in line 1 through line 14 and insert "24-508, 24-730, 24-809.04, 24-1205, 25-534, 25-1129, 25-1130, 29-1816, 42-357, 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, 24-1204, 24-1206, 24-1301, 24-1302, 25-2704, 25-2733, 25-2740, 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 24-301.02, 24-503, 42-353, 42-359, 42-364, 42-364.13, 42-371, 43-2,119, 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 judgeships, judicial

vacancies, judicial hearings, court duties and authority, jurisdiction, retired judges, referees, the Judicial Resources Commission, 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 state intent; 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.".

3. On page 2, strike line 1.

LEGISLATIVE BILL 606. Placed on Select File with amendment.
ER8170

1. In the Standing Committee amendments, AM1884, on page 4, line 16, after "thereafter" insert an underscored comma.

2. On page 1, strike beginning with "courts" in line 1 through line 3 and insert "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.".

LEGISLATIVE BILL 1096. Placed on Select File with amendment.
ER8171

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. The Legislature finds that matters relating to emergency medical first response and fire protection are matters of state concern, particularly in larger cities that rely primarily or entirely upon volunteers to provide these services. Recognizing the increasing complexity and difficulty of providing these services, the stringent and growing training demands made upon volunteers, the demographics of an aging population, the economic pressures that deny or inhibit employers from granting the opportunity for volunteers to respond to emergency calls during business hours, and the economic costs to residents and businesses of financing either a paid or partly paid emergency response system, the Legislature hereby declares the necessity of establishing a system and process whereby certain cities of the first class would be required to review, study, and modify on a continuing basis their emergency response systems, with appropriate public input, based upon local

conditions and circumstances.

Sec. 2. Not later than January 5, 2009, each city of the first class with a population in excess of thirty-seven thousand five hundred inhabitants shall employ a full-time fire chief with appropriate training, credentials, and experience and for whom firefighting or emergency medical first response is a full-time career. The fire chief shall be appointed by the mayor with the approval of the city council. The fire chief shall have the immediate superintendence of the fire prevention, fire suppression, and emergency medical first response services and the facilities and equipment related to such services of the city. The fire chief shall promulgate, implement, and enforce rules governing the actions and conduct of volunteer members of the department so as to be in conformity with the personnel policies of the city.

Sec. 3. (1) In addition to such other duties as may be performed by the fire chief employed pursuant to section 2 of this act, he or she shall keep and maintain full and complete records regarding the twelve-month period ending thirty days prior to the annual report of the chief to the city council as provided for in subsection (2) of this section. Such records include, but are not limited to, the number of volunteers in active volunteer service providing emergency response services to the city including their ages, the amount and type of training received by each volunteer during the course of his or her time of service as an active volunteer, the number of new volunteers recruited during such period, the number of volunteers who ceased to be active volunteers during that period, the basic information regarding each volunteer specified in section 35-1309.01, the number and nature of calls or requests for emergency services, the response time for each call, to be calculated from the time of receipt of the dispatch to the time of arrival of the first fire or rescue emergency response vehicle at the site of the request, the number of volunteers responding to each call, and the time each call was received. The city council may specify any additional information to be gathered or collected by the fire chief or as the fire chief may recommend.

(2) The fire chief shall collate and analyze the information gathered pursuant to subsection (1) of this section and shall, no less than once in any twelve-month period, on a date specified by the city council, provide a report to the city council at a regular council meeting on the prior year's experience regarding the volunteer department and shall make such recommendations as he or she deems appropriate.

Sec. 4. Section 35-901, Reissue Revised Statutes of Nebraska, is amended to read:

35-901 (1) For purposes of this section, volunteer department shall mean volunteer fire department or volunteer first-aid, rescue, or emergency squad or volunteer fire company serving any city, village, county, township, or rural or suburban fire protection district.

(2) ~~Each~~ Except as provided in subsection (4) of this section, each volunteer department may establish a volunteer department trust fund. All general donations~~,~~ or contributions, bequests, or annuities made to the volunteer department and all money raised by or for the volunteer department shall be deposited in the trust fund. The trust fund shall be under the control of the volunteer department, and the volunteer department may make expenditures from the trust fund as it deems necessary. The treasurer of the volunteer department shall be the custodian of the trust fund.

(3) The trust fund shall not be considered public funds or funds of any city, village, county, township, or rural or suburban fire protection district for any purpose, including the Nebraska Budget Act, nor shall any city, village, county, township, or rural or suburban fire protection district incur any liability solely by reason of any expenditure from such fund except liability for property when any city, village, county, township, or rural or suburban fire protection district receives title to property acquired with money from such fund.

(4)(a) If the total amount of expenditures and receipts in the trust fund exceeds one hundred thousand dollars in any twelve-month period, the volunteer department shall inform any city, village, county, township, or rural or suburban fire protection district receiving service from the department and such entity may examine or cause to be examined all books, accounts, vouchers, records, and expenditures with regard to the trust fund.

(b) Funds, fees, or charges solicited, collected, or received by a volunteer department that are (i) in consequence of the performance of fire or rescue services by the volunteer department at a given place and time, (ii) accomplished through the use by the volunteer department of equipment owned by the taxing authority supporting such department and provided to the volunteer department for that purpose, and (iii) paid by or on behalf of the recipient of those services shall not be deposited in a trust fund authorized by this section. Such funds are public funds of the taxing authority supporting the volunteer department and are deemed to have been collected by the volunteer department as the agent of the taxing authority and are held by the department on its behalf. If such funds are in the possession of a volunteer department, the taxing authority shall cause all the books, accounts, records, vouchers, expenditures, and statements regarding such funds to be examined and independently audited at the expense of the taxing authority by a qualified professional auditor or the Auditor of Public Accounts for the immediately preceding five years.

~~(4)~~ (5) Nothing in this section shall be construed or deemed to permit a violation of the Nebraska Liquor Control Act.

~~(5)~~ (6) All expenditures of public funds as defined in the Nebraska Budget Act for support of a volunteer department or its purposes shall be submitted as claims, approved by the taxing

authority supporting such department or its purposes, and published as required by law. All such claims shall be properly itemized for proposed expenditure or reimbursement for costs already incurred and paid except as may be otherwise permitted pursuant to section 35-106.

~~(6)~~ (7) All money raised pursuant to the Nebraska Bingo Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, and the Nebraska Small Lottery and Raffle Act shall be subject to such acts with respect to the deposit and expenditure of such money.

(8) No volunteer department shall solicit, charge, or collect any funds, fees, or charges as described in subdivision (4)(b) of this section without the express authorization of the taxing authority supporting the department by vote of a majority of the members of the governing body of such taxing authority. Such authorization shall not extend beyond a twelve-month period but may be renewed at the discretion of the taxing authority in the same manner in which it was initially granted. Upon collection or receipt, such funds, fees, or charges shall be remitted to the designated officer of the taxing authority for deposit to the account of the taxing authority. The taxing authority may appropriate and expend some or all of such funds for the support of a service award benefit program adopted and conducted pursuant to the Volunteer Emergency Responders Recruitment and Retention Act.

Sec. 5. Original section 35-901, Reissue Revised Statutes of Nebraska, is repealed.

2. On page 1, line 4, strike "a city" and insert "certain cities"; in line 5 strike "the use of a"; and in line 6 strike "fund" and insert "funds".

(Signed) Amanda McGill, Chairperson

AMENDMENTS - Print in Journal

Senator Erdman filed the following amendment to LB1049:
AM2047

1. On page 2, line 16, strike "Solely for purposes of appointment, the" and insert "The"; and in line 18 after the period insert "When a member ceases to meet the qualifications for his or her initial appointment, the office shall be immediately vacated.".

2. On page 3, line 7, after the period insert "An appointment made for the remainder of the term shall not be considered a full term.".

Senator Schimek filed the following amendment to LB1049:
AM2109

1. On page 2, line 18, after the period insert "No individual shall be appointed or reappointed to the commission if that appointment or reappointment would cause the number of members

of one gender to be greater than one-half of the membership of the commission, except that an individual serving on the effective date of this act may complete his of 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. Strike original section 25 and insert the following new section:

Sec. 26. Sections 1, 8, 13, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, and 29 of this act become operative on their effective date. Sections 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 14, 15, 16, 23, and 28 of this act become operative on January 1, 2009.

2. On page 1, line 2, after the first comma insert "77-1783.01,".

3. On page 27, line 9, strike "subsections (11) and (12)", show as stricken, and insert "<u>this subsection and subsection (11)</u>".

4. On page 41, line 18, strike "<u>Incentive</u>" and insert

"Incentives".

5. On page 66, line 1, strike "effective date of this act" and insert "operative date of this section"; and in line 14 after "November" insert an underscored comma.

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. In the Standing Committee amendment, AM1999:

a. On page 10, lines 10 and 11; page 13, lines 4 and 5; and page 16, lines 10 and 11, strike "Bureau of Labor Statistics" and insert ", Bureau of Labor Statistics,"; and

b. On page 16, line 27, before "Except" insert "(2)".

2. On page 1, strike beginning with "24-710.07" in line 3 through the semicolon in line 5 and insert "23-2306, 23-2309.01, 23-2310.05, 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;".

LEGISLATIVE BILL 952. Placed on Select File with amendment.
ER8173

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 81-119, Reissue Revised Statutes of Nebraska, is amended to read:

81-119 Each department created by section 81-101 shall have power through its head, or any deputy, assistant, or employee, when authorized by him or her, to make a thorough investigation into all the books, papers, and affairs of any person, firm, or corporation when in the judgment of such department such examination is necessary to the proper performance of its duties and the efficient enforcement of the laws. Such department may subpoena witnesses to attend investigative hearings and have such witnesses bring with them books, accounts, and documents necessary for a thorough investigation. Such witnesses may be examined under oath. These powers shall not be used for criminal investigations. ~~, and in so doing to administer oaths and affirmations and to examine on oath or affirmation any person, officer, agent or clerk of any firm or corporation touching the matters which, in the judgment of such department, ought to be inquired into, and to examine and to summon, and by attachment compel the attendance of, any person or persons in this state to testify under oath before such department or its secretary or any deputy, any assistant or employee thereof in relation thereto.~~

Sec. 2. Original section 81-119, Reissue Revised Statutes of Nebraska, is repealed.

2. On page 1, strike beginning with the last comma in line 2 through line 7 and insert "; to change provisions relating 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 Holzfaster, 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. Strike section 1 and insert the following new section:

Section 1. Section 71-519, Revised Statutes Supplement, 2007, is amended to read:

71-519 ~~(1) All~~ (1)(a) Except as provided in subdivision (b) of this subsection, all infants born in the State of Nebraska shall be screened for phenylketonuria, primary hypothyroidism, biotinidase deficiency, galactosemia, hemoglobinopathies, medium-chain acyl co-a dehydrogenase (MCAD) deficiency, and such other metabolic diseases as the Department of Health and Human Services may from time to time specify. Confirmatory tests shall be performed if a presumptive positive result on the screening test

is obtained.

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

(2) The attending physician shall collect or cause to be collected the prescribed blood specimen or specimens and shall submit or cause to be submitted the same to the laboratory designated by the department for the performance of such tests within the period and in the manner prescribed by the department. If a birth is not attended by a physician and the infant does not have a physician, the person registering the birth shall cause such tests to be performed within the period and in the manner prescribed by the department. The laboratory shall within the period and in the manner prescribed by the department perform such tests as are prescribed by the department on the specimen or specimens submitted and report the results of these tests to the physician, if any, the hospital or other birthing facility or other submitter, and the department. The laboratory shall report to the department the results of such tests that are presumptive positive or confirmed positive within the period and in the manner prescribed by the department.

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

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

(b) The department shall adopt and promulgate rules and regulations relating to the retention and disposal of such specimens. The rules and regulations shall: (i) Be consistent with nationally recognized standards for laboratory accreditation and shall comply with all applicable provisions of federal law; (ii) require that the disposal be conducted in the presence of a witness

who may be an individual involved in the disposal or any other individual; and (iii) provide for maintenance of a written or electronic record of the disposal, verified by such witness.

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

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

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

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

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

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

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

(7) The person responsible for causing the tests to be performed under subsection (2) of this section shall inform the parent or legal guardian of the infant of the ~~tests and of the~~ results of the tests and provide, upon any request for further

information, at least a copy of the written materials prepared under subsection (5) of this section.

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

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

LEGISLATIVE BILL 1048. Placed on General File with amendment.
AM1979

1. Strike the original sections and insert the following new sections:

Section 1. Section 71-606, Revised Statutes Supplement, 2007, is amended to read:

71-606 (1) A stillborn child ~~born dead~~ shall be registered as a fetal death on a certificate form furnished by the department. Such certificate shall not be required for a child which has not advanced to the twentieth week of gestation. The certificate shall be filed with the department by the funeral director and embalmer in charge of the funeral and shall include a statement of the cause of death made by a person holding a valid license as a physician who was in attendance. In the event of hospital disposition, as provided in section 71-20,121, the entire certificate shall be completed by the attending physician and subscribed to also by the hospital administrator or his or her designated representative. If the attendant is not a physician, the death shall be referred to the county attorney for certification. The same time limit for completion shall apply as for a regular death certificate.

(2)(a) The parent of a stillborn child may request a certificate of birth resulting in stillbirth for such child, regardless of the date of filing of the corresponding fetal death certificate. The department shall provide such certificate upon request and payment of the required fee. For purposes of this section, certificate of birth resulting in stillbirth means a birth certificate issued to record the birth of a stillborn child born.

(b) The person responsible for filing a fetal death certificate under this section shall notify the parent or parents of the stillborn child that such parent may request a certificate of birth resulting in stillbirth and shall provide the necessary information for making such request.

(c) The parent requesting a certificate of birth

resulting in stillbirth may provide a name for the stillborn child. If no name is provided, the department shall enter upon the certificate the name "baby boy" or "baby girl" and the last name of the requesting parent. The name on the original or amended certificate of birth resulting in stillbirth shall be the same as that entered on the original or amended fetal death certificate and shall include the state file number of the corresponding fetal death certificate for such child.

Sec. 2. Original section 71-606, Revised Statutes Supplement, 2007, is repealed.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.

LEGISLATIVE BILL 1108. Placed on General File with amendment.
AM1897

1. Insert the following new sections:

Sec. 2. Section 38-2115, Revised Statutes Supplement, 2007, is amended to read:

38-2115 (1) Mental health practice means the provision of treatment, assessment, psychotherapy, counseling, or equivalent activities to individuals, couples, families, or groups for behavioral, cognitive, social, mental, or emotional disorders, including interpersonal or personal situations.

(2) Mental health practice does not include:

(a) The practice of psychology or medicine;

(b) Prescribing drugs or electroconvulsive therapy;

(c) Treating physical disease, injury, or deformity;

(d) Diagnosing major mental illness or disorder except in consultation with a qualified physician, ~~or~~ a psychologist licensed to engage in the practice of psychology as provided in section 38-3111, or a licensed independent mental health practitioner;

(e) Measuring personality or intelligence for the purpose of diagnosis or treatment planning;

(f) Using psychotherapy with individuals suspected of having major mental or emotional disorders except in consultation with a qualified physician, a ~~or~~ licensed psychologist, or a licensed independent mental health practitioner; or

(g) Using psychotherapy to treat the concomitants of organic illness except in consultation with a qualified physician or licensed psychologist.

(3) Mental health practice includes the initial assessment of organic mental or emotional disorders for the purpose of referral or consultation.

(4) Nothing in sections 38-2114, 38-2118, and 38-2119 shall be deemed to constitute authorization to engage in activities beyond those described in this section. Persons certified under the Mental Health Practice Act but not licensed under section 38-2122 shall not engage in mental health practice.

Sec. 3. Section 38-2116, Revised Statutes Supplement,

2007, is amended to read:

38-2116 (1) Mental health practitioner means a person who holds himself or herself out as a person qualified to engage in mental health practice or a person who offers or renders mental health practice services. Independent mental health practitioner means a person who holds himself or herself out as a person qualified to engage in independent mental health practice or a person who offers or renders independent mental health practice services.

(2) A person who is licensed as a mental health practitioner ~~or an independent mental health practitioner~~ and certified as a master social worker may use the title licensed clinical social worker. A person who is licensed as a mental health practitioner ~~or an independent mental health practitioner~~ and certified as a professional counselor may use the title licensed professional counselor. A person who is licensed as a mental health practitioner ~~or an independent mental health practitioner~~ and certified as a marriage and family therapist may use the title licensed marriage and family therapist. No person shall use the title licensed clinical social worker, licensed professional counselor, or licensed marriage and family therapist unless he or she is licensed and certified as provided in this subsection.

(3) A person who is licensed as an independent mental health practitioner and certified as a master social worker may use the title licensed independent clinical social worker. A person who is licensed as an independent mental health practitioner and certified as a professional counselor may use the title licensed independent professional counselor. A person who is licensed as an independent mental health practitioner and certified as a marriage and family therapist may use the title licensed independent marriage and family therapist. No person shall use the title licensed independent clinical social worker, licensed independent professional counselor, or licensed independent marriage and family therapist unless he or she is licensed and certified as provided in this subsection.

~~(3)~~ (4) A mental health practitioner shall not represent himself or herself as a physician or psychologist and shall not represent his or her services as being medical or psychological in nature. An independent mental health practitioner shall not represent himself or herself as a physician or psychologist.

2. On page 3, line 12, reinstate the stricken language; in lines 12 through 14 strike the new language; strike lines 5, 6, 17, and 18 and show as stricken; and after lines 6 and 18 insert the following new subdivision:

"(ii)(A) Is licensed as a licensed mental health practitioner or (B) is licensed as a provisional mental health practitioner and has satisfactorily passed an examination approved by the board pursuant to subdivision (3) of section 38-2122; and".

3. On page 4, line 9, after "38-2112" insert ", 38-2115,

38-2116,".

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. Strike the original sections and insert the following new sections:

Section 1. Section 84-1602, Revised Statutes Cumulative Supplement, 2006, is amended to read:

84-1602 Sections 84-1601 to 84-1615 shall be administered by the personnel division of the Department of Administrative Services. The Director of Personnel may employ such administrative, clerical, secretarial, and technical assistants and consultants as are required for the administration of such sections. The director may also enter into agreements with public and private entities and, notwithstanding other provisions of law, provide facilities at state or private cost as are required for the administration of such sections.

Sec. 2. Section 84-1611, Reissue Revised Statutes of Nebraska, is amended to read:

84-1611 (1) ~~For any contract period or periods beginning on or after July 1, 1995, the~~ The state shall make ~~the following~~ contributions from the various funds toward payment of a health insurance or health maintenance organization program for employees which may include coverage for dependents.

~~(a) For any employee with a service date of May 4, 1993, or after, the state shall pay seventy-nine percent of the total cost which was in effect on July 1, 1994, for the plan, option, and coverage chosen by the employee. For any plan effective on or after July 1, 1995, and for any employee with a service date of May 4, 1993, or after, the state shall pay seventy-nine percent of the total cost of the plan as of the effective date of the plan for the option and coverage chosen by the employee;~~

~~(b) For any employee who has a change in plan, option, or coverage after April 25, 1993, the state shall pay seventy-nine percent of the total cost which was in effect on July 1, 1994, for the plan, option, and coverage chosen by the employee. For any plan effective on or after July 1, 1995, and for any employee who has a change in plan, option, or coverage after April 25, 1993, the state shall pay seventy-nine percent of the total cost of the plan as of the effective date of the plan for the option and coverage chosen by the employee;~~

~~(c) For any employee who is required to change health~~

~~carriers because of the termination of the plan and who does not change either the option or coverage, the state shall pay an amount equal to seventy-nine percent of the total cost which was in effect on July 1, 1994, for the optional major medical plan for the same coverage as the plan chosen by the employee, subject to the limitations in subsection (2) of this section;~~

~~(d) For any employee who chooses any coverage of the preferred provider organization plan, the state shall pay an amount equal to seventy-nine percent of the total cost which was in effect on July 1, 1994, for the optional major medical plan for the same coverage chosen by the employee; and~~

~~(e) For all other employees, except as limited in subsection (2) of this section, the state shall pay an amount equal to seventy-nine percent of the total cost which was in effect on July 1, 1994, for the optional major medical plan for the same coverage as the plan chosen by the employee.~~

(2)(a) Under no circumstances shall the state's contribution exceed the actual cost of the plan, option, and coverage chosen by the employee.

(b) The state's contribution shall not be less than seventy-nine percent of the total cost ~~which was in effect on July 1, 1994,~~ for the plan, option, and coverage chosen by the employee if the employee enrolls and participates as required in a wellness program offered by the state through the Department of Administrative Services. The state's contribution shall not be less than sixty-nine percent of the total cost for the plan, option, and coverage chosen by the employee if the employee does not enroll and participate as required in a wellness program offered by the state through the department. Any wellness program offered shall contain alternatives which allow participation by persons with disabilities. If no alternative is allowed, the department shall provide a waiver procedure for persons with disabilities.

(3) For purposes of this section, (a) coverage shall mean the rate categories of one-party, two-party, four-party, and family, as offered under any contract entered into for medical benefits, and (b) option shall mean one of the choices of levels of medical and other benefits offered by a carrier. ~~, and (c) service date shall mean the date maintained in the Nebraska employees information system and used for calculating vacation and sick leave benefits.~~

(4) If any provision of this section varies from the terms of a labor contract, the terms of the labor contract shall prevail for the employees covered by the labor contract.

Sec. 3. The Wellness Program Design Advisory Group is created. The members shall be appointed by the Governor. The group shall have five members: (1) The chief medical officer designated in section 81-3115; (2) the Director of Administrative Services; (3) an employee representative from a code agency of the State of Nebraska; (4) an employee representative from a noncode agency of

the State of Nebraska; and (5) a representative from the private sector who shall be experienced in wellness or health benefits. The Wellness Program Design Advisory Group shall be appointed by August 1, 2008, and shall terminate on December 31, 2009. The Department of Administrative Services shall provide administrative support for the group. The group shall meet as required to provide advice to the department regarding the design of a wellness program, including, but not limited to, advice regarding components of a successful wellness program. Members shall not receive a per diem. Members may be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

Sec. 4. Original section 84-1611, Reissue Revised Statutes of Nebraska, and section 84-1602, Revised Statutes 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

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

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

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

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
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 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. On page 2, line 8, after "employees" insert "in the 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 Anthoney 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 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.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Holzfaster, 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. Strike original section 1 and insert the following new sections:

Section 1. Section 77-1704.02, Reissue Revised Statutes of Nebraska, is amended to read:

77-1704.02 <u>(1) Any county treasurer shall accept payments of five hundred dollars or more for the partial discharge of current or delinquent real property taxes, personal property taxes, or both or any charges for interest, publication, penalties, or</u>

other charges by reason of the delinquency of such taxes. Such partial payment shall be in an amount of at least five hundred dollars unless the partial payment is for the remaining obligation. The county treasurer shall distribute partial payments to the entities levying taxes on the property in proportion to the total amount of taxes levied on the property by each entity levying taxes on such property. Partial payment shall stop the accumulation of interest with regard to the amount of payment made. Partial payments for delinquent taxes shall be applied to the oldest delinquencies first. Partial payment of delinquent taxes shall not affect any collection procedure that is underway or available to the county until the delinquency is fully satisfied.

~~(1)~~ (2) Any county board may pass a resolution to allow payments ~~for the~~ of amounts less than five hundred dollars for the partial discharge of current or delinquent real property taxes, personal property taxes, or both or any charges for interest, publication, penalties, or other charges by reason of the delinquency of such taxes to be held in escrow by the county treasurer or may contract with another party to hold such payments in escrow. Upon passage of such a resolution or such other effective date as the resolution may provide, the county treasurer shall accept payments in accordance with the resolution or any subsequent amendments thereto and hold such amounts until the accumulated payments are sufficient to pay at least one-half the taxes currently due on the property or the full amount of delinquency and any interest, penalties, or other charges due to the delinquency. The resolution of the county board may require a minimum, limited, or periodic payment amount as a condition for acceptance of payments to be held in escrow. The resolution may also require that an escrow agreement be executed between the person making payment and the county treasurer as a condition for accepting payments.

~~(2)~~ (3) Payments held in escrow under this section may be held in a designated bank account or may be commingled with other county funds. Such amounts are the property of the person making payment and shall be held in trust for the benefit of such person and be accounted for with respect to the property for which the current or delinquent taxes are to be paid. The county may pay interest on amounts held in escrow at a rate to be determined by the county board or may retain any interest received. Upon sale of the property, any amounts held in escrow with respect to that property shall be returned to the person that made the payment or applied as directed by such person.

~~(3)~~ (4) Payments held in escrow for payment of delinquent taxes shall be applied to the oldest delinquencies first. Payments held in escrow for payment of delinquent taxes shall not affect any collection procedure that is underway or available to the county until the delinquency is fully satisfied.

Sec. 3. Section 77-1719.03, Revised Statutes Cumulative

Supplement, 2006, is amended to read:

77-1719.03 In any case ~~where~~ in which any distress warrant includes taxes for one year or more, the sheriff may, in his or her discretion, accept partial payment and shall pay the same, as received, to the county treasurer, who shall accept the same and receipt the sheriff therefor. ~~Pursuant to section 77-1704.02, the~~ The county treasurer may accept the partial payment ~~and hold such amounts until the accumulated payments are sufficient to pay the full amount of the delinquency for one year and any interest, penalties, or other charges due to the delinquency.~~ in the manner provided in section 77-1704.02. Notwithstanding any partial payment, the sheriff shall make levy and return thereof, on the distress warrant, as required by law.

2. On page 4, line 23, strike "by September 1, next following" and insert "on or before the first Monday of March after the tax becomes delinquent".

3. On page 6, line 2, after the second comma insert "and section 77-1719.03, Revised Statutes Cumulative Supplement, 2006,".

4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 890. Placed on General File with amendment.
AM2125

1. Strike the original sections and insert the following new sections:

Section 1. Section 77-2701.35, Revised Statutes Supplement, 2007, is amended to read:

77-2701.35 (1) Sales price applies to the measure subject to sales tax and means the total amount of consideration, including cash, credit, property, and services, for which personal property or services are sold, leased, or rented, valued in money, whether received in money or otherwise, without any deduction for the following:

(a) The seller's cost of the property sold;

(b) The cost of materials used, the cost of labor or service, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller;

(c) Charges by the seller for any services necessary to complete the sale;

(d) Delivery charges, except as provided in subdivision (3)(e) of this section; and

(e) Installation charges.

(2) Sales price includes consideration received by the seller from third parties if:

(a) The seller actually receives consideration from a party other than the purchaser and the consideration is directly related to a price reduction or discount on the sale;

(b) The seller has an obligation to pass the price reduction or discount through to the purchaser;

(c) The amount of the consideration attributable to the sale is fixed and determinable by the seller at the time of the sale of the item to the purchaser; and

(d) One of the following criteria is met:

(i) The purchaser presents a coupon, certificate, or other documentation to the seller to claim a price reduction or discount when the coupon, certificate, or documentation is authorized, distributed, or granted by a third party with the understanding that the third party will reimburse any seller to whom the coupon, certificate, or documentation is presented;

(ii) The purchaser identifies himself or herself to the seller as a member of a group or organization entitled to a price reduction or discount. A preferred customer card that is available to any patron does not constitute membership in such a group; or

(iii) The price reduction or discount is identified as a third-party price reduction or discount on the invoice received by the purchaser or on a coupon, certificate, or other documentation presented by the purchaser.

(3) Sales price does not include:

(a) Any discounts, including cash, terms, or coupons that are not reimbursed by a third party that are allowed by a seller and taken by a purchaser on a sale;

(b) Interest, financing, and carrying charges from credit extended on the sale of personal property or services, if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser;

(c) Any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the purchaser; ~~and~~

(d) Credit for any trade-in as follows:

(i) The value of property taken by a seller in trade as all or a part of the consideration for a sale of property of any kind or nature; or

(ii) The value of a motor vehicle or motorboat taken by any person in trade as all or a part of the consideration for a sale of another motor vehicle or motorboat; and ~~.~~

(e) Delivery charges for direct mail.

Sec. 2. This act becomes operative on October 1, 2008.

Sec. 3. Original section 77-2701.35, Revised Statutes Supplement, 2007, is repealed.

LEGISLATIVE BILL 1017. Placed on General File with amendment.
AM2134

1. Strike the original sections and insert the following new sections:

Section 1. Section 44-4317, Reissue Revised Statutes of Nebraska, is amended to read:

44-4317 (1)(a) Any public agency which has the authority to levy a tax shall be authorized to levy a tax, to contract

indebtedness, and to issue general obligation bonds payable from such a tax levy to pay the premium costs of general liability insurance, property insurance, workers' compensation insurance, health, dental, or accident insurance, life insurance, and any other insurance to protect against any of the losses described in section 44-4304 and to pay all costs and expenses associated with membership in a risk management pool, including, but not limited to, standard insurance coverages, group self-insurance coverages, assessments levied by the pool, retirement of debt incurred by the pool, and operating expenses of the pool.

(b) A member of a risk management pool which has the authority to levy a tax shall be authorized to enter into agreements obligating the member to make payments beyond its current budget year for any of such purposes.

(c) Taxes levied by a public agency other than an educational service unit or school district for the payment of the principal of, premium of, or interest on such a general obligation bond of such public agency, the payment of such insurance premium costs, and the payment of all costs and expenses associated with membership in a risk management pool may be levied in excess of any tax limitation imposed by statute.

(d) Except as permitted in subdivision (1)(e) of this section, taxes levied by an educational service unit or school district on or after the effective date of this act for the payment of the principal of, premium of, or interest on such a general obligation bond of such public agency, the payment of such insurance premium costs, and the payment of all costs and expenses associated with membership in a risk management pool shall be subject to the levy limit applicable to such public agency under section 77-3442.

(e) Taxes levied by an educational service unit or school district beginning with fiscal year 2011-12 for the payment of the principal of, premium of, or interest on such a general obligation bond of such educational service unit or school district issued prior to the effective date of this act shall be excluded from the exception to the levy limits in subsection (10) of section 77-3442.

(2) Nothing in the Intergovernmental Risk Management Act shall be construed or interpreted as permitting the State of Nebraska, represented by the Risk Manager, to enter into any agreement or contract or do any act in contravention of the Constitution of the State of Nebraska.

Sec. 2. Section 77-3442, Revised Statutes Supplement, 2007, is amended to read:

77-3442 (1) Property tax levies for the support of local governments for fiscal years beginning on or after July 1, 1998, shall be limited to the amounts set forth in this section except as provided in section 77-3444.

(2)(a) Except as provided in subdivision (2)(e) of this section, school districts and multiple-district school systems,

except learning communities and school districts that are members of learning communities, may levy a maximum levy of one dollar and five cents per one hundred dollars of taxable valuation of property subject to the levy.

(b) For each fiscal year, learning communities may levy a maximum levy for the general fund budgets of member school districts equal to the local effort rate prescribed in section 79-1015.01 for such fiscal year. The proceeds from the levy pursuant to this subdivision shall be distributed pursuant to section 79-1073.

(c) Except as provided in subdivision (2)(e) of this section, for each fiscal year, school districts that are members of learning communities may levy for purposes of such districts' general fund budget and special building funds a maximum combined levy of the difference of one dollar and five cents on each one hundred dollars of taxable property subject to the levy minus the learning community levies pursuant to subdivisions (2)(b) and (2)(g) of this section for such learning community.

(d) Excluded from the limitations in subdivisions (2)(a) and (2)(c) of this section are amounts levied to pay for sums agreed to be paid by a school district to certificated employees in exchange for a voluntary termination of employment and amounts levied to pay for special building funds and sinking funds established for projects commenced prior to April 1, 1996, for construction, expansion, or alteration of school district buildings. For purposes of this subsection, commenced means any action taken by the school board on the record which commits the board to expend district funds in planning, constructing, or carrying out the project.

(e) Federal aid school districts may exceed the maximum levy prescribed by subdivision (2)(a) or (2)(c) of this section only to the extent necessary to qualify to receive federal aid pursuant to Title VIII of Public Law 103-382, as such title existed on September 1, 2001. For purposes of this subdivision, federal aid school district means any school district which receives ten percent or more of the revenue for its general fund budget from federal government sources pursuant to Title VIII of Public Law 103-382, as such title existed on September 1, 2001.

(f) For school fiscal year 2002-03 through school fiscal year 2007-08, school districts and multiple-district school systems may, upon a three-fourths majority vote of the school board of the school district, the board of the unified system, or the school board of the high school district of the multiple-district school system that is not a unified system, exceed the maximum levy prescribed by subdivision (2)(a) of this section in an amount equal to the net difference between the amount of state aid that would have been provided under the Tax Equity and Educational Opportunities Support Act without the temporary aid adjustment factor as defined in section 79-1003 for the ensuing school fiscal

year for the school district or multiple-district school system and the amount provided with the temporary aid adjustment factor. The State Department of Education shall certify to the school districts and multiple-district school systems the amount by which the maximum levy may be exceeded for the next school fiscal year pursuant to this subdivision (f) of this subsection on or before February 15 for school fiscal years 2004-05 through 2007-08.

(g) For each fiscal year, learning communities may levy a maximum levy of two cents on each one hundred dollars of taxable property subject to the levy for special building funds for member school districts. The proceeds from the levy pursuant to this subdivision shall be distributed pursuant to section 79-1073.01.

(h) For each fiscal year, learning communities may levy a maximum levy of five cents on each one hundred dollars of taxable property subject to the levy for elementary learning center facilities and for up to fifty percent of the estimated cost for capital projects approved by the learning community coordinating council pursuant to section 79-2111.

(3) Community colleges may levy a maximum levy calculated pursuant to the Community College Foundation and Equalization Aid Act on each one hundred dollars of taxable property subject to the levy.

(4)(a) Natural resources districts may levy a maximum levy of four and one-half cents per one hundred dollars of taxable valuation of property subject to the levy.

(b) Natural resources districts shall also have the power and authority to levy a tax equal to the dollar amount by which their restricted funds budgeted to administer and implement ground water management activities and integrated management activities under the Nebraska Ground Water Management and Protection Act exceed their restricted funds budgeted to administer and implement ground water management activities and integrated management activities for FY2003-04, not to exceed one cent on each one hundred dollars of taxable valuation annually on all of the taxable property within the district.

(c) In addition, natural resources districts located in a river basin, subbasin, or reach that has been determined to be fully appropriated pursuant to section 46-714 or designated as overappropriated pursuant to section 46-713 by the Department of Natural Resources shall also have the power and authority to levy a tax equal to the dollar amount by which their restricted funds budgeted to administer and implement ground water management activities and integrated management activities under the Nebraska Ground Water Management and Protection Act exceed their restricted funds budgeted to administer and implement ground water management activities and integrated management activities for FY2005-06, not to exceed three cents on each one hundred dollars of taxable valuation on all of the taxable property within the district for fiscal year 2006-07 and each fiscal year thereafter through fiscal

year 2011-12.

(5) Educational service units may levy a maximum levy of one and one-half cents per one hundred dollars of taxable valuation of property subject to the levy.

(6)(a) Incorporated cities and villages which are not within the boundaries of a municipal county may levy a maximum levy of forty-five cents per one hundred dollars of taxable valuation of property subject to the levy plus an additional five cents per one hundred dollars of taxable valuation to provide financing for the municipality's share of revenue required under an agreement or agreements executed pursuant to the Interlocal Cooperation Act or the Joint Public Agency Act. The maximum levy shall include amounts levied to pay for sums to support a library pursuant to section 51-201, museum pursuant to section 51-501, visiting community nurse, home health nurse, or home health agency pursuant to section 71-1637, or statue, memorial, or monument pursuant to section 80-202.

(b) Incorporated cities and villages which are within the boundaries of a municipal county may levy a maximum levy of ninety cents per one hundred dollars of taxable valuation of property subject to the levy. The maximum levy shall include amounts paid to a municipal county for county services, amounts levied to pay for sums to support a library pursuant to section 51-20l, a museum pursuant to section 51-501, a visiting community nurse, home health nurse, or home health agency pursuant to section 71-1637, or a statue, memorial, or monument pursuant to section 80-202.

(7) Sanitary and improvement districts which have been in existence for more than five years may levy a maximum levy of forty cents per one hundred dollars of taxable valuation of property subject to the levy, and sanitary and improvement districts which have been in existence for five years or less shall not have a maximum levy. Unconsolidated sanitary and improvement districts which have been in existence for more than five years and are located in a municipal county may levy a maximum of eighty-five cents per hundred dollars of taxable valuation of property subject to the levy.

(8) Counties may levy or authorize a maximum levy of fifty cents per one hundred dollars of taxable valuation of property subject to the levy, except that five cents per one hundred dollars of taxable valuation of property subject to the levy may only be levied to provide financing for the county's share of revenue required under an agreement or agreements executed pursuant to the Interlocal Cooperation Act or the Joint Public Agency Act. The maximum levy shall include amounts levied to pay for sums to support a library pursuant to section 51-201 or museum pursuant to section 51-501. The county may allocate up to fifteen cents of its authority to other political subdivisions subject to allocation of property tax authority under subsection (1) of section 77-3443 and not specifically covered in this section to

levy taxes as authorized by law which do not collectively exceed fifteen cents per one hundred dollars of taxable valuation on any parcel or item of taxable property. The county may allocate to one or more other political subdivisions subject to allocation of property tax authority by the county under subsection (1) of section 77-3443 some or all of the county's five cents per one hundred dollars of valuation authorized for support of an agreement or agreements to be levied by the political subdivision for the purpose of supporting that political subdivision's share of revenue required under an agreement or agreements executed pursuant to the Interlocal Cooperation Act or the Joint Public Agency Act. If an allocation by a county would cause another county to exceed its levy authority under this section, the second county may exceed the levy authority in order to levy the amount allocated.

(9) Municipal counties may levy or authorize a maximum levy of one dollar per one hundred dollars of taxable valuation of property subject to the levy. The municipal county may allocate levy authority to any political subdivision or entity subject to allocation under section 77-3443.

(10) Property tax levies for judgments, except judgments or orders from the Commission of Industrial Relations, obtained against a political subdivision which require or obligate a political subdivision to pay such judgment, to the extent such judgment is not paid by liability insurance coverage of a political subdivision, for preexisting lease-purchase contracts approved prior to July 1, 1998, for bonded indebtedness approved according to law and secured by a levy on property <u>except as provided in section 44-4317 for bonded indebtedness issued by educational service units and school districts</u>, and for payments by a public airport to retire interest-free loans from the Department of Aeronautics in lieu of bonded indebtedness at a lower cost to the public airport are not included in the levy limits established by this section.

(11) The limitations on tax levies provided in this section are to include all other general or special levies provided by law. Notwithstanding other provisions of law, the only exceptions to the limits in this section are those provided by or authorized by sections 77-3442 to 77-3444.

(12) Tax levies in excess of the limitations in this section shall be considered unauthorized levies under section 77-1606 unless approved under section 77-3444.

(13) For purposes of sections 77-3442 to 77-3444, political subdivision means a political subdivision of this state and a county agricultural society.

Sec. 3. Original section 44-4317, Reissue Revised Statutes of Nebraska, and section 77-3442, Revised Statutes Supplement, 2007, are repealed.

Sec. 4. Since an emergency exists, this act takes effect 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. Strike original section 2 and insert the following new section:

Sec. 2. Section 71-409, Revised Statutes Cumulative Supplement, 2006, is amended to read:

71-409 Critical access hospital means a facility (1) with acute care inpatient beds where care or treatment is provided on an outpatient basis or on an inpatient basis to persons for an average period of not more than ninety-six hours and emergency services are provided on a twenty-four-hour basis, ~~and~~ (2) which has formal agreements with at least one hospital and other appropriate providers for services such as patient referral and transfer, communications systems, provision of emergency and nonemergency transportation, and backup medical and emergency services, and (3) which is located in a rural area. For purposes of this section, rural area means a county with a population of less than one hundred thousand residents. A facility licensed as a critical access hospital shall have no more than twenty-five acute care inpatient beds.

2. On page 3, line 9, strike "April", show as stricken, and insert "January".

3. On page 9, line 2, after "the" insert "breast and cervical cancer"; in line 3 strike "71-7001", show as stricken, and insert "71-7001.01"; and strike beginning with "in" in line 4 through "program" in line 5 and show as stricken.

4. On page 12, line 11, strike "71-7001" and insert "71-7001.01".

5. On page 18, line 15, strike "sections 68-906 and 68-1017" and insert "section 71-409, Revised Statutes Cumulative Supplement, 2006, and section 68-906".

COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 1165. Placed on General File with amendment.
AM2056

1. Strike original section 1 and insert the following new sections:

Section 1. Section 84-612, Revised Statutes Supplement, 2007, is amended to read:

84-612 (1) There is hereby created within the state treasury a fund known as the Cash Reserve Fund which shall be under the direction of the State Treasurer. The fund shall only be used

pursuant to this section.

(2) The State Treasurer shall transfer funds from the Cash Reserve Fund to the General Fund upon certification by the Director of Administrative Services that the current cash balance in the General Fund is inadequate to meet current obligations. Such certification shall include the dollar amount to be transferred. Any transfers made pursuant to this subsection shall be reversed upon notification by the Director of Administrative Services that sufficient funds are available.

(3) The State Treasurer, at the direction of the budget administrator of the budget division of the Department of Administrative Services, shall transfer such amounts not to exceed seven million seven hundred fifty-three thousand two hundred sixty-three dollars in total from the Cash Reserve Fund to the Nebraska Capital Construction Fund between July 1, 2003, and June 30, 2007.

(4) The State Treasurer, at the direction of the budget administrator, shall transfer an amount equal to the total amount transferred pursuant to subsection (3) of this section from the General Fund to the Cash Reserve Fund on or before June 30, 2008.

(5) In addition to receiving transfers from other funds, the Cash Reserve Fund shall receive federal funds received by the State of Nebraska for undesignated general government purposes, federal revenue sharing, or general fiscal relief of the state.

(6) On June 15, 2007, the State Treasurer shall transfer fifteen million six hundred seventy-four thousand one hundred seven dollars from the Cash Reserve Fund to the General Fund.

(7) On June 16, 2008, the State Treasurer shall transfer seventeen million nine hundred thirty-one thousand thirty dollars from the Cash Reserve Fund to the General Fund.

(8) On June 15, 2009, the State Treasurer shall transfer four million nine hundred ninety thousand five hundred five dollars from the Cash Reserve Fund to the General Fund.

(9) On or before June 16, 2008, the State Treasurer, at the direction of the budget administrator, shall transfer fifty million dollars from the Cash Reserve Fund to the General Fund.

(10) On or before June 16, 2009, the State Treasurer, at the direction of the budget administrator, shall transfer fifty million dollars from the Cash Reserve Fund to the General Fund.

(11) From the effective date of an endowment agreement as defined in subdivision (3)(c) of section 79-1101 until June 30, 2007, forty million dollars of the Cash Reserve Fund shall be deemed to constitute the Early Childhood Education Endowment Fund. Such funds shall remain part of the Cash Reserve Fund for all purposes, except that the interest earned on such forty million dollars shall accrue as provided in section 84-613.

(12) The State Treasurer, at the direction of the budget administrator, shall transfer such amounts, as certified by the Director of Administrative Services, for employee health insurance

claims and expenses, not to exceed twelve million dollars in total from the Cash Reserve Fund to the State Employees Insurance Fund between May 1, 2007, and June 30, 2011.

(13) On July 9, 2007, the State Treasurer shall transfer twelve million dollars from the Cash Reserve Fund to the Nebraska Capital Construction Fund.

(14) On July 9, 2007, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the Job Training Cash Fund. The State Treasurer shall transfer from the Job Training Cash Fund to the Cash Reserve Fund such amounts as directed in section 81-1201.21.

(15) On July 7, 2008, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the Job Training Cash Fund. The State Treasurer shall transfer from the Job Training Cash Fund to the Cash Reserve Fund such amounts as directed in section 81-1201.21.

(16) On or before August 1, 2007, the State Treasurer, at the direction of the budget administrator, shall transfer seventy-five million dollars from the Cash Reserve Fund to the Nebraska Capital Construction Fund.

(17) On or before June 30, 2009, the State Treasurer shall transfer nine million five hundred ninety thousand dollars from the Cash Reserve Fund to the Nebraska Capital Construction Fund.

(18) The State Treasurer, at the direction of the budget administrator, shall transfer an amount equal to the total amount transferred pursuant to subsection (12) of this section from the appropriate health insurance accounts of the State Employees Insurance Fund in such amounts as certified by the Director of Administrative Services to the Cash Reserve Fund on or before June 30, 2011.

(19) On July 9, 2007, the State Treasurer shall transfer one million dollars from the Cash Reserve Fund to the Microenterprise Development Cash Fund.

(20) On July 9, 2007, the State Treasurer shall transfer two hundred fifty thousand dollars from the Cash Reserve Fund to the Building Entrepreneurial Communities Cash Fund.

(21) On July 7, 2008, the State Treasurer shall transfer one million dollars from the Cash Reserve Fund to the Microenterprise Development Cash Fund.

(22) On July 7, 2008, the State Treasurer shall transfer two hundred fifty thousand dollars from the Cash Reserve Fund to the Building Entrepreneurial Communities Cash Fund.

<u>(23) Within five days after the effective date of this act, or as soon thereafter as administratively possible, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the Nebraska Cultural Preservation Endowment Fund.</u>

Sec. 2. Original section 84-612, Revised Statutes 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. On page 2, line 2, before the period insert "or by the city manager in cities that have adopted the city manager plan of 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. On page 10, line 14, strike "and"; in lines 15 and 16 strike "or Salvinorin A"; and in line 23 strike the period and insert "; and (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

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

printed on recycled paper

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. On page 1, line 2, after "Nebraska" insert ", and section 31-740, Revised Statutes Supplement, 2007"; and in line 4 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. On page 3, line 17, after "to" insert "the State Department of Education,".

2. On page 4, line 10, strike "to five"; and in line 11 before the period insert ", one administrator from a school in 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. Insert the following new amendment:

"7. On page 8, lines 11, 12, 16, 21, and 24, after "county" insert ", city, or village".".

2. On page 1, line 13, before the period insert "; and in line 21 after the period insert "Reasonable costs for such disposition are the responsibility of the defendant."".

3. Renumber the remaining amendments accordingly.

Senator Fischer filed the following amendment to LB755:
AM2172

1. Insert the following new section:

Sec. 12. Since an emergency exists, this act takes effect when passed and approved according to law.

Senator White filed the following amendment to LR4CA:
AM2174

1. Strike the original sections and insert the following new sections:

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 of this state~~ A civil officer shall be liable to impeachment for any misdemeanor ~~in~~ which evinces moral turpitude and which arose out of the election to, or discharge of the duties of, his or her 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 a civil officer is liable to impeachment for any misdemeanor which evinces moral turpitude and which arose out of the election to, or discharge of the duties of, his or her office.

For

Against.

Senator Flood filed the following amendment to LB895:
AM2119

(Amendments to Standing Committee amendments, AM2082)

1. On page 5, line 2, strike "and 2007-08" and insert "through 2008-09"; and in line 3 strike "2008-09" and insert

"2009-10".

2. On page 11, line 2, strike the last comma and insert "and"; in line 3 strike ", and 77-27,188"; and in line 5 after the period insert "The changes made in section 77-27,188 by this legislative bill become operative for applications filed on and 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, Louden, 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. On page 6, line 17, strike "<u>or cities</u>".
2. On page 7, line 5, after "<u>cities</u>" insert an 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. Strike the original sections and insert the following new sections:

Section 1. Section 2-958.01, Revised Statutes Cumulative Supplement, 2006, is amended to read:

2-958.01 The Noxious Weed and Invasive Plant Species Assistance Fund is created. The fund may be used to carry out the purposes of section 2-958.02. The State Treasurer shall credit to the fund ~~any money~~ any funds transferred pursuant to section 54-857, funds appropriated to the fund by the Legislature, and ~~any money~~ funds received as gifts or grants or other private or public funds obtained for the purposes set forth in section 2-958.02. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 2. Section 54-856, Reissue Revised Statutes of Nebraska, is amended to read:

54-856 (1) There shall be paid to the director an inspection fee of ten cents per ton on all commercial feed distributed in the State of Nebraska during ~~the~~ each six-month period ~~following~~ beginning January 1, 1987, through December 31, 2007. Beginning for commercial feed distributed in the State of Nebraska for the six-month period beginning January 1, 2008, there shall be paid to the director an inspection fee of nine cents per ton. The ~~. After the first six months of operation, the~~ fee may

be raised or lowered by the director after a public hearing is held outlining the reason for any proposed change in the rate. The maximum rate fixed by the director shall not exceed fifteen cents per ton. The inspection fee shall be paid on commercial feed distributed by the person whose name appears on the label as the manufacturer, guarantor, or distributor, except that a person other than the manufacturer, guarantor, or distributor may assume liability for the inspection fee, subject to the following:

(a) No fee shall be paid on a commercial feed if the payment has been made by a previous distributor;

(b) No fee shall be paid on customer-formula feed if the inspection fee is paid on the commercial feed which is used as ingredients therein;

(c) No fee shall be paid on commercial feed used as ingredients for the manufacture of other commercial feed. If the fee has already been paid, credit shall be given for such payment;

(d) In the case of a commercial feed which is distributed in the state only in packages of ten pounds or less, an annual fee fixed by the director, not to exceed twenty-five dollars, shall be paid in lieu of the inspection fee. The annual fee shall be paid not later than the last day of January each year; and

(e) The minimum inspection fee shall be five dollars for any six-month reporting period.

(2) If the director determines that it is necessary to adjust the rate of the inspection fee being paid to the department, all persons holding a valid license issued pursuant to section 54-850 shall be so notified and shall be given an opportunity to offer comment at a public hearing which shall be required prior to any inspection fee rate change.

(3) Each person who is liable for the payment of such fee shall:

(a) File, not later than January 31 and July 31 of each year, a semiannual statement setting forth the number of tons of commercial feed distributed in this state during the preceding six-month period, which statement shall cover the periods from July 1 to December 31 and January 1 to June 30, and upon filing such statement, pay the inspection fee at the rate specified by this section. Any person who holds a valid license issued pursuant to section 54-850 and whose name appears on the label as the manufacturer, guarantor, or distributor shall file such statement regardless of whether any inspection fee is due. Inspection fees which are due and owing and have not been remitted to the director within fifteen days following the date due shall have a penalty of twenty-five percent of the fees due added to the amount due when payment is made, and an additional penalty of twenty-five percent of the fees due shall be added if such fees are not paid within thirty days of the due date. The assessment of this penalty fee shall not prevent the director from taking other actions as provided in the Commercial Feed Act; and

(b) Keep such records as may be necessary or required by the director to indicate accurately the tonnage of commercial feed distributed in this state. The director shall have the right to examine such records to verify statements of tonnage. Failure to make an accurate statement, to pay the inspection fee, or to comply as provided in this section shall constitute sufficient cause for the cancellation of all licenses on file.

Sec. 3. Section 54-857, Reissue Revised Statutes of Nebraska, is amended to read:

54-857 All money received pursuant to the Commercial Feed Act shall be remitted by the director to the State Treasurer for credit to the Commercial Feed Administration Cash Fund which is hereby created. Such fund shall be used by the department to aid in defraying the expenses of administering the act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

On or before October 1, 2008, the State Treasurer shall transfer two hundred fifty thousand dollars from the Commercial Feed Administrative Cash Fund to the Noxious Weed and Invasive Plant Species Assistance Fund.

Sec. 4. Section 81-201.05, Revised Statutes Cumulative Supplement, 2006, is amended to read:

81-201.05 (1) The Weed Book Cash Fund is created. Any money in the Weed and Insect Books Cash Fund on July 16, 2004, shall be transferred to the Weed Book Cash Fund. Upon such transfer, the following amounts shall be transferred from the Weed Book Cash Fund: (a) Twenty-five thousand dollars to the Noxious Weed Cash Fund; and (b) thirty-seven thousand eight hundred dollars to the Plant Protection and Plant Pest Cash Fund. On July 1, 2005, July 1, 2006, July 1, 2007, July 1, 2008, ~~and~~ July 1, 2009, July 1, 2010, and July 1, 2011, if there are sufficient funds available, twenty-five thousand dollars shall be transferred from the Weed Book Cash Fund to the Noxious Weed Cash Fund. Any money in the Weed Book Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) The sale price of each Weeds of the Great Plains book sold by the Department of Agriculture shall be credited as follows:

(a) Seventy-five percent to the Weed Book Cash Fund to aid in defraying the cost of publishing, preparing, and distributing such books and any supplemental inserts to such books; and

(b) Twenty-five percent to the Noxious Weed Cash Fund.

Sec. 5. Original sections 54-856 and 54-857, Reissue Revised Statutes of Nebraska, and sections 2-958.01 and 81-201.05, Revised Statutes Cumulative Supplement, 2006, are repealed.

Sec. 6. Since an emergency exists, this act takes effect 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

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

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

Present and not voting, 5:

Aguilar	Johnson	Pankonin	Preister	Schimek

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

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. On page 3, line 1, strike "and" and insert "employers,"; in line 2 after "employers" insert ", and poverty area employers"; in line 3 strike the second "or" and insert an underscored comma; in line 4 after "Nebraska" insert ", or (c) located in areas of high concentration of poverty within the corporate limits of a city or village consisting of one or more contiguous census tracts, as determined by the most recent federal decennial census, which contain a percentage of families below the poverty line of greater than thirty percent, and all census tracts contiguous to such tract or tracts, as determined by the most

recent federal decennial census"; and in line 6 strike "and rural" and insert ", rural, or poverty area".

Senator Janssen filed the following amendment to LB777:
AM2170

(Amendments to Standing Committee amendments, AM2002)

1. Strike section 3 and insert the following new section:

Sec. 2. This act becomes operative on January 1, 2009.

2. Renumber the remaining section accordingly.

Senator Ashford filed the following amendment to LB1014:
AM2196

1. Strike sections 1, 4, 8, 9, 10, 11, 12, and 36 and all amendments thereto.

2. On page 5, line 10, strike "equalize" and insert "more efficiently administer"; in line 14 after "shall" insert "annually"; in line 15 strike beginning with "create" through "assign" and insert "determine whether to reassign"; and in line 18 strike "and the" and insert "for such cases and such".

3. Renumber the remaining sections and correct internal references and the operative date and repealer sections accordingly.

Senator Ashford filed the following amendment to LB1014:
AM2154

(Amendments to Standing Committee amendments, AM2006)

1. Insert the following new section:

Sec. 67. (1) The Aging Prison Population Task Force is created. The task force shall consist of the following members:

(a) The Director of Correctional Services or his or her designee;

(b) The Deputy Director of Programs and Community Services of the Department of Correctional Services or his or her designee;

(c) The chief executive officer of the Department of Health and Human Services or his or her designee;

(d) The chairperson of the Board of Parole or his or her designee;

(e) The executive director of the Community Corrections Council or his or her designee;

(f) The Public Counsel or his or her designee; and

(g) The following members appointed by the Executive Board of the Legislative Council:

(i) A representative of the Nebraska Medicaid Eligibility Program of the Economic Assistance and Child Support Enforcement Unit of the Children and Family Services Policy Section of the Division of Children and Family Services of the Department of Health and Human Services;

(ii) A representative of the office of the state

long-term care ombudsman of the State Unit on Aging of the Long-Term Care Services Section of the Division of Medicaid and Long-Term Care of the Department of Health and Human Services;

(iii) A representative of the State Unit on Aging of the Long-Term Care Services Section of the Division of Medicaid and Long-Term Care of the Department of Health and Human Services;

(iv) A representative of the Long-Term Care State Plan Services Unit of the Long-Term Care Services Section of the Division of Medicaid and Long-Term Care of the Department of Health and Human Services;

(v) A representative of the Aged and Disabled Waiver Program of the Home and Community-Based Services Unit of the Long-Term Care Services Section of the Division of Medicaid and Long-Term Care of the Department of Health and Human Services;

(vi) A representative of an area agency on aging as defined in the Nebraska Community Aging Services Act;

(vii) A public policy specialist from Nebraska Advocacy Services, Inc.;

(viii) Two or more members of the faculty of the School of Criminology and Criminal Justice of the College of Public Affairs and Community Service at the University of Nebraska at Omaha;

(ix) Two or more members of the faculty of the Department of Gerontology of the College of Public Affairs and Community Service at the University of Nebraska at Omaha;

(x) A representative of an association representing both proprietary and nonproprietary long-term health care facilities in Nebraska; and

(xi) A representative of an association representing nonproprietary long-term health care facilities in Nebraska.

(2) The chairperson of the executive board shall convene the first meeting of the task force within forty-five days after the operative date of this section, and the task force shall select a chairperson at such time. The task force shall meet periodically, shall meet at least twice, and shall meet at the call of the chairperson.

(3) The task force shall conduct a preliminary investigation of aging inmates in Nebraska and make recommendations regarding the necessity and objective of future research activity. The task force shall include in its report an assessment of the issues associated with persons who are fifty years of age or older in the custody of the Nebraska correctional institutions, including those in custody as a result of a sentence of life imprisonment without parole and those in custody who will transition back into the community upon parole or release upon completion of the sentence.

(4) The task force shall issue a report and make recommendations to the Legislature and the Governor relating to any policy changes the task force deems desirable. The task force

shall complete its work by June 30, 2009, and submit its report to the Legislature, the Governor, and the Judiciary Committee of the Legislature by such date.

(5) This section terminates on June 30, 2009.

2. Renumber the remaining sections accordingly.

3. Correct the operative date section so the section added by this amendment becomes operative three calendar months after the adjournment of this legislative section.

Senator Ashford filed the following amendment to LB1014:
AM2175

1. Insert the following sections:

Sec. 38. Section 43-512.15, Revised Statutes Supplement, 2007, is amended to read:

43-512.15 (1) The county attorney or authorized attorney, upon referral from the Department of Health and Human Services, shall file a complaint to modify a child support order unless the attorney determines in the exercise of independent professional judgment that:

(a) The variation from the Supreme Court child support guidelines pursuant to section 42-364.16 is based on material misrepresentation of fact concerning any financial information submitted to the attorney;

(b) The variation from the guidelines is due to a voluntary reduction in net monthly income. For purposes of this section, a person who has been incarcerated for a period of one year or more in a county or city jail or a federal or state correctional facility shall be considered to have an involuntary reduction of income unless (i) the incarceration is a result of a conviction for criminal nonsupport pursuant to section 28-706 or a conviction for a violation of any federal law or law of another state substantially similar to section 28-706 or (ii) the incarcerated individual has a documented record of willfully failing or neglecting to provide proper support which he or she knew or reasonably should have known he or she was legally obligated to provide when he or she had sufficient resources to provide such support; or

(c) When the amount of the order is considered with all the other undisputed facts in the case, no variation from the criteria set forth in subdivisions (1) and (2) of section 43-512.12 exists.

(2) The department, a county attorney, or an authorized attorney shall not in any case be responsible for reviewing or filing an application to modify child support for individuals incarcerated as described in subdivision (1)(b) of this section.

~~(2)~~ (3) The proceedings to modify a child support order shall comply with section 42-364, and the county attorney or authorized attorney shall represent the state in the proceedings.

~~(3)~~ (4) After a complaint to modify a child support order

is filed, any party may choose to be represented personally by private counsel. Any party who retains private counsel shall so notify the county attorney or authorized attorney in writing.

Sec. 74. Original section 43-512.15, Revised Statutes Supplement, 2007, is repealed.

2. Amend the operative date section so that the sections added by this amendment become operative on July 1, 2008.

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

Senator Ashford filed the following amendment to LB1014:
AM2107

1. Insert the following new sections:

Section 24. Sections 24 to 32 of this act shall be known and may be cited as the Legal Education for Public Service Loan Repayment Act.

Sec. 25. The Legislature finds that many attorneys graduate from law school with substantial educational debt that prohibits many from considering public legal service work. A need exists for public legal service entities to hire competent attorneys. The public is better served by competent and qualified attorneys working in the area of public legal service. Programs providing educational loan forgiveness will encourage law students and other attorneys to seek employment in the area of public legal service and will enable public legal service entities to attract and retain qualified attorneys.

Sec. 26. For purposes of the Legal Education for Public Service Loan Repayment Act:

(1) Board means the Legal Education for Public Service Loan Repayment Board;

(2) Educational loans means loans received as an educational benefit, scholarship, or stipend toward a juris doctorate degree and either (a) are made, insured, or guaranteed by a governmental unit or (b) are made under a program funded in whole or in part by a governmental unit or nonprofit institution; and

(3) Public legal service means providing legal service to indigent persons while employed by a tax-exempt charitable organization.

Sec. 27. The Legal Education for Public Service Loan Repayment Board is created. The board shall consist of the director of Legal Aid of Nebraska, the deans of Creighton School of Law and the University of Nebraska College of Law, a student from each law school selected by the dean of the law school, a member of the Nebraska State Bar Association selected by the president of the association, and the chief counsel of the Commission on Public Advocacy.

Sec. 28. The board shall select one of its members to be chairperson. The board shall meet as necessary to carry out its duties, but shall meet at least annually. The members shall serve

without compensation but shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

Sec. 29. The board shall develop and recommend to the Commission on Public Advocacy rules and regulations that will govern the legal education for public service loan repayment program. The rules and regulations shall include:

(1) Recipients shall be full-time, salaried attorneys working for a tax-exempt charitable organization and whose primary duties are public legal service;

(2) Loan applicants shall pay an application fee established by the rules and regulations at a level anticipated to cover all or most of the administrative costs of the program. All application fees shall be remitted to the State Treasurer for credit to the Legal Education for Public Service Loan Repayment Fund. Every effort shall be made to minimize administrative costs and the application fee;

(3) The maximum annual loan amount, which initially shall not exceed six thousand dollars per year per recipient, shall be an amount which is sufficient to fulfill the purposes of recruiting and retaining public legal service attorneys in occupations and areas with unmet needs, including attorneys to work in rural areas and attorneys with skills in languages other than English. The board may recommend adjustments of the loan amount annually to the commission to account for inflation and other relevant factors;

(4) Loans shall be made only to refinance existing educational loans;

(5) A general program structure of loan forgiveness shall be established that qualifies for the tax benefits provided in section 108(f) of the Internal Revenue Code, as defined in section 49-801.01; and

(6) Other criteria for loan eligibility, application, payment, and forgiveness necessary to carry out the purposes of the Legal Education for Public Service Loan Repayment Act.

Sec. 30. The commission shall accept applications for loan forgiveness on an annual basis from qualified persons and shall present those applications to the board for its consideration. The board shall make recommendations for loans to the commission and the commission shall certify the eligible recipients and the loan amount per recipient. The loans awarded to the recipients shall come from funds appropriated by the Legislature and any other funds that may be available from the Legal Education for Public Service Loan Repayment Fund.

Sec. 31. The commission may solicit and receive donations from law schools, corporations, nonprofit organizations, bar associations, bar foundations, law firms, individuals, or other sources for purposes of the Legal Education for Public Service Loan Repayment Act. The donations shall be remitted to the State Treasurer for credit to the Legal Education for Public Service Loan Repayment Fund.

Sec. 32. The Legal Education for Public Service Loan Repayment Fund is created. The fund shall consist of funds donated to the legal education for public service loan repayment program pursuant to section 31 of this act and application fees collected under the Legal Education for Public Service Loan Repayment Act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 33. Section 29-3927, Revised Statutes Cumulative Supplement, 2006, is amended to read:

29-3927 (1) With respect to its duties under section 29-3923, the commission shall:

(a) Adopt and promulgate rules and regulations for its organization and internal management and rules and regulations governing the exercise of its powers and the fulfillment of its purpose;

(b) Appoint and abolish such advisory committees as may be necessary for the performance of its functions and delegate appropriate powers and duties to them;

(c) Accept and administer loans, grants, and donations from the United States and its agencies, the State of Nebraska and its agencies, and other sources, public and private, for carrying out the functions of the commission;

(d) Enter into contracts, leases, and agreements necessary, convenient, or desirable for carrying out its purposes and the powers granted under this section with agencies of state or local government, corporations, or persons;

(e) Acquire, hold, and dispose of personal property in the exercise of its powers;

(f) Provide legal services to indigent persons through the divisions in section 29-3930; and

(g) Adopt guidelines and standards, which are recommended to the commission by the council, for county indigent defense systems, including, but not limited to, standards relating to the following: The use and expenditure of funds appropriated by the Legislature to reimburse counties which qualify for reimbursement; attorney eligibility and qualifications for court appointments; compensation rates for salaried public defenders, contracting attorneys, and court-appointed attorneys and overall funding of the indigent defense system; maximum caseloads for all types of systems; systems administration, including rules for appointing counsel, awarding defense contracts, and reimbursing defense expenses; conflicts of interest; continuing legal education and training; and availability of supportive services and expert witnesses.

(2) The standards adopted by the commission under subdivision (1)(g) of this section are intended to be used as a guide for the proper methods of establishing and operating indigent defense systems. The standards are not intended to be used as

criteria for the judicial evaluation of alleged misconduct of defense counsel to determine the validity of a conviction. They may or may not be relevant in such judicial evaluation, depending upon all the circumstances.

(3) With respect to its duties related to the provision of civil legal services to eligible low-income persons, the commission shall have such powers and duties as described in sections 25-3001 to 25-3004.

(4) The commission may adopt and promulgate rules and regulations governing the Legal Education for Public Service Loan Repayment Act which are recommended by the Legal Education for Public Service Loan Repayment Board pursuant to the act. The commission shall have the powers and duties provided in the act.

2. Renumber the remaining sections and correct the repealer and operative date sections so that the sections added by this amendment become operative three calendar months after adjournment of this legislative session.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1157. Placed on Select File with amendment.
ER8178

1. On page 1, line 1, strike "section 79-760.03" and insert "sections 79-758, 79-760.01, 79-760.02, 79-760.03, and 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

printed on recycled paper

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, Louden, 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. Strike the original sections and insert the following new sections:

Section 1. Section 13-1210, Revised Statutes Cumulative Supplement, 2006, is amended to read:

13-1210 (1) The Department of Roads shall annually certify the amount of operating costs eligible for funding under the public transportation assistance program established under section 13-1209.

(2) The department shall submit an annual report to the chairperson of the Appropriations Committee of the Legislature on or before December 1 of each year regarding funds requested by each applicant for eligible operating costs in the current

fiscal year pursuant to subsection (2) of section 13-1209 and the total amount of state grants projected to be awarded in the current fiscal year pursuant to the public transportation assistance program. The report shall separate into two categories the requests and grants awarded for handicapped vans, otherwise known as paratransit vehicles, and requests and grants awarded for handicapped-accessible fixed route bus systems.

Sec. 2. Original section 13-1210, Revised Statutes 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. Insert the following new section:

Sec. 3. Section 71-519, Revised Statutes Supplement, 2007, is amended to read:

71-519 ~~(1) All~~ (1)(a) Except as provided in subdivision (b) of this subsection, all infants born in the State of Nebraska shall be screened for phenylketonuria, primary hypothyroidism, biotinidase deficiency, galactosemia, hemoglobinopathies, medium-chain acyl co-a dehydrogenase (MCAD) deficiency, and such other metabolic diseases as the Department of Health and Human Services may from time to time specify. Confirmatory tests shall be performed if a presumptive positive result on the screening test is obtained.

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

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

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

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

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

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

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

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

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

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

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

section; and

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

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

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

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

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

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

3. Correct the operative date and repealer sections so that the section added by this amendment becomes operative three 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. On page 4, line 9, after "designee," insert "and the Executive Director of the Nebraska FFA, or his or her designee," and strike "an"; and in line 10 strike "member" and insert "members".

(Signed) Philip Erdman, Chairperson

Revenue

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

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

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

1. Strike the original sections and insert the following new sections:

Section 1. Section 77-5905, Revised Statutes Cumulative Supplement, 2006, is amended to read:

77-5905 (1) If the Department of Revenue determines that an application meets the requirements of section 77-5904 and that the investment or employment is eligible for the credit and

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

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

Sec. 2. Original section 77-5905, Revised Statutes 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. On page 1, line 10, after the first comma insert "catalytic converters,".

2. On page 3, strike beginning with "delivering" in line 5 through "property" in line 6 and insert ", but only if the person is delivering copper or catalytic converters".

3. On page 4, line 5, after the period insert "Payment for copper and catalytic converters shall be by check and shall be 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. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 37-101, Reissue Revised Statutes of Nebraska, is amended to read:

37-101 (1) The Game and Parks Commission shall consist of eight members, one from each of the eight districts provided for by section 37-102, and shall be appointed by the Governor with the consent of a majority of all members of the Legislature. Members of the commission shall be legal residents and citizens of Nebraska and shall be well informed on wildlife conservation and restoration. ~~Until January 1, 2006, at least two members of the commission shall be actually engaged in agricultural pursuits and~~

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

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

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

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

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

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

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

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

(Signed) Amanda McGill, Chairperson

CORRECTED COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 781. Add amendment.
AM2097

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. On page 2, line 8, strike "during or".
2. On page 4, line 4, strike ", volunteer" and insert "
(1) Employee does not include a career firefighter or law enforcement officer who is acting as a volunteer emergency responder;
(2) Employer means any person employing ten or more employees; and
(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

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

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. Insert the following sections:

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

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

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

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

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

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

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

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

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

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

Senator Rogert filed the following amendment to LB884:
AM2199

(Amendments to Standing Committee amendments, AM2126)

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

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

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

from 30% up to 40%	83%
from 40% up to 50%	84%
from 50% up to 60%	85%
from 60% up to 70%	86%
from 70% up to 80%	87%
from 80% up to 90%	88%
from 90% through 100%	90%

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

(d) Any wellness program offered by the department shall contain alternatives which allow participation by persons with disabilities. If no alternative is allowed, the department shall 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. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. The Nebraska Legislative Issues Task Force is hereby created. It shall consist of no less than one and no more than any of the forty-nine members of the Legislature or their designees. The Executive Board of the Legislative Council shall appoint the chairperson of the task force from the membership of the task force.

The duties of the task force shall include, but not be limited to: The study of state legislative issues facing Nebraska.

The task force shall complete its work and issue a final report outlining its findings and recommendations to the Legislature no later than December 15, 2008.

This section terminates on December 31, 2008.

Sec. 2. Since an emergency exists, this act takes effect 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

printed on recycled paper

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. Strike the original sections and insert the following new sections:

Section 1. (1) Prescription drugs or devices which have been delivered to a Department of Correctional Services facility, a criminal detention facility, a juvenile detention facility, or a jail for administration to a patient held at such facility or jail pursuant to a valid prescription, but which are not administered to such patient, may be delivered to a pharmacist or pharmacy under contract with the facility or jail for relabeling and redispensing and administration to another patient held at such facility or jail pursuant to a valid prescription as provided in this section.

(2)(a) The decision to accept delivery of a prescription

drug or device for relabeling and redispensing under this section rests solely with the contracting pharmacist or pharmacy.

(b) A prescription drug or device shall be in the control of the facility or jail at all times prior to the delivery of the drug or device for relabeling and redispensing under this section. The drug or device shall be delivered in the original and unopened labeled container with the tamper-evident seal intact, and the container shall bear the expiration date or calculated expiration date and lot number of the drug or device.

(c) A prescription drug or device shall not be relabeled and redispensed under this section if the relabeling and redispensing is otherwise prohibited by law.

(3) For purposes of this section:

(a) Administer has the definition found in section 38-2806;

(b) Calculated expiration date has the definition found in section 38-2884;

(c) Criminal detention facility has the definition found in section 83-4,125;

(d) Deliver or delivery has the definition found in section 38-2813;

(e) Department of Correctional Services facility has the definition of facility found in section 83-170;

(f) Dispense or dispensing has the definition found in section 38-2817;

(g) Jail has the definition found in section 47-117;

(h) Juvenile detention facility has the definition found in section 83-4,125;

(i) Prescription has the definition found in section 38-2840; and

(j) Prescription drug or device has the definition found in section 38-2841.

(4) The Jail Standards Board, in consultation with the Board of Pharmacy, shall adopt and promulgate rules and regulations to carry out this section, including, but not limited to, rules and regulations relating to (a) persons authorized to administer the prescription drug or device to a patient and (b) the proper storage and protection of the drug or device consistent with the directions contained on the label or package insert provided by the pharmacist or pharmacy for the drug or device.

Sec. 2. This act becomes operative on December 1, 2008.

LEGISLATIVE BILL 954. Placed on General File with amendment.
AM2117

1. On page 2, line 3, strike "(1)", show as stricken, and insert "(1)(a)"; in line 7 before "If" insert paragraphing and "(b)"; in line 11 after the period insert "Such general consent form shall inform the person that a test for the presence of the human immunodeficiency virus infection may be performed and

that the person may refuse the performance of such test."; in line 18 after the stricken "(2)" insert "(3)", reinstate the stricken matter beginning with "The" through "consent", and after the stricken colon insert "for the performance of an HIV-related test under subdivision (1)(a) of this section shall include:"; and in lines 19 through 25, reinstate the stricken matter.

2. On page 3, lines 1 through 6, reinstate the stricken matter; in line 7 strike "(3)", show as stricken, and insert "(4)"; 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. Strike the original sections and insert the following new sections:
Section 1. Section 2-3225, Revised Statutes Supplement, 2007, is amended to read:
2-3225 (1)(a) Each district shall have the power and authority to levy a tax of not to exceed four and one-half cents

on each one hundred dollars of taxable valuation annually on all of the taxable property within such district unless a higher levy is authorized pursuant to section 77-3444.

(b) Each district shall also have the power and authority to levy a tax equal to the dollar amount by which its restricted funds budgeted to administer and implement ground water management activities and integrated management activities under the Nebraska Ground Water Management and Protection Act exceed its restricted funds budgeted to administer and implement ground water management activities and integrated management activities for FY2003-04, not to exceed one cent on each one hundred dollars of taxable valuation annually on all of the taxable property within the district.

(c) In addition to the power and authority granted in subdivisions (1)(a) and (b) of this section, each district located in a river basin, subbasin, or reach that has been determined to be fully appropriated pursuant to section 46-714 or designated overappropriated pursuant to section 46-713 by the Department of Natural Resources shall also have the power and authority to levy a tax equal to the dollar amount by which its restricted funds budgeted to administer and implement ground water management activities and integrated management activities under the Nebraska Ground Water Management and Protection Act exceed its restricted funds budgeted to administer and implement ground water management activities and integrated management activities for FY2005-06, not to exceed three cents on each one hundred dollars of taxable valuation on all of the taxable property within the district for fiscal year 2006-07 and each fiscal year thereafter through fiscal year 2011-12.

(d) In addition to the power and authority granted in subdivisions (a) through (c) of this subsection, a district with jurisdiction that includes a river subject to an interstate compact among three or more states and that also includes one or more irrigation districts within the compact river basin may annually levy a tax not to exceed ten cents per one hundred dollars of taxable valuation of all taxable property in the district. The proceeds of such tax may be used for the payment of principal and interest on bonds and refunding bonds issued pursuant to section 2-3226.01 or for the repayment of financial assistance received by the district pursuant to section 5 of this act. Such levy is not includable in the computation of other limitations upon the district's tax levy.

(2) The proceeds of the tax levies authorized in subdivisions (1)(a) through (c) of this section shall be used, together with any other funds which the district may receive from any source, for the operation of the district. When adopted by the board, the tax levies authorized in subdivisions (1)(a) through (d) of this section shall be certified by the secretary to the county clerk of each county which in whole or in part is included within the district. Such levy shall be handled by the counties in the

same manner as other levies, and proceeds shall be remitted to the district treasurer. Such levy shall not be considered a part of the general county levy and shall not be considered in connection with any limitation on levies of such counties.

Sec. 2. Section 2-3226.01, Revised Statutes Supplement, 2007, is amended to read:

2-3226.01 (1) In order to implement its duties and obligations under the Nebraska Ground Water Management and Protection Act and in addition to other powers authorized by law, the board of a district with jurisdiction that includes a river subject to an interstate compact among three or more states and that also includes one or more irrigation districts within the compact river basin may issue negotiable bonds and refunding bonds of the district and entitled river-flow enhancement bonds, with terms determined appropriate by the board, payable by (a) funds granted to such district by the state or federal government for one or more qualified projects, (b) the occupation tax authorized by section 2-3226.05, or (c) the levy authorized by section 2-3225. The district may issue the bonds or refunding bonds directly, or such bonds may be issued by any joint entity as defined in section 13-803 whose member public agencies consist only of qualified natural resources districts or by any joint public agency as defined in section 13-2503 whose participating public agencies consist only of qualified natural resources districts, in connection with any joint project which is to be owned, operated, or financed by the joint entity or joint public agency for the benefit of its member natural resources districts. For the payment of such bonds or refunding bonds, the district may pledge one or more permitted payment sources.

(2) Within forty-five days after receipt of a written request by the Natural Resources Committee of the Legislature, the qualified natural resources districts shall submit a written report to the committee containing an explanation of existing or planned activities for river-flow enhancement, the revenue source for implementing such activities, and a description of the estimated benefit or benefits to the district or districts.

(3) Beginning on April 1, 2008, if a district uses the proceeds of a bond issued pursuant to this section for the purposes described in subdivision (1) of section 2-3226.04 or the state uses funds for those same purposes, ~~such district shall restrict the use of ground water from water wells used on acres certified for both ground water use and surface water use to no greater than the total ground water allocation previously permitted by district rule or regulation less any surface water purchased, leased, or otherwise acquired for implementation of the project entered into by the district.~~ the agreement to acquire water rights by purchase or lease pursuant to such subdivision shall identify (a) the method of payment, (b) the distribution of funds by the party or parties receiving payments, (c) the water use or rights subject

to the agreement, and (d) the water use or rights allowed by the agreement. If any irrigation district is party to the agreement, the irrigation district shall allocate funds received under such agreement among its users or members in a reasonable manner, giving consideration to the benefits received and the value of the rights surrendered.

Sec. 3. Section 2-3226.05, Revised Statutes Supplement, 2007, is amended to read:

2-3226.05 (1) The district may levy an occupation tax upon the activity of irrigation of agricultural lands within such district on an annual basis, not to exceed ten dollars per irrigated acre, the proceeds of which may be used for the purpose of repaying principal and interest on any bonds or refunding bonds issued pursuant to section 2-3226.01 for one or more projects under section 2-3226.04 or for the repayment of financial assistance received by the district pursuant to section 5 of this act.

(2) Acres classified by the county assessor as irrigated shall be subject to such district's occupation tax unless, on or before July 1, 2007, and on or before March 1 in each subsequent year, the record owner certifies to the district the nonirrigation status of such acres.

(3) Any such occupation tax shall remain in effect so long as the district has bonds outstanding which have been issued stating such occupation tax as an available source for payment.

(4) Such occupation taxes shall be certified to, collected by, and accounted for by the county treasurer at the same time as general real estate taxes, and such occupation taxes shall be and remain a perpetual lien against such real estate until paid. Such occupation taxes shall become delinquent at the same time as general real property taxes.

(5) Such lien shall be inferior only to general taxes levied by political subdivisions of the state. When such occupation taxes have become delinquent and the real property on which the irrigation took place has not been offered at any tax sale, the district may proceed in district court in the county in which the real estate is situated to foreclose in its own name the lien in the same manner and with like effect as a foreclosure of a real estate mortgage, except that sections 77-1903 to 77-1917 shall govern when applicable.

Sec. 4. The Legislature finds that water rights holders who lease and forego water use to assist in the management, protection, and conservation of the water resources of river basins must be paid. It is the intent of the Legislature to provide payment to such water rights holders through the financial assistance provided in section 5 of this act. The Legislature further finds that the financial assistance provided by the state under such section shall be repaid through the authority granted under Laws 2007, LB 701, or such other means as are provided by the Legislature.

Sec. 5. (1) The Water Contingency Cash Fund is created. The department shall administer the fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) No later than five days after the effective date of this act, a natural resources district with jurisdiction that includes a river subject to an interstate compact among three or more states and that also includes one or more irrigation districts within the compact river basin, and such natural resources district, using authority granted under Laws 2007, LB 701, enters or has entered into agreements, shall submit a request in writing to the department certifying the amount of financial assistance necessary to meet its obligations under section 2-3226.04. Within fifteen days after the effective date of this act, if such a request has been received by the department, the department shall expend from the Water Contingency Cash Fund the amount requested to provide financial assistance to the submitting natural resources district. The natural resources district shall use the financial assistance provided by the state from the Water Contingency Cash Fund to compensate water rights holders who agree or have agreed to lease and forgo the use of water. Any financial assistance provided under this section not used for such purpose by the natural resources district within sixty days after it is received by such district shall be returned to the department for credit to the Water Contingency Cash Fund.

Sec. 6. (1) Any district receiving financial assistance pursuant to section 5 of this act shall remit to the department the proceeds of the property tax authorized pursuant to subdivision (1)(d) of section 2-3225, the proceeds of the occupation tax authorized pursuant to section 2-3226.05, or both, when such proceeds are available for distribution until the amount of such financial assistance has been repaid. Such proceeds shall be remitted within fifteen days after receipt of the proceeds by the district.

(2) If the district does not receive proceeds described in subsection (1) of this section, the district shall reimburse the Water Contingency Cash Fund by such means as are provided by the Legislature. Such reimbursement shall be made no later than June 30, 2013.

Sec. 7. The department shall remit reimbursements received pursuant to section 6 of this act to the State Treasurer for credit to the Water Contingency Cash Fund. The department shall calculate the amount of such reimbursements so remitted. After the initial disbursement of financial assistance by the department as authorized in section 5 of this act, the State Treasurer shall, at the end of each calendar month, transfer the balance of the Water Contingency Cash Fund to the Cash Reserve Fund.

Sec. 8. Section 84-612, Revised Statutes Supplement,

2007, is amended to read:

84-612 (1) There is hereby created within the state treasury a fund known as the Cash Reserve Fund which shall be under the direction of the State Treasurer. The fund shall only be used pursuant to this section.

(2) The State Treasurer shall transfer funds from the Cash Reserve Fund to the General Fund upon certification by the Director of Administrative Services that the current cash balance in the General Fund is inadequate to meet current obligations. Such certification shall include the dollar amount to be transferred. Any transfers made pursuant to this subsection shall be reversed upon notification by the Director of Administrative Services that sufficient funds are available.

(3) The State Treasurer, at the direction of the budget administrator of the budget division of the Department of Administrative Services, shall transfer such amounts not to exceed seven million seven hundred fifty-three thousand two hundred sixty-three dollars in total from the Cash Reserve Fund to the Nebraska Capital Construction Fund between July 1, 2003, and June 30, 2007.

(4) The State Treasurer, at the direction of the budget administrator, shall transfer an amount equal to the total amount transferred pursuant to subsection (3) of this section from the General Fund to the Cash Reserve Fund on or before June 30, 2008.

(5) In addition to receiving transfers from other funds, the Cash Reserve Fund shall receive federal funds received by the State of Nebraska for undesignated general government purposes, federal revenue sharing, or general fiscal relief of the state.

(6) On June 15, 2007, the State Treasurer shall transfer fifteen million six hundred seventy-four thousand one hundred seven dollars from the Cash Reserve Fund to the General Fund.

(7) On June 16, 2008, the State Treasurer shall transfer seventeen million nine hundred thirty-one thousand thirty dollars from the Cash Reserve Fund to the General Fund.

(8) On June 15, 2009, the State Treasurer shall transfer four million nine hundred ninety thousand five hundred five dollars from the Cash Reserve Fund to the General Fund.

(9) On or before June 16, 2008, the State Treasurer, at the direction of the budget administrator, shall transfer fifty million dollars from the Cash Reserve Fund to the General Fund.

(10) On or before June 16, 2009, the State Treasurer, at the direction of the budget administrator, shall transfer fifty million dollars from the Cash Reserve Fund to the General Fund.

(11) From the effective date of an endowment agreement as defined in subdivision (3)(c) of section 79-1101 until June 30, 2007, forty million dollars of the Cash Reserve Fund shall be deemed to constitute the Early Childhood Education Endowment Fund. Such funds shall remain part of the Cash Reserve Fund for all purposes, except that the interest earned on such forty million

dollars shall accrue as provided in section 84-613.

(12) The State Treasurer, at the direction of the budget administrator, shall transfer such amounts, as certified by the Director of Administrative Services, for employee health insurance claims and expenses, not to exceed twelve million dollars in total from the Cash Reserve Fund to the State Employees Insurance Fund between May 1, 2007, and June 30, 2011.

(13) On July 9, 2007, the State Treasurer shall transfer twelve million dollars from the Cash Reserve Fund to the Nebraska Capital Construction Fund.

(14) On July 9, 2007, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the Job Training Cash Fund. The State Treasurer shall transfer from the Job Training Cash Fund to the Cash Reserve Fund such amounts as directed in section 81-1201.21.

(15) On July 7, 2008, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the Job Training Cash Fund. The State Treasurer shall transfer from the Job Training Cash Fund to the Cash Reserve Fund such amounts as directed in section 81-1201.21.

(16) On or before August 1, 2007, the State Treasurer, at the direction of the budget administrator, shall transfer seventy-five million dollars from the Cash Reserve Fund to the Nebraska Capital Construction Fund.

(17) On or before June 30, 2009, the State Treasurer shall transfer nine million five hundred ninety thousand dollars from the Cash Reserve Fund to the Nebraska Capital Construction Fund.

(18) The State Treasurer, at the direction of the budget administrator, shall transfer an amount equal to the total amount transferred pursuant to subsection (12) of this section from the appropriate health insurance accounts of the State Employees Insurance Fund in such amounts as certified by the Director of Administrative Services to the Cash Reserve Fund on or before June 30, 2011.

(19) On July 9, 2007, the State Treasurer shall transfer one million dollars from the Cash Reserve Fund to the Microenterprise Development Cash Fund.

(20) On July 9, 2007, the State Treasurer shall transfer two hundred fifty thousand dollars from the Cash Reserve Fund to the Building Entrepreneurial Communities Cash Fund.

(21) On July 7, 2008, the State Treasurer shall transfer one million dollars from the Cash Reserve Fund to the Microenterprise Development Cash Fund.

(22) On July 7, 2008, the State Treasurer shall transfer two hundred fifty thousand dollars from the Cash Reserve Fund to the Building Entrepreneurial Communities Cash Fund.

<u>(23) Within seven days after the effective date of this act, the State Treasurer shall transfer nine million dollars from</u>

the Cash Reserve Fund to the Water Contingency Cash Fund.

Sec. 9. Original sections 2-3225, 2-3226.01, 2-3226.05, and 84-612, Revised Statutes Supplement, 2007, are repealed.

Sec. 10. Since an emergency exists, this act takes effect when passed and approved according to law.

Senator McDonald filed the following amendment to LB1058:
AM2122

(Amendments to Standing Committee amendments, AM1866)

1. On page 1, line 15; and page 3, line 20, strike "and Addiction Services" and show as stricken.

2. On page 2, line 11, after "(b)" insert "the review and use of evaluation data, (c)"; and in line 13 strike "(c)" and 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. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 28-416, Revised Statutes Cumulative Supplement, 2006, is amended to read:

28-416 (1) Except as authorized by the Uniform Controlled Substances Act, it shall be unlawful for any person knowingly or intentionally: (a) To manufacture, distribute, deliver, dispense, or possess with intent to manufacture, distribute, deliver, or dispense a controlled substance; or (b) to create, distribute, or possess with intent to distribute a counterfeit controlled substance.

(2) Except as provided in subsections (4), (5), (7), (8), (9), and (10) of this section, any person who violates subsection (1) of this section with respect to: (a) A controlled substance classified in Schedule I, II, or III of section 28-405 which is an exceptionally hazardous drug shall be guilty of a Class II felony; (b) any other controlled substance classified in Schedule I, II, or III of section 28-405 shall be guilty of a Class III felony; or (c) a controlled substance classified in Schedule IV or V of section 28-405 shall be guilty of a Class IIIA felony.

(3) A person knowingly or intentionally possessing a controlled substance, except marijuana, unless such substance was obtained directly or pursuant to a medical order issued by a

practitioner authorized to prescribe while acting in the course of his or her professional practice, or except as otherwise authorized by the act, shall be guilty of a Class IV felony.

(4)(a) Except as authorized by the Uniform Controlled Substances Act, any person eighteen years of age or older who knowingly or intentionally manufactures, distributes, delivers, dispenses, or possesses with intent to manufacture, distribute, deliver, or dispense a controlled substance or a counterfeit controlled substance (i) to a person under the age of eighteen years, (ii) in, on, or within one thousand feet of the real property comprising a public or private elementary, vocational, or secondary school, a community college, a public or private college, junior college, or university, or a playground, or (iii) within one hundred feet of a public or private youth center, public swimming pool, or video arcade facility shall be punished by the next higher penalty classification than the penalty prescribed in subsection (2), (7), (8), (9), or (10) of this section, depending upon the controlled substance involved, for the first violation and for a second or subsequent violation shall be punished by the next higher penalty classification than that prescribed for a first violation of this subsection, but in no event shall such person be punished by a penalty greater than a Class IB felony.

(b) For purposes of this subsection:

(i) Playground shall mean any outdoor facility, including any parking lot appurtenant to the facility, intended for recreation, open to the public, and with any portion containing three or more apparatus intended for the recreation of children, including sliding boards, swingsets, and teeterboards;

(ii) Video arcade facility shall mean any facility legally accessible to persons under eighteen years of age, intended primarily for the use of pinball and video machines for amusement, and containing a minimum of ten pinball or video machines; and

(iii) Youth center shall mean any recreational facility or gymnasium, including any parking lot appurtenant to the facility or gymnasium, intended primarily for use by persons under eighteen years of age which regularly provides athletic, civic, or cultural activities.

(5)(a) Except as authorized by the Uniform Controlled Substances Act, it shall be unlawful for any person eighteen years of age or older to knowingly and intentionally employ, hire, use, cause, persuade, coax, induce, entice, seduce, or coerce any person under the age of eighteen years to manufacture, transport, distribute, carry, deliver, dispense, prepare for delivery, offer for delivery, or possess with intent to do the same a controlled substance or a counterfeit controlled substance.

(b) Except as authorized by the Uniform Controlled Substances Act, it shall be unlawful for any person eighteen years of age or older to knowingly and intentionally employ, hire, use, cause, persuade, coax, induce, entice, seduce, or coerce any person

under the age of eighteen years to aid and abet any person in the manufacture, transportation, distribution, carrying, delivery, dispensing, preparation for delivery, offering for delivery, or possession with intent to do the same of a controlled substance or a counterfeit controlled substance.

(c) Any person who violates subdivision (a) or (b) of this subsection shall be punished by the next higher penalty classification than the penalty prescribed in subsection (2), (7), (8), (9), or (10) of this section, depending upon the controlled substance involved, for the first violation and for a second or subsequent violation shall be punished by the next higher penalty classification than that prescribed for a first violation of this subsection, but in no event shall such person be punished by a penalty greater than a Class IB felony.

(6) It shall not be a defense to prosecution for violation of subsection (4) or (5) of this section that the defendant did not know the age of the person through whom the defendant violated such subsection.

(7) Any person who violates subsection (1) of this section with respect to cocaine or any mixture or substance containing a detectable amount of cocaine in a quantity of:

(a) One hundred forty grams or more shall be guilty of a Class IB felony;

(b) At least twenty-eight grams but less than one hundred forty grams shall be guilty of a Class IC felony; or

(c) At least ten grams but less than twenty-eight grams shall be guilty of a Class ID felony.

(8) Any person who violates subsection (1) of this section with respect to base cocaine (crack) or any mixture or substance containing a detectable amount of base cocaine in a quantity of:

(a) One hundred forty grams or more shall be guilty of a Class IB felony;

(b) At least twenty-eight grams but less than one hundred forty grams shall be guilty of a Class IC felony; or

(c) At least ten grams but less than twenty-eight grams shall be guilty of a Class ID felony.

(9) Any person who violates subsection (1) of this section with respect to heroin or any mixture or substance containing a detectable amount of heroin in a quantity of:

(a) One hundred forty grams or more shall be guilty of a Class IB felony;

(b) At least twenty-eight grams but less than one hundred forty grams shall be guilty of a Class IC felony; or

(c) At least ten grams but less than twenty-eight grams shall be guilty of a Class ID felony.

(10) Any person who violates subsection (1) of this section with respect to amphetamine, its salts, optical isomers, and salts of its isomers, or with respect to methamphetamine, its

salts, optical isomers, and salts of its isomers, in a quantity of:

(a) One hundred forty grams or more shall be guilty of a Class IB felony;

(b) At least twenty-eight grams but less than one hundred forty grams shall be guilty of a Class IC felony; or

(c) At least ten grams but less than twenty-eight grams shall be guilty of a Class ID felony.

(11) Any person knowingly or intentionally possessing marijuana weighing more than one ounce but not more than one pound shall be guilty of a Class ~~IIIA~~ III misdemeanor.

(12) Any person knowingly or intentionally possessing marijuana weighing more than one pound shall be guilty of a Class IV felony.

(13) Any person knowingly or intentionally possessing marijuana weighing one ounce or less shall:

(a) For the first offense, be guilty of an infraction, receive a citation, be fined ~~one~~ three hundred dollars, and be assigned to attend a course as prescribed in section 29-433 if the judge determines that attending such course is in the best interest of the individual defendant;

(b) For the second offense, be guilty of a Class IV misdemeanor, receive a citation, and be fined ~~two~~ four hundred dollars and may be imprisoned not to exceed five days; and

(c) For the third and all subsequent offenses, be guilty of a Class IIIA misdemeanor, receive a citation, be fined ~~three~~ five hundred dollars, and be imprisoned not to exceed seven days.

(14) Any person convicted of violating this section, if placed on probation, shall, as a condition of probation, satisfactorily attend and complete appropriate treatment and counseling on drug abuse provided by a program authorized under the Nebraska Behavioral Health Services Act or other licensed drug treatment facility.

(15) Any person convicted of violating this section, if sentenced to the Department of Correctional Services, shall attend appropriate treatment and counseling on drug abuse.

(16) Any person knowingly or intentionally possessing a firearm while in violation of subsection (1) of this section shall be punished by the next higher penalty classification than the penalty prescribed in subsection (2), (7), (8), (9), or (10) of this section, but in no event shall such person be punished by a penalty greater than a Class IB felony.

(17) A person knowingly or intentionally in possession of money used or intended to be used to facilitate a violation of subsection (1) of this section shall be guilty of a Class IV felony.

Sec. 2. Section 29-433, Reissue Revised Statutes of Nebraska, is amended to read:

29-433 A person cited for an infraction pursuant to section 28-416 or convicted of a misdemeanor pursuant to sections

53-180.01 to 53-180.03 shall be assigned to attend a course of instruction relating to the effects of the misuse of drugs, including alcohol and controlled substances. Such instruction shall include counseling on the legal, medical, psychological, and social effects of drug use and abuse. Such course shall consist of a minimum of five hours and a maximum of ten hours of instruction and counseling. Upon completion of the assigned course, the instructor shall notify the court in writing of such completion and the notification shall be made a part of the record of the citation. Any person failing to complete such course within thirty days after the assignment shall be guilty of an infraction.

Sec. 3. Original section 29-433, Reissue Revised Statutes of Nebraska, and section 28-416, Revised Statutes Cumulative Supplement, 2006, are repealed.

2. On page 1, strike beginning with "sections" in line 1 through line 7 and insert "section 29-433, Reissue Revised Statutes of Nebraska, and section 28-416, Revised Statutes Cumulative Supplement, 2006; to change penalty provisions for marijuana possession; to require a course of instruction for violating certain provisions relating to minors in possession of alcohol; and 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. Insert the following sections:

Sec. 24. (1) When sentencing a person convicted of a misdemeanor crime of domestic violence as defined in 18 U.S.C. 921(a)(33), the court shall provide written or oral notification to the defendant that it may be a violation of federal law for the individual: To ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

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

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

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

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

(3) The court may by rule or order refer or assign all matters regarding orders issued under subsection (1) of section 42-924 to a referee for findings and recommendations.

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

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

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

2. On page 54, line 22, after "support" insert "and orders issued under subsection (1) of section 42-924".

3. On page 56, line 5, strike the last "and" and show as stricken and insert an underscored comma; and in line 6 after "matters" insert ", and orders issued under subsection (1) of section 42-924".

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

5. Renumber the remaining sections and correct the 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. Insert the following new section:

Sec. 24. Section 29-2246, Revised Statutes Cumulative Supplement, 2006, is amended to read:

29-2246 For purposes of the Nebraska Probation

Administration Act and sections 43-2,123.01 and 83-1,102 to 83-1,104, unless the context otherwise requires:

(1) Association means the Nebraska District Court Judges Association;

(2) Court means a district court, county court, or juvenile court as defined in section 43-245;

(3) Office means the Office of Probation Administration;

(4) Probation means a sentence under which a person found guilty of a crime upon verdict or plea or adjudicated delinquent or in need of special supervision is released by a court subject to conditions imposed by the court and subject to supervision;

(5) Probationer means a person sentenced to probation;

(6) Probation officer means an employee of the system who supervises probationers and conducts presentence, predisposition, or other investigations as may be required by law or directed by a court in which he or she is serving or performs such other duties as authorized pursuant to section 29-2258, except unpaid volunteers from the community;

(7) Juvenile probation officer means any probation officer who supervises probationers of a separate juvenile court;

(8) Juvenile intake probation officer means an employee of the system who is called upon by a law enforcement officer in accordance with section 43-250 to make a decision regarding the furtherance of a juvenile's detention;

(9) Chief probation officer means the probation officer in charge of a probation district;

(10) System means the Nebraska Probation System;

(11) Administrator means the probation administrator; and

(12) Non-probation-based program or service means a program or service established within the district, county, or juvenile courts and provided to individuals not sentenced to probation who have been charged with or convicted of a crime for the purpose of diverting the individual from incarceration or to provide treatment for issues related to the individual's criminogenic needs. Non-probation-based programs or services include, but are not limited to, drug court programs <u>and problem solving court programs</u> established pursuant to section 24-1302 and the treatment of problems relating to substance abuse, mental health, sex offenses, or domestic violence.

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

3. Correct the operative date and repealer sections so that the section added by this amendment becomes operative three 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

Present and not voting, 20:

Adams	Dierks	Langemeier	Nantkes	Rogert
Aguilar	Dubas	Lathrop	Pahls	Schimek
Burling	Flood	McDonald	Preister	Stuthman
Chambers	Fulton	McGill	Raikes	Synowiecki

Excused and not voting, 2:

Christensen	Engel

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. Insert the following new sections:

Sec. 5. Sections 5 to 12 of this act shall be known and may be cited as the Volunteer Emergency Responders Job Protection Act.

Sec. 6. No employer shall terminate or take any other disciplinary action against any employee who is a volunteer emergency responder if such employee, when acting as a volunteer emergency responder, is absent from or reports late to his or her place of employment in order to respond to an emergency prior to the time such employee is to report to his or her place of employment.

Sec. 7. An employer may subtract from an employee's earned wages any time such employee, acting as a volunteer emergency responder, is away from his or her place of employment because of such employee's response to an emergency.

Sec. 8. An employee acting as a volunteer emergency responder shall make a reasonable effort to notify his or her employer that he or she may be absent from or report late to his or her place of employment in order to respond to an emergency.

Sec. 9. At an employer's request, an employee, acting as a volunteer emergency responder, who is absent from or reports late to his or her place of employment in order to respond to an emergency shall provide his or her employer, within seven days of such request, a written statement signed by the individual in charge of the volunteer department or another individual authorized to act for such individual that includes the following: The fact that the employee responded to an emergency; the date and time of the emergency; and the date and time such employee completed his or her volunteer emergency activities.

Sec. 10. Prior to seeking protection pursuant to the Volunteer Emergency Responders Job Protection Act, an employee acting as a volunteer emergency responder shall provide his or her employer with a written statement signed by the individual in charge of the volunteer department or another individual authorized to act for such individual notifying such employer that the

employee serves as a volunteer emergency responder. An employee who is or who has served as a volunteer emergency responder shall notify his or her employer when such employee's status as a volunteer emergency responder changes, including termination of such status.

Sec. 11. An employee who is terminated or against whom any disciplinary action is taken in violation of the Volunteer Emergency Responders Job Protection Act shall be immediately reinstated to his or her former position, if wrongfully terminated, without reduction of wages, seniority, or other benefits and shall receive any lost wages or other benefits, if applicable, during any period for which such termination or other disciplinary action was in effect. An action to enforce the act may be brought by the employee to recover any lost wages or other benefits, including court costs and reasonable attorney's fees. An action to enforce the act shall be commenced within one year after the date of violation and shall be brought in the district court of the county in which the place of employment is located.

Sec. 12. For purposes of the Volunteer Emergency Responders Job Protection Act:

(1) Employee does not include a career firefighter or law enforcement officer who is acting as a volunteer emergency responder;

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

(3) Volunteer emergency responder means a person who has been approved by a governing body in Nebraska to serve any volunteer fire department or volunteer first-aid, rescue, ambulance, or emergency squad, or volunteer fire company, association, or organization serving any city, village, or rural or suburban fire protection district by providing fire protection or emergency response services for the purpose of protecting life, health, or property.

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. On page 1, strike lines 4 through 8; in line 9 strike "(2)" and insert "(1)"; in line 10 strike "and" and insert "or"; in line 12 strike "(3)" and insert "(2)"; strike beginning with line 15 through the comma in line 16 and insert "regulated metals property"; in line 16 strike "have" and insert "has" and strike "their" and insert "its"; and strike beginning with "nonferrous" in line 19 through the last comma in line 20 and insert "regulated metals property".

2. On page 2, line 24; page 3, line 1; and page 4, line 10, before "operator's" insert "motor vehicle".

3. On page 4, line 2, strike "with the same seller" and insert "from the same person"; and in line 20 after "metals" insert "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. Insert the following new section:

Sec. 10. This act becomes operative on September 1, 2008.

2. On page 3, line 9, after "A" insert "date and 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. On page 1, line 9, after "means" insert "catalytic converters," and strike the last comma.

2. On page 3, strike beginning with "delivering" in line 5 through "property" in line 6 and insert ", but only if the person is delivering copper or catalytic converters".

3. On page 4, line 5, after the period insert "Payment for copper and catalytic converters shall be by check and shall be 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. On page 14, strike beginning with "products" in line 17 through "include" in line 20; and in line 21 after "books" insert "delivered electronically if the products are taxable when delivered on tangible storage media".

2. On page 18, lines 9 and 10, strike "to another person or persons" and insert "for use in a place where an admission is charged that is subject to sales tax under the Nebraska Revenue Act of 1967".

3. On page 40, strike lines 5 through 8, show the old matter as stricken, and insert "means any tangible personal property incorporated into the manufacture, installation, construction, repair, or replacement of a device, such as a wind charger, windmill, or wind turbine, which is used to convert wind energy to electrical energy or for the transmission of electricity to the purchaser; and".

4. On page 41, line 12, strike "purchase power" and insert "power purchase"; in line 25 strike "prepared by a court

reporter"; and in line 26 before the period insert "prepared and sold by a court reporter".

Senator Ashford filed the following amendment to LB958:
AM2235

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. (1) The Nebraska Commission on Law Enforcement and Criminal Justice shall examine firearm-related violence in Nebraska. The examination shall include, but not be limited to, the following issues:

(a) Firearm-related injuries and deaths;

(b) Illegal firearm sales;

(c) Illegal firearm trafficking;

(d) The types of firearms used during the commission of violent crimes;

(e) Providing access to a person's mental health records, if any, pursuant to section 69-2409.01;

(f) Firearm safety;

(g) Firearm training;

(h) Obstacles related to the sharing of information by local, state, and federal agencies about violent offenses involving firearms;

(i) Enforcement of firearm laws;

(j) Sentencing for felonies committed with a firearm; and

(k) Referral of felonies committed with a firearm to federal authorities for prosecution.

(2) Based upon its examination, the commission shall issue a written report to the Legislature recommending specific administrative, enforcement, and statutory changes designed to reduce firearm-related violence, firearm-related injuries, and illegal firearm trafficking and sales and whether there is also any need to address the types of firearms used during the commission of crime. 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.

Sec. 2. The Nebraska State Patrol shall implement a telephone hotline for individuals to report the loss or theft of a firearm. An individual reporting the loss or theft of a firearm that was not registered or that was improperly registered shall not, as a result of such reporting, be charged with a crime involving not registering or improperly registering the firearm.

Sec. 3. Section 28-608, Revised Statutes Cumulative Supplement, 2006, is amended to read:

28-608 (1) A person commits the crime of criminal impersonation if he or she:

(a) Assumes a false identity and does an act in his or her assumed character with intent to gain a pecuniary benefit for himself, herself, or another or to deceive or harm another;

(b) Pretends to be a representative of some person or organization and does an act in his or her pretended capacity with the intent to gain a pecuniary benefit for himself, herself, or another and to deceive or harm another;

(c) Carries on any profession, business, or any other occupation without a license, certificate, or other authorization required by law; or

(d) Without the authorization or permission of another and with the intent to deceive or harm another:

(i) Obtains or records personal identification documents or personal identifying information; and

(ii) Accesses or attempts to access the financial resources of another through the use of a personal identification document or personal identifying information for the purpose of obtaining credit, money, goods, services, or any other thing of value.

(2)(a) Criminal impersonation is a Class III felony if the credit, money, goods, services, or other thing of value that was gained or was attempted to be gained was one thousand five hundred dollars or more.

(b) Criminal impersonation is a Class IV felony if the credit, money, goods, services, or other thing of value that was gained or was attempted to be gained was five hundred dollars or more but less than one thousand five hundred dollars.

(c) Criminal impersonation is a Class I misdemeanor if the credit, money, goods, services, or other thing of value that was gained or was attempted to be gained was two hundred dollars or more but less than five hundred dollars. Any second or subsequent conviction under this subdivision is a Class IV felony.

(d) Criminal impersonation is a Class II misdemeanor if no credit, money, goods, services, or other thing of value was gained or was attempted to be gained, or if the credit, money, goods, services, or other thing of value that was gained or was attempted to be gained was less than two hundred dollars. Any second conviction under this subdivision is a Class I misdemeanor, and any third or subsequent conviction under this subdivision is a Class IV felony.

(e) A person found guilty of violating this section may, in addition to the penalties under this subsection, be ordered to make restitution pursuant to sections 29-2280 to 29-2289.

(3) Criminal impersonation does not mean:

(a) The lawful obtaining of credit information in the course of a bona fide consumer or commercial transaction;

(b) The lawful, good faith exercise of a security interest or a right of setoff by a creditor or a financial institution; or

(c) The lawful, good faith compliance by any person when required by any warrant, levy, garnishment, attachment, court order, or other judicial or administrative order, decree, or

directive.

(4) For purposes of this section:

(a) Personal identification document means a birth certificate, motor vehicle operator's license, state identification card, public, government, or private employment identification card, social security card, visa work permit, firearm owner's identification card, ~~certificate issued under section 69-2404,~~ or passport or any document made or altered in a manner that it purports to have been made on behalf of or issued to another person or by the authority of a person who did not give that authority. Personal identification document does not include a financial transaction device as defined in section 28-618;

(b) Personal identifying information means any name or number that may be used, alone or in conjunction with any other information, to identify a specific person including a person's: (i) Name; (ii) date of birth; (iii) address; (iv) motor vehicle operator's license number or state identification card number as assigned by the State of Nebraska or another state; (v) social security number or visa work permit number; (vi) public, private, or government employer, place of employment, or employment identification number; (vii) maiden name of a person's mother; (viii) number assigned to a person's credit card, charge card, or debit card, whether issued by a financial institution, corporation, or other business entity; (ix) number assigned to a person's depository account, savings account, or brokerage account; (x) personal identification number as defined in section 8-157.01; (xi) electronic identification number, address, or routing code used to access financial information; (xii) digital signature; (xiii) telecommunications identifying information or access device; (xiv) unique biometric data, such as fingerprint, voice print, retina or iris image, or other unique physical representation; and (xv) other number or information which can be used to access a person's financial resources; and

(c) Telecommunications identifying information or access device means a card, plate, code, account number, mobile identification number, or other telecommunications service, equipment, or instrument identifier or means of account access that alone or in conjunction with other telecommunications identifying information or another telecommunications access device may be used to: (i) Obtain money, goods, services, or any other thing of value; or (ii) initiate a transfer of funds other than a transfer originated solely by a paper instrument.

Sec. 4. Section 69-2409.01, Reissue Revised Statutes of Nebraska, is amended to read:

69-2409.01 (1) ~~For purposes of sections 69-2401 to 69-2425, the~~ The Nebraska State Patrol shall be furnished upon the patrol's request with ~~only~~ such information as may be necessary for the sole purpose of determining whether an individual is disqualified from purchasing or possessing a handgun pursuant to

state or federal law. Such information shall be furnished by the Department of Health and Human Services. The clerks of the various courts shall furnish to the Department of Health and Human Services, within thirty days after the order of commitment or finding and the discharge, all information necessary to set up and maintain the data base required by this section. This information shall include (a) information regarding those persons who are currently receiving mental health treatment pursuant to a commitment order of a mental health board or who have been discharged and (b) information regarding those persons who have been committed to treatment pursuant to section 29-3702. The Department of Health and Human Services shall also maintain in the data base a listing of persons committed to treatment pursuant to section 29-3702. Information regarding mental health board commitments and commitments pursuant to section 29-3702 shall not be retained in the data base maintained by the department on persons who have been discharged from those commitments more than ~~five~~ ten years previously. Any such information maintained or disclosed under this subsection shall remain privileged and confidential and shall not be redisclosed or utilized for any other purpose. The procedures for furnishing such information shall guarantee that no information is released beyond what is necessary for purposes of this section.

~~(2) In order to comply with sections 69-2401 and 69-2403 to 69-2408 and this section, the Nebraska State Patrol shall provide to the chief of police or sheriff of an applicant's place of residence or a licensee in the process of a criminal history record check pursuant to section 69-2411 only the information regarding whether or not the applicant is disqualified from purchasing or possessing a handgun.~~

~~(3)~~ (2) Any person, agency, or mental health board participating in good faith in the reporting or disclosure of records and communications under this section is immune from any liability, civil, criminal, or otherwise, that might result by reason of the action.

~~(4) Any person who intentionally causes the Nebraska State Patrol to request information pursuant to this section without reasonable belief that the named individual has submitted a written application under section 69-2404 or has completed a consent form under section 69-2410 shall be guilty of a Class II misdemeanor in addition to other civil or criminal liability under state or federal law.~~

Sec. 5. Original section 69-2409.01, Reissue Revised Statutes of Nebraska, and section 28-608, Revised Statutes Cumulative Supplement, 2006, are repealed.

Sec. 6. The following sections are outright repealed: Sections 69-2401, 69-2403, 69-2407, 69-2708, 69-2409, 69-2412, 69-2413, 69-2414, 69-2415, 69-2416, 69-2417, 69-2420, 69-2421, 69-2422, 69-2423, 69-2424, and 69-2425, Reissue Revised Statutes

of Nebraska, and sections 69-2402, 69-2404, 69-2405, 69-2406, 69-2410, 69-2411, 69-2418, and 69-2419, Revised Statutes Cumulative Supplement, 2006.

Senator White filed the following amendment to LB1001:
AM2244

(Amendments to Standing Committee amendments, AM2001)

1. Strike section 14 and insert the following new section:

Sec. 14. Sections 1 to 8 and 14 of this act become operative on October 1, 2008. The other sections of this act become operative on January 1, 2009.

2. On page 7, strike lines 22 through 27 and insert

"(3)(a) Every contractor who is maintaining an office or transacting business within this state and making a payment or payments related to such business in excess of six hundred dollars, and such payment or payments are for construction services performed within this state, to any contractor or any person that is not an employee shall deduct and withhold five percent of such payments.

(b) The withholding required by this subsection shall not apply to any payment made to (i) a person that provides the payor with a statement that the income earned is not subject to tax because of a treaty obligation of the United States or (ii) a contractor when the payor contractor determines that the payee contractor is in the database required by this subsection.

(c) The Department of Revenue shall create a database of contractors who are licensed, granted a permit, or registered under the Nebraska Revenue Act of 1967 or under section 77-3102. The database shall be accessible on the website of the department.

(d) Any contractor who determines that a contractor is in the database is relieved from liability for withholding under either this subsection or section 77-3106 for any future payments on a contract in existence at the time the determination is made.

(e) Withholding required by this subsection shall be considered to be withholding of income tax for the purposes of the Nebraska Revenue Act of 1967.

(f) For purposes of this subsection:

(i) Construction services means services that are provided as a contractor; and

(ii) Contractor has the same meaning as in section 77-3101.".

3. On page 8, strike lines 1 through 12.

4. On page 12, lines 22 and 23, strike the new matter and insert "or to obtain a clearance from the Department of Revenue prior to releasing such withholding to the subcontractor".

5. On page 13, strike lines 4 through 9 and insert the following new subsection:

"(2) The withholding required by this section shall not

apply to any payment made to (a) a person that provides the payor with a statement that the income earned is not subject to income tax because of a treaty obligation of the United States, (b) a contractor when the payor contractor determines that the payee contractor is in the database required by subsection (3) of section 77-2753, or (c) a contractor when the payor contractor has withheld 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

printed on recycled paper

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. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 85-2205, Revised Statutes Supplement, 2007, is amended to read:

85-2205 Base growth factor means

(1) For the calculation of aid for fiscal year 2008-09, the base limitation described in section 77-3446 minus one-half percent; and

(2) For the calculation of aid for fiscal year 2009-10 and each fiscal year thereafter, the base limitation described in section 77-3446 ~~minus~~ plus one-half percent.

Sec. 2. Section 85-2212, Revised Statutes Supplement, 2007, is amended to read:

85-2212 Prior year revenue means (1) the lesser of (a) the total of general fund property taxes~~, state aid, and~~ levied

in the fiscal year immediately preceding the fiscal year for which aid is being calculated or (b) the local effort rate calculated pursuant to section 85-2224 multiplied by the property valuation for each community college area divided by one hundred plus (2) state aid, tuition, and fees ~~collected in~~ reported on the accrual basis of accounting in the fiscal year immediately preceding the fiscal year for which aid is being calculated.

Sec. 3. Section 85-2221, Revised Statutes Supplement, 2007, is amended to read:

85-2221 ~~The Coordinating Commission for Postsecondary Education shall annually collect data from each community college area and maintain~~ Each community college area shall annually report such data as necessary to carry out the Community College Foundation and Equalization Aid Act to the Coordinating Commission for Postsecondary Education. Each community college area shall annually ~~report data necessary to the commission to carry out the act.~~ provide the commission with a reconciliation of the data necessary to carry out the act with audited financial statement information.

Sec. 4. Section 85-2223, Revised Statutes Supplement, 2007, is amended to read:

85-2223 (1) The Department of Revenue shall annually calculate the base revenue need for each community college area as follows:

(a) For fiscal ~~years 2007-08 and~~ year 2008-09, base revenue need for each community college area shall equal one ~~plus the base growth factor~~ plus the greater of zero or the average annual percentage growth in full-time equivalent enrollments attributable to each community college area for the most recent three fiscal years times the sum of (i) system foundation need plus (ii) reimbursable educational unit need plus (iii) the average need adjustment plus (iv) the revenue remainder allowance for each community college area. The average annual percentage growth shall be calculated by taking the difference between the three-year full-time equivalent enrollment average for the current funding year and the three-year full-time equivalent enrollment average for the prior funding year and dividing by the three-year full-time equivalent enrollment average from the prior funding year; and

(b) For fiscal year 2009-10 and each fiscal year thereafter, base revenue need for each community college area shall equal the greater of ninety-eight percent of the base revenue need calculated in the prior year or one plus the greater of zero or the average annual percentage growth in full-time equivalent enrollments attributable to each community college area times the sum of (i) system foundation need plus (ii) reimbursable educational unit need plus (iii) the average revenue remainder allowance. The average annual percentage growth shall be calculated by taking the difference between the three-year full-time equivalent enrollment average for the current funding

year and the three-year full-time equivalent enrollment average for the prior funding year and dividing by the three-year full-time equivalent enrollment average from the prior funding year.

(2) For purposes of the calculation required pursuant to this section:

(a) Average need adjustment shall be calculated for fiscal year 2007-08 aid distribution as follows: Average need adjustment shall equal the sum of average adjusted revenue per full-time equivalent student minus the adjusted revenue per full-time equivalent student times the number of full-time equivalent students attributable to each community college area up to the number of full-time equivalent students attributable to the community college area with the fewest number of full-time equivalent students, except that the amount shall not be less than negative seven hundred fifty thousand or greater than seven hundred fifty thousand. For purposes of the average need adjustment, (i) adjusted revenue per full-time equivalent student equals the sum of the prior year revenue for each community college area minus the system foundation need divided by the number of full-time equivalent students for each community college area and (ii) average adjusted revenue per full-time equivalent student equals the sum of the prior year revenue for all community college areas minus the system foundation need for all areas divided by the number of full-time equivalent students for all areas;

(b) Average revenue remainder allowance shall equal the average revenue remainder per ~~full-time equivalent student~~ reimbursable educational unit times the average number of ~~full-time equivalent students~~ reimbursable educational units for each community college area for the most recent three fiscal years;

(c) Average revenue remainder per ~~full-time equivalent student~~ reimbursable educational unit equals the revenue remainder allowance for all community college areas divided by the ~~total~~ average number of ~~full-time equivalent students~~ reimbursable educational units in all community college areas for the most recent three fiscal years;

(d) Reimbursable educational unit need for each community college area equals the product of the state foundation amount times forty percent divided by the total reimbursable educational units of all community college areas times the number of reimbursable educational units attributable to each community college area;

(e) Revenue remainder allowance equals the formula base revenue attributable to each community college area minus the sum of system foundation need plus reimbursable educational unit need;

(f) State foundation amount equals formula base revenue times the state foundation percentage; ~~and~~

(g) System foundation need for each community college area equals the product of the state foundation amount times sixty percent divided by the number of community college areas;~~.~~

(h) Funding year, for purposes of calculating average annual percentage growth, means the fiscal year for which aid is being calculated; and

(i) Three-year full-time equivalent enrollment average for any given funding year equals the sum of the audited full-time equivalent enrollment for the three years preceding the funding year divided by three.

Sec. 5. Section 85-2224, Revised Statutes Supplement, 2007, is amended to read:

85-2224 (1) The Department of Revenue shall calculate local effort rate by dividing the sum of (a) the total of base revenue need for all community college areas minus (b) the amount appropriated by the Legislature pursuant to the Community College Foundation and Equalization Aid Act minus (c) the total formula tuition and fees for all community college areas by the total valuation of all community college areas times one hundred.

(2) The department shall calculate the formula resources available to each community college area by adding ~~(a)~~ the yield from local effort rate plus ~~(b)~~ local formula tuition and fees. ~~plus (c) system foundation aid plus (d) reimbursable educational unit aid.~~

(3) For purposes of the calculation required pursuant to this section:

(a) The yield from local effort rate for each community college area equals the local effort rate times the ~~property~~ taxable valuation ~~attributable~~ certified to each community college area pursuant to section 13-509 divided by one hundred; and

(b) Local formula tuition and fees equals tuition and fees attributable to each community college area that were ~~collected~~ reported on the accrual basis of accounting in the fiscal year prior to the fiscal year for which aid is to be calculated. ~~;~~

~~(c) Reimbursable educational unit aid equals reimbursable educational unit need calculated pursuant to section 85-2223; and~~

~~(d) System foundation aid equals system foundation need calculated pursuant to section 85-2223.~~

Sec. 6. Section 85-2225, Revised Statutes Supplement, 2007, is amended to read:

85-2225 Equalization aid for each community college area shall equal base revenue need attributable to the community college area minus formula resources attributable to the community college area, except that such amount shall not be less than zero.

Sec. 7. Section 85-2227, Revised Statutes Supplement, 2007, is amended to read:

85-2227 The maximum levy for each community college area shall be certified by the Department of Revenue annually and shall equal one hundred ~~fifteen~~ twenty percent of the local effort rate calculated pursuant to section 85-2224 plus amounts allowed pursuant to subsection (2) of section 85-1517.

Sec. 8. Section 85-2228, Revised Statutes Supplement, 2007, is amended to read:

85-2228 For fiscal year 2008-09 and for each fiscal year thereafter, a minimum levy aid reduction shall apply to any community college area that does not levy at least eighty percent of the local effort rate calculated pursuant to section 85-2224 for the fiscal year immediately preceding the fiscal year for which aid is being calculated.

The minimum levy aid reduction shall equal the difference between the amount of revenue collected by the community college area as a result of its levy and the amount of revenue that would have been collected using eighty percent of the local effort rate in the prior fiscal year. The Department of Revenue shall reduce the amount of aid ~~calculated pursuant to section 85-2226~~ by an amount equal to the minimum levy aid reduction.

Sec. 9. Original sections 85-2205, 85-2212, 85-2221, 85-2223, 85-2224, 85-2225, 85-2227, and 85-2228, Revised Statutes Supplement, 2007, are repealed.

Sec. 10. The following sections are outright repealed: Sections 85-2214, 85-2219, and 85-2226, Revised Statutes Supplement, 2007.

2. On page 1, line 2, after "sections" insert "85-2205,"; and in line 3 after the third comma insert "85-2227,".

LEGISLATIVE RESOLUTION 4CA. Placed on Select File with amendment.

ER8181

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

LEGISLATIVE BILL 1055. Placed on Select File with amendment.

ER8183

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 54-607, Reissue Revised Statutes of Nebraska, is amended to read:

54-607 ~~Whoever, being the~~ The owner of any dog~~, shall permit the same to run~~ running at large for ten days~~,~~ without ~~such~~ a collar as ~~hereinbefore described being securely placed upon the neck of such dog,~~ required in section 54-605 shall be fined ~~in any sum not exceeding~~ an amount not to exceed twenty-five dollars.

Sec. 2. Section 54-608, Reissue Revised Statutes of Nebraska, is amended to read:

54-608 In counties having a population of eighty thousand or more inhabitants and cities of the first class contained in such counties, it shall be unlawful for any person, firm, partnership, limited liability company, or corporation to have any dog which is owned, kept, harbored, or allowed to be habitually in or upon premises occupied by him, ~~or~~ her, or it or under his, ~~or~~ her, or its control to be at large. ~~and go in or upon public property or~~

~~the private premises of others or upon the streets or highways.~~

Sec. 3. Section 54-610, Reissue Revised Statutes of Nebraska, is amended to read:

54-610 In counties having a population of eighty thousand or more inhabitants and cities of the first class contained in such counties, whenever complaints are made to the poundmaster or the person or corporation performing the duties of poundmaster that a dog is at large, ~~or doing damage to public or private property,~~ it shall be the duty of such poundmaster, person, or corporation to investigate such complaint. If upon such investigation it appears that the complaint is founded upon facts, it shall be the duty of such poundmaster, person, or corporation to take such dog into custody and he, she, or it may file or cause to be filed a complaint in the county court against such person, firm, partnership, limited liability company, or corporation owning, keeping, or harboring such dog charging a violation of ~~sections~~ section 54-601 ~~and~~ or 54-608. ~~to 54-611.~~

Sec. 4. Section 54-611, Reissue Revised Statutes of Nebraska, is amended to read:

54-611 In counties having a population of eighty thousand or more inhabitants and cities of the first class contained in such counties, if upon final hearing the defendant is adjudged guilty of any violation of ~~sections~~ section 54-601 ~~and~~ or 54-608, ~~to 54-610,~~ the court may, in addition to the penalty provided in section 54-613, order such disposition of the offending dog as may seem reasonable and proper. Disposition includes sterilization, seizure, permanent assignment of the dog to a court-approved animal shelter as defined in section 28-1018, or destruction of the dog in an expeditious and humane manner. Reasonable costs for such disposition are the responsibility of the defendant.

Sec. 5. Section 54-613, Reissue Revised Statutes of Nebraska, is amended to read:

54-613 ~~In counties having a population of eighty thousand or more inhabitants and cities of the first class contained in such counties, any~~ Any person in violation of ~~sections~~ section 54-601 ~~and~~ or 54-608 ~~to 54-611~~ shall be deemed guilty of a Class ~~V~~ IV misdemeanor.

Sec. 6. Section 54-614, Reissue Revised Statutes of Nebraska, is amended to read:

54-614 (1) A ~~Any~~ county ~~having a population in excess of fifteen thousand inhabitants according to the most recent federal decennial census~~ may collect a license tax in an amount which shall be determined by the appropriate governing body from the owners and harborers of dogs~~,~~ and may enforce ~~the same~~ such tax by appropriate penalties. A county may impound any dog if ~~, and cause the destruction of any dog for which~~ the owner or harborer shall refuse or neglect to pay such license tax. Any licensing provision shall comply with subsection (2) of section 54-603 for dog guides, hearing ~~aid~~ dogs, and service dogs.

(2) A ~~Such~~ county may regulate~~, license,~~ or prohibit the running at large of dogs, adopt regulations to ~~and~~ guard against injuries or annoyances therefrom, and authorize the destruction, adoption, or other disposition of ~~the same~~ such dogs when running at large contrary to the provisions of this subsection or any regulations adopted in accordance with this subsection. A county adopting regulations in accordance with this subsection shall provide for an appeal process with respect to such regulations.

Sec. 7. Section 54-615, Reissue Revised Statutes of Nebraska, is amended to read:

54-615 ~~Such~~ A county ~~shall have power to regulate the running at large of dogs, and to cause such as may be running at large to be impounded and sold to discharge the~~ may impound any dog deemed to be running at large. The owner of such dog shall pay the reasonable cost and penalties provided for the violation of such ~~prohibitions,~~ prohibition, including the expense of impounding and keeping the ~~same, and the expense of such sale.~~ dog.

Sec. 8. Section 54-616, Reissue Revised Statutes of Nebraska, is amended to read:

54-616 ~~Such~~ A county may ~~shall have power to~~ provide for the erection of ~~all needful pounds~~ any pounds needed within the county, ~~to~~ appoint and compensate keepers thereof, and ~~to~~ establish and enforce rules governing ~~the same.~~ such pounds.

Sec. 9. Section 54-617, Reissue Revised Statutes of Nebraska, is amended to read:

54-617 For purposes of sections 54-617 to 54-624 and section 15 of this act

(1) Animal control authority ~~shall mean~~ means an entity authorized to enforce the animal control laws of a county, city, or village or this state and includes any local law enforcement agency or other agency designated by a county, city, or village to enforce the animal control laws of such county, city, or village;

(2) Animal control officer ~~shall mean~~ means any individual employed, appointed, or authorized by an animal control authority for the purpose of aiding in the enforcement of sections 54-617 to 54-624 and section 15 of this act or any other law or ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals and ~~shall include~~ includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal;

(3) Dangerous dog ~~shall mean any~~ means a dog that, according to the records of an animal control authority: (a) Has killed or inflicted ~~severe~~ injury on a human being; ~~on public or private property;~~ (b) has killed a domestic animal without provocation; ~~while the dog was off the owner's property;~~ or (c) has been previously determined to be a potentially dangerous dog by an animal control authority and the owner has received notice of such determination and such dog again ~~aggressively~~ bites, attacks, or

endangers the safety of humans or domestic animals. A dog shall not be defined as a dangerous dog if the threat~~, any injury that is not a severe injury,~~ or ~~the~~ damage was sustained by a person who, at the time, was committing a willful trespass as defined in section 20-203, 28-520, or 28-521 or any other tort upon the property of the owner of the dog, who was tormenting, abusing, or assaulting the dog, who has, in the past, been observed or reported to have tormented, abused, or assaulted the dog, or who was committing or attempting to commit a crime;

(4) Domestic animal ~~shall mean~~ means a cat, a dog, or livestock. Livestock includes buffalo, deer, antelope, fowl, and any other animal in any zoo, wildlife park, refuge, wildlife area, or nature center intended to be on exhibit;

(5) Owner ~~shall mean~~ means any person, firm, corporation, organization, political subdivision, or department possessing, harboring, keeping, or having control or custody of a dog; and

(6) Potentially dangerous dog ~~shall mean~~ means (a) any dog that when unprovoked (i) ~~inflicts a nonsevere injury on a human or~~ injures a domestic animal ~~either on public or private property~~ or (ii) chases or approaches a person ~~upon streets, sidewalks, or any public grounds~~ in a menacing fashion or apparent attitude of attack or (b) any specific dog with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to threaten the safety of humans or domestic animals. ~~; and~~

~~(7) Severe injury shall mean any physical injury that results in disfiguring lacerations requiring multiple sutures or cosmetic surgery or one or more broken bones or that creates a potential danger to the life or health of the victim.~~

Sec. 10. Section 54-618, Reissue Revised Statutes of Nebraska, is amended to read:

54-618 (1) A dangerous dog that has been declared as such shall be spayed or neutered and implanted with a microchip identification number by a licensed veterinarian within thirty days after such declaration. The cost of both procedures is the responsibility of the owner of the dangerous dog. Written proof of both procedures and the microchip identification number shall be provided to the animal control authority after the procedures are completed.

(2) No owner of a dangerous dog shall permit the dog to go beyond the property of the owner unless the dog is restrained securely by a chain or leash.

(3) Except as provided in subsection (4) of this section or for a reasonable veterinary purpose, no owner of a dangerous dog shall transport such dog or permit such dog to be transported to another county, city, or village in this state.

(4) An owner of a dangerous dog may transport such dog or permit such dog to be transported to another county, city, or village in this state for the purpose of permanent relocation of the owner if the owner has obtained written permission prior to

such relocation from the animal control authority of the county, city, or village in which the owner resides and from the county, city, or village in which the owner will reside. Each animal control authority may grant such permission based upon a reasonable evaluation of both the owner and the dog, including if the owner has complied with the laws of this state and of the county, city, or village in which he or she resides with regard to dangerous dogs after the dog was declared dangerous. An animal control authority shall not grant permission under this subsection if the county, city, or village has an ordinance or resolution prohibiting the relocation of dangerous dogs. After the permanent relocation, the animal control authority of the county, city, or village in which the owner resides shall monitor the owner and such dog for a period of at least thirty days but not to exceed ninety days to ensure the owner's compliance with the laws of this state and of such county, city, or village with regard to dangerous dogs. Nothing in this subsection shall permit the rescindment of the declaration of dangerous dog.

Sec. 11. Section 54-619, Reissue Revised Statutes of Nebraska, is amended to read:

54-619 (1) No person, firm, partnership, limited liability company, or corporation shall own, keep, or harbor or allow to be in or on any premises occupied by him, her, or it or under his, her, or its charge or control any dangerous dog without such dog being confined so as to protect the public from injury.

(2) While unattended on the owner's property, a dangerous dog shall be securely confined, in a humane manner, indoors or in a securely enclosed and locked pen or structure suitably designed to prevent the entry of young children and to prevent the dog from escaping. Such pen or structure shall meet the requirements of subdivision (6) of section 54-640. The pen or structure shall have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides shall be embedded into the ground at a depth of at least one foot. The pen or structure shall also protect the dog from the elements. The pen or structure shall be at least ten feet from any property line of the owner. The owner of a dangerous dog shall post ~~a~~ warning ~~sign~~ signs on the property where the dog is kept that ~~is~~ are clearly visible from all areas of public access and that ~~informs~~ inform persons that a dangerous dog is on the property. Each warning sign shall be no less than ten inches by twelve inches and shall contain the words warning and dangerous animal in high-contrast lettering at least three inches high on a black background.

Sec. 12. Section 54-620, Reissue Revised Statutes of Nebraska, is amended to read:

54-620 Any dangerous dog may be immediately confiscated by an animal control officer if the owner is in violation of sections 54-617 to 54-624 and section 15 of this act. The owner shall be responsible for the reasonable costs incurred

by the animal control authority for the care of a dangerous dog confiscated by an animal control officer or for the destruction of any dangerous dog if the action by the animal control authority is pursuant to law and if the owner violated sections 54-617 to 54-624 and section 15 of this act.

Sec. 13. Section 54-623, Reissue Revised Statutes of Nebraska, is amended to read:

54-623 (1) Any person convicted of a violation of sections 54-617 to 54-624 and section 15 of this act shall not own a dangerous dog within ten years after such conviction. Any person violating this subsection shall be guilty of a Class IIIA misdemeanor, and the dog shall be treated as provided in subsection (2) of this section.

(2) If a dangerous dog of an owner with a prior conviction under sections 54-617 to 54-624 and section 15 of this act attacks or bites a ~~person~~ human being or ~~another~~ domestic animal, the owner shall be guilty of a Class ~~IV~~ IIIA misdemeanor. In addition, the dangerous dog shall be immediately confiscated by an animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.

Sec. 14. Section 54-624, Reissue Revised Statutes of Nebraska, is amended to read:

54-624 Nothing in sections 54-617 to 54-623 and section 15 of this act shall be construed to restrict or prohibit any governing board of any county, city, or village from establishing and enforcing laws or ordinances at least as stringent as the provisions of sections 54-617 to 54-623 and section 15 of this act.

Sec. 15. Each county shall designate an animal control authority that shall be responsible for enforcing sections 54-617 to 54-624 and the laws of such county regarding dangerous dogs.

Sec. 16. Original 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, are repealed.

Sec. 17. The following section is outright repealed: Section 54-609, Reissue Revised Statutes of Nebraska.

Sec. 18. Since an emergency exists, this act takes effect when passed and approved according to law.

2. On page 1, line 1, after "sections" insert "54-607,"; in line 6 before "penalties" insert "and change" and strike "to counties" and insert "for certain political subdivisions"; and in 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. On page 6, line 16; and page 7, lines 1, 5 through 9, and 24, strike the new matter and reinstate the stricken matter.

2. On page 8, after line 14 insert the following new subsection:

"<u>(4) In the case of a taxpayer who has knowingly violated the federal immigration law by employing aliens unauthorized to work in the United States at any time after application for</u>

benefits and before the end of the entitlement period, all future incentives shall be disallowed and one hundred percent of all 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 HUNDREDTH 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. Insert the following new section:

Sec. 3. There is hereby appropriated (1) $6,000 from the

Commission on Public Advocacy Operations Cash Fund for FY2008-09 and (2) $1,000 from the Commission on Public Advocacy Operations Cash Fund for FY2009-10 to the Commission on Public Advocacy, for Program 425, to aid in carrying out the provisions of Legislative Bill 1014, One Hundredth Legislature, Second Session, 2008.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

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. Strike the original sections and insert the following new sections:

Section 1. (1) Personal injury includes mental injuries and mental illness unaccompanied by physical injury for an employee who, in the scope and course of his or her employment, is a victim of or witness to a violent criminal act and for an employee who is a first responder if the employee:

(a) Establishes, by a preponderance of the evidence, that the employee's employment conditions causing the mental injury or mental illness were extraordinary and unusual in comparison to the normal conditions of the particular employment; and

(b) Establishes, by a preponderance of the evidence, the medical causation between the mental injury or mental illness and the employment conditions by medical evidence.

(2) For purposes of this section, mental injuries and mental illness arising out of and in the course of employment unaccompanied by physical injury are not considered compensable if they result from any event or series of events which are incidental to normal employer and employee relations, including, but not limited to, personnel actions by the employer such as disciplinary actions, work evaluations, transfers, promotions, demotions, salary reviews, or terminations.

(3) For purposes of this section, first responder means a firefighter, a law enforcement officer, a crime scene investigator, a paramedic, or an emergency medical technician.

Sec. 2. Section 48-151, Reissue Revised Statutes of Nebraska, is amended to read:

48-151 Throughout the Nebraska Workers' Compensation Act, the following words and phrases shall be considered to have the following meaning, respectively, unless the context clearly indicates a different meaning in the construction used:

(1) Physician means any person licensed to practice medicine and surgery, osteopathic medicine, chiropractic, podiatry, or dentistry in the State of Nebraska or in the state in which the physician is practicing;

(2) Accident means an unexpected or unforeseen injury happening suddenly and violently, with or without human fault, and producing at the time objective symptoms of an injury. The claimant has the burden of proof to establish by a preponderance of the evidence that such unexpected or unforeseen injury was in fact caused by the employment. There is no presumption from the mere occurrence of such unexpected or unforeseen injury that the injury was in fact caused by the employment;

(3) Occupational disease means only a disease which is due to causes and conditions which are characteristic of and peculiar to a particular trade, occupation, process, or employment and excludes all ordinary diseases of life to which the general public is exposed;

(4) Injury and personal injuries mean only violence to the physical structure of the body and such disease or infection as naturally results therefrom and injuries described in section 1 of this act. The terms include disablement resulting from occupational disease arising out of and in the course of the employment in which the employee was engaged and which was contracted in such employment. The terms include an aggravation of a preexisting occupational disease, the employer being liable only for the degree of aggravation of the preexisting occupational disease. The terms do not include disability or death due to natural causes but occurring while the employee is at work and do not include an injury, disability, or death that is the result of a natural progression of any preexisting condition;

(5) Death, when mentioned as a basis for the right to compensation, means only death resulting from such violence and its resultant effects or from occupational disease;

(6) Without otherwise affecting either the meaning or the interpretation of the abridged clause, personal injuries arising out of and in the course of employment, it is hereby declared not to cover workers except while engaged in, on, or about the premises where their duties are being performed or where their service requires their presence as a part of such service at the time of the injury and during the hours of service as such workers,

and not to cover workers who on their own initiative leave their line of duty or hours of employment for purposes of their own. Property maintained by an employer is considered the premises of such employer for purposes of determining whether the injury arose out of employment;

(7) Willful negligence consists of (a) a deliberate act, (b) such conduct as evidences reckless indifference to safety, or (c) intoxication at the time of the injury, such intoxication being without the consent, knowledge, or acquiescence of the employer or the employer's agent;

(8) Intoxication includes, but is not limited to, being under the influence of a controlled substance not prescribed by a physician;

(9) Prospective loss costs means prospective loss costs as defined in section 44-7504 and prepared, filed, or distributed by an advisory organization which has been issued a certificate of authority pursuant to section 44-7518; and

(10) Whenever in the Nebraska Workers' Compensation Act the singular is used, the plural is considered included; when the masculine gender is used, the feminine is considered included.

Sec. 3. Section 48-1,110, Revised Statutes Supplement, 2007, is amended to read:

48-1,110 Sections 48-101 to 48-1,117 <u>and section 1 of this act</u> shall be known and may be cited as the Nebraska Workers' Compensation Act.

Sec. 4. Original section 48-151, Reissue Revised Statutes of Nebraska, and section 48-1,110, Revised Statutes Supplement, 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, Louden, 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. On page 1, line 5, after "public" insert "or private".
2. On page 3, line 24; and page 4, line 3, after
"district" insert "or the governing authority of any private,
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

printed on recycled paper

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

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

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
Aguilar	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

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

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 HUNDREDTH 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

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. Insert the following new section:

Sec. 7. Section 18-1755, Revised Statutes Cumulative Supplement, 2006, is amended to read:

18-1755 A city of the metropolitan, primary, first, or second class or village acquiring an interest in real property by purchase or eminent domain shall do so only after the governing body has authorized the acquisition by action taken in a public meeting after notice and public hearing. The city or village shall provide to the public a right of access for recreational use to the real property acquired for public recreational purposes. Such access shall be at designated access points and shall ~~be equal to~~ meet or exceed the right of access for recreational use held by adjacent landowners. ~~The right of access granted to the public for recreational use shall meet or exceed such right held by a private landowner adjacent to the real property.~~

2. On page 2, line 20, strike "twenty", show as stricken, and insert "five".

3. On page 3, line 4, strike "and 2-3290.01" and insert ", 2-3290.01, and 18-1755".

4. Renumber the remaining sections and correct internal references accordingly.

Senator Erdman filed the following amendment to LB1049:
AM2296

(Amendments to E & R amendments, ER8179)

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 37-101, Reissue Revised Statutes of Nebraska, is amended to read:

37-101 ~~(1)~~ (1)(a) The Game and Parks Commission shall consist of ~~eight~~ nine members, one from each of the eight districts provided for by section 37-102 and one at-large member, and shall be appointed by the Governor with the consent of a majority of all members of the Legislature.

(b) Members of the commission shall be legal residents and citizens of Nebraska and shall be well informed ~~on wildlife conservation and restoration. Until January 1, 2006, at least two members of the commission shall be actually engaged in agricultural pursuits and shall reside on a farm or ranch. On and after January 1, 2006, at~~ and interested in matters under the jurisdiction of the commission.

(c) At least three members of the commission shall be actually engaged in agricultural pursuits. ~~and at least two of such members shall reside on a farm or ranch.~~

(d) Not more than ~~four~~ five of the members of the commission shall be affiliated with the same political party. The political party affiliation of each prospective member shall be determined as of the statewide general election prior to his or her appointment.

(e) Members of the commission representing districts provided for by section 37-102 shall be bona fide residents of the district from which they are appointed.

(f) When a member ceases to be a member of the political party determined under subdivision (d) of this subsection, ceases to be a bona fide resident of the district, or ceases to be actually engaged in agricultural pursuits if required to meet the qualifications for his or her appointment, the office shall be immediately vacated.

~~(2)~~ (2)(a) When the term of ~~any~~ a member of the commission representing a district provided for by section 37-102 expires, a successor shall be appointed as provided in subsection (1) of this section ~~for a term of five years~~ from the same district as the member whose term has expired. The terms of the members serving district numbers 4, 6, and 8 on the operative date of

this act shall be extended to January 15 of the year following the expiration of their current terms. Members appointed for terms expiring prior to January 1, 2012, shall be appointed for five-year terms. Members appointed for terms expiring on or after January 1, 2012, shall be appointed for four-year terms. The terms of all members shall begin on January 15, and the term of the at-large member shall begin January 15, 2009. ~~Beginning with appointments made for terms beginning after January 1, 2008, in districts which contain more than one county, the Governor shall not appoint a person from the same county as his or her predecessor.~~

(b) Each member shall serve until the appointment and qualification of his or her successor. In case of a vacancy occurring prior to the expiration of the term of a member, the appointment shall be made only for the remainder of the term. An appointment made for the remainder of the term shall not be considered a full term.

(c) No person who has served two full terms shall be eligible for reappointment as a member of the commission.

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

~~(4)~~ (3) If the Legislature is not in session when members of the commission are appointed by the Governor, they shall take office and act as recess appointees until the Legislature next thereafter convenes.

~~(5)~~ (4) Members may be removed by the Governor for inefficiency, neglect of duty, or misconduct in office, but only after delivering to the member a copy of the charges and affording an opportunity of being publicly heard in person or by counsel in his or her own defense, upon not less than ten days' notice. Such hearing shall be held before the Governor.~~(6)~~ If such member is removed, the Governor shall file in the office of the Secretary of State a complete statement of all charges made against such member and his or her findings thereon, together with a complete record of the proceedings. ~~No person who has served a full five-year term shall be eligible for reappointment as a member of the commission until at least five years have elapsed between any previous term which he or she might have served and the effective date of his or her new appointment.~~

Sec. 2. This act becomes operative on January 1, 2009.

Sec. 3. Original section 37-101, Reissue Revised Statutes 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 Hatting, Erika Goergen, Eugene Kim, Ope Omojola, Mark Trost, Sarah Schmoker, Sara Schwenneker, 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 HUNDREDTH 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. On page 2, lines 13 and 14, strike the new matter and insert the following new subsections:

"(3) The prohibition in subsection (1) of this section shall not apply to the extension by a jurisdictional utility of a transmission line connecting to distribution facilities owned or operated by a jurisdictional utility, a city, or a metropolitan utilities district.

(4)(a) The prohibition in subsection (1) of this section shall not apply to the extension by a metropolitan utilities district of a transmission line connecting to distribution facilities owned or operated by such metropolitan utilities district.

(b) The extension by a metropolitan utilities district of a transmission line connecting to distribution facilities owned or operated by such metropolitan utilities district shall not constitute an enlargement or expansion of its natural gas service area and shall not be considered part of its natural gas service area.

(c) The extension of a transmission line by a jurisdictional utility as provided in subsection (3) of this section shall not constitute an enlargement or expansion of the jurisdictional utility's natural gas service area and shall not be considered part of its natural gas service area if the transmission line makes its connection to distribution facilities in a county in which the natural gas service area or a portion of the natural gas service area of a metropolitan utilities district is located.

(5) The prohibition in subsection (1) of this section shall not apply to the extension by a city that owns or operates a natural gas utility of a transmission line that connects to its own distribution facilities.

(6) For purposes of this section, a transmission line means a pipeline other than a gathering pipeline, distribution pipeline, or service line that transports natural gas.

(7) Nothing in this section shall be construed to authorize a jurisdictional utility to extend a transmission line to a high-volume ratepayer with an existing source and adequate supply of natural gas that is located outside the area in

which that jurisdictional utility has existing natural gas utility infrastructure.".

(Signed) Mike Friend, Chairperson

Education

LEGISLATIVE BILL 1125. Placed on General File with amendment.
AM2298
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

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. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. The Nebraska Legislative Issues Task Force is hereby created. It shall consist of no less than one and no more than any of the forty-nine members of the Legislature or their designees. The Executive Board of the Legislative Council shall appoint the chairperson of the task force from the membership of the task force.

The duties of the task force shall include, but not be limited to: The study of state legislative issues facing Nebraska.

The task force shall complete its work and issue a final report outlining its findings and recommendations to the Legislature no later than December 15, 2008.

This section terminates on December 31, 2008.

Sec. 2. Since an emergency exists, this act takes effect 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

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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. Insert the following new section:

Sec. 2. Section 66-1852, Revised Statutes Cumulative Supplement, 2006, is amended to read:

66-1852 (1) Except as otherwise expressly authorized in the State Natural Gas Regulation Act, no person, public or private, shall extend duplicative or redundant natural gas mains or other natural gas services into any area which has existing natural gas utility infrastructure or where a contract has been entered into for the placement of natural gas utility infrastructure.

(2) The prohibition in subsection (1) of this section shall not apply in any area in which two or more jurisdictional utilities share authority to provide natural gas within the same territory under franchises issued by the same city.

(3) The prohibition in subsection (1) of this section shall not apply to the extension by a jurisdictional utility of a transmission line connecting to distribution facilities owned or operated by a jurisdictional utility, a city, or a metropolitan utilities district.

(4)(a) The prohibition in subsection (1) of this section shall not apply to the extension by a metropolitan utilities district of a transmission line connecting to distribution facilities owned or operated by such metropolitan utilities district.

(b) The extension by a metropolitan utilities district of a transmission line connecting to distribution facilities owned or operated by such metropolitan utilities district shall not constitute an enlargement or expansion of its natural gas service area and shall not be considered part of its natural gas service area.

(c) The extension of a transmission line by a jurisdictional utility as provided in subsection (3) of this section shall not constitute an enlargement or expansion of the jurisdictional utility's natural gas service area and shall not be considered part of its natural gas service area if the transmission line makes its connection to distribution facilities in a county in which the natural gas service area or a portion of the natural gas service area of a metropolitan utilities district is located.

(5) The prohibition in subsection (1) of this section shall not apply to the extension by a city that owns or operates a

natural gas utility of a transmission line that connects to its own distribution facilities.

(6) For purposes of this section, a transmission line means a pipeline, other than a gathering pipeline, distribution pipeline, or service line, that transports natural gas.

(7) Nothing in this section shall be construed to authorize a jurisdictional utility to extend a transmission line to a high-volume ratepayer with an existing source and adequate supply of natural gas that is located outside the area in which that jurisdictional utility has existing natural gas utility infrastructure.

2. Correct the repealer and renumber the remaining 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. Purpose: To change the appropriation for FY2008-09 to reflect full funding of the increased health insurance premium cost of the Director of Policy Research in making the Energy Office a separate agency, Agency 71, Nebraska Energy Office.

Amendment:

1. On page 7, line 19, strike "2,112" and insert "2,195"; and in line 20 strike "2,112" and insert "2,195".

2. Purpose: To transfer an appropriation from Agency 7 - Governor, Program 106 - Energy Office Administration, and Program 107 - School Weatherization, to Agency 71 - Nebraska Energy Office, Program 106 - Energy Office Administration, and Program 107 - School Weatherization.

Amendment:

1. On page 8, line 6, strike "9,378" and insert "-0-"; in line 7 strike "12,620" and insert "-0-"; in line 8 strike "21,998" and insert "-0-"; in line 9 strike "14,516" and insert "-0-"; in line 13 strike "749" and insert "-0-"; in line 14 strike "749" and insert "-0-"; and in line 15 strike "489" and insert "-0-".

3. Purpose: To provide for an appropriation transferred to Agency 71 - Nebraska Energy Office, Program 106 - Energy Office Administration, and Program 107 - School Weatherization, from Agency 7 - Governor, Program 106 - Energy Office Administration, and Program 107 - School Weatherization.

Amendment:

1. Insert the following new sections:

Sec. 140. AGENCY NO. 71 - NEBRASKA ENERGY OFFICE
Program No. 106 - Energy Office Administration

	FY2007-08	FY2008-09
CASH FUND	-0-	9,378
FEDERAL FUND est.	-0-	12,620
PROGRAM TOTAL	-0-	21,998
SALARY LIMIT	-0-	14,516

Sec. 141. AGENCY NO. 71 - NEBRASKA ENERGY OFFICE
Program No. 107 - School Weatherization

	FY2007-08	FY2008-09
CASH FUND	-0-	749
PROGRAM TOTAL	-0-	749
SALARY LIMIT	-0-	489

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. On page 1, strike beginning with "44-349" in line 1 through line 13 and insert "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.".
2. On page 2, strike lines 1 through 8.
3. On page 6, lines 19 and 20, strike "13 and 16" and insert "9 and 12".
4. On page 11, line 15; and page 16, line 1, strike "act" and insert "Viatical Settlements Act".
5. On page 13, line 3, strike "purposes" and insert "purpose".
6. On page 14, line 15, strike the semicolon and reinstate the period.
7. On page 39, line 7, strike "(d)", show as stricken, and insert "(e)".
8. On page 44, lines 14 and 15, strike "this act" and insert "the Viatical Settlements Act".
9. On page 50, line 3, strike "Commissioners" and insert "Commissioners' ".

LEGISLATIVE BILL 1157A. Placed on Select File.

LEGISLATIVE BILL 1092. Placed on Select File with amendment.

ER8185

1. On page 1, strike beginning with "motor" in line 1 through line 6 and insert "school buses; to amend sections 79-601 and 79-609, Reissue Revised Statutes of Nebraska; to require certain school buses to be equipped with lap-shoulder belts; to require the use of certain belts and instruction on such use; to state intent regarding liability;".

LEGISLATIVE BILL 777. Placed on Select File with amendment.

ER8186

1. On page 1, strike beginning with "sections" in line 1 through line 7 and insert "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.".

(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. Strike original section 9.

2. On page 2, line 21, after "applicants" insert "up to".

3. On page 3, line 6, strike "Contract" and insert "Enter into a contract with the department"; in line 7 after "services" insert "as a food supply animal veterinarian in a food supply animal veterinary practice or"; strike lines 13 through 18 and insert

"(2) The department shall give preference for approving communities for purposes of subdivision (1)(c) of this section to communities located in areas designated by the department as shortage areas for food supply animal veterinary medical services. In designating such areas, the department may initially utilize shortage areas as designated by the American Veterinary Medical Association on the effective date of this act and may revise designations as necessary and appropriate to achieve the purposes of the program."; and in line 19 strike "Program" and insert "To the extent that funds are available, program".

4. On page 4, line 9, before the comma insert "or if sufficient funds are not available to provide the full dollar amount of incentive in a year"; and strike lines 21 through 23 and insert

"(2)(a) A veterinarian shall be released from further performance of veterinary services under the program contract if he or she is unable to perform his or her contractual obligations to provide veterinary services due to the suspension or revocation

of his or her federal accreditation or denial, refusal of renewal, limitation, suspension, revocation, or other disciplinary measure taken against his or her license to practice in Nebraska pursuant to section 71-1,163 until December 1, 2008, and section 38-3324 on and after December 1, 2008.

(b) If a veterinarian is released from his or her contract pursuant to subdivision (a) of this subsection, the department may recover a portion of or all of the payments made to such veterinarian under section 5 of this act. The department shall remit any such funds to the State Treasurer for credit to the Food Supply Animal Veterinary Incentive Fund. The department may use appropriate remedies available to enforce this subdivision.".

5. On page 5, line 5, after the period insert "The fund may be used to carry out the purposes of the Food Supply Animal Veterinary Incentive Program Act. The State Treasurer shall credit to the fund any money appropriated to the fund by the Legislature and any money received as gifts or grants or other private or public funds received under the act.".

(Signed) Philip Erdman, Chairperson

AMENDMENT - Print in Journal

Senator Pankonin filed the following amendment to LB902:
AM2179

1. Insert the following new sections:

Sec. 3. Sections 2 and 4 of this act become operative on January 1, 2009. The other sections of this act become operative on their effective date.

Sec. 4. Original section 28-410, Revised Statutes Cumulative Supplement, 2006, is repealed.

2. On page 31, strike beginning with "section" in line 9 through "and" in line 10; and in line 11 strike "are" and insert "is".

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, Louden, 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. Strike sections 16 and 18 and insert the following new sections:

Sec. 16. To enable the establishment of veterinary drug distribution in this state, the department may issue a provisional license on or before July 1, 2009, to any applicant who meets the following conditions:

(1) The applicant has not been found to have committed any of the acts or offenses described in section 18 of this act;

(2) The applicant has established written policies and procedures as required by section 15 of this act; and

(3) The applicant has paid a fee of five hundred dollars.

Sec. 18. (1) A veterinary drug distributor license may be denied, refused renewal, suspended, limited, or revoked by the Director of Public Health if he or she finds that the applicant or licensee; the designated representative; the owner if a sole proprietorship; or any person having an interest in the applicant or licensee of more than ten percent has been found to have committed any of the following acts or offenses:

(a) Violation of the Veterinary Drug Distribution Licensing Act or the rules and regulations adopted and promulgated under the act;

(b) Conviction of a misdemeanor or felony under state law, federal law, or the law of another jurisdiction which, if committed within this state, would have constituted a misdemeanor or felony under state law and which has a rational connection with the person's capacity to distribute veterinary legend drugs;

(c) Unprofessional conduct under the Uniform Credentialing Act;

(d) Active addiction as defined in section 38-106;

(e) Permitting, aiding, or abetting veterinary drug distribution or the performance of activities requiring a license under the Veterinary Drug Distribution Licensing Act by a person

not licensed under the Veterinary Drug Distribution Licensing Act;

(f) Having had his or her credential denied, refused renewal, limited, suspended, or revoked or having had such credential disciplined in any other manner by another jurisdiction relating to the performance of veterinary drug distribution;

(g) Performing veterinary drug distribution without a valid license or in contravention of any limitation placed upon the license; or

(h) Fraud, forgery, or misrepresentation of material facts in procuring or attempting to procure a license under the Veterinary Drug Distribution Licensing Act.

(2) The department shall issue or renew a license to any applicant that satisfies the requirements for licensure or license renewal under the Veterinary Drug Distribution Licensing Act.

2. On page 2, line 9, strike "13" and insert "12".

3. On page 4, line 19, after "Act" insert ", except that a veterinarian licensed under the Veterinary Medicine and Surgery Practice Act acting within the scope of practice of his or her profession shall not be required to be licensed under the Veterinary Drug Distribution Licensing Act.".

4. On page 6, line 9, strike "Distributor" and insert "Distribution".

5. On page 8, line 10, after the first comma insert "or".

6. On page 10, line 1, strike "Each" and insert "Except as otherwise provided in section 16 of this act, each".

7. On page 15, line 9, strike beginning with "and" through "notice".

LEGISLATIVE BILL 1173. Placed on General File with amendment.
AM2194

1. Strike the original sections and insert the following new sections:

Section 1. Section 38-101, Revised Statutes Supplement, 2007, is amended to read:

38-101 Sections 38-101 to 38-1,139 and section 2 of this act and the following practice acts shall be known and may be cited as the Uniform Credentialing Act:

(1) The Advanced Practice Registered Nurse Practice Act;

(2) The Alcohol and Drug Counseling Practice Act;

(3) The Athletic Training Practice Act;

(4) The Audiology and Speech-Language Pathology Practice Act;

(5) The Certified Nurse Midwifery Practice Act;

(6) The Certified Registered Nurse Anesthetist Practice Act;

(7) The Chiropractic Practice Act;

(8) The Clinical Nurse Specialist Practice Act;

(9) The Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art Practice Act;

(10) The Dentistry Practice Act;
(11) The Emergency Medical Services Practice Act;
(12) The Environmental Health Specialists Practice Act;
(13) The Funeral Directing and Embalming Practice Act;
(14) The Hearing Aid Instrument Dispensers and Fitters Practice Act;
(15) The Licensed Practical Nurse-Certified Practice Act;
(16) The Massage Therapy Practice Act;
(17) The Medical Nutrition Therapy Practice Act;
(18) The Medical Radiography Practice Act;
(19) The Medicine and Surgery Practice Act;
(20) The Mental Health Practice Act;
(21) The Nurse Practice Act;
(22) The Nurse Practitioner Practice Act;
(23) The Nursing Home Administrator Practice Act;
(24) The Occupational Therapy Practice Act;
(25) The Optometry Practice Act;
(26) The Perfusion Practice Act;
(27) The Pharmacy Practice Act;
(28) The Physical Therapy Practice Act;
(29) The Podiatry Practice Act;
(30) The Psychology Practice Act;
(31) The Respiratory Care Practice Act;
(32) The Veterinary Medicine and Surgery Practice Act; and
(33) The Water Well Standards and Contractors' Practice Act.

If there is any conflict between any provision of sections 38-101 to 38-1,139 and any provision of a practice act, the provision of the practice act shall prevail.

The Revisor of Statutes shall assign the Uniform Credentialing Act, including the practice acts enumerated in subdivisions (1) through (32) of this section, to consecutive articles within Chapter 38.

Sec. 2. <u>Any person who holds a valid credential in the State of Nebraska in a health care profession or occupation regulated under the Uniform Credentialing Act may consult with a licensed veterinarian employed by an accredited zoological park or garden or perform collaborative animal health care tasks on an animal under the care of such veterinarian if all such tasks are performed under the immediate supervision of such veterinarian. Engaging in such conduct is hereby authorized and shall not be considered a part of the credentialed person's scope of practice or a violation of the credentialed person's scope of practice.</u>

Sec. 3. Section 38-3321, Revised Statutes Supplement, 2007, is amended to read:

38-3321 No person may practice veterinary medicine and surgery in the state who is not a licensed veterinarian. The Veterinary Medicine and Surgery Practice Act shall not be construed

to prohibit:

(1) An employee of the federal, state, or local government from performing his or her official duties;

(2) A person who is a student in a veterinary school from performing duties or actions assigned by his or her instructors or from working under the direct supervision of a licensed veterinarian;

(3) A person who is a student in an approved veterinary technician program from performing duties or actions assigned by his or her instructors or from working under the direct supervision of a licensed veterinarian or a licensed veterinary technician;

(4) Any merchant or manufacturer from selling feed or feeds whether medicated or nonmedicated;

(5) A veterinarian regularly licensed in another state from consulting with a licensed veterinarian in this state;

(6) Any merchant or manufacturer from selling from his or her established place of business medicines, appliances, or other products used in the prevention or treatment of animal diseases or any merchant or manufacturer's representative from conducting educational meetings to explain the use of his or her products or from investigating and advising on problems developing from the use of his or her products;

(7) An owner of livestock or a bona fide farm or ranch employee from performing any act of vaccination, surgery, pregnancy testing, or the administration of drugs in the treatment of domestic animals under his or her custody or ownership nor the exchange of services between persons or bona fide employees who are principally farm or ranch operators or employees in the performance of these acts;

(8) A member of the faculty of a veterinary school or veterinary science department from performing his or her regular functions, or a person lecturing or giving instructions or demonstrations at a veterinary school or veterinary science department or in connection with a continuing competency activity;

(9) Any person from selling or applying any pesticide, insecticide, or herbicide;

(10) Any person from engaging in bona fide scientific research which reasonably requires experimentation involving animals;

(11) Any person from treating or in any manner caring for domestic chickens, turkeys, or waterfowl, which are specifically exempted from the Veterinary Medicine and Surgery Practice Act; ~~or~~

(12) Any person from performing dehorning or castrating livestock, not to include equidae. For purposes of the Veterinary Medicine and Surgery Practice Act, castration shall be limited to the removal or destruction of male testes; or ~~.~~

(13) Any person who holds a valid credential in the State of Nebraska in a health care profession or occupation regulated 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 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 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:
<u>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.</u>

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

Absent and not voting, 2:

Cornett	Pedersen

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. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Any sustained disciplinary action which involves a specific act, event, occurrence, agency policy, rule, or state law pertaining to physical or sexual abuse by: A town marshal; a chief of police or a local police officer; a sheriff or a deputy sheriff; a deputy state sheriff; a special deputy sheriff; the Superintendent of Law Enforcement and Public Safety; an officer of the Nebraska State Patrol; a carrier enforcement officer; a game and Parks Commission conservation officer; or any other person with similar authority to make arrests under authority granted by this state or by any of its political subdivisions, shall be considered a public record.

Sec. 2. Section 79-8,109, Reissue Revised Statutes of Nebraska, is amended to read:

79-8,109 (1) Any teacher, administrator, or full-time employee of any public school district shall, upon his or her request, have access to his or her personnel file maintained by the district and shall have the right to attach a written response to any item in such file. Such teacher, administrator, or employee may in writing authorize any other person to have access to such file, which authorization shall be honored by the district. Such access and right to attach a written response shall not be granted with respect to any letters of recommendation solicited by the employer which appear in the personnel file.

(2) Except as set forth in this subsection, no ~~No~~ other person except school officials while engaged in their professional duties shall be granted access to ~~such~~ a teacher's, administrator's, or full-time employee's personnel file, and the contents thereof shall not be divulged in any manner to any unauthorized person. This subsection shall not apply to specific documents in the personnel file which record disciplinary action taken by the employing district's administration involving a teacher, administrator, or full-time employee which involves any specific event, occurrence, or act which was deemed to be in violation of or contrary to school district policy, rule, or state law.

Sec. 3. Original section 79-8,109, Reissue Revised Statutes of Nebraska, is repealed.

Senator Kopplin filed the following amendment to LB880:
AM2288

(Amendments to Standing Committee amendments, AM1787)

1. Strike amendments 1 and 2 and insert the following new amendments:

"1. Insert the following new sections:

Sec. 5. Section 2-3234, Revised Statutes Cumulative Supplement, 2006, is amended to read:

2-3234 ~~Each~~ Except as provided in section 2 of this act, each district shall have the power and authority to exercise the power of eminent domain when necessary to carry out its authorized purposes within the limits of the district or outside its boundaries. Exercise of eminent domain shall be governed by the provisions of sections 76-704 to 76-724, except that whenever any district seeks to acquire the right to interfere with the use of any water being used for power purposes in accordance with sections 46-204, 70-668, 70-669, and 70-672 and is unable to agree with the user of such water upon the compensation to be paid for such interference, the procedure to condemn property shall be followed in the manner set forth in sections 76-704 to 76-724 and no other property shall be included in such condemnation. No district shall contract for delivery of water to persons within the corporate limits of any village, city, or metropolitan utilities district, nor in competition therewith outside such corporate limits, except by consent of and written agreement with the governing body of such political subdivision. A village, city, or metropolitan utilities district may negotiate and, if necessary, exercise the power of eminent domain for the acquisition of water supply facilities of the district which are within its boundaries.

Sec. 6. Section 2-3290.01, Revised Statutes Cumulative Supplement, 2006, is amended to read:

2-3290.01 (1) A district shall permit public use of those portions of a water project located on lands owned by the district and on land over which the district has a lease or an easement permitting use thereof for public recreational purposes. All recreational users of such portions of a water project shall abide by the applicable rules and regulations adopted and promulgated by the board.

(2) The district shall provide public access for recreational use at designated access points at any water project. Recreational users, whether public or private, shall abide by all applicable rules and regulations for use of the water project adopted and promulgated by the district or the political subdivision in which the water project is located. Public recreational users may only access the water project through such designated access points. Nothing in this subsection shall require public access when the portion of the project cost paid by the natural resources district with public funds does not exceed twenty percent of the total cost of the project.

(3) For purposes of this section water project means a project with cooperators or others, as authorized in section 2-3235, that results in construction of a reservoir or other body

of water having a permanent pool suitable for recreational purposes greater than one hundred fifty surface acres, the construction of which commenced after July 14, 2006. Water project shall not mean soil conservation projects, wetlands projects, projects described in section 2 of this act, or other district projects with cooperators or others that do not have a recreational purpose.

(4) For projects funded under section 2 of this act that result in a reservoir or other body of water having a permanent pool suitable for recreational purposes greater than twenty surface acres, the district shall provide public access for recreational use at designated access points and shall include access to the land area a minimum of one hundred feet above the permanent pool. Recreational users, whether public or private, shall abide by all applicable rules, regulations, ordinances, or resolutions for use of the project adopted by the district or the political subdivision in which the project is located. Public recreational users may only access the project through such designated access points.

Sec. 8. Original sections 2-3234 and 2-3290.01, Revised Statutes Cumulative Supplement, 2006, are repealed.

2. On page 2, line 10, before "The" insert "(1)"; and in line 15 after the period insert: "For purposes of this section, flood control and water quality projects and practices include, but are not limited to, low-impact development best management measures, flood plain buyout, dams, reservoir basins, and levees. No such project shall include a reservoir or water quality basin having a permanent pool greater than four hundred surface acres. Any project having a permanent pool greater than twenty surface acres shall provide for public access.

(2)(a) Bond proceeds shall not be expended for projects and practices unless the political subdivision encompassing the project area has adopted into its comprehensive plan, zoning ordinances, or stormwater management policy a requirement that low-impact development measures and techniques are to be employed to control at a minimum the first one-half inch of rainwater runoff from any new development; and

(b) Bond proceeds shall not be expended for projects and practices that are prohibited under a political subdivision's comprehensive plan, zoning ordinances, or stormwater management policy.

(3) A district shall not acquire real property for a project described in subsection (1) of this section by eminent domain proceedings pursuant to sections 76-704 to 76-724 if the real property is to be conveyed to a private entity or private enterprise after such acquisition.".

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

printed on recycled paper

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. Strike sections 3 through 5 and insert the following new sections:

Sec. 2. Section 79-1202, Reissue Revised Statutes of Nebraska, is amended to read:

79-1202 The official name of each educational service unit shall be Educational Service Unit No. ... of the State of Nebraska, and the individual number of each unit shall be determined by the State Board of Education. ~~School District 55-001 of Lancaster County shall remain Educational Service Unit No. 18. School District 28-001 of Douglas County shall remain Educational Service Unit No. 19.~~ For educational service units existing on January 1, 1998, the number of the unit shall remain the same. For educational service units created by merger, the number of the unit shall be the number of one of the educational service units

dissolving into the new educational service unit. For all other newly created educational service units, the number shall be any number not otherwise assigned to an existing educational service unit.

Sec. 4. Original sections 79-1202 and 79-1225, Reissue Revised Statutes of Nebraska, and section 77-3442, Revised Statutes Cumulative Supplement, 2006, are repealed.

2. On page 10, line 23, strike "2010-11" and insert "2013-14".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 983. Placed on General File with amendment.
AM2320

1. On page 5, lines 5 and 17, after the period insert "The resident individual shall apply for the credit pursuant to section 9 of this act.".

2. On page 6, line 8, after the period insert "The entity shall apply for the credit pursuant to section 9 of this act.".

3. On page 7, line 3, after the period insert "The corporation shall apply for the credit pursuant to section 9 of this act."; and in line 18 after the period insert "The estate or trust shall apply for the credit pursuant to section 9 of this act.".

4. On page 8, line 3, strike "may" and insert "shall"; in line 7 strike "reserve" and insert "approve"; in line 9 strike "reserved" and insert "approved"; in lines 12, 13 and 14, and 23 strike "five million" and insert "three million five hundred 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.

Holzfaster, Ralph - Nebraska Railway Council

(Signed) Deb Fischer, Chairperson

AMENDMENT - Print in Journal

Senator Louden filed the following amendment to LB1094:
AM2318

(Amendments to AM2234)

1. Insert the following new section:

Sec. 9. The Revisor of Statutes shall assign sections 5,

6, and 7 of this act within Chapter 2, article 32.
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

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

Excused and not voting, 4:

Ashford	Lautenbaugh	Pedersen	White

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. On page 1, strike beginning with "the" in line 1 through the semicolon in line 4 and insert "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 harmonize 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. On page 1, line 4, strike "79-2013, and 79-2015" and insert "and 79-2013"; in line 7 after "to" insert "provide and"; and in line 9 strike "section 79-2014" and insert "sections 79-2014 and 79-2015".

2. On page 5, line 14, strike the reinstated "(12)", show 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. On page 21, line 4, strike "The" and insert "Except as provided in subsection (4) of this section, the"; and after line 12 insert the following new subsection:

"(4) The allocation to the Highway Allocation Fund provided in subdivisions (3)(b) and (c) of this section shall be adjusted so that the amount allocated in any year pursuant to this section and sections 66-489, 66-4,105, 66-4,145, 66-4,146, 66-6,107, and 66-6,109 shall not be less than fifty-five percent of the amount appropriated by the Legislature to the Highway Cash Fund in the same year.".

2. On page 23, line 12, strike "The" and insert "Except as provided in subsection (3) of this section, the"; and after line 20 insert the following new subsection:

"(3) The allocation to the Highway Allocation Fund provided in subdivisions (2)(b) and (c) of this section shall

be adjusted so that the amount allocated in any year pursuant to this section and sections 66-489, 66-4,105, 66-4,145, 66-4,146, 66-6,107, and 66-6,109 shall not be less than fifty-five percent of the amount appropriated by the Legislature to the Highway Cash Fund in the same year.".

Senator Raikes filed the following amendment to LB846:
AM1967

1. Insert the following new section:

Sec. 2. Section 60-6,301, Revised Statutes Supplement, 2007, is amended to read:

60-6,301 When any motor vehicle, semitrailer, or trailer is operated upon the highways of this state carrying a load in excess of the maximum weight permitted by section 60-6,294, the load shall be reduced or shifted to within such maximum tolerance before being permitted to operate on any public highway of this state, except that:

(1) If any motor vehicle, semitrailer, or trailer exceeds the maximum load on only one axle, only one tandem axle, or only one group of axles when (a) the distance between the first and last axle of such group of axles is twelve feet or less, (b) the excess axle load is no more than five percent in excess of the maximum load for such axle, tandem axle, or group of axles permitted by such section, while the vehicle or combination of vehicles is within the maximum gross load, and (c) the load on such vehicle is such that it can be shifted or the configuration of the vehicle can be changed so that all axles, tandem axle, or groups of axles are within the maximum permissible limit for such axle, tandem axle, or group of axles, such shift or change of configuration may be made without penalty;

(2) Any motor vehicle, semitrailer, or trailer carrying only a load of livestock may exceed the maximum load as permitted by such section on only one axle, only one tandem axle, or only one group of axles when the distance between the first and last axle of the group of axles is six feet or less if the excess load on the axle, tandem axle, or group of axles is caused by a shifting of the weight of the livestock by the livestock and if the vehicle or combination of vehicles is within the maximum gross load as permitted by such section;

(3) With a permit issued by the Department of Roads or the Nebraska State Patrol, a truck with an enclosed body and a compacting mechanism, designed and used exclusively for the collection and transportation of garbage or refuse, may exceed the maximum load as permitted by such section by no more than twenty percent on only one axle, only one tandem axle, or only one group of axles when the vehicle is laden with garbage or refuse if the vehicle is within the maximum gross load as permitted by such section. There shall be a permit fee of ten dollars per month or one hundred dollars per year. The permit may be issued for one or

more months up to one year, and the term of applicability shall be stated on the permit; and

(4) Any motor vehicle, semitrailer, or trailer carrying any kind of a load, including livestock, which exceeds the legal maximum gross load by five percent or less may proceed on its itinerary and unload the cargo carried thereon to the maximum legal gross weight at the first unloading facility on the itinerary where the cargo can be properly protected. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.~~; and~~

~~(5) Any motor vehicle, semitrailer, or trailer carrying grain or other seasonally harvested products may operate from the field where such grain or products are harvested to storage, market, or stockpile in the field or from stockpile to market or factory up to seventy miles with a load that exceeds the maximum load permitted by section 60-6,294 by fifteen percent on any tandem axle, group of axles, and gross weight. Any truck with no more than a single rear axle carrying grain or other seasonally harvested products may operate from the field where such grain or products are harvested to storage, market, or stockpile in the field or from stockpile to market or factory up to seventy miles with a load that exceeds the maximum load permitted by section 60-6,294 by fifteen percent on any single axle and gross weight. The owner or a representative of the owner of the agricultural product shall furnish the driver of the loaded vehicle a signed statement of origin and destination.~~

Nothing in this section shall be construed to permit to be operated on the National System of Interstate and Defense Highways any vehicle or combination of vehicles which exceeds any of the weight limitations applicable to such system as contained in section 60-6,294.

If the maximum legal gross weight or axle weight of any vehicle is exceeded by five percent or less and the arresting peace officer or carrier enforcement officer has reason to believe that such excessive weight is caused by snow, ice, or rain, the officer may issue a warning citation to the operator.

2. Correct the operative date section and repealer so that the section added by this amendment becomes operative on its effective date.

3. Renumber the remaining sections and correct internal 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

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. On page 5, line 27; and page 6, line 2, after "time" insert "and in the same manner".

2. On page 6, line 3, after the period insert "The county treasurer shall publish and post a list of delinquent occupation taxes with the list of real property subject to sale for delinquent property taxes provided for in section 77-1804. In addition, the list shall be provided to natural resources districts which levied the delinquent occupation taxes. The list shall include the record owner's name, the parcel identification number, and the amount of delinquent occupation tax. For services rendered in the collection of the occupation tax, the county treasurer shall receive the fee provided for collection of general natural resources district money 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. Strike section 1.

2. On page 12, line 17, strike "sections 59-1608.04 and" and insert "section".

3. Renumber the remaining sections accordingly.

Senator Raikes filed the following amendment to LB988:
AM2335

(Amendments to Standing Committee amendments, AM2128)

1. Strike sections 1, 8, 32, 45, and 49 and insert the following new section:

Sec. 7. Section 79-1003.01, Revised Statutes Supplement, 2007, is amended to read:

79-1003.01 (1) For ~~purposes of this section and section 79-1007.03,~~ school fiscal year 2008-09, summer school student unit means one student enrolled in summer school in a school district, whether or not the student is in the membership of the school district, for (1) at least three hours but fewer than six hours per day and (2) at least twelve days but fewer than twenty-four days. Each school district shall receive a summer school student unit for each qualified time period for which a student is enrolled, up to six units per student per summer.

(2) For school fiscal year 2009-10 and each school fiscal year thereafter, the department shall calculate a summer school allowance for each district equal to two and one-half percent of the summer school student units for such district multiplied by eighty-five percent of the statewide average general fund operating

expenditures per formula student. Summer school student units shall be calculated for each student enrolled in summer school in a school district who attends such summer school for at least twelve days, whether or not the student is in the membership of the school district. The initial number of units for each such student shall equal the sum of the ratios, each rounded down to the nearest whole number, of the number of days for which the student attended summer school classes in such district for at least three hours and less than six hours per day divided by twelve days and of two times the number of days for which the student attended summer school classes in such district for six or more hours per day divided by twelve days.

(3) Each school district shall receive an additional summer school student unit for each summer school student unit attributed to remedial math or reading programs. Each school district shall also receive an additional summer school student unit for each summer school student unit attributed to a free lunch and free milk student. This section does not prevent school districts from requiring and collecting fees for summer school, except that summer school student units shall not be calculated for ~~summer school programs for which fees are collected~~ school districts which collect fees for summer school from students who qualify for free or reduced-price lunches under United States Department of Agriculture child nutrition programs.

2. On page 13, line 14; page 93, line 19; page 94, lines 23 and 24 and 25; page 95, lines 3, 4, 15, 21, and 25; and page 96, lines 1, 12, and 16, strike the new matter and reinstate the stricken matter.

3. On page 43, strike beginning with "final" in line 4 through "79-1065" in line 5 and insert "certification of aid pursuant to section 79-1022".

4. On page 75, lines 11 through 14, strike the new matter.

5. On page 92, line 24; and page 93, line 5, strike "assessed" and insert "adjusted".

6. On page 93, lines 21 through 25, reinstate the stricken matter; and in line 27 strike the new matter and reinstate the stricken matter.

7. On page 94, line 1, strike the new matter; in lines 2 through 9, reinstate the stricken matter; in line 11 strike "assessed"; reinstate the stricken matter beginning with "(3)" in line 12 through the comma in line 14; in line 14 after the stricken "hundred" insert "ninety-six"; reinstate the stricken matter beginning with "percent" in line 14 through the comma in line 15; in line 15 after the stricken "seventy-five" insert "seventy-two"; reinstate the stricken matter beginning with "percent" in line 16 through the comma in line 18; in line 18 after the stricken "seventy-five" insert "seventy-two"; reinstate the stricken matter beginning with "percent" in line 18 through line

21; in line 22 strike the new matter and reinstate the stricken matter; and in line 26, reinstate the stricken matter.

8. On page 95, lines 13 and 24; page 96, lines 15, 18, and 19; and page 100, line 14, strike the new matter and reinstate the stricken matter.

9. Amend the repealer, correct internal references, and 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

printed on recycled paper

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. On page 1, strike beginning with "sections" in line 1 through line 14 and insert "section 69-2409.01, Reissue Revised Statutes of Nebraska, and section 28-608, Revised Statutes Cumulative Supplement, 2006; to provide for an examination of firearm-related violence and a hotline to report loss or theft of a firearm; to repeal requirements for purchasing handguns; to harmonize provisions; to repeal the original sections; and to outright repeal sections 69-2401, 69-2403, 69-2407, 69-2708, 69-2409, 69-2412, 69-2413, 69-2414, 69-2415, 69-2416, 69-2417, 69-2420, 69-2421, 69-2422, 69-2423, 69-2424, and 69-2425, Reissue Revised Statutes of Nebraska, and sections 69-2402, 69-2404, 69-2405, 69-2406, 69-2410, 69-2411, 69-2418, and 69-2419, Revised Statutes Cumulative Supplement, 2006.".

2. On page 2, strike lines 1 through 3.

LEGISLATIVE BILL 151. Placed on Select File with amendment.
ER8190
1. On page 3, line 26, strike "section" and insert "act".
2. On page 4, line 4, before "(a)" insert "Statute of limitations.".
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. 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. On page 1, strike beginning with "schools" in line 1 through line 4 and insert "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.".

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. On page 1, line 4, strike "and"; and in line 5 before 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. On page 8, line 24; and page 9, line 14, after "vote" insert an underscored comma.
2. On page 12, line 8, strike the third comma.
3. On page 14, line 3, after "member" insert an underscored comma.

LEGISLATIVE BILL 1011. Placed on Select File with amendment.
ER8192
1. On page 1, line 3, after the second comma insert "76-2217.02,"; and in line 8 after the comma insert "trainee real property appraisers,".

LEGISLATIVE BILL 821. Placed on Select File with amendment.
ER8201
1. On page 3, line 11, after "the" insert "Risk Manager or".

LEGISLATIVE BILL 845. Placed on Select File with amendment.
ER8196
1. On page 1, line 6, strike "correct obsolete provisions" and insert "change provisions governing distribution of civil penalties".
2. On page 7, lines 8, 9, 18, and 19, strike the comma; and in line 10 strike "of".

LEGISLATIVE BILL 904. Placed on Select File.

LEGISLATIVE BILL 798. Placed on Select File with amendment.
ER8200
1. On page 1, strike beginning with "46-283" in line 1 through line 6 and insert "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.".

LEGISLATIVE BILL 764. Placed on Select File with amendment.
ER8202
1. On page 4, line 11, after "the" insert "Nebraska Veterinary Practice Act until December 1, 2008, and the" and before the semicolon insert "on and after December 1, 2008".

LEGISLATIVE BILL 789. Placed on Select File with amendment.
ER8197
1. On page 1, strike beginning with "a" in line 3 through line 4 and insert "provisions relating to grants; to repeal the original section; and to declare an emergency.".

LEGISLATIVE BILL 902. Placed on Select File with amendment.
ER8199

1. On page 1, line 5, after the semicolon insert "to provide operative dates;".

2. On page 30, line 8, strike "Schedule", show as stricken, and insert "Schedules".

LEGISLATIVE BILL 1067. Placed on Select File.

LEGISLATIVE BILL 838. Placed on Select File with amendment.
ER8206

1. On page 8, lines 9, 12, and 24, strike "return" and 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. On page 1, line 6, strike "section" and insert "sections".

2. On page 2, line 19, strike "It", show as stricken, and insert "Such authority".

LEGISLATIVE BILL 1048. Placed on Select File with amendment.
ER8203

1. In the Standing Committee amendments, AM1979, on page 2, line 3, strike "born".

2. On page 1, strike beginning with "71-601" in line 1 through line 4 and insert "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.".

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. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 38-2112, Revised Statutes Supplement, 2007, is amended to read:

38-2112 Consultation means a professional collaborative relationship between a licensed mental health practitioner and a

consultant who is a psychologist licensed to engage in the practice of psychology as provided in section 38-3111, ~~or~~ a qualified physician, or a licensed independent mental health practitioner in which (1) the consultant makes a diagnosis based on information supplied by the licensed mental health practitioner and any additional assessment deemed necessary by the consultant and (2) the consultant and the licensed mental health practitioner jointly develop a treatment plan which indicates the responsibility of each professional for implementing elements of the plan, updating the plan, and assessing the client's progress.

Sec. 2. Section 38-2115, Revised Statutes Supplement, 2007, is amended to read:

38-2115 (1) Mental health practice means the provision of treatment, assessment, psychotherapy, counseling, or equivalent activities to individuals, couples, families, or groups for behavioral, cognitive, social, mental, or emotional disorders, including interpersonal or personal situations.

(2) Mental health practice does not include:

(a) The practice of psychology or medicine;

(b) Prescribing drugs or electroconvulsive therapy;

(c) Treating physical disease, injury, or deformity;

(d) Diagnosing major mental illness or disorder except in consultation with a qualified physician, ~~or~~ a psychologist licensed to engage in the practice of psychology as provided in section 38-3111, or a licensed independent mental health practitioner;

(e) Measuring personality or intelligence for the purpose of diagnosis or treatment planning;

(f) Using psychotherapy with individuals suspected of having major mental or emotional disorders except in consultation with a qualified physician, a ~~or~~ licensed psychologist, or a licensed independent mental health practitioner; or

(g) Using psychotherapy to treat the concomitants of organic illness except in consultation with a qualified physician or licensed psychologist.

(3) Mental health practice includes the initial assessment of organic mental or emotional disorders for the purpose of referral or consultation.

(4) Nothing in sections 38-2114, 38-2118, and 38-2119 shall be deemed to constitute authorization to engage in activities beyond those described in this section. Persons certified under the Mental Health Practice Act but not licensed under section 38-2122 shall not engage in mental health practice.

Sec. 3. Section 38-2116, Revised Statutes Supplement, 2007, is amended to read:

38-2116 (1) Mental health practitioner means a person who holds himself or herself out as a person qualified to engage in mental health practice or a person who offers or renders mental health practice services. Independent mental health practitioner means a person who holds himself or herself out as a person

qualified to engage in independent mental health practice or a person who offers or renders independent mental health practice services.

(2) A person who is licensed as a mental health practitioner ~~or an independent mental health practitioner~~ and certified as a master social worker may use the title licensed clinical social worker. A person who is licensed as a mental health practitioner ~~or an independent mental health practitioner~~ and certified as a professional counselor may use the title licensed professional counselor. A person who is licensed as a mental health practitioner ~~or an independent mental health practitioner~~ and certified as a marriage and family therapist may use the title licensed marriage and family therapist. No person shall use the title licensed clinical social worker, licensed professional counselor, or licensed marriage and family therapist unless he or she is licensed and certified as provided in this subsection.

(3) A person who is licensed as an independent mental health practitioner and certified as a master social worker may use the title licensed independent clinical social worker. A person who is licensed as an independent mental health practitioner and certified as a professional counselor may use the title licensed independent professional counselor. A person who is licensed as an independent mental health practitioner and certified as a marriage and family therapist may use the title licensed independent marriage and family therapist. No person shall use the title licensed independent clinical social worker, licensed independent professional counselor, or licensed independent marriage and family therapist unless he or she is licensed and certified as provided in this subsection.

~~(3)~~ (4) A mental health practitioner shall not represent himself or herself as a physician or psychologist and shall not represent his or her services as being medical or psychological in nature. An independent mental health practitioner shall not represent himself or herself as a physician or psychologist.

Sec. 4. Section 38-2124, Revised Statutes Supplement, 2007, is amended to read:

38-2124 (1) No person shall hold himself or herself out as an independent mental health practitioner unless he or she is licensed as such by the department. A person shall be qualified to be a licensed independent mental health practitioner if he or she:

(a)(i)(A) Graduated with a masters' or doctoral degree from an educational program which is accredited, at the time of graduation or within four years after graduation, by the Council for Accreditation of Counseling and Related Educational Programs, the Commission on Accreditation for Marriage and Family Therapy Education, or the Council on Social Work Education or (B) graduated with a masters' or doctoral degree from an educational program deemed by the board to be equivalent in didactic content and supervised clinical experience to an accredited program;

~~(ii) Is licensed as a provisional mental health practitioner or a licensed mental health practitioner; and~~

(ii)(A) Is licensed as a licensed mental health practitioner or (B) is licensed as a provisional mental health practitioner and has satisfactorily passed an examination approved by the board pursuant to subdivision (3) of section 38-2122; and

(iii) Has three thousand hours of experience obtained in a period of not less than two nor more than five years and supervised by a licensed physician, a licensed psychologist, or a licensed independent mental health practitioner, one-half of which is comprised of experience with clients diagnosed under the major mental illness or disorder category; or

(b)(i) Graduated from an educational program which does not meet the requirements of subdivision (a)(i) of this subsection;

~~(ii) Is licensed as a provisional mental health practitioner or a mental health practitioner; and~~

(ii)(A) Is licensed as a licensed mental health practitioner or (B) is licensed as a provisional mental health practitioner and has satisfactorily passed an examination approved by the board pursuant to subdivision (3) of section 38-2122; and

(iii) Has seven thousand hours of experience obtained in a period of not less than ten years and supervised by a licensed physician, a licensed psychologist, or a licensed independent mental health practitioner, one-half of which is comprised of experience with clients diagnosed under the major mental illness or disorder category.

(2) The experience required under this section shall be documented in a reasonable form and manner as prescribed by the board, which may consist of sworn statements from the applicant and his or her employers and supervisors. The board shall not in any case require the applicant to produce individual case records.

(3) The application for an independent mental health practitioner license shall include the applicant's social security number.

Sec. 5. This act becomes operative on December 1, 2008.

Sec. 6. Original sections 38-2112, 38-2115, 38-2116, and 38-2124, Revised Statutes Supplement, 2007, are repealed.

2. On page 1, line 2, after "38-2112" insert ", 38-2115, 38-2116,"; and in line 4 strike "requirements" and insert "and 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. On page 7, line 9, after "2-3226.04" insert "by or through obligations of joint entities or joint public agencies 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. On page 3, line 17, after "to" insert "the State Department of Education,".

2. On page 4, line 10, strike "to five"; and in line 11 before the period insert ", one administrator from a school in Nebraska, and one teacher from a school in Nebraska"; and in line 18 strike "the Legislature,".

3. On page 5, line 11, after "For" insert "no later than"; and in line 20 after "79-760.01" insert ". If no statewide assessment of mathematics is administered in school year 2009-10, school districts shall report mathematics assessment results in the same manner as such information was reported in school year 2008-09".

4. On page 6, line 12, after "For" insert "no later than".

5. On page 7, after line 26, insert the following new paragraph:

"The department may determine appropriate accommodations

for the assessment of students with disabilities or any student receiving special education programs and services pursuant to section 79-1139. Alternate academic achievement standards in reading, mathematics, and science and alternate assessment instruments aligned with the standards may be among the 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. On page 3, line 17, after "to" insert "the State Department of Education,".

2. On page 4, line 10, strike "to five"; and in line 11 before the period insert ", one administrator from a school in Nebraska, and one teacher from a school in Nebraska"; and in line 18 strike "the Legislature,".

3. On page 5, line 11, after "For" insert "no later than"; and in line 20 after "79-760.01" insert ". If no statewide assessment of mathematics is administered in school year 2009-10, school districts shall report mathematics assessment results in the same manner as such information was reported in school year 2008-09".

4. On page 6, line 12, after "For" insert "no later than".

5. On page 7, after line 26, insert the following new paragraph:

"The department may determine appropriate accommodations for the assessment of students with disabilities or any student receiving special education programs and services pursuant to section 79-1139. Alternate academic achievement standards in reading, mathematics, and science and alternate assessment instruments aligned with the standards may be among the accommodations for students with severe cognitive disabilities.".

6. On page 8, line 1, after "assessment" insert "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. Strike the original sections and insert the following sections:

Section 1. Sections 1 to 10 of this act shall be known and may be cited as the Contractor Employee Classification and Public Contract Duty Act.

Sec. 2. For purposes of the Contractor Employee Classification and Public Contract Duty Act:

(1) Construction has the same meaning as in section 48-2103;

(2) Contractor means a sole proprietor, partnership, firm, corporation, limited liability company, association, or other legal form engaged in the business of construction and includes a general contractor or subcontractor;

(3) Interested party means a person with an interest in compliance with the act, including an employee, the Department of Labor, or the Department of Revenue; and

(4) Performing services means the performance of construction labor for remuneration.

Sec. 3. (1) An individual performing services is an employee of a contractor unless the following are true, in which case the individual is an independent contractor:

(a) The individual has been and will continue to be free from control or direction over the performance of the service, both under the contract and in fact

(b) The individual is engaged in an independently established trade, occupation, profession, or business;

(c) The individual makes performance of the service available to the general public;

(d) When appropriate, the individual furnishes the tools and equipment necessary to provide service; and

(e) The contractor does not represent the individual as an employee to customers.

(2) An individual performing services is presumed to be an independent contractor if:

(a) The individual has registered as a contractor pursuant to the Contractor Registration Act at least six months prior to commencing construction work for the contractor;

(b) The individual has been assigned a combined tax rate pursuant to subdivision (4) of section 48-649 or the employees of the individual are exempted from unemployment insurance coverage pursuant to subdivision (6) of section 48-604; and

(c) The individual is listed on the data base established by the Department of Revenue under subsection (3) of section 77-2753 as found in AM2244 to LB 1001 (2008).

(3) The Department of Revenue shall establish and operate a hotline for contractors to call to confirm compliance under subsection (2) of this section.

Sec. 4. It is a violation of the Contractor Employee

Classification and Public Contract Duty Act for a contractor to designate an individual as an independent contractor who would be properly classified as an employee under section 3 of this act.

Sec. 5. In addition to any other remedies available to the Department of Labor and the Department of Revenue, an interested party aggrieved by a violation of the Contractor Employee Classification and Public Contract Duty Act may bring an action in the district court in the county where an alleged violation occurred. All interested parties shall be joined in such action and shall have the right to be represented by counsel of their own choosing. The cause of action provided for in this section is available for the following:

(1) The amount of combined tax, with interest, that would have been paid by the contractor under the Employment Security Law, based upon the contractor's combined tax rate at the time of employment, if the individual working for such contractor would have been properly classified as an employee under section 3 of this act;

(2) The amount of state income tax that would have been withheld by the contractor, based upon the rates at the time of employment, if the individual working for the contractor would have been properly classified as an employee under section 3 of this act;

(3) The difference in the compensation paid to the individual by the contractor as compared to the average prevailing rate of compensation for like work, as determined by the Department of Labor, during the time of employment;

(4) In the case of unlawful retaliation, all legal and equitable relief as may be appropriate; and

(5) Attorney's fees and costs.

Amounts recovered by settlement or judgment shall be equitably divided as agreed upon by the interested parties or, in the absence of an agreement, as determined by the district court where the action was pending or might have been brought.

Sec. 6. It is a violation of the Contractor Employee Classification and Public Contract Duty Act for a contractor, or an agent of a contractor, to retaliate through discharge or in any other manner against an individual for exercising any right granted under the act. Rights granted under the act include making a complaint to the contractor or a governmental agency, bringing an action under the act, or participating in an investigation of an alleged violation of the act.

Sec. 7. Every contractor shall post in a conspicuous place at the job site in English and Spanish the following notice:

(1) Every individual working for a contractor has the right to be properly classified by the contractor as an employee rather than an independent contractor if the individual does not meet the requirements of an independent contractor under the state law known as the Contractor Employee Classification and Public

Contract Duty Act;

(2) If you as an individual working for a contractor have been improperly classified, you may bring a lawsuit against the contractor under the state law known as the Contractor Employee Classification and Public Contract Duty Act. Your lawsuit may include claims for:

(a) The amount of combined tax, with interest, that should have been paid by the contractor under the Employment Security Law as provided in such state law;

(b) The amount of state income tax that should have been withheld by the contractor as provided in such state law;

(c) The difference in the compensation paid to you as compared to the average prevailing rate of compensation for like work;

(d) In the case of unlawful retaliation by the contractor against you, all legal and equitable relief as may be appropriate; and

(e) Your expenses for attorney's fees and court and other costs relating to the lawsuit;

(3) It is a violation of the state law known as the Contractor Employee Classification and Public Contract Duty Act for a contractor, or an agent of the contractor, to retaliate through discharge or in any other manner against you for exercising any right granted under the act. Rights granted under such state law include making a complaint to the contractor or a governmental agency, bringing an action under the act, or participating in an investigation of an alleged violation of such state law; and

(4) If you believe you have not been properly classified as an employee by the contractor you work for, contact an attorney, the Department of Labor, or the Department of Revenue.

Sec. 8. The state or any political subdivision entering into a contract for construction shall require that each contractor who performs construction services pursuant to the contract submit an affidavit attesting that each individual performing services for such contractor is properly classified under the Contractor Employee Classification and Public Contract Duty Act, such contractor has a completed federal I-9 immigration form on file for each individual performing services, and such contractor has no reasonable basis to believe that such individual is an undocumented worker.

Sec. 9. Any contractor who knowingly provides a false affidavit under section 8 of this act to the state or a political subdivision shall be subject to the penalties for perjury and upon a second or subsequent violation shall not be permitted to contract with the state or any political subdivision for a period of three years after the date of discovery of the falsehood.

Sec. 10. The Contractor Employee Classification and Public Contract Duty Act shall not be construed to affect or apply to a common-law or statutory action providing for recovery in

tort and shall not be construed to affect or change the common-law interpretation of independent contractor status as it relates to tort liability or a workers' compensation claim.

LEGISLATIVE BILL 1019. Placed on General File with amendment.
AM2334

1. On page 3, after line 2 insert the following new paragraphs:

"$49,500.00 for Tort Claim Number 02-858, against the Department of Health and Human Services, pay to Jennifer Hoover-Richardson and Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite 600, Lincoln, Nebraska 68508, out of the General Fund.

$25,000.00 for Tort Claim Number 02-859, against the Department of Health and Human Services, pay to Theresa Liberte-Ray and Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite 600, Lincoln, Nebraska 68508, out of the General Fund.

$15,000.00 for Tort Claim Number 02-860, against the Department of Health and Human Services, pay to Ethel Hanger and Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite 600, Lincoln, Nebraska 68508, out of the General Fund.

$17,500.00 for Tort Claim Number 02-861, against the Department of Health and Human Services, pay to Penny Greenbush and Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite 600, Lincoln, Nebraska 68508, out of the General Fund.

$45,500.00 for Tort Claim Number 02-862, against the Department of Health and Human Services, pay to Elizabeth Morgan and Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite 600, Lincoln, Nebraska 68508, out of the General Fund.

$30,000.00 for Tort Claim Number 02-863, against the Department of Health and Human Services, pay to Selena Taylor-Yazowski and Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite 600, Lincoln, Nebraska 68508, out of the General Fund.

$22,500.00 for Tort Claim Number 03-001, against the Department of Health and Human Services, pay to Mary Witter and Brett McArthur, Attorney, 140 South 27th Street, #D, Lincoln, Nebraska 68510, out of the General Fund."; after line 6 insert the following new paragraph:

"$20,000.00 for Tort Claim Number 03-152, against the Department of Health and Human Services, pay to Robin Heuertz and Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite 600, Lincoln, Nebraska 68508, out of the General Fund."; after line 10 insert the following new paragraphs:

"$10,500.00 for Tort Claim Number 03-892, against the Department of Health and Human Services, pay to Sara Medlin and Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite 600, Lincoln, Nebraska 68508, out of the General Fund.

$10,000.00 for Tort Claim Number 03-893, against the

Department of Health and Human Services, pay to Tamica Starks and Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite 600, Lincoln, Nebraska 68508, out of the General Fund.

$20,000.00 for Tort Claim Number 03-918, against the Department of Health and Human Services, pay to Kim Hudson and Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite 600, Lincoln, Nebraska 68508, out of the General Fund.

$225,000 for Tort Claim Numbers 04-801 and 04-802, against the Department of Roads, pay to Theodore Neubert and Hauptman, O'Brien, Wolf and Lathrop, Attorney, 1005 South 107th Avenue, Suite 200, Omaha, Nebraska 68114-4707, out of the State Insurance Fund.

$75,000.00 for Tort Claim Numbers 00-577 and 99-686, against the Department of Health and Human Services, pay to Steven Renteria, Attorney, and the conservator for Keith Dwayne Nolen, Jr., Faith Almeda Nolen, Nathan James Lee Nolen, Charles Angus Burris, Richard Travis Burris, Zachary Michael Nolen, Ryan Allan Nolen, and Emma Louise Burris, 1905 Harney Street, Omaha, Nebraska 68102, out of the General Fund."; in line 12 strike "program 591" and insert "programs 591 and 594"; in line 16 strike "50,100.57" and insert "390,600.57"; after line 17 insert the following new line: "REVOLVING FUND 225,000.00"; and in line 18 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. On page 2, lines 23 and 24, strike "the average need adjustment plus (iv)" and show as stricken.

2. On page 6, line 8, before "taxable" insert "total"; and in line 9 strike "section 13-509" and insert "the most recent 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. Insert the following new amendments:

"2. On page 15, after line 22 insert the following new subsection:

"(8) The changes made to this section by this legislative bill apply for tax periods beginning on and after January 1, 2009.".

3. On page 20, line 3; and page 23, line 1, after the period insert "The changes made to this section by this legislative bill apply for tax periods beginning on and after January 1,

2009.".

5. On page 20, lines 15 and 17, strike "months beginning" and insert "periods beginning on and after".

6. On page 23, line 5, after "gasoline" insert "calculated pursuant to section 10 of this act".".

2. On page 1, line 9, strike "Commencing" and insert "For tax periods beginning on and after".

Senator Dubas filed the following amendment to LB1157:
AM2363

(Amendments to Standing Committee amendments, AM2093)

1. On page 5, lines 8 and 18 and 19, strike "three 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. On page 1, line 5, strike "hour".

Senator Ashford filed the following amendment to LB1014A:
AM2345

(Amendments to Final Reading copy)

1. Insert the following new section:

Sec. 4. The General Fund appropriation for FY2008-09 to the Department of Health and Human Services, for Program 33, is hereby reduced by $48,893.

Total expenditures for permanent and temporary salaries and per diems are hereby reduced by $34,518 for FY2008-09.

2. On page 1, line 3, after the semicolon insert "to reduce an appropriation;".

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. On page 24, lines 12 through 25; and page 25, lines 1 through 9 and 11, strike the new matter and reinstate the stricken matter.

Senator Hudkins filed the following amendment to LB853:
AM2352

1. On page 54, lines 11, 14, and 19; and page 55, line 5, strike the new matter and reinstate the stricken matter.

Senator Hudkins filed the following amendment to LB853:
AM2353

1. Strike original section 13.
2. Renumber the remaining sections and correct internal references and the repealer accordingly.

Senator Hudkins filed the following amendment to LB853:
AM2013

1. Insert the following new section:
Sec. 18. This act becomes operative only after adoption of the changes made in this legislative bill by fifteen other states.
2. On page 6, lines 19 and 20, strike the new matter and insert "and sections 9, 12, and 18 of this act".
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. Insert the following new section:

Sec. 21. Since an emergency exists, this act takes effect when passed and approved according to law.

2. Insert the following new amendments:

"2. On page 5, line 19, strike "or" and show as stricken; and in line 20 after "(g)" insert "The research, development, and maintenance of an Internet web portal. For purposes of this subdivision, Internet web portal means an Internet site that allows users to access, search, and navigate the Internet; or

(h)".

3. On page 7, strike beginning with the first comma in line 6 through the last comma in line 11.

4. On page 13, line 4, after "employees" insert "or the investment in qualified property of at least one hundred million dollars and the hiring of at least fifty new employees. Agreements may be executed with regard to completed project applications filed before January 1, 2016. All project agreements pending, approved, or entered into before such date shall continue in full force and effect".

5. On page 15, line 9, after "application" insert ", excluding any compensation in excess of one million dollars paid to any one employee during the year,"; in line 16 before the semicolon insert ", excluding any compensation in excess of one million dollars paid to any one employee during the year"; and strike lines 21 through 24 and insert "total compensation paid to all employees, other than base year employees, excluding any compensation in excess of one million dollars paid to any one employee during the year, employed at the project.".

6. On page 22, strike beginning with "ad" in line 3 through "became" in line 4 and insert "real property taxes"; in line 6 strike "on" and insert "for"; and in line 7 strike "located" through "state" and insert "included in such project and acquired by the taxpayer, whether by lease or purchase, after the date the application was filed. The payment from the state shall be made only after payment of the real property taxes have been made to the county as required by law".".

3. Renumber the remaining amendments and sections 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

Excused and not voting, 3:

Burling	Cornett	Pedersen

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. Strike sections 1, 8, 32, 45, and 49 and insert the following new section:
Sec. 7. Section 79-1003.01, Revised Statutes Supplement,

2007, is amended to read:

79-1003.01 (1) For ~~purposes of this section and section 79-1007.03,~~ school fiscal year 2008-09, the department shall calculate a summer school allowance for each district equal to two and one-half percent of the summer school student units for such district multiplied by eighty-five percent of the statewide average general fund operating expenditures per formula student. For purposes of this subsection, summer school student unit means one student enrolled in summer school in a school district, whether or not the student is in the membership of the school district, for (1) at least three hours but fewer than six hours per day and (2) at least twelve days but fewer than twenty-four days. Each school district shall receive a summer school student unit for each qualified time period for which a student is enrolled, up to six units per student per summer.

(2) For school fiscal year 2009-10 and each school fiscal year thereafter, the department shall calculate a summer school allowance for each district equal to two and one-half percent of the summer school student units for such district multiplied by eighty-five percent of the statewide average general fund operating expenditures per formula student. Summer school student units shall be calculated for each student enrolled in summer school in a school district who attends such summer school for at least twelve days, whether or not the student is in the membership of the school district. The initial number of units for each such student shall equal the sum of the ratios, each rounded down to the nearest whole number, of the number of days for which the student attended summer school classes in such district for at least three hours and less than six hours per day divided by twelve days and of two times the number of days for which the student attended summer school classes in such district for six or more hours per day divided by twelve days.

(3) Each school district shall receive an additional summer school student unit for each summer school student unit attributed to remedial math or reading programs. Each school district shall also receive an additional summer school student unit for each summer school student unit attributed to a free lunch and free milk student. This section does not prevent school districts from requiring and collecting fees for summer school, except that summer school student units shall not be calculated for ~~summer school programs for which fees are collected~~ school districts which collect fees for summer school from students who qualify for free or reduced-price lunches under United States Department of Agriculture child nutrition programs.

2. On page 13, line 14; page 93, line 19; page 94, lines 23 and 24 and 25; page 95, lines 3, 4, 15, 21, and 25; and page 96, lines 1, 12, and 16, strike the new matter and reinstate the stricken matter.

3. On page 43, strike beginning with "final" in line

4 through "79-1065" in line 5 and insert "certification of aid pursuant to section 79-1022".

4. On page 75, lines 11 through 14, strike the new matter.

5. On page 92, line 24; and page 93, line 5, strike "assessed" and insert "adjusted".

6. On page 93, lines 21 through 25, reinstate the stricken matter; and in line 27 strike the new matter and reinstate the stricken matter.

7. On page 94, line 1, strike the new matter; in lines 2 through 9, reinstate the stricken matter; in line 11 strike "assessed"; reinstate the stricken matter beginning with "(3)" in line 12 through the comma in line 14; in line 14 after the stricken "hundred" insert "ninety-six"; reinstate the stricken matter beginning with "percent" in line 14 through the comma in line 15; in line 15 after the stricken "seventy-five" insert "seventy-two"; reinstate the stricken matter beginning with "percent" in line 16 through the comma in line 18; in line 18 after the stricken "seventy-five" insert "seventy-two"; reinstate the stricken matter beginning with "percent" in line 18 through line 21; in line 22 strike the new matter and reinstate the stricken matter; and in line 26, reinstate the stricken matter.

8. On page 95, lines 13 and 24; page 96, lines 15, 18, and 19; and page 100, line 14, strike the new matter and reinstate the stricken matter.

9. Amend the repealer, correct internal references, and renumber the remaining sections accordingly.

Senator Gay filed the following amendment to LB988:
AM2383

(Amendments to Standing Committee amendments, AM2128)

1. Strike section 4.

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

Senator Raikes filed the following amendment to LB973:
AM2388

(Amendments to E & R amendments, ER8182)

1. On page 2, lines 23 and 24, strike "the average need adjustment plus (iv)" and show as stricken.

2. On page 5, line 24, after "total" insert "taxable"; and in line 25 strike "of", show as stricken, and insert "from the most recent Certificate of Taxes Levied required under section 77-1613.01 for".

3. On page 6, line 8, before "taxable" insert "total"; and in line 9 strike "section 13-509" and insert "the most recent 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. On page 1, line 9, after "shall" insert ", no later than June 1, 2010,".

2. On page 2, lines 7 and 8, strike "May 1, 2009" and 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

printed on recycled paper

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. Insert the following new sections:

Section 1. Section 28-101, Revised Statutes Supplement, 2007, is amended to read:

28-101 Sections 28-101 to 28-1350 and section 3 of this act shall be known and may be cited as the Nebraska Criminal Code.

Sec. 2. Section 28-1008, Revised Statutes Supplement, 2007, is amended to read:

28-1008 For purposes of sections 28-1008 to 28-1017 and section 3 of this act

(1) Abandon means to leave any animal in one's care,

whether as owner or custodian, for any length of time without making effective provision for its food, water, or other care as is reasonably necessary for the animal's health;

(2) Animal means any vertebrate member of the animal kingdom. The term does not include an uncaptured wild creature;

(3) Cruelly mistreat means to knowingly and intentionally kill, maim, disfigure, torture, beat, mutilate, burn, scald, or otherwise inflict harm upon any animal;

(4) Cruelly neglect means to fail to provide any animal in one's care, whether as owner or custodian, with food, water, or other care as is reasonably necessary for the animal's health;

(5) Humane killing means the destruction of an animal by a method which causes the animal a minimum of pain and suffering;

(6) Law enforcement officer means any member of the Nebraska State Patrol, any county or deputy sheriff, any member of the police force of any city or village, or any other public official authorized by a city or village to enforce state or local animal control laws, rules, regulations, or ordinances. Law enforcement officer also includes any inspector under the Commercial Dog and Cat Operator Inspection Act to the extent that such inspector may exercise the authority of a law enforcement officer under section 28-1012 while in the course of performing inspection activities under the Commercial Dog and Cat Operator Inspection Act;

(7) Mutilation means intentionally causing permanent injury, disfigurement, degradation of function, incapacitation, or imperfection to an animal. Mutilation does not include conduct performed by a veterinarian licensed under the Nebraska Veterinary Practice Act or conduct that conforms to accepted veterinary practices;

~~(7)~~ (8) Police animal means a horse or dog owned or controlled by the State of Nebraska for the purpose of assisting a Nebraska state trooper in the performance of his or her official enforcement duties; ~~and~~

(9) Repeated beating means intentional successive strikes to an animal by a person resulting in serious bodily injury or death to the animal;

~~(8)~~ (10) Serious injury or illness includes any injury or illness to any animal which creates a substantial risk of death or which causes broken bones, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ; and~~.~~

(11) Torture means intentionally subjecting an animal to extreme pain, suffering, or agony. Torture does not include conduct performed by a veterinarian licensed under the Nebraska Veterinary Practice Act or conduct that conforms to accepted veterinary practices.

Sec. 3. (1)(a) Any person convicted of a Class IV felony under section 28-1005 or 28-1009 shall not own, possess, or reside

with any animal for not less than fifteen years from the date of conviction. Any person violating this subdivision shall be guilty of a Class I misdemeanor.

(b) Any person convicted of a Class I misdemeanor under subdivision (2)(a) of section 28-1009 or a Class III misdemeanor under section 28-1010 shall not own, possess, or reside with any animal for not less than five years from the date of conviction. Any person violating this subdivision shall be guilty of a Class IV misdemeanor.

(c) Any animal involved in a violation of subdivisions (a) and (b) of this subsection shall be subject to seizure by law enforcement.

(d) A court may extend the time restrictions for owning, possessing, or residing with any animal under this subsection as the court deems reasonable and necessary.

(2) The time restrictions in subdivisions (1)(a) and (b) of this section shall not apply to any person convicted under section 28-1005 or 28-1009 if a licensed physician confirms in writing that ownership or possession of or residence with an animal is essential to the health of such person.

Sec. 4. Section 28-1013, Revised Statutes Supplement, 2007, is amended to read:

28-1013 Sections 28-1008 to 28-1017 and section 3 of this act shall not apply to:

(1) Care or treatment of an animal by a veterinarian licensed under the Veterinary Medicine and Surgery Practice Act;

(2) Commonly accepted care or treatment of a police animal by a law enforcement officer in the normal course of his or her duties;

(3) Research activity carried on by any research facility currently meeting the standards of the federal Animal Welfare Act, 7 U.S.C. 2131 et seq., as such act existed on January 1, 2003;

(4) Commonly accepted practices of hunting, fishing, or trapping;

(5) Commonly accepted practices occurring in conjunction with rodeos, animal racing, or pulling contests;

(6) Humane killing of an animal by the owner or by his or her agent or a veterinarian upon the owner's request;

(7) Commonly accepted practices of animal husbandry with respect to farm animals, including their transport from one location to another and nonnegligent actions taken by personnel or agents of the Nebraska Department of Agriculture or the United States Department of Agriculture in the performance of duties prescribed by law;

(8) Use of reasonable force against an animal, other than a police animal, which is working, including killing, capture, or restraint, if the animal is outside the owned or rented property of its owner or custodian and is injuring or posing an immediate threat to any person or other animal;

(9) Killing of house or garden pests;

(10) Commonly followed practices occurring in conjunction with the slaughter of animals for food or byproducts; and

(11) Commonly accepted animal training practices.

Sec. 5. Section 28-1014, Revised Statutes Cumulative Supplement, 2006, is amended to read:

28-1014 Any city, village, or county may adopt and promulgate rules, regulations, and ordinances which are not inconsistent with the provisions of sections 28-1008 to 28-1017 and section 3 of this act for the protection of the public, public health, and animals within its jurisdiction.

Sec. 6. Section 28-1015, Revised Statutes Cumulative Supplement, 2006, is amended to read:

28-1015 When an animal is owned by a minor child, the parent of such minor child with whom the child resides or legal guardian with whom the child resides shall be subject to the penalties provided under sections 28-1008 to 28-1017 and section 3 of this act if the animal is abandoned or cruelly neglected.

Sec. 7. Section 28-1016, Revised Statutes Cumulative Supplement, 2006, is amended to read:

28-1016 Nothing in sections 28-1008 to 28-1017 and section 3 of this act shall be construed as amending or changing the authority of the Game and Parks Commission as established in the Game Law or to prohibit any conduct authorized or permitted by such law.

2. On page 10, line 9, after the comma insert "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,".

3. Renumber the remaining sections and correct internal 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. Insert the following new sections:

Sec. 3. Section 79-233, Revised Statutes Cumulative Supplement, 2006, is amended to read:

79-233 For purposes of sections 79-232 to 79-246:

(1) Enrollment option program means the program established in section 79-234;

(2) Option school district means the public school district that ~~a~~ an option student chooses to attend instead of his or her resident school district~~, except when a student chooses to attend another school district in a learning community in which the student resides pursuant to section 79-2110;~~

(3) Option student means a student that has chosen to attend an option school district, including a student who resides in a learning community and who has chosen to attend an option school district in such learning community prior to the effective date of the establishment of such learning community, but not including a student who resides in a learning community and who enrolls pursuant to section 79-2110 in another school district in such learning community;

(4) Resident school district means the public school district in which a student resides; and

(5) Siblings means all children residing in the same household on a permanent basis who have the same mother or father or who are stepbrother or stepsister to each other.

Sec. 4. Beginning with school year 2013-14, students in kindergarten through grade three in the public schools shall spend at least fifty percent of their school day in one or more classrooms with twenty or fewer students. Up to ten days each school year may be designated for any student or group of students as special activity days to which the requirements of this section do not apply. School districts may also apply to the State Board of

Education for a hardship waiver to waive the requirements of this section for a specified period of time due to circumstances that would cause the school district a substantial hardship to meet the requirements of this section for such period of time.

Sec. 39. Section 79-1022.02, Reissue Revised Statutes of Nebraska, is amended to read:

79-1022.02 Notwithstanding any other provision of law, the certification of state aid pursuant to section 79-1022 to be paid to school districts during school year ~~2003-04,~~ 2008-09, the certification of applicable allowable growth rates pursuant to section 79-1026 for school fiscal year ~~2003-04,~~ 2008-09, and the certifications of Class I school district allowable general fund budgets of expenditures pursuant to section 79-1083.03 for school fiscal year ~~2003-04~~ 2008-09 are null and void. State aid to be paid during such school year and the certifications pursuant to ~~section~~ sections 79-1022 and 79-1026 shall be recertified on or before ~~June 15, 2003,~~ April 30, 2008, using data sources as they existed on February 1, ~~2003.~~ 2008.

Sec. 44. Section 79-1031.01, Revised Statutes Supplement, 2007, is amended to read:

79-1031.01 The Appropriations Committee of the Legislature shall annually include the amount necessary to fund the state aid that will be certified to school districts on or before ~~February 15, 2007,~~ April 30, 2008, and on or before February 1 for each ~~ensuing~~ school year thereafter in its recommendations to the Legislature to carry out the requirements of the Tax Equity and Educational Opportunities Support Act.

Sec. 48. Section 79-1229, Reissue Revised Statutes of Nebraska, is amended to read:

79-1229 (1) On or before January 31 of each year, the administrator of each educational service unit shall submit to the Commissioner of Education a report described as the annual financial report showing (a) the amount of money received from all sources during the year and the amount of money expended by the educational service unit during the year, (b) other information as necessary to fulfill the requirements of sections 79-1241 and 79-1243, and (c) such other information as the commissioner directs.

(2) The board of each educational service unit shall cause a complete and comprehensive annual audit to be made of the books, accounts, records, and affairs of the educational service unit. The audits shall be conducted annually, except that the Auditor of Public Accounts may determine an audit of less frequency to be appropriate but not less than once in any three-year period. The board of each educational service unit may contract with the Auditor of Public Accounts or select a licensed public accountant or certified public accountant or firm of such accountants to conduct the audit and shall be responsible for the cost of the audit pursuant to the contract. Such audit shall be conducted in

the same manner as audits of county officers. The original copy of the audit shall be filed in the office of the Auditor of Public Accounts.

Sec. 52. Since an emergency exists, this act takes effect 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. On page 5, line 5, strike the new matter and insert "The county board shall publish notice of such petition"; and in lines 23 and 24 strike the new matter.

2. On page 6, line 3, strike the new matter and reinstate the stricken matter and after "for" insert "at least"; and in line 5 after the period insert "Additional mowings shall be at the discretion of the county board and each additional mowing may be subject to a public hearing at which the need for the additional mowing shall be presented to the county board.".

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. On page 1, lines 5 and 18, strike "2010" and insert "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. On page 1, line 10, after "form" insert "if the named insured requested the electronic form and there was an agreement to that effect with the insurer prior to such request"; and in line 13 strike "conclusively presumed" and insert "a rebuttable 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. Insert the following new sections:

Sec. 38. On or before June 30, 2008, the State Treasurer shall transfer thirty thousand dollars from General Funds appropriated to the University of Nebraska, for Program 781, to the Agricultural Products Marketing Information Cash Fund.

Sec. 71. Laws 2007, LB 321, section 77, is amended to read:

Sec. 77. AGENCY NO. 18 - DEPARTMENT OF AGRICULTURE

Program No. 27 - Departmental Administration

	FY2007-08	FY2008-09
GENERAL FUND	1,630,524	1,666,483
~~CASH FUND~~	~~207,838~~	~~211,347~~
CASH FUND	207,838	218,847
FEDERAL FUND est.	430,483	438,485
REVOLVING FUND	479,381	487,563
~~PROGRAM TOTAL~~	~~2,748,226~~	~~2,803,878~~
PROGRAM TOTAL	2,748,226	2,811,378
SALARY LIMIT	1,235,393	1,266,747

There is included in the appropriation to this program for FY2007-08 $242,232 Federal Funds estimate for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY2008-09 $242,232 Federal Funds estimate for state aid, which shall only be used for such purpose.

There is included in the appropriation to this program for FY2008-09 an additional $7,500 Cash Funds to be used for the purpose of supplementing the Livestock Market News program.

2. On page 2, line 15, strike "87" and insert "89".

3. On page 56, line 26, after "69," insert "77,".

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. In the Standing Committee amendments, AM2138:

a. On page 1, lines 4, 10, and 20, strike "Nebraska" and insert "State"; and

b. On page 2, lines 3 and 10, strike "NEBRASKA" and insert "STATE".

2. On page 3, line 6, strike "INFORMATION" and insert "ACCOUNTING"; in line 7 strike "Information" and insert "Accounting"; and in line 10 strike "192" and insert "194".

3. On page 34, line 19, after "bureau" insert "of the Department of Administrative Services".

LEGISLATIVE BILL 959. Placed on Select File with amendment.
ER8207

1. In the Standing Committee amendments, AM2145:

a. On page 2, line 12, strike "Information" and insert "Accounting";

b. On page 7, line 20, strike "General" and insert "Cash";

c. On page 8, line 4; page 9, line 3; and page 10, line 13, before "Health" insert "Nebraska";

d. On page 9, lines 14 and 17, strike "pharmacists" and insert "pharmacies";

e. On page 10, line 12, strike the comma;

f. On page 17, line 17; and page 18, line 6, strike "NEBRASKA" and insert "STATE";

g. On page 29, line 7; and page 30, line 5, strike "Nebraska" and insert "State";

h. On page 43, line 25, strike "Director", show as stricken, and insert "chief executive officer of the Department"; and

i. On page 56, line 17, after the semicolon insert "and".

2. On page 1, line 3, after the semicolon insert "and"; and strike beginning with "32" in line 3 through "215" in line 4 and insert "23, 24, 32, 46, 48, 49, 50, 55, 69, 88, 107, 119, 120, 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. Strike original section 2 and all amendments thereto and insert the following new section:

Sec. 2. The following sums of money, or so much thereof as may be required, are hereby appropriated from the General Fund or from other funds as indicated in the state treasury, not otherwise appropriated, for the payment of tort claims which have been settled by the Attorney General in the district court or in which court judgments have been entered and which require the approval of the Legislature for payment.

$9,900,000.00 for Tort Claim Number 01-009, against the Department of Roads, pay to Gail Fickle and the law firm of Keating, O'Gara, Nedved & Peter, P.C., L.L.O., 530 South 13th Street, Suite 100, Lincoln, NE 68508-2795, out of the Roads Operations Cash Fund.

$49,500.00 for Tort Claim Number 02-858, against the Department of Health and Human Services, pay to Jennifer Hoover-Richardson and Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite 600, Lincoln, Nebraska 68508, out of the General Fund.

$25,000.00 for Tort Claim Number 02-859, against the Department of Health and Human Services, pay to Theresa Liberte-Ray and Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite 600, Lincoln, Nebraska 68508, out of the General Fund.

$15,000.00 for Tort Claim Number 02-860, against the Department of Health and Human Services, pay to Ethel Hanger and

Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite 600, Lincoln, Nebraska 68508, out of the General Fund.

$17,500.00 for Tort Claim Number 02-861, against the Department of Health and Human Services, pay to Penny Greenbush and Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite 600, Lincoln, Nebraska 68508, out of the General Fund.

$45,500.00 for Tort Claim Number 02-862, against the Department of Health and Human Services, pay to Elizabeth Morgan and Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite 600, Lincoln, Nebraska 68508, out of the General Fund.

$30,000.00 for Tort Claim Number 02-863, against the Department of Health and Human Services, pay to Selena Taylor-Yazowski and Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite 600, Lincoln, Nebraska 68508, out of the General Fund.

$22,500.00 for Tort Claim Number 03-001, against the Department of Health and Human Services, pay to Mary Witter and Brett McArthur, Attorney, 140 South 27th Street, #D, Lincoln, Nebraska 68510, out of the General Fund.

$25,100.57 for Tort Claim Number 03-132, against the Department of Correctional Services, pay to Jeffry D. Patterson, Attorney, Bartle & Geier Law Firm, 1141 H Street, P.O. Box 83104, Lincoln, NE 68501-3104, out of the General Fund.

$20,000.00 for Tort Claim Number 03-152, against the Department of Health and Human Services, pay to Robin Heuertz and Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite 600, Lincoln, Nebraska 68508, out of the General Fund.

$25,000.00 for Tort Claim Number 03-492, against the Department of Health and Human Services, pay to David Domina on behalf of Danielle Murray, 2425 South 144th Street, Omaha, NE 68144, out of the General Fund.

$10,500.00 for Tort Claim Number 03-892, against the Department of Health and Human Services, pay to Sara Medlin and Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite 600, Lincoln, Nebraska 68508, out of the General Fund.

$10,000.00 for Tort Claim Number 03-893, against the Department of Health and Human Services, pay to Tamica Starks and Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite 600, Lincoln, Nebraska 68508, out of the General Fund.

$20,000.00 for Tort Claim Number 03-918, against the Department of Health and Human Services, pay to Kim Hudson and Nebraska Advocacy Services, Attorney, 134 South 13th Street, Suite 600, Lincoln, Nebraska 68508, out of the General Fund.

$225,000 for Tort Claim Numbers 04-801 and 04-802, against the Department of Roads, pay to Theodore Neubert and Hauptman, O'Brien, Wolf and Lathrop, Attorney, 1005 South 107th Avenue, Suite 200, Omaha, Nebraska 68114-4707, out of the State Insurance Fund.

$75,000.00 for Tort Claim Numbers 00-577 and 99-686, against the Department of Health and Human Services, pay to Steven

Renteria, Attorney, and the conservator for Keith Dwayne Nolen, Jr., Faith Almeda Nolen, Nathan James Lee Nolen, Charles Angus Burris, Richard Travis Burris, Zachary Michael Nolen, Ryan Allan Nolen, and Emma Louise Burris, 1905 Harney Street, Omaha, Nebraska 68102, out of the General Fund.

The claims included in this section shall be paid through programs 591 and 594 in Agency 65.

For informational purposes only, the appropriations contained in this section and fund source:

FUND SOURCE	DOLLAR AMOUNT
GENERAL FUND	390,600.57
CASH FUND	9,900,000.00
REVOLVING FUND	225, 000.00
TOTAL	10,515,600.57

(Signed) Amanda McGill, Chairperson

AMENDMENTS - Print in Journal

Senator Erdman filed the following amendment to LB961:
AM2364

(Amendments to Standing Committee amendments, AM2139)

1. Insert the following sections:

Section 1. Section 2-958.01, Revised Statutes Cumulative Supplement, 2006, is amended to read:

2-958.01 The Noxious Weed and Invasive Plant Species Assistance Fund is created. The fund may be used to carry out the purposes of section 2-958.02. The State Treasurer shall credit to the fund ~~any money~~ any funds transferred pursuant to section 54-857, funds appropriated to the fund by the Legislature, and ~~any money~~ funds received as gifts or grants or other private or public funds obtained for the purposes set forth in section 2-958.02. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 2. Section 54-857, Reissue Revised Statutes of Nebraska, is amended to read:

54-857 All money received pursuant to the Commercial Feed Act shall be remitted by the director to the State Treasurer for credit to the Commercial Feed Administration Cash Fund which is hereby created. Such fund shall be used by the department to aid in defraying the expenses of administering the act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

On or before October 1, 2008, the State Treasurer shall transfer two hundred fifty thousand dollars from the Commercial Feed Administrative Cash Fund to the Noxious Weed and Invasive Plant Species Assistance Fund.

2. On page 12, line 17, strike "sections 59-1608.04" and insert "section 54-857, Reissue Revised Statutes of Nebraska, sections 2-958.01, 59-1608.04,".

3. Renumber the remaining sections accordingly.

Senator Erdman filed the following amendment to LB961:
AM2400

(Amendments to E & R amendments, ER8210)

1. Insert the following new section:

Sec. 5. Section 84-612, Revised Statutes Supplement, 2007, is amended to read:

84-612 (1) There is hereby created within the state treasury a fund known as the Cash Reserve Fund which shall be under the direction of the State Treasurer. The fund shall only be used pursuant to this section.

(2) The State Treasurer shall transfer funds from the Cash Reserve Fund to the General Fund upon certification by the Director of Administrative Services that the current cash balance in the General Fund is inadequate to meet current obligations. Such certification shall include the dollar amount to be transferred. Any transfers made pursuant to this subsection shall be reversed upon notification by the Director of Administrative Services that sufficient funds are available.

(3) The State Treasurer, at the direction of the budget administrator of the budget division of the Department of Administrative Services, shall transfer such amounts not to exceed seven million seven hundred fifty-three thousand two hundred sixty-three dollars in total from the Cash Reserve Fund to the Nebraska Capital Construction Fund between July 1, 2003, and June 30, 2007.

(4) The State Treasurer, at the direction of the budget administrator, shall transfer an amount equal to the total amount transferred pursuant to subsection (3) of this section from the General Fund to the Cash Reserve Fund on or before June 30, 2008.

(5) In addition to receiving transfers from other funds, the Cash Reserve Fund shall receive federal funds received by the State of Nebraska for undesignated general government purposes, federal revenue sharing, or general fiscal relief of the state.

(6) On June 15, 2007, the State Treasurer shall transfer fifteen million six hundred seventy-four thousand one hundred seven dollars from the Cash Reserve Fund to the General Fund.

(7) On June 16, 2008, the State Treasurer shall transfer seventeen million nine hundred thirty-one thousand thirty dollars from the Cash Reserve Fund to the General Fund.

(8) On June 15, 2009, the State Treasurer shall transfer four million nine hundred ninety thousand five hundred five dollars from the Cash Reserve Fund to the General Fund.

(9) On or before June 16, 2008, the State Treasurer, at the direction of the budget administrator, shall transfer fifty

million dollars from the Cash Reserve Fund to the General Fund.

(10) On or before June 16, 2009, the State Treasurer, at the direction of the budget administrator, shall transfer fifty million dollars from the Cash Reserve Fund to the General Fund.

(11) From the effective date of an endowment agreement as defined in subdivision (3)(c) of section 79-1101 until June 30, 2007, forty million dollars of the Cash Reserve Fund shall be deemed to constitute the Early Childhood Education Endowment Fund. Such funds shall remain part of the Cash Reserve Fund for all purposes, except that the interest earned on such forty million dollars shall accrue as provided in section 84-613.

(12) The State Treasurer, at the direction of the budget administrator, shall transfer such amounts, as certified by the Director of Administrative Services, for employee health insurance claims and expenses, not to exceed twelve million dollars in total from the Cash Reserve Fund to the State Employees Insurance Fund between May 1, 2007, and June 30, 2011.

(13) On July 9, 2007, the State Treasurer shall transfer twelve million dollars from the Cash Reserve Fund to the Nebraska Capital Construction Fund.

(14) On July 9, 2007, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the Job Training Cash Fund. The State Treasurer shall transfer from the Job Training Cash Fund to the Cash Reserve Fund such amounts as directed in section 81-1201.21.

(15) On July 7, 2008, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the Job Training Cash Fund. The State Treasurer shall transfer from the Job Training Cash Fund to the Cash Reserve Fund such amounts as directed in section 81-1201.21.

(16) On or before August 1, 2007, the State Treasurer, at the direction of the budget administrator, shall transfer seventy-five million dollars from the Cash Reserve Fund to the Nebraska Capital Construction Fund.

(17) On or before June 30, 2009, the State Treasurer shall transfer nine million five hundred ninety thousand dollars from the Cash Reserve Fund to the Nebraska Capital Construction Fund.

(18) The State Treasurer, at the direction of the budget administrator, shall transfer an amount equal to the total amount transferred pursuant to subsection (12) of this section from the appropriate health insurance accounts of the State Employees Insurance Fund in such amounts as certified by the Director of Administrative Services to the Cash Reserve Fund on or before June 30, 2011.

(19) On July 9, 2007, the State Treasurer shall transfer one million dollars from the Cash Reserve Fund to the Microenterprise Development Cash Fund.

(20) On July 9, 2007, the State Treasurer shall transfer

two hundred fifty thousand dollars from the Cash Reserve Fund to the Building Entrepreneurial Communities Cash Fund.

(21) On July 7, 2008, the State Treasurer shall transfer one million dollars from the Cash Reserve Fund to the Microenterprise Development Cash Fund.

(22) On July 7, 2008, the State Treasurer shall transfer two hundred fifty thousand dollars from the Cash Reserve Fund to the Building Entrepreneurial Communities Cash Fund.

(23) On or before July 15, 2008, the State Treasurer shall transfer fourteen million five hundred thirteen thousand nine hundred thirty dollars from the Cash Reserve Fund to the Roads Operations Cash Fund.

2. On page 11, line 9, strike "and"; in line 10 after the first comma insert "and 84-612,"; and in line 17 strike the first "and" and after the second comma insert "and 84-612,".

3. Renumber the remaining sections accordingly.

Senator Erdman filed the following amendment to LB961:
AM2389

(Amendments to E & R amendments, ER8210)

1. Insert the following new sections:

Section 1. Section 18-2604, Reissue Revised Statutes of Nebraska, is amended to read:

18-2604 There is hereby created in the state treasury a cash fund to be known as the Municipal Infrastructure Redevelopment Fund. The fund shall have a separate account for each municipality in the state. Transfers from the fund to the General Fund may be made at the direction of the Legislature. Money shall be deposited into the ~~fund~~ Municipal Infrastructure Redevelopment Fund pursuant to section 77-2602.

Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Investment earnings on each account shall be credited to that account.

Sec. 2. Section 19-102, Revised Statutes Cumulative Supplement, 2006, is amended to read:

19-102 There is hereby created the City of the Primary Class Development Fund. Amounts credited to the fund pursuant to section 77-2602 shall, upon appropriation by the Legislature, be first expended to support the design and development of the Antelope Valley project and financing costs related thereto for the Antelope Valley Study as outlined in the Environmental Impact Statement and Comprehensive Plan Amendment 94-60 to the 1994 Lincoln/Lancaster County Comprehensive Plan. Transfers from the fund to the General Fund may be made at the direction of the Legislature. Any money in the ~~fund~~ City of the Primary Class Development Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion

Act and the Nebraska State Funds Investment Act.

No distribution from the fund shall be made unless the city of the primary class provides matching funds equal to the ratio of one dollar for each three dollars of the state distribution. Funds derived from any state source may not be utilized as matching funds for purposes of this section.

Sec. 3. Section 19-103, Revised Statutes Cumulative Supplement, 2006, is amended to read:

19-103 There is hereby created the City of the Metropolitan Class Development Fund. Amounts credited to the fund pursuant to section 77-2602 shall, upon appropriation by the Legislature, be first expended to support the design and development of the redevelopment projects within the riverfront redevelopment plan designated for the area along the Missouri River generally north of Interstate 480 to Interstate 680 by the city of Omaha, except that each fiscal year there shall be no distribution from the fund until the finance director of the city certifies that other funds have been encumbered for that calendar year by the city to pay the cost of the combined sewer separation program project east of Seventy-second Street in the city of Omaha. Such certification shall be required only until such sewer separation project is completed or until no cigarette tax money is available to the fund. The amount certified shall be at least seven million dollars each calendar year until 2007 and at least four million dollars each calendar year thereafter. The sewer separation project has such a significant impact on the health and welfare of such a large percentage of the population and on public health in general that the project is a matter of statewide concern. Transfers from the fund to the General Fund may be made at the direction of the Legislature. Any money in the ~~fund~~ City of the Metropolitan Class Development Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

No distribution from the fund shall be made unless the city of the metropolitan class provides matching funds equal to the ratio of one dollar for each three dollars of the state distribution. Funds derived from any state source may not be utilized as matching funds for purposes of this section.

Sec. 4. Section 37-351, Reissue Revised Statutes of Nebraska, is amended to read:

37-351 There is hereby created a fund to be known as the Nebraska Outdoor Recreation Development Cash Fund. The fund shall contain the money ~~received~~ credited to the fund pursuant to section 77-2602 and any funds donated as gifts, bequests, or other contributions to such fund from public or private entities. Transfers from the fund to the General Fund may be made at the direction of the Legislature. Any money in the ~~fund~~ Nebraska Outdoor Recreation Development Cash Fund available for investment shall be invested by the state investment officer pursuant to

the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 7. Section 72-1001, Revised Statutes Cumulative Supplement, 2006, is amended to read:

72-1001 The Nebraska Capital Construction Fund is created. The fund shall consist of revenue and transfers credited to the fund as authorized by law. Money shall be appropriated from the fund to state agencies for making payments on projects as determined by the Legislature, including, but not limited to, purchases of land, structural improvements to land, acquisition of buildings, construction of buildings, including architectural and engineering costs, replacement of or major repairs to structural improvements to land or buildings, additions to existing structures, remodeling of buildings, and acquisition of equipment and furnishings of new or remodeled buildings. The fund shall be administered by the State Treasurer as a multiple-agency-use fund and appropriated to state agencies as determined by the Legislature. Transfers from the fund to the General Fund may be made at the direction of the Legislature. Any money in the ~~fund~~ Nebraska Capitol Construction Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 8. Notwithstanding any other provision of law, for bonds issued on or after the operative date of this act, funds received by the issuer pursuant to section 77-2602 shall not be pledged for repayment of the bonds unless the bonds are approved by the Legislature or, if the Legislature is not in session, the Executive Board of the Legislative Council. Within ninety days after the date of submission of a request to permit pledging of funds received pursuant to section 77-2602 for repayment of bonds, the Legislature or, if the Legislature is not in session, the Executive Board of the Legislative Council, shall either approve or disapprove the request.

Sec. 9. Section 81-179, Revised Statutes Supplement, 2007, is amended to read:

81-179 (1) There is hereby created under the control of the Governor, for allocation to building renewal projects of the various agencies, a fund to be known as the Building Renewal Allocation Fund. The fund shall contain the revenue from the special privilege tax as provided in section 77-2602 and such other money as is appropriated by the Legislature. Such appropriation is declared to consist of building renewal funds which shall be kept separate and distinct from the program continuation funds and project construction funds. Transfers from the fund to the General Fund may be made at the direction of the Legislature.

(2) Separate subfunds, subprograms, projects, or accounts shall be established to separately account for any expenditures on state buildings or facilities to comply with the federal Americans

with Disabilities Act of 1990. A minimal amount of the funds contained in the subfunds, subprograms, projects, or accounts may be used for planning and evaluation of buildings and facilities.

(3) The budget division of the Department of Administrative Services may administratively transfer funds to appropriate accounting entities to correctly account for the operating expenditures. A separate fund, cash fund, project, or other account may be administratively established for such purpose.

(4) Any money in the ~~fund~~ Building Renewal Allocation Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 10. Section 81-2004.08, Revised Statutes Supplement, 2007, is amended to read:

81-2004.08 The Nebraska Public Safety Communication System Cash Fund is created. The fund shall be established within the Nebraska State Patrol and administered by the Superintendent of Law Enforcement and Public Safety. The fund shall consist of all revenue credited pursuant to law, including any fund transfers authorized by the Legislature. The fund shall only be used to pay the patrol's direct costs related to administering, operating, and maintaining the Nebraska Public Safety Communication System, except that any unobligated money in the fund may first be used to reduce the patrol's General Fund costs to operate the Nebraska Public Safety Communication System~~,~~ and ~~if additional unobligated money in the fund exists,~~ the Legislature may transfer money from the fund to the ~~State Fire Marshal and the Game and Parks Commission to reduce the General Fund costs to operate the Nebraska Public Safety Communication System.~~ General Fund. Any money in the ~~fund~~ Nebraska Public Safety Communication System Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 14. Sections 1, 2, 3, 4, 7, 8, 9, 10, and 15 of this act become operative on July 1, 2008. The other sections of this act become operative on their effective date.

Sec. 15. Original sections 18-2604 and 37-351, Reissue Revised Statutes of Nebraska, sections 19-102, 19-103, and 72-1001, Revised Statutes Cumulative Supplement, 2006, and sections 77-2602, 81-179, and 81-2004.08, Revised Statutes Supplement, 2007, are repealed.

2. Renumber the remaining sections accordingly.

Senator Erdman filed the following amendment to LB959:
AM2401

(Amendments to Standing Committee amendments, AM2145)

1. Strike section 30.

2. On page 2, line 15, strike "87" and insert "86".

3. Renumber the remaining sections accordingly.

Senator Hudkins filed the following amendment to LB961:
AM2394

(Amendments to E & R amendments, ER8210)

1. Insert the following new section:

Section 1. Section 29-3921, Revised Statutes Cumulative Supplement, 2006, is amended to read:

29-3921 The Commission on Public Advocacy Operations Cash Fund is created. The fund shall be used for the operations of the commission. The fund shall consist of money remitted pursuant to section 33-156. It is the intent of the Legislature that the commission shall be funded solely from the fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. ~~Any money in the County Revenue Assistance Fund on April 19, 2002, shall be transferred to the Commission on Public Advocacy Operations Cash Fund.~~

The State Treasurer shall transfer two hundred fifty thousand dollars from the Commission on Public Advocacy Operations Cash Fund to the University Cash Fund within fifteen days after May 1, 2008. Such funds shall be used for a study of the juvenile legal defense and guardian ad litem systems utilizing the University of Nebraska Public Policy Center to create, administer, and review a Request for Proposals to select from a national search a research consultant that is qualified to provide a methodologically sound and objective assessment of Nebraska's juvenile justice system. The assessment shall include: (1) Gathering of general data and information about the structure and funding mechanisms for juvenile legal defense and guardian ad litem representation; (2) a review of caseloads; (3) examining issues related to the timing of appointment of counsel and guardians ad litem; (4) supervision of attorneys; (5) frequency with which juveniles waive their right to counsel and under what conditions they do so; (6) allocation of resources; (7) adequacy of juvenile court facilities; (8) compensation of attorneys; (9) supervising and training of attorneys; (10) access to investigators, experts, social workers, and support staff; (11) access to educational officers, teachers, educational staff, and truancy officers; (12) the relationship between a guardian ad litem, a juvenile's legal counsel, and the judicial system with identified educational staff regarding a juvenile's educational status; (13) examining issues related to truancy and the relationship between the school districts and the juvenile court system; (14) recidivism; (15) time to permanency and time in court, especially when a guardian ad litem is appointed; and (16) coordination of representation for those juveniles that may have been appointed an attorney in a juvenile delinquency matter and a guardian ad litem because of abuse or neglect. The assessment shall also highlight promising approaches and innovative

practices within the state and offer recommendations to improve weak areas.

2. On page 11, line 8, strike "section" and insert "sections 29-3921 and"; in line 15 strike "section" and insert "sections 29-3921 and"; and in line 19 after the semicolon insert "to provide for a study;".

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. Strike sections 1, 32, 45, and 49.

2. On page 24, line 3; page 25, lines 7, 8, 9, 14, 15, and 26; and page 26, lines 5, 9, 12, 23, and 27, strike the new matter and reinstate the stricken matter.

3. On page 11, lines 9 through 12, strike the new matter.

4. On page 23, lines 8 and 16, strike "assessed" and insert "adjusted".

5. On page 24, lines 5 through 9, reinstate the stricken matter; and in line 11 strike the new matter and reinstate the stricken matter; in line 12 strike the new matter; in lines 13 through 20, reinstate the stricken matter; in line 22 strike "assessed"; reinstate the stricken matter beginning with "(3)" in line 23 through the comma in line 25; in line 25 after the stricken "hundred" insert "ninety-six"; reinstate the stricken

matter beginning with "percent" in line 25 through the comma in line 26; in line 26 after the stricken "seventy-five" insert "seventy-two"; and reinstate the stricken matter in line 27.

6. On page 25, reinstate the stricken matter beginning with "For" in line 1 through the comma in line 2; in line 2 after the stricken "seventy-five" insert "seventy-two"; reinstate the stricken matter beginning with "percent" in line 2 through line 5; in line 6 strike the new matter and reinstate the stricken matter; in line 10, reinstate the stricken matter; and in line 24 strike the new matter and reinstate the stricken matter.

7. On page 26, lines 8 and 26; and page 27, lines 2 and 3 strike the new matter and reinstate the stricken matter.

8. Amend the repealer, correct internal references, and renumber the remaining sections accordingly.

Senator Kopplin filed the following amendment to LB988:
AM2423

(Amendments to AM2369)

1. On page 23, line 5, after "less" insert "(i) for school fiscal year 2008-09, ten cents, (ii) for school fiscal year 2009-10, eight cents, (iii) for school fiscal year 2010-11, six and one-half cents, and (iv) for school fiscal year 2011-12 and each school fiscal year thereafter,".

Senator Kopplin filed the following amendment to LB988:
AM2425

(Amendments to AM2369)

1. On page 23, line 5, after "less" insert "(i) for school fiscal year 2008-09, ten cents, (ii) for school fiscal year 2009-10, nine cents, (iii) for school fiscal year 2010-11, eight cents, (iv) for school fiscal year 2011-12, seven cents, (v) for school fiscal year 2012-13, six cents, and (vi) for school fiscal year 2013-14 and each school fiscal year thereafter,".

Senator White filed the following amendment to LB1001A:
AM2424

1. Strike the original sections and insert the following new sections:

Section 1. There is hereby appropriated (1) $197,700 from the General Fund for FY2008-09 and (2) $37,100 from the General Fund for FY2009-10 to the Department of Revenue, for Program 102, to aid in carrying out the provisions of Legislative Bill 1001, One Hundredth Legislature, Second Session, 2008.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $20,800 for FY2008-09 or $21,400 for FY2009-10.

Sec. 2. There is hereby appropriated (1) $5,844,800 from the Energy Conservation Improvement Fund for FY2008-09 and (2) $8,547,200 from the Energy Conservation Improvement Fund for

FY2009-10 to the Department of Revenue, for Program 110, to aid in carrying out the provisions of Legislative Bill 1001, One Hundredth Legislature, Second Session, 2008.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated 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

printed on recycled paper

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. Strike section 4.

2. Renumber the remaining sections and correct internal 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. Insert the following new sections:

Sec. 50. (1) The Legislature hereby finds and declares that a high-quality system of public education is essential to the prosperity and well-being of the state and necessary to maintaining a high quality of life for all Nebraskans.

(2) The Legislature further finds and declares that the ideal system for funding public schools:

(a) Is fair, understandable, predictable, and stable;

(b) Assures equity in educational opportunities across the state;

(c) Provides sufficient support and resources for all school districts to meet state accreditation standards; and

(d) As much as possible, reduces or limits the reliance on property tax funding.

Sec. 51. (1) The School Funding Study Task Force is created. The task force shall study the current school finance formula to determine if it is meeting the goals set forth in section 50 of this act. If the task force determines that such goals are not being met, the task force shall propose changes, improvements, or alternatives to the current method of funding the public schools that meet the goals set forth in section 50 of this act.

(2) The task force shall include the following members:

(a) The chairpersons of the Committee on Education, Committee on Revenue, and Committee on Appropriations of the Legislature;

(b) Five members of the Legislature, appointed by the Executive Board of the Legislative Council;

(c) The Governor or his or her representative;

(d) Five representatives of kindergarten through twelfth-grade education, including school board members, teachers, administrators, parents, and students, appointed by the Governor;

(e) One member from each of the following organizations, appointed by that organization:

(i) The Nebraska Association of School Boards;

(ii) The Nebraska State Education Association; and

(iii) The Nebraska Council of School Administrators;

(f) The Commissioner of Education or his or her representative; and

(g) Three representatives of business and industry, appointed by the Governor.

(3) The appointed members of the task force shall be appointed within thirty days after the effective date of this act, and the task force shall hold its organizational meeting on or before July 1, 2008. Members of the task force shall receive no compensation but shall be reimbursed for their reasonable and necessary expenses as members of the task force as provided in sections 81-1174 to 81-1177.

Sec. 52. The School Funding Study Task Force shall hold public meetings in each of the congressional districts in Nebraska, as such districts exist on the effective date of this act, and seek public input through all appropriate means. A preliminary report shall be made public and provided to the Legislature by January 1, 2009, and a final report shall be made public and provided to the Legislature by October 1, 2009. The report shall include a plan to accomplish the goals described in section 50 of this act, with appropriate implementation strategies.

Sec. 53. The Legislature and the State Department of Education shall provide staff, logistical, and technical support for the task force.

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. On page 2, line 7, strike "1,022,930,676" and insert "1,039,314,462"; in line 11 strike "1,287,657,601" and insert "1,304,041,387"; in line 17 strike "$1,022,930,676" and insert "$1,039,314,462"; and in line 26 strike "$818,898,810" and insert "$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. Strike section 8, and insert the following new section:

Sec. 8. Section 79-1003.01, Revised Statutes Supplement, 2007, is amended to read:

79-1003.01 (1) For ~~purposes of this section and section 79-1007.03,~~ school fiscal year 2008-09, the department shall calculate a summer school allowance for each district equal to two and one-half percent of the summer school student units for such district multiplied by eighty-five percent of the statewide average general fund operating expenditures per formula student. For purposes of this subsection, summer school student unit means one student enrolled in summer school in a school district, whether or not the student is in the membership of the school district, for (1) at least three hours but fewer than six hours per day and (2) at least twelve days but fewer than twenty-four days. Each school district shall receive a summer school student unit for each qualified time period for which a student is enrolled, up to six units per student per summer.

(2) For school fiscal year 2009-10 and each school fiscal year thereafter, the department shall calculate a summer school allowance for each district equal to two and one-half percent of the summer school student units for such district multiplied by eighty-five percent of the statewide average general fund operating expenditures per formula student. Summer school student units shall be calculated for each student enrolled in summer school in a school district who attends such summer school for at least twelve days, whether or not the student is in the membership of the school district. The initial number of units for each such student shall equal the sum of the ratios, each rounded down to the nearest whole number, of the number of days for which the student attended summer school classes in such district for at least three hours and less than six hours per day divided by twelve days and of two times the number of days for which the student attended summer school classes in such district for six or more hours per day divided by twelve days.

(3) Each school district shall receive an additional summer school student unit for each summer school student unit attributed to remedial math or reading programs. Each school district shall also receive an additional summer school student unit for each summer school student unit attributed to a free lunch and free milk student. This section does not prevent school districts from requiring and collecting fees for summer school, except that summer school student units shall not be calculated for ~~summer school programs for which fees are collected~~ school

districts which collect fees for summer school from students who qualify for free or reduced-price lunches under United States Department of Agriculture child nutrition programs.

2. On page 2, line 19, strike the new matter and reinstate the stricken matter.

3. On page 30, strike beginning with "final" in line 7 through "79-1065" in line 8 and insert "certification of aid pursuant to section 79-1022".

4. On page 67, line 1, strike the new matter and reinstate the stricken matter.

5. Amend the repealer, correct internal references, and 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. Insert the following sections:

Section 1. Section 2-958.01, Revised Statutes Cumulative Supplement, 2006, is amended to read:

2-958.01 The Noxious Weed and Invasive Plant Species Assistance Fund is created. The fund may be used to carry out the purposes of section 2-958.02. The State Treasurer shall credit to the fund ~~any money~~ any funds transferred pursuant to section 54-857, funds appropriated to the fund by the Legislature, and ~~any money~~ funds received as gifts or grants or other private or public funds obtained for the purposes set forth in section 2-958.02. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 2. Section 54-857, Reissue Revised Statutes of Nebraska, is amended to read:

54-857 All money received pursuant to the Commercial Feed Act shall be remitted by the director to the State Treasurer for credit to the Commercial Feed Administration Cash Fund which is hereby created. Such fund shall be used by the department to aid in defraying the expenses of administering the act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

On or before October 1, 2008, the State Treasurer shall transfer two hundred fifty thousand dollars from the Commercial Feed Administrative Cash Fund to the Noxious Weed and Invasive Plant Species Assistance Fund.

2. Correct the repealer section and renumber the 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

Excused and not voting, 4:

Janssen	Pedersen	Raikes	Synowiecki

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. Strike the original sections and insert the following new sections:

Section 1. Section 38-711, Revised Statutes Supplement, 2007, is amended to read:

38-711 (1) The determination and administration of total anesthesia care shall be performed by the certified registered nurse anesthetist or a nurse anesthetist temporarily licensed pursuant to section 38-708 in consultation and collaboration with and with the consent of the licensed practitioner.

(2) The following duties and functions shall be considered as specific expanded role functions of the certified registered nurse anesthetist:

(a) Preanesthesia evaluation including physiological studies to determine proper anesthetic management and obtaining informed consent;

(b) Selection and application of appropriate monitoring devices;

(c) Selection and administration of anesthetic techniques;

(d) Evaluation and direction of proper postanesthesia management and dismissal from postanesthesia care; ~~and~~

(e) Evaluation and recording of postanesthesia course of patients; and ~~.~~

(f) Use of fluoroscopy in conjunction with a licensed medical radiographer in connection with the performance of authorized duties and functions upon (i) the successful completion of appropriate education and training as approved jointly by the department and the board and (ii) a determination regarding the scope and supervision of such use consistent with subsection (3) of this section.

(3) The determination of other duties that are normally considered medically delegated duties to the certified registered nurse anesthetist or to a nurse anesthetist temporarily licensed pursuant to section 38-708 shall be the joint responsibility of the governing board of the hospital, medical staff, and nurse anesthetist personnel of any duly licensed hospital or, if in an office or clinic, the joint responsibility of the duly licensed

practitioner and nurse anesthetist. All such duties, except in cases of emergency, shall be in writing in the form prescribed by hospital or office policy.

Sec. 2. Section 38-1915, Revised Statutes Supplement, 2007, is amended to read:

38-1915 (1) A person licensed by the department, with the recommendation of the board, as a medical radiographer may practice medical radiography on any part of the human anatomy for interpretation by and under the direction of a licensed practitioner, excluding interpretative fluoroscopic procedures, and may use fluoroscopy in conjunction with a certified registered nurse anesthetist as authorized in section 38-711.

(2) An applicant for a license as a medical radiographer shall:

(a) Complete an educational program in radiography approved by the board pursuant to subsection (1) of section 38-1918;

(b) Complete an application in accordance with the Uniform Credentialing Act; and

(c) Successfully complete an examination approved by the board.

~~(2)~~ (3) Presentation of proof of registration in radiography with the American Registry of Radiologic Technologists is proof of meeting the requirements of subdivisions ~~(1)(a)~~ (2)(a) and (c) of this section.

Sec. 3. This act becomes operative on December 1, 2008.

Sec. 4. Original sections 38-711 and 38-1915, Revised Statutes Supplement, 2007, are repealed.

LEGISLATIVE BILL 830. Placed on General File with amendment.
AM2357

1. Strike the original sections and insert the following new sections:

Section 1. Section 68-901, Revised Statutes Cumulative Supplement, 2006, is amended to read:

68-901 Sections 68-901 to 68-949 and sections 2 to 8 of this act shall be known and may be cited as the Medical Assistance Act.

Sec. 2. Sections 2 to 8 of this act shall be known and may be cited as the Medicaid Prescription Drug Act.

Sec. 3. The purpose of the Medicaid Prescription Drug Act is to provide appropriate pharmaceutical care to medicaid recipients in a cost-effective manner by requiring the establishment of a preferred drug list and other activities as prescribed.

Sec. 4. For purposes of the Medicaid Prescription Drug Act:

(1) Labeler means a person or entity that repackages prescription drugs for retail sale and has a labeler code from the

federal Food and Drug Administration under 21 C.F.R. 207.20, as such regulation existed on January 1, 2008;

(2) Manufacturer means a manufacturer of prescription drugs as defined in 42 U.S.C. 1396r-8(k)(5), as such section existed on January 1, 2008, including a subsidiary or affiliate of such manufacturer;

(3) Multistate purchasing pool means an entity formed by an agreement between two or more states to negotiate for supplemental rebates on prescription drugs;

(4) Pharmacy benefit manager means a person or entity that negotiates prescription drug price and rebate arrangements with manufacturers or labelers;

(5) Preferred drug list means a list of prescription drugs that may be prescribed for medicaid recipients without prior authorization by the department; and

(6) Prescription drug has the definition found in section 38-2840.

Sec. 5. (1) The department shall establish and maintain a preferred drug list for the medical assistance program. The department shall establish a pharmaceutical and therapeutics committee to advise the department on all matters relating to the establishment and maintenance of such list.

(2) The pharmaceutical and therapeutics committee shall include at least fifteen but no more than twenty members. Except for public members, all members shall be practicing health care professionals with experience in serving medicaid recipients. No more than twenty-five percent of the committee shall be state employees.

(3) At least fifty percent of the committee shall be physicians, including physicians practicing in the areas of (a) family medicine, (b) internal medicine, (c) pediatrics, (d) cardiology, (e) psychiatry or neurology, (f) obstetrics or gynecology, (g) endocrinology, and (h) oncology.

(4) Other members of the committee shall include, but not be limited to, (a) a hospital pharmacist, (b) a retail pharmacist, (c) a university professor of pharmacy or a person with a doctoral degree in pharmacology, and (d) at least two public members.

(5) Members of the committee shall submit conflict of interest disclosure statements to the department and shall have an ongoing duty to disclose conflicts of interest not included in the original disclosure.

(6) The committee shall elect a chairperson and a vice chairperson from among its members. Members of the committee shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

(7) The department, in consultation with the committee, shall adopt and publish policies and procedures for the preferred drug list, including (a) guidelines for the presentation and review of drugs for inclusion on the preferred drug list, (b)

the manner and frequency of audits of the preferred drug list for appropriateness of patient care and cost effectiveness, (c) an appeals process for the resolution of disputes, and (d) such other policies and procedures as the department deems necessary and appropriate.

Sec. 6. (1) The department and the pharmaceutical and therapeutics committee shall consider all therapeutic classes of prescription drugs for inclusion on the preferred drug list, except that antidepressant, antipsychotic, and anticonvulsant prescription drugs shall not be subject to consideration for inclusion on the preferred drug list.

(2)(a) The department shall include a prescription drug on the preferred drug list if the prescription drug is therapeutically equivalent to or superior to a prescription drug on the list and the net cost of the new prescription drug is equal to or less than the net cost of the listed drug, after consideration of applicable rebates or discounts negotiated by the department.

(b) If the department finds that two or more prescription drugs under consideration for inclusion on the preferred drug list are therapeutically equivalent, the department shall include the more cost-effective prescription drug or drugs on the preferred drug list.

(3) The department shall maintain an updated preferred drug list in electronic format and shall make the list available to the public on the department's Internet web site.

Sec. 7. (1) A health care provider may prescribe a prescription drug not on the preferred drug list to a medicaid recipient if (a) the prescription drug is medically necessary, (b)(i) the prescriber certifies that the preferred drug has not been effective, or with reasonable certainty is not expected to be effective, in treating the recipient's condition or (ii) the preferred drug causes or is reasonably expected to cause adverse or harmful reactions in the recipient, and (c) the department authorizes coverage for the prescription drug prior to the dispensing of the drug. The department shall respond to a prior authorization request no later than twenty-four hours after receiving such request.

(2) A health care provider may prescribe a prescription drug not on the preferred drug list to a medicaid recipient without prior authorization by the department if the recipient is already on a successful course of antidepressant, antipsychotic, or anticonvulsant medication or medication for human immunodeficiency virus, multiple sclerosis, epilepsy, cancer, or immunosuppressant therapy or the recipient has had a prior failure with a medication in the class of drugs from which the provider is seeking to prescribe.

Sec. 8. The department shall: (1) Enter into a multistate purchasing pool; (2) negotiate directly with manufacturers or labelers; or (3) contract with a pharmacy benefit manager for

negotiated discounts or rebates for all prescription drugs under the medical assistance program in order to achieve the lowest available price for such drugs under such program.

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. Strike original section 3 and insert the following new section:

Sec. 3. (1) A licensee or an applicant for a license to practice medicine and surgery or osteopathic medicine and surgery shall not:

(a) Add a markup, commission, or profit on a professional service or other service rendered by another physician; or

(b) Directly or indirectly increase the actual amount to be paid for a professional service or other service if the applicant or licensee was a referring physician who ordered but did not supervise or perform the service.

(2) A licensee or an applicant for a license to practice medicine and surgery or osteopathic medicine and surgery who is a referring physician who ordered but did not supervise or perform a professional service may add a reasonable handling, conveyance, acquisition, or processing charge if:

(a) The patient is made aware of the added charge;

(b) The added charge is commensurate with the handling, conveyance, acquisition, or processing service rendered by the licensee or applicant or his or her practice; and

(c) Such charge is appended with (i) the appropriate American Medical Association current procedural terminology code for handling, conveyance, acquisition, and processing of the specimen or (ii) the appropriate American Medical Association current procedural terminology code modifier indicating that a professional service or laboratory service was performed by another party.

(3) A licensee or an applicant for a license to practice medicine and surgery or osteopathic medicine and surgery who orders or provides any professional service, clinical or technical laboratory service, or procedure shall disclose in a bill or statement presented to the patient, insurer, or other third-party payor:

(a) An itemized list of the actual amount paid or to be paid for each professional service, clinical or technical laboratory service, or procedure ordered or provided by the applicant or licensee and any other charge incurred;

(b) The name and address of each provider, if different from that of the applicant or licensee, of each professional

service, clinical or technical laboratory service, or procedure; and

(c) Written notice that meets the requirements of subdivision (2)(c) of this section regarding any charge added pursuant to subsection (2) of this section.

(4) For purposes of this section:

(a)(i) Anatomic pathology service means histopathology or surgical pathology, cytopathology, hematology, subcellular pathology and molecular pathology, or blood-banking services performed by a pathologist.

(ii) Anatomic pathology service does not include the initial collection or packaging of the specimen for transport or histologic processing or microscopic slide preparation;

(b) Anesthesiology service means the taking of a medical history and the performance of a physical examination in conjunction with the administration of anesthesia;

(c) Laboratory service means laboratory tests or procedures, including blood tests not interpreted by a physician, and histologic processing or microscopic slide preparation;

(d) Professional service includes, but is not limited to, the taking of a medical history, the performance of a physical examination, radiology services, anesthesiology services, and anatomic pathology services; and

(e) Radiology service means a radiologic procedure and interpretation of radiologic test results.

LEGISLATIVE BILL 1120. Placed on General File with amendment.
AM2328

1. On page 2, lines 12 to 17, reinstate the stricken matter; in line 14 after the reinstated "where" insert "(a)"; and in line 17 after the reinstated "body" insert "and (b) the tribe has a self-determination agreement in place with the Bureau of Indian Affairs of the United States Department of the Interior and the Indian Health Service of the United States Department of Health and Human Services so that payment for enrolled members of a federally recognized Indian tribe who are served at such facility 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

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. Insert the following new sections:

Section 1. Section 71-531, Reissue Revised Statutes of Nebraska, is amended to read:

71-531 ~~(1)~~ (1)(a) No person may be tested for the presence of the human immunodeficiency virus infection unless he or she has given written informed consent for the performance of such test. ~~A parent of a minor child or a judicially appointed guardian may give such consent.~~

(b) If a person signs a general consent form for the performance of medical tests or procedures, the signing of an additional consent for the specific purpose of consenting to an HIV-related test is not required during the time in which the general consent form is in effect. Such general consent form shall

inform the person that a test for the presence of the human immunodeficiency virus infection may be performed and that the person may refuse the performance of such test.

(2) If a person is unable to provide consent, the person's legal representative may provide consent. If the person's legal representative cannot be located or is unavailable, a health care provider may authorize the test when the test results are necessary for diagnostic purposes to provide appropriate medical care.

~~(2)~~ (3) The written informed consent ~~shall provide:~~ for the performance of an HIV-related test under subdivision (1)(a) of this section shall include:

(a) An explanation of the test, including the test's purposes, potential uses, and limitations, and the meaning of both positive and negative results;

(b) An explanation of the nature of the human immunodeficiency virus and acquired immunodeficiency syndrome, including the relationship between the test results and the diseases which are part of the syndrome;

(c) An explanation of the procedures to be followed, including the fact that the test is entirely voluntary; and

(d) Information concerning behavioral patterns known to expose a person to the possibility of contracting the human immunodeficiency virus and the methods for minimizing the risk of exposure.

~~(3)~~ (4) A person seeking a human immunodeficiency virus test shall have the right to remain anonymous. A health care provider shall confidentially refer such person to a site which provides anonymous testing.

~~(4)~~ (5) This section shall not apply to:

(a) The performance by a health care provider or a health facility of a human immunodeficiency virus test when the health care provider or health facility procures, processes, distributes, or uses a human body part for a purpose specified under the Uniform Anatomical Gift Act and such test is necessary to assure medical acceptability of such gift for the purposes intended;

(b) The performance by a health care provider or a health facility of a human immunodeficiency virus test when such test is performed with the consent and written authorization of the person being tested and such test is for insurance underwriting purposes, written information about the human immunodeficiency virus is provided, including, but not limited to, the identification and reduction of risks, the person is informed of the result of such test, and when the result is positive, the person is referred for posttest counseling;

(c) The performance of a human immunodeficiency virus test by licensed medical personnel of the Department of Correctional Services when the subject of the test is committed to such department. Posttest counseling shall be required for

the subject if the test is positive. A person committed to the Department of Correctional Services shall be informed by the department (i) if he or she is being tested for the human immunodeficiency virus, (ii) that education shall be provided to him or her about the human immunodeficiency virus, including, but not limited to, the identification and reduction of risks, and (iii) of the test result and the meaning of such result;

(d) Human immunodeficiency virus home collection kits licensed by the federal Food and Drug Administration; or

(e) The performance of a human immunodeficiency virus test performed pursuant to section 29-2290 or sections 71-507 to 71-513 or 71-514.01 to 71-514.05.

Sec. 2. Section 71-1910, Revised Statutes Supplement, 2007, is amended to read:

71-1910 For purposes of the Child Care Licensing Act, unless the context otherwise requires:

(1) Department means the Department of Health and Human Services; and

(2)(a) Program means the provision of services in lieu of parental supervision for children under thirteen years of age for compensation, either directly or indirectly, on the average of less than twelve hours per day, but more than two hours per week, and includes any employer-sponsored child care, family child care home, child care center, school-age child care program, school-age services pursuant to section 79-1104, or preschool or nursery school.

(b) Program does not include casual care at irregular intervals, a recreation camp as defined in section 71-3101, <u>a recreation facility, center, or program operated by a political or governmental subdivision pursuant to the authority provided in section 13-304,</u> classes or services provided by a religious organization other than child care or a preschool or nursery school, a preschool program conducted in a school approved pursuant to section 79-318, services provided only to school-age children during the summer and other extended breaks in the school year, or foster care as defined in section 71-1901.

Sec. 3. Sections 2, 4, and 6 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. 4. Original section 71-1910, Revised Statutes Supplement, 2007, is repealed.

Sec. 5. Original section 71-531, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 7. Since an emergency exists, this act takes effect when passed and approved according to law.

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

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)

Purpose: This amendment harmonizes section 2 with LB 480 which was passed and signed into law in February.

Amendment:

1. Strike section 2 and insert the following new section:

Sec. 2. Section 71-7611, Revised Statutes Supplement, 2007, as amended by section 2, Legislative Bill 480, One Hundredth Legislature, Second Session, 2008, is amended to read:

71-7611 (1) The Nebraska Health Care Cash Fund is created. The State Treasurer shall transfer fifty-five million <u>seven hundred thousand</u> dollars annually no later than July 15 from the Nebraska Medicaid Intergovernmental Trust Fund and the Nebraska Tobacco Settlement Trust Fund to the Nebraska Health Care Cash Fund, except that such amount shall be reduced by the amount of the unobligated balance in the Nebraska Health Care Cash Fund at the time the transfer is made. <u>On or before May 1, 2008, the State Treasurer shall transfer from the Nebraska Medicaid</u>

Intergovernmental Trust Fund and the Nebraska Tobacco Settlement Trust Fund an additional two hundred fifty thousand dollars to the Nebraska Health Care Cash Fund. The state investment officer upon consultation with the Nebraska Investment Council shall advise the State Treasurer on the amounts to be transferred from the Nebraska Medicaid Intergovernmental Trust Fund and from the Nebraska Tobacco Settlement Trust Fund under this section in order to sustain such transfers in perpetuity. The state investment officer shall report to the Legislature on or before October 1 of every even-numbered year on the sustainability of such transfers. Except as otherwise provided by law, no more than fifty-five million seven hundred thousand dollars may be appropriated or transferred from the Nebraska Health Care Cash Fund in any fiscal year.

(2) Any money in the Nebraska Health Care Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(3) One million dollars in the Nebraska Health Care Cash Fund is designated each year for the Autism Treatment Program Act for five fiscal years beginning in fiscal year 2007-08 and shall be distributed in each fiscal year as follows: (a) First, to the Department of Health and Human Services for costs related to application and implementation of the waiver; (b) second, to the department for other medical costs for children who would not otherwise qualify for medicaid except for the waiver; and (c) third, the balance to the Autism Treatment Program Cash Fund. The State Treasurer shall transfer the balance of the funding to the Autism Treatment Program Cash Fund based on the estimated costs of administrative and other medical costs as determined by the Legislature through the appropriation process. The transfers to the Autism Treatment Program Cash Fund in any fiscal year shall be contingent upon the receipt of private matching funds under the Autism Treatment Program Act, with no less than one dollar of private funds received for every two dollars transferred from the Nebraska Health Care Cash Fund to the Autism Treatment Program Cash Fund.

(4) The University of Nebraska and postsecondary educational institutions having colleges of medicine in Nebraska and their affiliated research hospitals in Nebraska, as a condition of receiving any funds appropriated or transferred from the Nebraska Health Care Cash Fund, shall not discriminate against any person on the basis of sexual orientation.

(5) The State Treasurer shall transfer two hundred thousand dollars from the Nebraska Health Care Cash Fund to the University of Nebraska Medical Center Cash Fund for the Nebraska Regional Poison Center within fifteen days after each July 1.

2. On page 11, line 9, strike ", 71-7611,"; in line 10 strike "and"; in line 11 after the comma insert "and section 71-7611, Revised Statutes Supplement, 2007, as amended by section

2, Legislative Bill 480, One Hundredth Legislature, Second Session, 2008,"; in line 16 strike the third comma; in line 17 strike "71-7611," and strike the second "and"; and in line 18 after "281" insert ", and section 71-7611, Revised Statutes Supplement, 2007, as amended by section 2, Legislative Bill 480, One Hundredth 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. Insert the following new sections:

Sec. 6. <u>Notwithstanding any other provision of law, for bonds issued on or after the operative date of this act, funds received by the issuer pursuant to section 77-2602 shall not be pledged for repayment of bonds.</u>

Sec. 7. Section 6 of this act becomes operative on July 1, 2008. The other sections of this act become operative on their effective date.

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)

Purpose: To appropriate $750,000 General Funds for community-based aging programs for FY2008-09, increasing the appropriation by $500,000.

Amendment:

1. On page 10, lines 23 and 24, strike "250,000" and insert "750,000"; and in line 26 strike "$250,000" and insert "$750,000".

Senator Heidemann filed the following amendment to LB959:
AM2437

(Amendments to Standing Committee amendments, AM2145)

Purpose: To provide for funding to follow clients as they move out of the Beatrice State Developmental Center.

Amendment:

1. On page 10, after line 5 insert:

"The chief executive officer of the Department of Health and Human Services shall certify to the budget administrator of the budget division of the Department of Administrative Services the FY2007-08 and FY2008-09 unexpended appropriation balances for the Beatrice State Developmental Center, Program 421, resulting from reduced or discontinued Program 421 services. The budget administrator of the budget division of the Department of Administrative Services shall administratively transfer during FY2007-08 and FY2008-09 available unexpended appropriation balances as certified by the chief executive officer of the Department of Health and Human Services from the Beatrice State Developmental Center, Program 421, to Developmental Disability Aid, Program 424, and Medical Assistance, Program 348.

It is the intent of the Legislature that the Department of Health and Human Services shall report at least quarterly to the Governor and the Legislature on the funds transferred from Program 421 pursuant to this section in FY2007-08 and FY2008-09. The report shall include detailed documentation of the funds and clients moved to community-based developmental disability services or other services. The report shall also include criteria used to identify clients to be moved and plans to monitor the placement and care of clients transferred from the Beatrice State Developmental Center.".

Senator Erdman filed the following amendment to LB959:
AM2434

(Amendments to Standing Committee amendments, AM2145)

1. Insert the following new sections:

Sec. 21. AGENCY NO. 18 - DEPARTMENT OF AGRICULTURE

Program No. 27 - Departmental Administration

	FY2007-08	FY2008-09
CASH FUND	-0-	7,500
PROGRAM TOTAL	-0-	7,500
SALARY LIMIT	-0-	-0-

There is included in the appropriation to this program for FY2008-09 $7,500 Cash Funds to be used for the purpose of supplementing the Livestock Market News program.

Sec. 58. The General Fund appropriation for FY2007-08 to the University of Nebraska, for Program 781, is hereby reduced by $30,000.

Sec. 59. On or before June 30, 2008, the State Treasurer shall transfer $30,000 from the General Fund to the Agricultural Products Marketing Information Cash Fund.

2. On page 2, line 15, strike "87" and insert "90".

3. Renumber the remaining sections accordingly.

Senator Kruse filed the following amendment to LB959:

AM2450

(Amendments to Standing Committee amendments, AM2145)

1. On page 11, after line 8 insert the following new paragraph:

"It is the intent of the Legislature that the Department of Roads shall submit a report to the chairperson of the Appropriations Committee of the Legislature on or before December 1, 2008, regarding funds requested by each applicant for eligible operating costs in FY2008-09 pursuant to subsection (2) of section 13-1209 and the total amount of state grants projected to be awarded in FY2008-09 pursuant to the public transportation assistance program established under section 13-1209. The report shall separate into two categories the requests and grants awarded for handicapped vans, otherwise known as paratransit vehicles, and requests and grants awarded for handicapped-accessible fixed route bus systems.".

Senator Rogert filed the following amendment to LB959:

AM2441

(Amendments to Standing Committee amendments, AM2145)

1. Insert the following new section:

Sec. 71. Laws 2007, LB 321, section 100, is amended to read:

Sec. 100. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN SERVICES

Program No. 33 - Administration

	FY2007-08	FY2008-09
~~GENERAL FUND~~	~~98,827,440~~	~~101,028,262~~
GENERAL FUND	98,827,440	99,828,262

CASH FUND	19,138,938	20,214,196
FEDERAL FUND est.	180,476,885	185,338,172
~~PROGRAM TOTAL~~	~~298,443,263~~	~~306,580,630~~
PROGRAM TOTAL	298,443,263	305,380,630
SALARY LIMIT	122,965,506	125,987,447

The unexpended Cash Fund balance in Agency 26, Program 341, remaining on June 30, 2007, is hereby reappropriated.

The FY2007-08 and FY2008-09 appropriations contained in this section shall be allocated for the purposes of program monitoring, accounting, and reporting as follows:

(1) General Operations

	FY2007-08	FY2008-09
~~GENERAL FUND~~	~~30,866,609~~	~~32,021,063~~
GENERAL FUND	30,866,609	30,821,063
CASH FUND	5,018,596	5,584,607
FEDERAL FUND est.	90,406,356	94,656,829
~~PROGRAM TOTAL~~	~~126,291,561~~	~~132,262,499~~
PROGRAM TOTAL	126,291,561	131,062,499
SALARY LIMIT	30,423,010	31,624,559

There is included in the appropriation and reappropriation to this program $4,000,000 Cash Funds and $27,750,000 Federal Funds estimate for FY2007-08 to continue development and implementation of a Medicaid Management Information System to replace the current system. There is included in the appropriation to this program $3,500,000 Cash Funds and $14,750,000 Federal Funds estimate for FY2008-09 to continue development and implementation of a Medicaid Management Information System to replace the current system.

(2) Public Health Administration

	FY2007-08	FY2008-09
GENERAL FUND	4,743,385	4,858,471
CASH FUND	11,333,031	11,832,677
FEDERAL FUND est.	12,646,005	12,902,001
PROGRAM TOTAL	28,722,421	29,593,149
SALARY LIMIT	14,614,758	14,880,824

There is included in the appropriation to this program for FY2007-08 $13,688 Cash Funds for regulatory support for emergency medical technicians-intermediate and emergency medical technicians-paramedic licensing from the Nebraska Health Care Cash Fund. There is included in the appropriation to this program for FY2008-09 $13,688 Cash Funds for regulatory support for emergency medical technicians-intermediate and emergency medical technicians-paramedic licensing from the Nebraska Health Care Cash Fund.

(3) Medicaid and Long-Term Care Administration

	FY2007-08	FY2008-09
GENERAL FUND	8,407,974	8,739,036
CASH FUND	452,877	510,928
FEDERAL FUND est.	14,353,907	14,687,385

PROGRAM TOTAL	23,214,758	23,937,349
SALARY LIMIT	5,600,000	5,712,000

There is included in the appropriation to this program $404,643 Cash Funds for FY2007-08 and $404,643 Cash Funds for FY2008-09 from the Nebraska Health Care Cash Fund for respite services in each of the service areas designated by the Department of Health and Human Services and for administrative costs, including personnel costs, associated with the Nebraska Lifespan Respite Services Program.

There is included in the appropriation to this program for FY2007-08 $250,000 Cash Funds for implementation of a nurse visitation program for medicaid-eligible pregnant teens from the Nebraska Health Care Cash Fund.

(4)(a) Protection and Safety

	FY2007-08	FY2008-09
GENERAL FUND	18,617,458	18,821,339
CASH FUND	702,133	687,561
FEDERAL FUND est.	20,384,478	20,391,375
PROGRAM TOTAL	39,704,069	39,900,275
SALARY LIMIT	28,770,000	29,345,400

(b) Economic and Family Support

	FY2007-08	FY2008-09
GENERAL FUND	20,248,185	20,469,923
CASH FUND	763,634	747,785
FEDERAL FUND est.	22,169,980	22,177,481
PROGRAM TOTAL	43,181,799	43,395,189
SALARY LIMIT	31,290,000	31,915,800

(c) Developmental Disabilities Service Coordination

	FY2007-08	FY2008-09
GENERAL FUND	4,529,795	4,579,401
CASH FUND	170,835	167,290
FEDERAL FUND est.	4,959,727	4,961,405
PROGRAM TOTAL	9,660,357	9,708,096
SALARY LIMIT	7,000,000	7,140,000

(d) Children and Families Services Administration

	FY2007-08	FY2008-09
GENERAL FUND	9,725,721	9,832,227
CASH FUND	250,976	245,767
FEDERAL FUND est.	13,479,837	13,484,398
PROGRAM TOTAL	23,456,534	23,562,392
SALARY LIMIT	3,206,300	3,270,426

(5) Behavioral Health Administration

	FY2007-08	FY2008-09
GENERAL FUND	1,093,448	1,105,423
CASH FUND	436,265	427,210
FEDERAL FUND est.	1,569,217	1,569,748
PROGRAM TOTAL	3,098,930	3,102,381
SALARY LIMIT	1,212,920	1,235,920

There is included in the appropriation to this program for FY2007-08 $25,000 Cash Funds from the Nebraska Health Care Cash Fund for compulsive gamblers assistance programs. There is included in the appropriation to this program for FY2008-09 $25,000 Cash Funds from the Nebraska Health Care Cash Fund for compulsive gamblers assistance programs.

(6) Developmental Disabilities Administration

	FY2007-08	FY2008-09
GENERAL FUND	594,865	601,379
CASH FUND	10,591	10,371
FEDERAL FUND est.	507,378	507,550
PROGRAM TOTAL	1,112,834	1,119,300
SALARY LIMIT	842,518	862,518

The budget division of the Department of Administrative Services shall create a separate budget program for each allocation contained in this section to properly report, account for, and monitor program appropriations and expenditures.

The allocations and salary limit provided in this section may be administratively transferred from any one of the budget programs established pursuant to this section to any of the remaining budget programs contained in this section for FY2007-08 and FY2008-09 at the request of the chief executive officer of the Department of Health and Human Services and after approval by the budget administrator of the budget division of the Department of Administrative Services. The chairpersons of the Health and Human Services Committee and the Appropriations Committee of the Legislature and the Legislative Fiscal Analyst shall be notified of any administrative transfer of allocations or salary limit processed pursuant to this section.

2. On page 2, line 15, strike "87" and insert "88".

3. On page 10, lines 1 and 4 strike the second "-0-" and insert "1,200,000"; in line 5 strike "1,265,000" and insert "2,465,000"; and after line 5 insert:

"It is the intent of the Legislature that the funding included in this section shall only be used for strategies, including bonuses, to retain and recruit quality staff and employees at the Beatrice State Developmental Center.".

4. On page 56, line 18, after "88," insert "100,".

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

printed on recycled paper

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

Excused and not voting, 2:

Dubas	Gay

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. Insert the following new sections:

Sec. 2. Section 60-6,268, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,268 ~~(1)~~ A person violating any provision of subsection (1) of section 60-6,267 shall be guilty of an infraction as defined in section 29-431 and shall be fined twenty-five dollars for each violation. The failure to provide a child restraint system

for more than one child in the same vehicle at the same time, as required in such subsection, shall not be treated as a separate offense.

~~(2) Enforcement of subdivision (1)(b) and subsection (6) of section 60-6,267 shall be accomplished only as a secondary action when an operator of a motor vehicle has been cited or charged with a violation or some other offense unless the violation involves a person under the age of eighteen years riding in or on any portion of the vehicle not designed or intended for the use of passengers when the vehicle is in motion.~~

Sec. 3. All federal funds received by the state pursuant to 23 U.S.C. 406 shall be used only for purposes specified in 23 U.S.C. 406(e).

Sec. 25. The following section is outright repealed: Section 60-6,271, Reissue Revised Statutes of Nebraska.

2. Renumber the remaining sections and correct internal references, the operative date section, and the repealer so that the sections added by this amendment become operative on their 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. Insert the following new section:

Sec. 74. Laws 2007, LB 321, section 122, is amended to read:

Sec. 122. AGENCY NO. 25 - DEPARTMENT OF HEALTH AND HUMAN SERVICES - DEVELOPMENTAL DISABILITIES

Program No. 421 - Beatrice State Developmental Center

	FY2007-08	FY2008-09
GENERAL FUND	17,496,784	18,965,852
CASH FUND	4,136,276	4,136,276
~~FEDERAL FUND est.~~	~~28,593,356~~	~~28,889,132~~
FEDERAL FUND est.	30,093,356	28,889,132
~~PROGRAM TOTAL~~	~~50,226,416~~	~~51,991,260~~
PROGRAM TOTAL	51,726,416	51,991,260
SALARY LIMIT	28,087,017	28,691,048

There is included in the appropriation to this program for FY2007-08 $1,500,000 Federal Funds estimate, which shall only be used for strategies, including bonuses, to retain and recruit quality staff and employees at the Beatrice State Developmental Center.

2. On page 2, line 15, strike "87" and insert "88".
3. On page 56, line 18, after "120," insert "122,".
4. Renumber the remaining sections accordingly.

Pending.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	**Committee**
LR283	Executive Board

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

UNANIMOUS CONSENT - Time Change

Senator Louden 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

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. Strike amendments 1 and 2 and insert the following new amendments:

"1. Insert the following new sections:

Sec. 5. Section 2-3234, Revised Statutes Cumulative Supplement, 2006, is amended to read:

2-3234 ~~Each~~ Except as provided in section 2 of this act, each district shall have the power and authority to exercise the power of eminent domain when necessary to carry out its authorized purposes within the limits of the district or outside its boundaries. Exercise of eminent domain shall be governed by the provisions of sections 76-704 to 76-724, except that whenever any district seeks to acquire the right to interfere with the use of any water being used for power purposes in accordance with sections 46-204, 70-668, 70-669, and 70-672 and is unable to agree with the user of such water upon the compensation to be paid for such interference, the procedure to condemn property shall be followed in the manner set forth in sections 76-704 to 76-724 and no other property shall be included in such condemnation. No district shall contract for delivery of water to persons within the corporate limits of any village, city, or metropolitan utilities district, nor in competition therewith outside such corporate limits, except by consent of and written agreement with the governing body of such political subdivision. A village, city, or metropolitan utilities district may negotiate and, if necessary, exercise the power of eminent domain for the acquisition of water supply facilities of the district which are within its boundaries.

Sec. 6. Section 2-3290.01, Revised Statutes Cumulative

Supplement, 2006, is amended to read:

2-3290.01 (1) A district shall permit public use of those portions of a water project located on lands owned by the district and on land over which the district has a lease or an easement permitting use thereof for public recreational purposes. All recreational users of such portions of a water project shall abide by the applicable rules and regulations adopted and promulgated by the board.

(2) The district shall provide public access for recreational use at designated access points at any water project. Recreational users, whether public or private, shall abide by all applicable rules and regulations for use of the water project adopted and promulgated by the district or the political subdivision in which the water project is located. Public recreational users may only access the water project through such designated access points. Nothing in this subsection shall require public access when the portion of the project cost paid by the natural resources district with public funds does not exceed twenty percent of the total cost of the project.

(3) For purposes of this section water project means a project with cooperators or others, as authorized in section 2-3235, that results in construction of a reservoir or other body of water having a permanent pool suitable for recreational purposes greater than one hundred fifty surface acres, the construction of which commenced after July 14, 2006. Water project shall not mean soil conservation projects, wetlands projects, <u>projects described in section 2 of this act,</u> or other district projects with cooperators or others that do not have a recreational purpose.

<u>(4) For projects funded under section 2 of this act that result in a reservoir or other body of water having a permanent pool suitable for recreational purposes greater than twenty surface acres, the district shall provide public access for recreational use at designated access points and shall include access to the land area a minimum distance of one hundred feet from the permanent pool. Recreational users, whether public or private, shall abide by all applicable rules, regulations, ordinances, or resolutions for use of the project adopted by the district or the political subdivision in which the project is located. Public recreational users may only access the project through such designated access points.</u>

Sec. 8. Original sections 2-3234 and 2-3290.01, Revised Statutes Cumulative Supplement, 2006, are repealed.

2. On page 2, line 10, before "<u>The</u>" insert "<u>(1)</u>"; and in line 15 after the period insert: "<u>For purposes of this section, flood control and water quality projects and practices include, but are not limited to, low-impact development best management measures, flood plain buyout, dams, reservoir basins, and levees. No such project shall include a reservoir or water quality basin having a permanent pool greater than four hundred surface acres.</u>

Any project having a permanent pool greater than twenty surface acres shall provide for public access.

(2)(a) Bond proceeds shall not be expended for projects and practices unless the political subdivision exercising zoning jurisdiction over the area encompassing the project or practices has adopted into its comprehensive plan, zoning ordinances or resolutions, or stormwater management policies a requirement that low-impact development measures and techniques shall be employed to control at a minimum the first one-half inch of rainwater runoff from any new development; and

(b) Bond proceeds shall not be expended for projects and practices that are prohibited under the comprehensive plan, zoning ordinances or resolutions, or stormwater management policies of the political subdivision exercising zoning jurisdiction over the area encompassing such project or practices.

(3) A district shall not acquire real property for a project described in subsection (1) of this section by eminent domain proceedings pursuant to sections 76-704 to 76-724 if the real property is to be conveyed to a private entity or private enterprise after such acquisition.".

3. Renumber the remaining section accordingly.".

Senator Stuthman filed the following amendment to LB766:
AM2453

(Amendments to Final Reading copy)

1. On page 5, strike beginning with "and" in line 1 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

printed on recycled paper

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:

LB/LR	**Committee**
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. Insert the following new sections:

Sec. 15. The Legislature finds that:

(1) The Nebraska Investment Council was created by the Legislature in Laws 1967, LB 335. Additional legislation was passed in Laws 1969, LB 1345, which provided for centralization of the investment of state funds and addressed types of authorized investments and since then the statutory framework of the council has been modified periodically by the Legislature;

(2) The laws of Nebraska provide that the appointed members of the council and the state investment officer are deemed

fiduciaries with respect to investment of the assets (a) in the retirement systems and the Nebraska educational savings plan trust and as fiduciaries are required to discharge their duties with respect to such assets solely in the best interest of the members and beneficiaries of such plans and (b) of other state funds solely in the best interest of the residents of Nebraska;

(3) As fiduciaries, the appointed members of the council and the officer must act with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in like capacity and familiar with such matters would use in the conduct of an enterprise of like character with like aims by diversifying the investments of assets in the various plans so as to minimize the risk of large losses;

(4) The council managed over fifteen billion three hundred million dollars of assets as of September 30, 2007. Those assets have quadrupled since 1995. The assets managed by the council produced almost one billion five hundred million dollars in investment earnings in 2006 and almost seven billion dollars of investment earnings since December 31, 1995;

(5) The council has the responsibility of the management of portfolios for over thirty state entities. The financial markets and investment strategies that must be employed to achieve satisfactory returns have become more complex and the best practices of similar state government investment agencies have evolved since the creation of the council; and

(6) Pursuant to section 72-1249.02, the operating costs of the council are charged to the income of each fund managed by the council, and such charges are transferred to the State Investment Officer's Cash Fund. Management, custodial, and service costs that are a direct expense of state funds are paid from the income of such funds.

Sec. 16. The Nebraska Investment Council shall enter into a contract with a qualified independent organization familiar with similar state investment offices to complete a comprehensive review of the current statutory, regulatory, and organizational situation of the council, review best practices of similar state investment offices, and make recommendations to the council, the Governor, and the Legislature for changes needed to ensure that the council has adequate authority to independently execute its fiduciary responsibilities to the members and beneficiaries of the retirement systems and the Nebraska educational savings plan trust and the residents of Nebraska with regards to other state funds.

Sec. 17. The Legislature shall appropriate funds to the State Investment Officer for the State Investment Officer's Cash Fund to carry out the provisions of sections 15 to 17 of this act.

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, Louden, 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. Insert the following new sections:

Sec. 5. Section 2-3225, Revised Statutes Supplement, 2007, is amended to read:

2-3225 ~~(1)(a) Each~~ (1)(a)(i) Each district encompassing a city of the metropolitan class shall have the power and authority to levy a tax of not to exceed three and one-half cents on each one hundred dollars of taxable valuation annually on all of the taxable property within such district unless a higher levy is authorized pursuant to section 77-3444.

(ii) Except as provided in subdivision (1)(a)(i) of this section, each district shall have the power and authority to levy a tax of not to exceed four and one-half cents on each one hundred dollars of taxable valuation annually on all of the taxable property within such district unless a higher levy is authorized pursuant to section 77-3444.

(b) Each district shall also have the power and authority to levy a tax equal to the dollar amount by which its restricted funds budgeted to administer and implement ground water management activities and integrated management activities under the Nebraska Ground Water Management and Protection Act exceed its restricted funds budgeted to administer and implement ground water management activities and integrated management activities for FY2003-04, not

to exceed one cent on each one hundred dollars of taxable valuation annually on all of the taxable property within the district.

(c) In addition to the power and authority granted in subdivisions (1)(a) and (b) of this section, each district located in a river basin, subbasin, or reach that has been determined to be fully appropriated pursuant to section 46-714 or designated overappropriated pursuant to section 46-713 by the Department of Natural Resources shall also have the power and authority to levy a tax equal to the dollar amount by which its restricted funds budgeted to administer and implement ground water management activities and integrated management activities under the Nebraska Ground Water Management and Protection Act exceed its restricted funds budgeted to administer and implement ground water management activities and integrated management activities for FY2005-06, not to exceed three cents on each one hundred dollars of taxable valuation on all of the taxable property within the district for fiscal year 2006-07 and each fiscal year thereafter through fiscal year 2011-12.

(d) In addition to the power and authority granted in subdivisions (a) through (c) of this subsection, a district with jurisdiction that includes a river subject to an interstate compact among three or more states and that also includes one or more irrigation districts within the compact river basin may annually levy a tax not to exceed ten cents per one hundred dollars of taxable valuation of all taxable property in the district for the payment of principal and interest on bonds and refunding bonds issued pursuant to section 2-3226.01. Such levy is not includable in the computation of other limitations upon the district's tax levy.

(2) The proceeds of the tax levies authorized in subdivisions (1)(a) through (c) of this section shall be used, together with any other funds which the district may receive from any source, for the operation of the district. When adopted by the board, the tax levies authorized in subdivisions (1)(a) through (d) of this section shall be certified by the secretary to the county clerk of each county which in whole or in part is included within the district. Such levy shall be handled by the counties in the same manner as other levies, and proceeds shall be remitted to the district treasurer. Such levy shall not be considered a part of the general county levy and shall not be considered in connection with any limitation on levies of such counties.

Sec. 8. Section 77-3442, Revised Statutes Supplement, 2007, is amended to read:

77-3442 (1) Property tax levies for the support of local governments for fiscal years beginning on or after July 1, 1998, shall be limited to the amounts set forth in this section except as provided in section 77-3444.

(2)(a) Except as provided in subdivision (2)(e) of this section, school districts and multiple-district school systems,

except learning communities and school districts that are members of learning communities, may levy a maximum levy of one dollar and five cents per one hundred dollars of taxable valuation of property subject to the levy.

(b) For each fiscal year, learning communities may levy a maximum levy for the general fund budgets of member school districts equal to the local effort rate prescribed in section 79-1015.01 for such fiscal year. The proceeds from the levy pursuant to this subdivision shall be distributed pursuant to section 79-1073.

(c) Except as provided in subdivision (2)(e) of this section, for each fiscal year, school districts that are members of learning communities may levy for purposes of such districts' general fund budget and special building funds a maximum combined levy of the difference of one dollar and five cents on each one hundred dollars of taxable property subject to the levy minus the learning community levies pursuant to subdivisions (2)(b) and (2)(g) of this section for such learning community.

(d) Excluded from the limitations in subdivisions (2)(a) and (2)(c) of this section are amounts levied to pay for sums agreed to be paid by a school district to certificated employees in exchange for a voluntary termination of employment and amounts levied to pay for special building funds and sinking funds established for projects commenced prior to April 1, 1996, for construction, expansion, or alteration of school district buildings. For purposes of this subsection, commenced means any action taken by the school board on the record which commits the board to expend district funds in planning, constructing, or carrying out the project.

(e) Federal aid school districts may exceed the maximum levy prescribed by subdivision (2)(a) or (2)(c) of this section only to the extent necessary to qualify to receive federal aid pursuant to Title VIII of Public Law 103-382, as such title existed on September 1, 2001. For purposes of this subdivision, federal aid school district means any school district which receives ten percent or more of the revenue for its general fund budget from federal government sources pursuant to Title VIII of Public Law 103-382, as such title existed on September 1, 2001.

(f) For school fiscal year 2002-03 through school fiscal year 2007-08, school districts and multiple-district school systems may, upon a three-fourths majority vote of the school board of the school district, the board of the unified system, or the school board of the high school district of the multiple-district school system that is not a unified system, exceed the maximum levy prescribed by subdivision (2)(a) of this section in an amount equal to the net difference between the amount of state aid that would have been provided under the Tax Equity and Educational Opportunities Support Act without the temporary aid adjustment factor as defined in section 79-1003 for the ensuing school fiscal

year for the school district or multiple-district school system and the amount provided with the temporary aid adjustment factor. The State Department of Education shall certify to the school districts and multiple-district school systems the amount by which the maximum levy may be exceeded for the next school fiscal year pursuant to this subdivision (f) of this subsection on or before February 15 for school fiscal years 2004-05 through 2007-08.

(g) For each fiscal year, learning communities may levy a maximum levy of two cents on each one hundred dollars of taxable property subject to the levy for special building funds for member school districts. The proceeds from the levy pursuant to this subdivision shall be distributed pursuant to section 79-1073.01.

(h) For each fiscal year, learning communities may levy a maximum levy of five cents on each one hundred dollars of taxable property subject to the levy for elementary learning center facilities and for up to fifty percent of the estimated cost for capital projects approved by the learning community coordinating council pursuant to section 79-2111.

(3) Community colleges may levy a maximum levy calculated pursuant to the Community College Foundation and Equalization Aid Act on each one hundred dollars of taxable property subject to the levy.

(4)(a) Natural resources districts may levy a maximum levy of <u>three and one-half or</u> four and one-half cents per one hundred dollars of taxable valuation of property subject to the levy <u>as provided in section 2-3225</u>.

(b) Natural resources districts shall also have the power and authority to levy a tax equal to the dollar amount by which their restricted funds budgeted to administer and implement ground water management activities and integrated management activities under the Nebraska Ground Water Management and Protection Act exceed their restricted funds budgeted to administer and implement ground water management activities and integrated management activities for FY2003-04, not to exceed one cent on each one hundred dollars of taxable valuation annually on all of the taxable property within the district.

(c) In addition, natural resources districts located in a river basin, subbasin, or reach that has been determined to be fully appropriated pursuant to section 46-714 or designated as overappropriated pursuant to section 46-713 by the Department of Natural Resources shall also have the power and authority to levy a tax equal to the dollar amount by which their restricted funds budgeted to administer and implement ground water management activities and integrated management activities under the Nebraska Ground Water Management and Protection Act exceed their restricted funds budgeted to administer and implement ground water management activities and integrated management activities for FY2005-06, not to exceed three cents on each one hundred dollars of taxable valuation on all of the taxable property within the district for

fiscal year 2006-07 and each fiscal year thereafter through fiscal year 2011-12.

(5) Educational service units may levy a maximum levy of one and one-half cents per one hundred dollars of taxable valuation of property subject to the levy.

(6)(a) Incorporated cities and villages which are not within the boundaries of a municipal county may levy a maximum levy of forty-five cents per one hundred dollars of taxable valuation of property subject to the levy plus an additional five cents per one hundred dollars of taxable valuation to provide financing for the municipality's share of revenue required under an agreement or agreements executed pursuant to the Interlocal Cooperation Act or the Joint Public Agency Act. The maximum levy shall include amounts levied to pay for sums to support a library pursuant to section 51-201, museum pursuant to section 51-501, visiting community nurse, home health nurse, or home health agency pursuant to section 71-1637, or statue, memorial, or monument pursuant to section 80-202.

(b) Incorporated cities and villages which are within the boundaries of a municipal county may levy a maximum levy of ninety cents per one hundred dollars of taxable valuation of property subject to the levy. The maximum levy shall include amounts paid to a municipal county for county services, amounts levied to pay for sums to support a library pursuant to section 51-20l, a museum pursuant to section 51-501, a visiting community nurse, home health nurse, or home health agency pursuant to section 71-1637, or a statue, memorial, or monument pursuant to section 80-202.

(7) Sanitary and improvement districts which have been in existence for more than five years may levy a maximum levy of forty cents per one hundred dollars of taxable valuation of property subject to the levy, and sanitary and improvement districts which have been in existence for five years or less shall not have a maximum levy. Unconsolidated sanitary and improvement districts which have been in existence for more than five years and are located in a municipal county may levy a maximum of eighty-five cents per hundred dollars of taxable valuation of property subject to the levy.

(8) Counties may levy or authorize a maximum levy of fifty cents per one hundred dollars of taxable valuation of property subject to the levy, except that five cents per one hundred dollars of taxable valuation of property subject to the levy may only be levied to provide financing for the county's share of revenue required under an agreement or agreements executed pursuant to the Interlocal Cooperation Act or the Joint Public Agency Act. The maximum levy shall include amounts levied to pay for sums to support a library pursuant to section 51-201 or museum pursuant to section 51-501. The county may allocate up to fifteen cents of its authority to other political subdivisions subject to allocation of property tax authority under subsection (1) of

section 77-3443 and not specifically covered in this section to levy taxes as authorized by law which do not collectively exceed fifteen cents per one hundred dollars of taxable valuation on any parcel or item of taxable property. The county may allocate to one or more other political subdivisions subject to allocation of property tax authority by the county under subsection (1) of section 77-3443 some or all of the county's five cents per one hundred dollars of valuation authorized for support of an agreement or agreements to be levied by the political subdivision for the purpose of supporting that political subdivision's share of revenue required under an agreement or agreements executed pursuant to the Interlocal Cooperation Act or the Joint Public Agency Act. If an allocation by a county would cause another county to exceed its levy authority under this section, the second county may exceed the levy authority in order to levy the amount allocated.

(9) Municipal counties may levy or authorize a maximum levy of one dollar per one hundred dollars of taxable valuation of property subject to the levy. The municipal county may allocate levy authority to any political subdivision or entity subject to allocation under section 77-3443.

(10) Property tax levies for judgments, except judgments or orders from the Commission of Industrial Relations, obtained against a political subdivision which require or obligate a political subdivision to pay such judgment, to the extent such judgment is not paid by liability insurance coverage of a political subdivision, for preexisting lease-purchase contracts approved prior to July 1, 1998, for bonded indebtedness approved according to law and secured by a levy on property, and for payments by a public airport to retire interest-free loans from the Department of Aeronautics in lieu of bonded indebtedness at a lower cost to the public airport are not included in the levy limits established by this section.

(11) The limitations on tax levies provided in this section are to include all other general or special levies provided by law. Notwithstanding other provisions of law, the only exceptions to the limits in this section are those provided by or authorized by sections 77-3442 to 77-3444.

(12) Tax levies in excess of the limitations in this section shall be considered unauthorized levies under section 77-1606 unless approved under section 77-3444.

(13) For purposes of sections 77-3442 to 77-3444, political subdivision means a political subdivision of this state and a county agricultural society.

2. Renumber the remaining sections and correct internal references and the repealer accordingly.

Senator Lautenbaugh filed the following amendment to LB880:
AM2469

(Amendments to Standing Committee amendments, AM1787)

1. Insert the following new section:

Sec. 6. Section 2-3235, Revised Statutes Cumulative Supplement, 2006, is amended to read:

2-3235 (1) Each district shall have the power and authority to cooperate with or to enter into agreements with and, within the limits of appropriations available, to furnish financial or other aid to any cooperator, any agency, governmental or otherwise, or any owner or occupier of lands within the district for the carrying out of projects for benefit of the district as authorized by law, subject to such conditions as the board may deem necessary. <u>This section shall not be construed to give a district encompassing a city of the metropolitan class the power or authority to cooperate with or enter into agreements with, or to furnish financial or other aid to, any person who is in the business of selling or leasing, offering for sale or lease, or advertising for sale or lease, residential or commercial real property, when the cooperation, agreement, or financial or other aid relates to real property taken by the district through the use of eminent domain under section 2-3234.</u>

(2) As a condition to the extending of any benefits to or the performance of work upon any lands not owned or controlled by this state or any of its agencies, the directors may require contributions in money, services, materials, or otherwise to any operations conferring such benefits and may require landowners to enter into and perform such agreements or covenants as to the permanent use of such lands as will tend to prevent or control erosion thereon.

(3) Each district may make available, on such terms as it shall prescribe, to landowners within the district specialized equipment, materials, and services which are not readily available from other sources and which will assist such landowners to carry on operations upon their lands for the conservation of soil and water resources and for the prevention and control of soil erosion. Whenever reasonably possible, purchases or contracts for such equipment shall be made from retail establishments.

2. Amend the repealer and renumber the remaining sections accordingly.

Senator Preister filed the following amendment to <u>LB880</u>:
AM2472

(Amendments to Standing Committee amendments, AM1787)

1. Insert the following new section:

Section 1. <u>(1) Each county encompassing a city of the metropolitan class, each county which is adjacent to a county encompassing a city of the metropolitan class and which includes part of a natural resources district encompassing a city of the metropolitan class, and each city located in a county described in this subsection shall:</u>

<u>(a) Develop a program for pollution prevention and good</u>

housekeeping for county or city operations, giving consideration to use of appropriate storm water best management practices to minimize contamination of storm water discharges;

(b) Mandate low-impact development for all new development and renovations to existing developments, with the costs of low-impact development to be paid by the person developing the property and not by the city or county; and

(c) Adopt ordinances and policies to implement and enforce low-impact development mandates, including provisions for fines and civil penalties for noncompliance.

(2) For purposes of this section, low-impact development means development that involves storm water management measures that manage rainfall where it falls, utilizing design techniques that infiltrate, filter, store, evaporate, and temporarily detain storm water, limiting storm water runoff to the first one-half inch at a minimum.

Senator Preister filed the following amendment to LB880:
AM2473

(Amendments to Standing Committee amendments, AM1787)

1. Insert the following new section:

Sec. 5. Data, statistics, modeling, research, studies, surveys, investigations, analyses, critiques, evaluations, opinions, recommendations, reports, and other information assembled, collected, discovered, found, obtained, possessed, presented, produced, or provided by any person pursuant to a contract with a natural resources district encompassing a city of the metropolitan class or subcontract with a contractor or subcontractor of such district is a public record.

2. Insert the following new amendments:

"3. On page 3, line 4, strike "4" and insert "5".".

3. Renumber the remaining sections and amendments accordingly.

Senator Pankonin filed the following amendment to LB902:
AM2505

1. On page 24, line 14, strike the new matter; and in lines 15 through 20 strike the new matter and reinstate the 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

printed on recycled paper

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. On page 5, strike lines 5 through 21, show the old matter as stricken, and insert the following new subdivision:

"(3)(a) Dangerous dog means a dog that, according to the records of an animal control authority: (i) Has killed a human being; (ii) has inflicted injury on a human being that requires medical treatment; (iii) has killed a domestic animal without provocation; or (iv) has been previously determined to be a potentially dangerous dog by an animal control authority, the owner has received notice of such determination, and the dog inflicts an injury on a human being that does not require medical treatment, injures a domestic animal, or threatens the safety of humans or domestic animals.

(b)(i) A dog shall not be defined as a dangerous dog under subdivision (3)(a)(ii) of this section if the individual was tormenting, abusing, or assaulting the dog at the time of the

injury or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog.

(ii) A dog shall not be defined as a dangerous dog under subdivision (3)(a)(iv) of this section if the injury, damage, or threat was sustained by an individual who, at the time, was committing a willful trespass as defined in section 20-203, 28-520, or 28-521, was committing any other tort upon the property of the owner of the dog, was tormenting, abusing, or assaulting the dog, or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime;"; and in line 26 after "(5)" insert "Medical treatment means treatment administered by a physician or other licensed health care professional;

(6)".

2. On page 6, line 2, strike "(6)", show as stricken, and insert "(7)"; in line 3 after "(i)" insert "inflicts an injury on a human being that does not require medical treatment, (ii)"; in line 5 strike "or (ii)", show as stricken, and insert ", or (iii)"; and reinstate the stricken matter beginning with "upon" in line 5 through "grounds" in line 6.

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. On page 7, strike beginning with "A" in line 3 through the period in line 8.

Senator Preister filed the following amendment to LB1065:
AM2490

1. On page 2, lines 17 and 25; page 4, line 24; page 5, lines 7 and 13; and page 6, lines 2, 15, and 18, strike "ten" and insert "sixty-five".

Senator Friend filed the following amendment to LB988:
AM2431

(Amendments to E & R amendments, ER8211)

1. Insert the following new section:

Sec. 3. Section 79-458, Revised Statutes Supplement, 2007, is amended to read:

79-458 (1) Any freeholder or freeholders, person in possession or constructive possession as vendee pursuant to a contract of sale of the fee, holder of a school land lease under section 72-232, or entrant upon government land who has not yet received a patent therefor may file a petition ~~on or before July 15 for 2007 and~~ on or before June 1 for all other years with a board consisting of the county assessor, county clerk, and county treasurer, asking to have any tract or tracts of land described in the petition set off from an existing ~~Class II or III~~

school district in which the land is situated and attached to ~~an accredited~~ a different school district which is contiguous to such tract or tracts of land if:

~~(a)~~ (a)(i) The school district in which the land is situated is a Class II or III school district which has had an average daily membership in grades nine through twelve of less than sixty for the two consecutive school fiscal years immediately preceding the filing of the petition;

~~(b) The~~ (ii) Such Class II or III school district has voted pursuant to section 77-3444 to exceed the maximum levy established pursuant to subdivision (2)(a) of section 77-3442, which vote is effective for the school fiscal year in which the petition is filed or for the following school fiscal year;

~~(c)~~ (iii) The high school in such Class II or III school district is within fifteen miles on a maintained public highway or maintained public road of another public high school; and

~~(d)~~ (iv) Neither school district is a member of a learning community; or~~.~~

(b) Except as provided in subsection (7) of this section, the school district in which the land is situated, regardless of the class of school district, has approved a budget for the school fiscal year in which the petition is filed that will cause the combined levies for such school fiscal year, except levies for bonded indebtedness approved by the voters of such school district and levies for the refinancing of such bonded indebtedness, to exceed the greater of (i) one dollar and twenty cents per one hundred dollars of taxable valuation of property subject to the levy or (ii) the maximum levy authorized by a vote pursuant to section 77-3444.

For purposes of determining whether a tract of land is contiguous, all petitions currently being considered by the board shall be considered together as a whole.

(2) The petition shall state the reasons for the proposed change and shall show with reference to the land of each petitioner: (a) That (i) the land described in the petition is either owned by the petitioner or petitioners or that he, she, or they hold a school land lease under section 72-232, are in possession or constructive possession as vendee under a contract of sale of the fee simple interest, or have made an entry on government land but have not yet received a patent therefor and (ii) such tract of land includes all such contiguous land owned or controlled by each petitioner; (b) that the ~~land described in the petition is located in a Class II or III district that is not a member of a learning community, the district has had an average daily membership in grades nine through twelve of less than sixty for the two consecutive school fiscal years immediately preceding the filing of the petition, the district has voted to exceed the maximum levy established pursuant to subdivision (2)(a) of section 77-3442 as provided in subdivision (1)(b) of this section, and the~~

~~land is to be attached to an accredited school district which is contiguous to such tract or tracts of land and which is not a member of a learning community;~~ conditions of subdivision (1)(a) or (1)(b) of this section have been met; and (c) that such petition is approved by a majority of the members of the school board of the district to which such land is sought to be attached.

(3) The petition shall be verified by the oath of each petitioner. Notice of the filing of the petition and of the hearing on such petition before the board constituted as prescribed in subsection (1) or (4) of this section shall be given at least ten days prior to the date of such hearing by one publication in a legal newspaper of general circulation in each district and by posting a notice on the outer door of the schoolhouse in each district affected thereby, and such notice shall designate the territory to be transferred. Following the filing of a petition pursuant to this section, such board shall hold a public hearing on the petition and~~, on or before November 1 following the filing of the petition,~~ shall approve or disapprove the petition on or before July 15 following the filing of the petition based on a determination of whether the petitioner has complied with all requirements of this section. If such board approves the petition, such board shall change the boundaries of the school districts so as to set off the land described in the petition and attach it to such district pursuant to the petition with an effective date of August 15 following the filing of the petition, which actions shall cause such transfer to be in effect for levies set for the year in which such transfer takes effect.

(4) Petitions requesting transfers of property across county lines shall be addressed jointly to the county clerks of the counties concerned, and the petitions shall be acted upon by the county assessors, county clerks, and county treasurers of the counties involved as one board, with the county clerk of the county from which the land is sought to be transferred acting as chairperson of the board.

(5) Appeals may be taken from the action of such board or, when such board fails to ~~agree,~~ act on the petition, on or before August 1 following the filing of the petition, to the district court of the county in which the land is located ~~within twenty days after entry of such action on the records of the board by the county clerk of the county in which the land is located or within twenty days after November 1 if such board fails to act upon such petition,~~ on or before August 10 following the filing of the petition, in the same manner as appeals are now taken from the action of the county board in the allowance or disallowance of claims against the county. If an appeal is taken from the action of the board approving the petition or failing to act on the petition, the transfer shall occur effective August 15 following the filing of the petition, which actions shall cause such transfer to be in effect for levies set for the year in which such transfer takes

effect, unless action by the district court prevents such transfer.

(6) This section does not apply to any school district located on an Indian reservation and substantially or totally financed by the federal government.

~~(7) If approved by the board, the transfer shall take place on January 1 next following the filing of the petition.~~

(7) For school districts that have approved a budget for school fiscal year 2007-08 that will cause the combined levies, except levies for bonded indebtedness approved by the voters of the school district and levies for the refinancing of such bonded indebtedness, to exceed the greater of (a) one dollar and twenty cents per one hundred dollars of taxable valuation of property subject to the levy or (b) the maximum levy authorized by a vote pursuant to section 77-3444, the school boards of such school districts may adopt a binding resolution stating that the combined levies, except levies for bonded indebtedness approved by the voters of the school district and levies for the refinancing of such bonded indebtedness, for school fiscal year 2008-09 shall not exceed the greater of (i) one dollar and twenty cents per one hundred dollars of taxable valuation of property subject to the levy or (ii) the maximum levy authorized by a vote pursuant to section 77-3444. On or before May 9, 2008, such binding resolutions shall be filed with the Auditor of Public Accounts and the county assessors, county clerks, and county treasurers for all counties in which the school district has territory. If such binding resolution is filed on or before May 9, 2008, land shall not be set off and attached to another district pursuant to subdivision (2)(b) of this section in 2008.

(8) Nothing in this section shall be construed to detach obligations for voter-approved bonds from any tract of land.

2. On page 8, after line 15, insert the following new subsection:

"(14) For school districts that file a binding resolution on or before May 9, 2008, with the county assessors, county clerks, and county treasurers for all counties in which the school district has territory pursuant to subdivision (7) of section 79-458, if the combined levies, except levies for bonded indebtedness approved by the voters of the school district and levies for the refinancing of such bonded indebtedness, are in excess of the greater of (a) one dollar and twenty cents per one hundred dollars of taxable valuation of property subject to the levy or (b) the maximum levy authorized by a vote pursuant to section 77-3444, all school district levies, except levies for bonded indebtedness approved by the voters of the school district and levies for the refinancing of such bonded indebtedness, shall be considered unauthorized levies under section 77-1606.".

3. On page 12, after line 14, insert the following new subsection:

"(5) The withdrawal of a participating school district

from a unified system or dissolution of a unified system shall occur only if each participating school district in such unified system either will be merged with at least one other school district or will continue participation in such unified system with at least one other participating school district following such withdrawal or dissolution. The withdrawal of a participating school district from a unified system or dissolution of a unified system shall be accomplished and the rights and liabilities of the participating school districts determined through an action for declaratory judgment pursuant to the Uniform Declaratory Judgments Act. An action under the act praying for the withdrawal of a participating school district, dissolution of the unified system, or a declaration of the rights and liabilities of the participating school districts may be brought by the school board of any participating school district. The court shall have jurisdiction to determine all matters relating to the rights and liabilities of the participating school districts, including, but not limited to, the allocation among the participating school districts of (a) the certificated staff employed by the unified system among the participating school districts, (b) the real and personal property acquired by and held in the name of the unified system, (c) the local, state, and federal revenue of the unified system, including state aid to be paid to the unified system for the year following the withdrawal of a participating school district or the dissolution of the unified system, and (d) the liability for the repayment pursuant to subsection (8) of section 79-1010 of any incentive aid received by the unified system and its participating school districts, which liability shall be subtracted from the state aid of the participating school districts to which such repayment is allocated for the school fiscal years following the last school fiscal year of participation of a withdrawing school district or the operation of the dissolved unified system. The State Department of Education shall implement and enforce all terms of any decree of declaratory judgment entered pursuant to this section.

(6) After the effective date of this act, the State Committee for the Reorganization of School Districts shall not approve or order into effect any new unified system under this section. The committee may approve and order into effect the addition of school districts to a unified system or the continuation of a unified system if the continuing unified system will consist of at least two school districts which are continuing participation in the unified system.".

4. Renumber the remaining sections, correct internal references, and amend the repealer accordingly.

Senator Preister filed the following amendment to LB1065:
AM2495

1. On page 6, line 19, after the period insert: "If the governing board denies a request for net metering above ten kilowatts, the board shall provide to the person making the request a written explanation for the denial which includes, at a minimum: (a) The number of current or approved customer-generators in the local distribution system and the size of each customer-generator's qualified generation unit; and (b) a detailed calculation of the estimated financial impact of the requester's proposed qualified 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. On page 12, line 25, after "tax" insert ". If any or all of the charge for installation is free to the customer and is paid by a third-party service provider, any tax due on that part of the activation commission, finder's fee, installation charge, or similar payment made by the third-party service provider shall be paid by the third-party service provider and collected and remitted by the installer".

2. On page 18, line 6, after "products" insert ", community antenna services, Internet services, and satellite services"; and in lines 7 and 9 after "product" insert "or 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. Insert the following new sections:

Sec. 17. Section 77-1704.02, Reissue Revised Statutes of Nebraska, is amended to read:

77-1704.02 (1) Any county treasurer shall accept payments of five hundred dollars or more for the partial discharge of current or delinquent real property taxes, personal property taxes, or both or any charges for interest, publication, penalties, or other charges by reason of the delinquency of such taxes. Such partial payment shall be in an amount of at least five hundred dollars unless the partial payment is for the remaining obligation. The county treasurer shall distribute partial payments to the entities levying taxes on the property in proportion to the total amount of taxes levied on the property by each entity levying taxes on such property. Partial payment shall stop the accumulation of interest with regard to the amount of payment made. Partial payments for delinquent taxes shall be applied to the oldest delinquencies first. Partial payment of delinquent taxes shall not affect any collection procedure that is underway or available to the county until the delinquency is fully satisfied.

~~(1)~~ (2) Any county board may pass a resolution to allow payments ~~for the~~ of amounts less than five hundred dollars for the partial discharge of current or delinquent real property taxes, personal property taxes, or both or any charges for interest, publication, penalties, or other charges by reason of the delinquency of such taxes to be held in escrow by the county treasurer or may contract with another party to hold such payments in escrow. Upon passage of such a resolution or such other effective date as the resolution may provide, the county treasurer shall accept payments in accordance with the resolution or any subsequent amendments thereto and hold such amounts until the accumulated payments are sufficient to pay at least one-half the taxes currently due on the property or the full amount of delinquency and any interest, penalties, or other charges due to the delinquency. The resolution of the county board may require a minimum, limited, or periodic payment amount as a condition for acceptance of payments to be held in escrow. The resolution may also require that an escrow agreement be executed between the person making payment and the county treasurer as a condition for accepting payments.

~~(2)~~ (3) Payments held in escrow under this section may be held in a designated bank account or may be commingled with other county funds. Such amounts are the property of the person making

payment and shall be held in trust for the benefit of such person and be accounted for with respect to the property for which the current or delinquent taxes are to be paid. The county may pay interest on amounts held in escrow at a rate to be determined by the county board or may retain any interest received. Upon sale of the property, any amounts held in escrow with respect to that property shall be returned to the person that made the payment or applied as directed by such person.

~~(3)~~ (4) Payments held in escrow for payment of delinquent taxes shall be applied to the oldest delinquencies first. Payments held in escrow for payment of delinquent taxes shall not affect any collection procedure that is underway or available to the county until the delinquency is fully satisfied.

Sec. 18. Section 77-1716, Reissue Revised Statutes of Nebraska, is amended to read:

77-1716 The county treasurer ~~may,~~ shall, at any time prior to January 1 of each year, send by mail to the last-known address a notice to each person on the personal tax roll and each person owing real estate taxes on mobile homes, cabin trailers, manufactured homes, or similar property assessed and taxed as improvements to leased land, advising such taxpayer of the amount of such taxes owed for that year. At any time ~~after May 1 and before September 1 next following,~~ on or before May 15 in counties with more than one hundred thousand inhabitants, as of the last federal decennial census, or on or before June 15 in all other counties, the county treasurer is required to notify by mail, at the last-known address, any taxpayer, whose personal or real estate tax under this section is delinquent, on account of such taxpayer not having paid the taxes, or the first installment thereof, on ~~May 1,~~ or before such dates, as required by law, of the amount of such delinquent tax. The delinquency notice shall also recite that unless the entire tax is paid by September 1, next following, a distress warrant will be issued therefor. One dollar shall be charged by the county treasurer as a cost to the taxpayer to defray the cost of sending the delinquency notice. The failure of the taxpayer to receive the notice shall not affect the validity of the distress warrant.

Sec. 19. Section 77-1719.03, Revised Statutes Cumulative Supplement, 2006, is amended to read:

77-1719.03 In any case ~~where~~ in which any distress warrant includes taxes for one year or more, the sheriff may, in his or her discretion, accept partial payment and shall pay the same, as received, to the county treasurer, who shall accept the same and receipt the sheriff therefor. ~~Pursuant to section 77-1704.02, the~~ The county treasurer may accept the partial payment ~~and hold such amounts until the accumulated payments are sufficient to pay the full amount of the delinquency for one year and any interest, penalties, or other charges due to the delinquency.~~ in the manner provided in section 77-1704.02. Notwithstanding any

partial payment, the sheriff shall make levy and return thereof, on the distress warrant, as required by law.

Sec. 20. Except for delinquent taxes on mobile homes, cabin trailers, manufactured homes, or similar property assessed and taxed as improvements to leased land, the county treasurer shall, at any time on or before May 15 in counties with more than one hundred thousand inhabitants, as of the last federal decennial census, or on or before June 15 in all other counties, notify by mail, at the last-known address, any taxpayer whose real estate tax is delinquent, on account of such taxpayer not having paid the taxes, or the first installment thereof, on or before such dates, as required by law, of the amount of such delinquent tax. The notice shall also recite that unless the entire tax is paid on or before the first Monday of March after the tax becomes delinquent, the real estate will be sold or foreclosed on as provided by law in order to pay the delinquent real estate taxes. One dollar shall be charged by the county treasurer as a cost to the taxpayer to defray the cost of sending the delinquency notice. The failure of the taxpayer to receive the notice shall not affect the validity of a sale under Chapter 77, article 18.

Sec. 23. Section 77-1802, Reissue Revised Statutes of Nebraska, is amended to read:

77-1802 (1) The county treasurer shall, not less than four nor more than six weeks prior to the first Monday of March in each year, make out a list of all real property subject to sale and the amount of all delinquent taxes against each item, describing the property as it is described on the tax list, with an accompanying notice stating that so much of such property described in the list as may be necessary for that purpose will, on the first Monday of March next thereafter, be sold by such county treasurer at public auction at his or her office for the taxes, interest, and costs thereon.

(2) The county treasurer shall also notify by mail, at the last-known address, each owner of the real property subject to sale the amount of all delinquent taxes against each item, describing the property as it is described on the tax list with an accompanying notice stating that so much of such property described in the list as may be necessary for that purpose will, on the first Monday of March next thereafter, be sold by such county treasurer at public auction at his or her office for taxes, interest, and costs thereon.

2. Renumber the remaining sections and correct internal 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. Strike the original sections and insert the following new sections:

Section 1. Section 79-933, Reissue Revised Statutes of Nebraska, is amended to read:

79-933 (1) Upon retirement under section 79-931, a member or emeritus member shall receive a school retirement allowance which shall consist of the sum of: ~~(1)~~ (a) A savings annuity which shall be the actuarial equivalent, as determined by the retirement board, of the member's accumulated contributions at the time of his or her retirement or, in the case of an emeritus member, the savings annuity fixed by the retirement board at the time of his or her original retirement; and ~~(2)~~ (b) a service annuity to be paid by the State of Nebraska.

(2) The amount of any individual service annuity for (a)

a full-time school employee hired on or before April 1, 1988, who retires with thirty-five or more years of service or who retires under the provisions of disability retirement, (b) a full-time school employee who provided compensated service after April 1, 1988, but prior to July 19, 1996, if the service annuity commences on or after the member's sixty-fifth birthday, who retires with thirty-five or more years of service, or who retires under the provisions of disability retirement, or (c) an emeritus member shall be three dollars and fifty cents per month for each year of creditable service commencing with his or her retirement on or after May 19, 1981. For employees not enumerated in subdivision (a) or (b) of this subsection or for employees hired on or after July 19, 1996, ~~, except that~~ if the service annuity commences prior to the member's sixty-fifth birthday, it shall be on an actuarially reduced basis. Each school employee or emeritus member who retired before July 1, 1973, and who is receiving a service annuity as of that date shall have such service annuity adjusted by the increase in the cost of living as determined by the difference between the Consumer Price Index for Urban Wage Earners and Clerical Workers from the date the service annuity commenced and July 1, 1973, except that such annuity shall not exceed three dollars and fifty cents monthly per year of service based on the same number of years of service that is currently being used to determine his or her service annuity. Such increased service annuity shall commence on July 1, 1973.

Sec. 2. Original section 79-933, Reissue Revised Statutes 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. On page 1, line 3, after the second semicolon insert "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. On page 1, strike beginning with the last comma in line 2 through "Fund" in line 6; and in line 8 after the semicolon 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. Insert the following new section:

Sec. 5. In undertaking any water project, a natural resources district encompassing a city of the metropolitan class shall not, directly or indirectly, cooperate with, enter into an agreement with, or pay any person which the district has, directly or indirectly, cooperated with, entered into an agreement with or paid to study, analyze, evaluate, model, or investigate the feasibility or propriety of such water project.

2. Insert the following new amendment:

"3. On page 3, line 4, strike "4" and insert "5".".

3. Renumber the remaining sections and amendments accordingly.

Senator Pedersen filed the following amendment to LB880:
AM2474

(Amendments to Standing Committee amendments, AM1787)

1. Strike all amendments and insert the following new amendments:

"1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. (1) The Papillion Creek Watershed Improvement Task Force is created. The task force shall consist of the following members:

(a) The chairperson of the Committee on Natural Resources of the Legislature or his or her designee;

(b) The chairperson of the Committee on Revenue of the Legislature or his or her designee;

(c) A member of the Douglas County Board of Commissioners, appointed by that board;

(d) A member of the Sarpy County Board of Commissioners, appointed by that board;

(e) A member of the Washington County Board of Supervisors, appointed by that board;

(f) A mayor of one city or village located in Douglas

County, of one city or village located in Sarpy County, and of one city or village located in Washington County, appointed by the county board of the county in which the city or village is located;

(g) A member of the Papio-Missouri River Natural Resources District board of directors, designated by that board; and

(h) One landowner from each of Douglas, Sarpy, and Washington counties, appointed by the county board of the county in which the landowner resides. Such landowner shall not be in the business of selling or leasing real estate.

(2) The appointed members of the task force shall be appointed within thirty days after the effective date of this act.

(3) The task force shall meet and organize within thirty days after the appointment of the members listed in subsection (1) of this section. The task force shall then appoint two additional members, one engineer and one biologist. The task force shall meet monthly at a time and place to be fixed by the task force for the consideration of the issues described in section 2 of this act and for the transaction of such other business as properly comes before it. Special meetings may be called by the chairperson or at the request of two or more members of the task force. Any appointed task force member absent from three consecutive meetings may be dismissed.

(4) The members of the task force shall elect a chairperson who shall be the deciding vote in the event of a tie vote.

Sec. 2. The Papillion Creek Watershed Improvement Task Force:

(1) Shall consider an objective study of the measures needed to address water quality and quantity in the Papillion Creek watershed;

(2) Shall make recommendations on any legislation needed to ensure that all counties and cities in the Papillion Creek watershed implement zoning appropriate to address water quality and quantity;

(3) Shall make recommendations on any legislation needed to ensure that counties and cities in the Papillion Creek watershed implement zoning appropriate to address residential and commercial construction in the watershed flood plain;

(4) May consult with engineering authorities and organizations concerned with water quality and quantity in the Papillion Creek watershed;

(5) Shall recommend to the Legislature any legislation needed to ensure that the applicable natural resources district has the authority to implement measures to address water quality and quantity in the Papillion Creek watershed; and

(6) Shall recommend to the Legislature any legislation needed to ensure proper funding for the kinds and types of projects that will address concerns raised about water quality and quantity

in the Papillion Creek watershed.

Sec. 3. The members of the Papillion Creek Watershed Improvement Task Force shall be reimbursed for their actual and necessary expenses pursuant to sections 81-1174 to 81-1177.

Sec. 4. (1) The Papillion Creek Watershed Improvement Task Force shall present its recommendations in a report to the Committee on Natural Resources of the Legislature and Committee on Revenue of the Legislature in a joint hearing scheduled for the purpose of receiving this report.

(2) The hearing under subsection (1) of this section shall be held no later than December 15, 2008.

Sec. 5. The report required under section 4 of this act and all underlying data shall be considered a matter of public record and shall be made available to all members of the Papillion Creek Watershed Improvement Task Force and the public at least two weeks prior to presentation of the report to the Committee on Natural Resources of the Legislature and Committee on Revenue of the Legislature.".

Senator Friend filed the following amendment to LB880:
AM2497

(Amendments to Standing Committee amendments, AM1787)

1. Insert the following new section:

Sec. 2. Watershed enhancement bonds authorized by section 1 of this act may be issued only (1) after the question of their issuance has been submitted to the electors of each county and city located within a natural resources district that contains a city of the metropolitan class at a general or special election, of which three weeks' notice has been published in a legal newspaper in or of general circulation in each such city or county, and (2) if a majority of those voting at the election have voted in favor of the issuance of the bonds. Publication of the notice required by this section in a newspaper described in this section constitutes compliance with the notice requirements of this section.

2. Strike amendment 3 and insert the following new amendments:

"3. On page 3, line 4, strike "4" and insert "5".

4. Renumber the remaining sections and correct internal references accordingly.".

3. On page 1, line 4; and page 3, line 2, strike "2" and insert "3".

Senator Hudkins filed the following amendment to LB880:
AM2476

(Amendments to Standing Committee amendments, AM1787)

1. On page 3, strike beginning with "No" in line 7 through line 11 and insert: "No such project shall include a dam, 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. On page 1, lines 3 and 18, strike "purchased new" and insert "which is manufactured on or after January 1, 2012, and which is purchased"; and in lines 4 and 5 and 18 strike "on or after January 1, 2010,".

2. On page 3, line 14, after the period insert "The State Department of Education shall develop and make available to each school district a program of instruction in the proper use of lap belts, shoulder belts, or lap-shoulder belts.".

Senator Harms filed the following amendment to LB1092:
AM2403

(Amendments to Standing Committee amendments, AM1974)

1. Insert the following new section:

Section 1. Section 60-6,267, Revised Statutes Supplement, 2007, is amended to read:

60-6,267 (1) Any person in Nebraska who drives any motor vehicle which has or is required to have an occupant protection system shall ensure that:

(a) All children up to six years of age being transported by such vehicle use a child passenger restraint system of a type which meets Federal Motor Vehicle Safety Standard 213 as developed by the National Highway Traffic Safety Administration, as such standard existed on January 1, 2007, and which is correctly installed in such vehicle; and

(b) All children six years of age and less than eighteen years of age being transported by such vehicle use an occupant protection system.

This subsection shall apply to every motor vehicle which is equipped with an occupant protection system or is required to be equipped with restraint systems pursuant to Federal Motor Vehicle Safety Standard 208, as such standard existed on January 1, 2007, except school buses, taxicabs, mopeds, motorcycles, and any motor vehicle designated by the manufacturer as a 1963 year model or earlier which is not equipped with an occupant protection system.

(2) Whenever any licensed physician determines, through accepted medical procedures, that use of a child passenger restraint system by a particular child would be harmful by reason of the child's weight, physical condition, or other medical reason, the provisions of subsection (1) of this section shall be waived. The driver of any vehicle transporting such a child shall carry on his or her person or in the vehicle a signed written statement of the physician identifying the child and stating the grounds for such waiver.

(3) The drivers of authorized emergency vehicles shall not be subject to the requirements of subsection (1) of this section when operating such authorized emergency vehicles pursuant to their employment.

(4) A driver of a motor vehicle shall not be subject to the requirements of subsection (1) of this section if the motor vehicle is being operated in a parade or exhibition and the parade or exhibition is being conducted in accordance with applicable state law and local ordinances and resolutions.

(5) The Department of Motor Vehicles shall develop and

implement an ongoing statewide public information and education program regarding the use of child passenger restraint systems and occupant protection systems and the availability of distribution and discount programs for child passenger restraint systems.

(6) All persons being transported by a motor vehicle operated by a holder of a provisional operator's permit or a school permit shall use such motor vehicle's occupant protection system.

2. Renumber the remaining sections and correct the 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

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. On page 22, line 14, strike "The", show as stricken, and insert "<u>Beginning with school fiscal year 2010-11 and for each school fiscal year thereafter, the</u>".

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. On page 21, line 7; and page 23, line 15, strike "Sixty-six" and insert "Fifty-three and one-third".
2. On page 21, lines 9 and 11; and page 23, lines 17 and 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. Insert the following new section:

Sec. 4. The changes made by this legislative bill to the Nebraska Workers' Compensation Act apply only to injuries that occurred on or after the effective date of this act.

2. On page 4, line 17, strike "section 1" and insert "sections 1 and 4".

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

printed on recycled paper

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. Strike amendment 1 and insert the following new amendment:

"1. On page 22, strike beginning with "may" in line 19 through "from" in line 21, show the old matter as stricken, and insert "to"; and in line 24 after "animal" insert "shall not charge 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. On page 2, strike line 2 and insert "or an out-of-hospital emergency care provider as defined in section 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. Insert the following new section:

Section 1. Section 13-1210, Revised Statutes Cumulative Supplement, 2006, is amended to read:

13-1210 (1) The Department of Roads shall annually certify the amount of operating costs eligible for funding under the public transportation assistance program established under section 13-1209.

(2) The department shall submit an annual report to the chairperson of the Appropriations Committee of the Legislature on or before December 1 of each year regarding funds requested by each applicant for eligible operating costs in the current fiscal year pursuant to subsection (2) of section 13-1209 and the total amount of state grants projected to be awarded in the current fiscal year pursuant to the public transportation assistance program. The report shall separate into two categories the requests and grants awarded for handicapped vans, otherwise known as paratransit vehicles, and requests and grants awarded for handicapped-accessible fixed route bus systems.

2. Renumber the remaining sections and correct the 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 Synowiecki 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. Insert the following new sections:

Sec. 7. On or before January 31, 2009, and each January 31 thereafter, an electronic device retailer shall remit to the department a recycling fee equal to two dollars per electronic device sold by the retailer in the previous calendar year.

Sec. 13. Section 81-1504.01, Revised Statutes Supplement, 2007, is amended to read:

81-1504.01 The Department of Environmental Quality shall provide the following information to the Governor and to the Clerk of the Legislature by December 1 of each year:

(1) A report by type of service or aid provided by the use and distribution of federal funds received by the department. The report shall also include user fees, permit fees, license fees, and application fees authorized by the federal Environmental Protection Agency as follows:

(a) Actual expenditure of each grant or authorized fees for the most recently completed state fiscal year, including state matching funds;

(b) Current budget and planned use and distribution of each grant and authorized fees for the current state fiscal year, including state matching funds;

(c) A summary of the projected funding level of each grant and authorized fees and the impact of federal mandates and regulations upon the future use of each grant and authorized fees; and

(d) Program summaries including statistical summaries when applicable for the most recently completed state fiscal year and program activity goals for the current state fiscal year;

(2) A summary of regulations of the federal Environmental Protection Agency which the department is required to implement and which do not include federal funding assistance and the possible financial impact to the state and political subdivisions;

(3) A report by type of service or aid provided by the use and distribution of state general and cash funds, including user fees, permit fees, license fees, and application fees, to carry out activities that are not funded by federal grants as follows:

(a) Actual expenditure of state funds, by agency sections, for the most recently completed state fiscal year, including a breakdown of expenditures by personal services, operations, travel, capital outlay, and consulting and contractual services;

(b) Current budget and planned use and distribution of state funds, by agency sections, for the current state fiscal year, including a breakdown of expenditures for personal services, operations, travel, capital outlay, and consulting and contractual services;

(c) A summary of projected program funding needs based upon the statutory requirements and public demand for services and the department's assessment of anticipated needs statewide; and

(d) Program summaries including statistical summaries when applicable for the most recently completed state fiscal year and program activity goals for the current state fiscal year;

(4) A report regarding staff turnover by job class and the department's assessment of its ability to hire and retain qualified staff considering the state's personnel pay plan;

(5) A report listing the method used by each new or existing licensee, permittee, or other person who is required by the department to establish proof of financial responsibility; ~~and~~

(6) A report for the previous state fiscal year relating to the purpose of the Nebraska Litter Reduction and Recycling Act and of funds credited to the Nebraska Litter Reduction and Recycling Fund; and ~~.~~

(7) A report for the previous state fiscal year relating

to the funds credited to the Waste Reduction and Recycling Incentive Fund pursuant to sections 6 and 7 of this act.

2. On page 1, line 3, strike "11" and insert "12".

3. On page 2, after line 14 insert the following new subdivision:

"(4) Electronic device retailer means a person who sells electronic devices in this state under a brand or label that is not owned by the retailer;"; and renumber the remaining subdivisions accordingly.

4. On page 4, lines 10 and 12, after "manufacturer" insert "or electronic device retailer".

5. On page 5, line 18, strike "section 6" and insert "sections 6 and 7".

6. Renumber the remaining sections and correct the repealer accordingly.

Senator Louden filed the following amendment to LB986:
AM2555

(Amendments to Standing Committee amendments, AM1998)

1. On page 4, line 14, strike "(1)"; strike lines 18 through 24; in line 25 strike "(1)"; and strike line 27.

2. On page 5, strike line 1; in line 5 strike "(a)" and insert "(1)"; in line 7 strike "(b)" and insert "(2)"; in line 9 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 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.

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. On page 42, line 20, strike "dispensing" and insert "administration"; and in line 21 strike "dispensed or".
2. On page 44, line 12, strike "package insert" and insert "in written patient information"; and in line 15 strike "or" 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. Strike the original sections and insert the following sections:

Section 1. Sections 1 to 10 of this act shall be known and may be cited as the Contractor Employee Classification and Public Contract Duty Act.

Sec. 2. For purposes of the Contractor Employee Classification and Public Contract Duty Act:

(1) Construction has the same meaning as in section 48-2103;

(2) Contractor means a sole proprietor, partnership, firm, corporation, limited liability company, association, or other legal form engaged in the business of construction and includes a general contractor or subcontractor;

(3) Interested party means a person with an interest in compliance with the act, including an employee, the Department of Labor, or the Department of Revenue; and

(4) Performing services means the performance of construction labor for remuneration.

Sec. 3. (1) An individual performing services is an employee of a contractor unless the following are true, in which case the individual is an independent contractor:

(a) The individual has been and will continue to be free from control or direction over the performance of the service, both under the contract and in fact;

(b) The individual is engaged in an independently established trade, occupation, profession, or business;

(c) The individual makes performance of the service available to the general public;

(d) When appropriate, the individual furnishes the tools and equipment necessary to provide service; and

(e) The contractor does not represent the individual as an employee to customers.

(2) An individual performing services is presumed to be an independent contractor if:

(a) The individual has registered as a contractor

pursuant to the Contractor Registration Act at least six months prior to commencing construction work for the contractor;

(b) The individual has been assigned a combined tax rate pursuant to subdivision (4) of section 48-649 or the employees of the individual are exempted from unemployment insurance coverage pursuant to subdivision (6) of section 48-604; and

(c) The individual is listed on the data base established by the Department of Revenue under subsection (3) of section 77-2753 as found in AM2244 to LB 1001 (2008).

(3) The Department of Revenue shall establish and operate a hotline for contractors to call to confirm compliance under subsection (2) of this section.

Sec. 4. It is a violation of the Contractor Employee Classification and Public Contract Duty Act for a contractor to designate an individual as an independent contractor who would be properly classified as an employee under section 3 of this act.

Sec. 5. In addition to any other remedies available to the Department of Labor and the Department of Revenue, an interested party aggrieved by a violation of the Contractor Employee Classification and Public Contract Duty Act may bring an action in the district court in the county where an alleged violation occurred. All interested parties shall be joined in such action and shall have the right to be represented by counsel of their own choosing. The cause of action provided for in this section is available for the following:

(1) The amount of combined tax, with interest, that would have been paid by the contractor under the Employment Security Law, based upon the contractor's combined tax rate at the time of employment, if the individual working for such contractor would have been properly classified as an employee under section 3 of this act;

(2) The amount of state income tax that would have been withheld by the contractor, based upon the rates at the time of employment, if the individual working for the contractor would have been properly classified as an employee under section 3 of this act;

(3) The difference in the compensation paid to the individual by the contractor as compared to the average prevailing rate of compensation for like work, as determined by the Department of Labor, during the time of employment;

(4) In the case of unlawful retaliation, all legal and equitable relief as may be appropriate; and

(5) Attorney's fees and costs.

Amounts recovered by settlement or judgment shall be equitably divided as agreed upon by the interested parties or, in the absence of an agreement, as determined by the district court where the action was pending or might have been brought.

Sec. 6. It is a violation of the Contractor Employee Classification and Public Contract Duty Act for a contractor, or

an agent of a contractor, to retaliate through discharge or in any other manner against an individual for exercising any right granted under the act. Rights granted under the act include making a complaint to the contractor or a governmental agency, bringing an action under the act, or participating in an investigation of an alleged violation of the act.

Sec. 7. Every contractor shall post in a conspicuous place at the job site in English and Spanish the following notice:

(1) Every individual working for a contractor has the right to be properly classified by the contractor as an employee rather than an independent contractor if the individual does not meet the requirements of an independent contractor under the state law known as the Contractor Employee Classification and Public Contract Duty Act;

(2) If you as an individual working for a contractor have been improperly classified, you may bring a lawsuit against the contractor under the state law known as the Contractor Employee Classification and Public Contract Duty Act. Your lawsuit may include claims for:

(a) The amount of combined tax, with interest, that should have been paid by the contractor under the Employment Security Law as provided in such state law;

(b) The amount of state income tax that should have been withheld by the contractor as provided in such state law;

(c) The difference in the compensation paid to you as compared to the average prevailing rate of compensation for like work;

(d) In the case of unlawful retaliation by the contractor against you, all legal and equitable relief as may be appropriate; and

(e) Your expenses for attorney's fees and court and other costs relating to the lawsuit;

(3) It is a violation of the state law known as the Contractor Employee Classification and Public Contract Duty Act for a contractor, or an agent of the contractor, to retaliate through discharge or in any other manner against you for exercising any right granted under the act. Rights granted under such state law include making a complaint to the contractor or a governmental agency, bringing an action under the act, or participating in an investigation of an alleged violation of such state law; and

(4) If you believe you have not been properly classified as an employee by the contractor you work for, contact an attorney, the Department of Labor, or the Department of Revenue.

Sec. 10. The Contractor Employee Classification and Public Contract Duty Act shall not be construed to affect or apply to a common-law or statutory action providing for recovery in tort and shall not be construed to affect or change the common-law interpretation of independent contractor status as it relates to tort liability or a workers' compensation claim.

The second committee amendment is as follows:
AM2579

1. Insert the following sections:

Sec. 8. The state or any political subdivision entering into a contract for construction shall require that each contractor who performs construction services pursuant to the contract submit an affidavit attesting that each individual performing services for such contractor is properly classified under the Contractor Employee Classification and Public Contract Duty Act, such contractor has a completed federal I-9 immigration form on file for each individual performing services, and such contractor has no reasonable basis to believe that such individual is an undocumented worker.

Sec. 9. Any contractor who knowingly provides a false affidavit under section 8 of this act to the state or a political subdivision shall be subject to the penalties for perjury and upon a second or subsequent violation shall not be permitted to contract with the state or any political subdivision for a period of three 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. Insert the following new section:

Sec. 21. (1) For school fiscal year 2008-09, aid stabilization shall be calculated for each local system and disbursed in an amount equal to the difference of the state aid paid to such local system for school fiscal year 2007-08 pursuant to section 79-1022 minus two and one-half percent of the need calculated for the school fiscal year for which aid is being calculated and minus the sum of the calculated equalization aid, allocated income tax funds, and net option funding for such school fiscal year, except that aid stabilization shall not be less than zero.

(2) For school fiscal year 2009-10, aid stabilization shall be calculated for each local system and disbursed in an amount equal to the difference of the state aid paid to such local system for school fiscal year 2007-08 pursuant to section 79-1022 minus five percent of the need calculated for the school fiscal year for which aid is being calculated and minus the sum of the calculated equalization aid, allocated income tax funds, and net option funding for such school fiscal year, except that aid stabilization shall not be less than zero.

2. On page 12, line 17, strike "20" and insert "21".

3. On page 46, line 21, before "For" insert "(1)"; and in line 27 after "least" insert "ninety-six cents per one hundred dollars of taxable valuation for aid calculated for school fiscal year 2008-09 and at least".

4. On page 47, line 1, after "valuation" insert "for aid calculated for school fiscal year 2009-10 and each school fiscal year thereafter"; in line 10 before "The" insert "(2)"; in line 13 after "calculated" insert ".

(3) The percentages to be used in the calculation of averaging adjustments for school fiscal year 2008-09 shall be as follows:

(a) If such levy was at least ninety-six cents per one hundred dollars of taxable valuation but less than ninety-seven cents per one hundred dollars of taxable valuation, the percentage shall be ten percent;

(b) If such levy was at least ninety-seven cents per one hundred dollars of taxable valuation but less than ninety-eight cents per one hundred dollars of taxable valuation, the percentage shall be twenty percent;

(c) If such levy was at least ninety-eight cents per one hundred dollars of taxable valuation but less than ninety-nine cents per one hundred dollars of taxable valuation, the percentage shall be thirty percent;

(d) If such levy was at least ninety-nine cents per one hundred dollars of taxable valuation but less than one dollar per one hundred dollars of taxable valuation, the percentage shall be forty percent;

(e) If such levy was at least one dollar per one hundred dollars of taxable valuation but less than one dollar and one cent per one hundred dollars of taxable valuation, the percentage shall be fifty percent;

(f) If such levy was at least one dollar and one cent per one hundred dollars of taxable valuation but less than one dollar and two cents per one hundred dollars of taxable valuation, the percentage shall be sixty percent;

(g) If such levy was at least one dollar and two cents per one hundred dollars of taxable valuation but less than one dollar and three cents per one hundred dollars of taxable valuation, the percentage shall be seventy percent;

(h) If such levy was at least one dollar and three cents per one hundred dollars of taxable valuation but less than one dollar and four cents per one hundred dollars of taxable valuation, the percentage shall be eighty percent; and

(i) If such levy was at least one dollar and four cents per one hundred dollars of taxable valuation, the percentage shall be ninety percent.

(4) The percentages to be used in the calculation of averaging adjustments for school fiscal year 2009-10 and each

school fiscal year thereafter shall be"; in line 14 strike "(1)" and insert "(a)"; in line 18 strike "(2)" and insert "(b)"; in line 22 strike "(3)" and insert "(c)"; and in line 26 strike "(4)" and insert "(d)".

5. On page 48, line 3, strike "(5)" and insert "(e)"; and in line 23 after "equal" insert "ten percent for school fiscal years 2008-09 and 2009-10 and" and after "percent" insert "for each school fiscal year thereafter".

6. Renumber the remaining sections and correct internal 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. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 77-1359, Revised Statutes Cumulative Supplement, 2006, is amended to read:

77-1359 The Legislature finds and declares that agricultural land and horticultural land shall be a separate and distinct class of real property for purposes of assessment. The assessed value of agricultural land and horticultural land shall not be uniform and proportionate with all other real property, but the assessed value shall be uniform and proportionate within the class of agricultural land and horticultural land.

For purposes of sections 77-1359 to 77-1363:

(1) Agricultural land and horticultural land means a parcel of land, excluding any building or enclosed structure and the land associated with such building or enclosed structure located on the parcel, which is primarily used for agricultural or horticultural purposes, including wasteland lying in or adjacent to and in common ownership or management with other agricultural land and horticultural land; ~~. Agricultural land and horticultural land does not include any land directly associated with any building or enclosed structure;~~

(2) Agricultural or horticultural purposes means used for the commercial production of any plant or animal product in a raw or unprocessed state that is derived from the science and art of agriculture, aquaculture, or horticulture. Agricultural or horticultural purposes includes the following uses of land:

(a) Land retained or protected for future agricultural or horticultural purposes under a conservation easement as provided in the Conservation and Preservation Easements Act except when the

parcel or a portion thereof is being used for purposes other than agricultural or horticultural purposes; and

(b) Land enrolled in a federal or state program in which payments are received for removing such land from agricultural or horticultural production;

(3) Farm home site means not more than one acre of land contiguous to a farm site which includes an inhabitable residence and improvements used for residential purposes, and such improvements include utility connections, water and sewer systems, and improved access to a public road; and

(4) Farm site means the portion of land contiguous to land actively devoted to agriculture which includes improvements that are agricultural or horticultural in nature, including any uninhabitable or unimproved farm home site.

Sec. 2. This act becomes operative on January 1, 2009.

Sec. 3. Original section 77-1359, Revised Statutes Cumulative Supplement, 2006, is repealed.

COMMITTEE REPORTS

Education

LEGISLATIVE BILL 1079. Placed on General File with amendment.
AM2506

1. On page 7, line 13, after "means" insert "<u>: For the second school fiscal year immediately preceding the school fiscal year in which aid is to be paid as reported on the annual financial report prior to December 1 of the school fiscal year immediately preceding the school fiscal year in which aid is to be paid (a) for school fiscal years prior to school fiscal year 2009-10,</u>"; in line 18 reinstate the stricken matter; and in line 23 strike the underscored comma and insert "<u>; and (b) for school fiscal year 2009-10 and each school fiscal year thereafter, the total general fund expenditures minus categorical funds, tuition paid, transportation fees paid to other districts, adult education, summer school, community services, redemption of the principal portion of general fund debt service, retirement incentive plans, staff development assistance, transfers from other funds into the general fund,</u>".

LEGISLATIVE BILL 1151. Placed on General File with amendment.
AM2509

1. On page 9, line 6, strike "<u>school fiscal year</u>" and insert "<u>and second school fiscal years</u>".

2. On page 10, line 4, after "purchased" insert "<u>either by, or on behalf of, the school district or educational service unit seeking reimbursement</u>".

3. On page 11, line 3, after the semicolon insert "<u>(c) For purchases made on behalf of a school district or educational service unit, evidence that such purchase was made on</u>

behalf of such school district or educational service unit and that such school district or educational service unit paid directly or indirectly for such purchase;"; and in line 4 strike "(c)", show as stricken, and insert "(d)".

LEGISLATIVE BILL 1153. Placed on General File with amendment.
AM2510

1. Strike the original sections and insert the following new section:

Section 1. At the request of a parent or guardian, a school district shall issue a certificate of attendance to a student who receives special education services under the Special Education Act, who has reached seventeen years of age, and who has not completed his or her individualized education plan. A school district shall allow a student who receives a certificate of attendance under this section to participate in the high school graduation ceremony of such high school with students receiving high school diplomas. A student may receive only one certificate of attendance and may participate in only one graduation ceremony based on such certificate. The receipt of a certificate of attendance pursuant to this section shall not affect a school district's obligation to continue to provide special education services to a student receiving such certificate.

This section does not preclude a student from receiving a high school diploma by meeting the school district's graduation requirements established pursuant to section 79-729 or in his or her individualized education plan or receiving a diploma of high school equivalency under section 79-730 upon completing the requirements of such section. The school district may allow a student who has previously participated in a graduation ceremony based on a certificate of attendance to participate in an additional graduation ceremony when such student receives a high 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. Insert the following new section:

Sec. 7. Section 79-1005.01, Revised Statutes Cumulative Supplement, 2006, is amended to read:

79-1005.01 For state aid calculated for all school fiscal years except school fiscal years 2002-03 through 2007-08:

(1) An amount equal to the amount appropriated to the School District Income Tax Fund for distribution in school

fiscal year 1992-93 shall be disbursed as option payments as determined under section 79-1009 and as allocated income tax funds as determined in this section and sections 79-1008.01, 79-1015.01, 79-1017.01, and 79-1018.01, except as provided in section 79-1008.02. Funds not distributed as allocated income tax funds due to minimum levy adjustments shall not increase the amount available to local systems for distribution as allocated income tax funds;

(2) Not later than November 15 of each year, the Tax Commissioner shall certify to the department for the preceding tax year the income tax liability of resident individuals for each local system. The 1996 income tax liability of resident individuals of Class I districts that are affiliated with multiple high school districts shall be divided between local systems based on the percentage of the Class I district's valuation affiliated with each high school district; and

(3) Using the data certified by the Tax Commissioner pursuant to subdivision (2) of this section, the department shall calculate the allocation percentage and each local system's allocated income tax funds. The allocation percentage shall be an amount equal to the amount appropriated to the School District Income Tax Fund for distribution in school fiscal year 1992-93 minus the total amount paid for option students pursuant to section 79-1009 <u>and, for aid calculated for school fiscal year 2008-09, minus twenty million dollars</u> with the difference divided by the aggregate statewide income tax liability of all resident individuals certified pursuant to subdivision (2) of this section. Each local system's allocated income tax funds shall be calculated by multiplying the allocation percentage times the local system's income tax liability certified pursuant to subdivision (2) of this section.

2. On page 47, line 5, after "<u>adjustment</u>" insert "<u>for aid calculated for school fiscal year 2008-09 shall equal seventy-five percent of the product of the district's formula students multiplied by the percentage specified in this section for such district of the difference between the statewide average basic funding per formula student minus such district's basic funding per formula student. The averaging adjustment for aid calculated for school fiscal year 2009-10 and each school fiscal year thereafter</u>".

3. Renumber the remaining sections and correct internal 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. Insert the following new section:

Section 1. Section 44-4317, Reissue Revised Statutes of Nebraska, is amended to read:

44-4317 (1)(a) Any public agency which has the authority to levy a tax shall be authorized to levy a tax, to contract indebtedness, and to issue general obligation bonds payable from such a tax levy to pay the premium costs of general liability insurance, property insurance, workers' compensation insurance, health, dental, or accident insurance, life insurance, and any other insurance to protect against any of the losses described in section 44-4304 and to pay all costs and expenses associated with membership in a risk management pool, including, but not limited to, standard insurance coverages, group self-insurance coverages, assessments levied by the pool, retirement of debt incurred by the pool, and operating expenses of the pool.

(b) A member of a risk management pool which has the authority to levy a tax shall be authorized to enter into agreements obligating the member to make payments beyond its current budget year for any of such purposes.

(c) Taxes levied by a public agency other than an educational service unit or school district for the payment of the principal of, premium of, or interest on such a general obligation bond of such public agency, the payment of such insurance premium costs, and the payment of all costs and expenses associated with membership in a risk management pool may be levied in excess of any tax limitation imposed by statute.

(d) Except as permitted in subdivision (1)(e) of this section, taxes levied by an educational service unit or school district on or after the effective date of this act for the payment of the principal of, premium of, or interest on such a general obligation bond of such public agency, the payment of such insurance premium costs, and the payment of all costs and expenses associated with membership in a risk management pool shall be subject to the levy limit applicable to such public agency under section 77-3442.

(e) Taxes levied by an educational service unit or school district prior to fiscal year 2012-13 for the payment of the principal of, premium of, or interest on such a general obligation bond of such educational service unit or school district issued prior to the effective date of this act shall be excluded from the levy limit applicable to such public agency under section 77-3442.

(2) Nothing in the Intergovernmental Risk Management Act shall be construed or interpreted as permitting the State of Nebraska, represented by the Risk Manager, to enter into any agreement or contract or do any act in contravention of the Constitution of the State of Nebraska.

2. On page 7, line 27, before the comma insert "except as provided in section 44-4317 for bonded indebtedness issued by educational service units and school districts".

3. Renumber the remaining sections and correct internal references and the repealer accordingly.

Senator Langemeier offered the following amendment to the Raikes amendment:

AM2588

(Amendments to AM2585)

1. On page 2, line 15, strike "prior to fiscal year 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. On page 19, line 27, strike "years".

2. On page 20, line 1, strike "and 2009-10"; in line 22 strike "and" and insert the following new subdivision:

"(c) For school fiscal year 2009-10, as reported for the second school fiscal year immediately preceding the school fiscal year in which aid is to be paid on the annual financial report submitted prior to December 1 of the school fiscal year immediately preceding the school fiscal year in which aid is to be paid, the total general fund expenditures minus (i) the amount of all receipts to the general fund, to the extent that such receipts are not included in local system formula resources, from early childhood education tuition, summer school tuition, educational entities as defined in section 79-1201.01 for providing distance education courses through the Educational Service Unit Coordinating Council to such educational entities, private foundations, individuals, associations, charitable organizations, the textbook loan program authorized by section 79-734, and federal impact aid, (ii) the amount of expenditures for categorical funds, tuition paid, transportation fees paid to other districts, adult education, community services, redemption of the principal portion of general fund debt service, retirement incentive plans authorized by section 79-855, and staff development assistance authorized by section 79-856, (iii) the amount of any transfers from the general fund to any bond fund and transfers from other funds into the general fund, and (iv) any legal expenses in excess of fifteen-hundredths of one percent of the formula need for the school fiscal year in which the expenses occurred; and"; and in line 23 strike "(c)" and

insert "(d)".

3. On page 21, line 17, strike "and"; and in line 19 strike the underscored semicolon and insert ", and (iv) any legal expenses in excess of fifteen-hundredths of one percent of the formula need for the school fiscal year in which the expenses 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. On page 2, line 7, strike "1,022,930,676" and insert "1,027,559,109"; in line 11 strike "1,287,657,601" and insert "1,292,286,034"; in line 17 strike "$1,022,930,676" and insert "$1,027,559,109"; and in line 26 strike "$818,898,810" and insert "$823,527,243".

2. On page 5, after line 24, insert the following:

"It is the intent of the Legislature that the changes made by Legislative Bill 959, section 69, to Laws 2007, LB321, section 49, are null and void and are superseded by the changes made by this legislative bill.".

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. In the Standing Committee amendments, AM2449:

a. On page 55, line 12, after "program" insert an underscored comma;

b. On page 56, lines 12 and 27, after "(2)" insert "or (3)";

c. On page 63, line 5, strike "with", show as stricken, and insert "within"; and

d. On page 65, line 5, before the period insert "training"; in line 24 strike "and 13-519" and insert ", 13-519, and 79-201"; and in line 25 strike "79-201,".

2. On page 1, strike beginning with "learning" in line 1 through the first semicolon in line 10 and insert "education; to amend sections 79-234, 79-1202, 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, and sections 32-546.01, 32-604, 77-3442, 79-611, 79-769, 79-1028, 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; 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;".

LEGISLATIVE BILL 736. Placed on Select File with amendment.
ER8218

1. On page 1, strike lines 2 through 6 and insert "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.".

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. Insert the following new section:

Sec. 2. Section 71-5829.06, Reissue Revised Statutes of Nebraska, is amended to read:

71-5829.06 All rehabilitation beds which require a

certificate of need are subject to a moratorium, ~~except under the following condition:~~ unless one of the following exceptions applies:

(1) If the average occupancy for all rehabilitation beds located in Nebraska has exceeded ninety percent occupancy during the most recent three consecutive calendar quarters as reported at the time of the filing of the application, the department may grant an exception to the moratorium and issue a certificate of need. If the department determines the average occupancy for all rehabilitation beds located in Nebraska does not exceed ninety percent occupancy during the most recent three consecutive calendar quarters as reported at the time of the filing of the application, the department shall deny the application; or~~.~~

(2) If the average occupancy for all rehabilitation beds within a health planning region exceeds eighty percent occupancy during the most recent three consecutive calendar quarters as reported at the time of the filing of the application and no other comparable services are otherwise available in the health planning region, the department shall grant an exception to the moratorium and issue a certificate of need for up to three rehabilitation beds.

2. In the Standing Committee amendments, AM1755:

a. On page 2, line 25, strike "or"; and

b. On page 3, line 4, after "period" insert "; or

(8) Any relocation of rehabilitation beds in Nebraska from one health care facility to another health care facility".

3. On page 3, line 12, strike "section 71-5829.03" and insert "sections 71-5829.03 and 71-5829.06"; and in line 13 strike "is" and insert "are".

4. Renumber the remaining section accordingly.

Senator Cornett filed the following amendment to LB1055:
AM2444

(Amendments to E & R amendments, ER8183)

1. Insert the following new sections:

Section 1. Section 28-101, Revised Statutes Supplement, 2007, is amended to read:

28-101 Sections 28-101 to 28-1350 and section 3 of this act shall be known and may be cited as the Nebraska Criminal Code.

Sec. 2. Section 28-1008, Revised Statutes Supplement, 2007, is amended to read:

28-1008 For purposes of sections 28-1008 to 28-1017 and section 3 of this act

(1) Abandon means to leave any animal in one's care, whether as owner or custodian, for any length of time without making effective provision for its food, water, or other care as is reasonably necessary for the animal's health;

(2) Animal means any vertebrate member of the animal kingdom. The term does not include an uncaptured wild creature;

(3) Cruelly mistreat means to knowingly and intentionally kill, maim, disfigure, torture, beat, mutilate, burn, scald, or otherwise inflict harm upon any animal;

(4) Cruelly neglect means to fail to provide any animal in one's care, whether as owner or custodian, with food, water, or other care as is reasonably necessary for the animal's health;

(5) Humane killing means the destruction of an animal by a method which causes the animal a minimum of pain and suffering;

(6) Law enforcement officer means any member of the Nebraska State Patrol, any county or deputy sheriff, any member of the police force of any city or village, or any other public official authorized by a city or village to enforce state or local animal control laws, rules, regulations, or ordinances. Law enforcement officer also includes any inspector under the Commercial Dog and Cat Operator Inspection Act to the extent that such inspector may exercise the authority of a law enforcement officer under section 28-1012 while in the course of performing inspection activities under the Commercial Dog and Cat Operator Inspection Act;

(7) Mutilation means intentionally causing permanent injury, disfigurement, degradation of function, incapacitation, or imperfection to an animal. Mutilation does not include conduct performed by a veterinarian licensed to practice veterinary medicine and surgery in this state or conduct that conforms to accepted veterinary practices;

~~(7)~~ (8) Police animal means a horse or dog owned or controlled by the State of Nebraska for the purpose of assisting a Nebraska state trooper in the performance of his or her official enforcement duties; ~~and~~

(9) Repeated beating means intentional successive strikes to an animal by a person resulting in serious bodily injury or death to the animal;

~~(8)~~ (10) Serious injury or illness includes any injury or illness to any animal which creates a substantial risk of death or which causes broken bones, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ; and ~~.~~

(11) Torture means intentionally subjecting an animal to extreme pain, suffering, or agony. Torture does not include conduct performed by a veterinarian licensed to practice veterinary medicine and surgery in this state or conduct that conforms to accepted veterinary practices.

Sec. 3. (1)(a) Any person convicted of a Class IV felony under section 28-1005 or 28-1009 shall not own, possess, or reside with any animal for not less than fifteen years from the date of conviction. Any person violating this subdivision shall be guilty of a Class I misdemeanor.

(b) Any person convicted of a Class I misdemeanor under subdivision (2)(a) of section 28-1009 or a Class III misdemeanor

under section 28-1010 shall not own, possess, or reside with any animal for not less than five years from the date of conviction. Any person violating this subdivision shall be guilty of a Class IV misdemeanor.

(c) Any animal involved in a violation of subdivisions (a) and (b) of this subsection shall be subject to seizure by law enforcement.

(d) A court may extend the time restrictions for owning, possessing, or residing with any animal under this subsection as the court deems reasonable and necessary.

(2) The time restrictions in subdivisions (1)(a) and (b) of this section shall not apply to any person convicted under section 28-1005 or 28-1009 if a licensed physician confirms in writing that ownership or possession of or residence with an animal is essential to the health of such person.

Sec. 4. Section 28-1013, Revised Statutes Supplement, 2007, is amended to read:

28-1013 Sections 28-1008 to 28-1017 and section 3 of this act shall not apply to:

(1) Care or treatment of an animal by a veterinarian licensed under the Nebraska Veterinary Practice Act until December 1, 2008, and the Veterinary Medicine and Surgery Practice Act on and after December 1, 2008;

(2) Commonly accepted care or treatment of a police animal by a law enforcement officer in the normal course of his or her duties;

(3) Research activity carried on by any research facility currently meeting the standards of the federal Animal Welfare Act, 7 U.S.C. 2131 et seq., as such act existed on January 1, 2003;

(4) Commonly accepted practices of hunting, fishing, or trapping;

(5) Commonly accepted practices occurring in conjunction with rodeos, animal racing, or pulling contests;

(6) Humane killing of an animal by the owner or by his or her agent or a veterinarian upon the owner's request;

(7) Commonly accepted practices of animal husbandry with respect to farm animals, including their transport from one location to another and nonnegligent actions taken by personnel or agents of the Nebraska Department of Agriculture or the United States Department of Agriculture in the performance of duties prescribed by law;

(8) Use of reasonable force against an animal, other than a police animal, which is working, including killing, capture, or restraint, if the animal is outside the owned or rented property of its owner or custodian and is injuring or posing an immediate threat to any person or other animal;

(9) Killing of house or garden pests;

(10) Commonly followed practices occurring in conjunction with the slaughter of animals for food or byproducts; and

(11) Commonly accepted animal training practices.

Sec. 5. Section 28-1014, Revised Statutes Cumulative Supplement, 2006, is amended to read:

28-1014 Any city, village, or county may adopt and promulgate rules, regulations, and ordinances which are not inconsistent with the provisions of sections 28-1008 to 28-1017 and section 3 of this act for the protection of the public, public health, and animals within its jurisdiction.

Sec. 6. Section 28-1015, Revised Statutes Cumulative Supplement, 2006, is amended to read:

28-1015 When an animal is owned by a minor child, the parent of such minor child with whom the child resides or legal guardian with whom the child resides shall be subject to the penalties provided under sections 28-1008 to 28-1017 and section 3 of this act if the animal is abandoned or cruelly neglected.

Sec. 7. Section 28-1016, Revised Statutes Cumulative Supplement, 2006, is amended to read:

28-1016 Nothing in sections 28-1008 to 28-1017 and section 3 of this act shall be construed as amending or changing the authority of the Game and Parks Commission as established in the Game Law or to prohibit any conduct authorized or permitted by such law.

2. On page 10, line 9, after the last comma insert "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,".

3. Renumber the remaining sections and correct internal 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

printed on recycled paper

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, Louden, 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. Strike the original resolution and insert the following:

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.

(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. On page 1, line 10, after "a" insert "criterion-referenced".

2. On page 5, lines 8 and 9 and 18 and 19, strike "three"

through "school" and insert "selected by the state board".

3. On page 6, strike beginning with "The" in line 17 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

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 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 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 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 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; Louden, 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 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 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. In the Standing Committee amendments, AM2093, on page 4, lines 6, 14, and 15, strike "Governor" and insert "state board".

2. In the Raikes amendment, AM2366, on page 1, line 5, strike "one teacher" and insert "two teachers" and strike "a 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. In the Standing Committee amendments, AM2357:

a. Insert the following new section:

Sec. 10. Original section 68-901, Revised Statutes Cumulative Supplement, 2006, is repealed.

b. On page 2, line 12, strike "38-2840" and insert "38-2841".

2. On page 1, strike beginning with line 3 through

"Services" in line 5 and insert "the Medicaid Prescription Drug 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. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. For purposes of a bankruptcy plan under 11 U.S.C. chapter 13, a manufactured home or a mobile home shall be deemed real property under subdivision (b)(2) of 11 U.S.C. 1322, as such section existed on the effective date of this act.

Sec. 2. Section 60-137, Revised Statutes Supplement, 2007, is amended to read:

60-137 (1) The Motor Vehicle Certificate of Title Act applies to all vehicles as defined in the act, except:

(a) Farm trailers;

(b) Low-speed vehicles;

(c) Well-boring apparatus, backhoes, bulldozers, and front-end loaders; and

(d) Trucks and buses from other jurisdictions required to pay registration fees under the Motor Vehicle Registration Act, except a vehicle registered or eligible to be registered as part of a fleet of apportionable vehicles under section 60-3,198.

(2) All new all-terrain vehicles and minibikes sold on or after January 1, 2004, shall be required to have a certificate of title. An owner of an all-terrain vehicle or minibike sold prior to such date may apply for a certificate of title for such all-terrain vehicle or minibike as provided in rules and regulations of the department.

(3) An owner of a utility trailer may apply for a certificate of title upon compliance with the Motor Vehicle Certificate of Title Act.

(4)(a) Every owner of a manufactured home or mobile home shall obtain a certificate of title for the manufactured home or mobile home prior to affixing it to real estate.

(b) If a manufactured home or mobile home has been affixed to real estate and a certificate of title was not issued before it was so affixed, the owner of such manufactured home or mobile home shall apply for and be issued a certificate of title at any time for surrender and cancellation as provided in section 60-169.

Sec. 3. Section 60-164, Revised Statutes Supplement, 2007, is amended to read:

60-164 (1) Except as provided in section 60-165, the

provisions of article 9, Uniform Commercial Code, shall never be construed to apply to or to permit or require the deposit, filing, or other record whatsoever of a security agreement, conveyance intended to operate as a mortgage, trust receipt, conditional sales contract, or similar instrument or any copy of the same covering a vehicle. Any mortgage, conveyance intended to operate as a security agreement as provided by article 9, Uniform Commercial Code, trust receipt, conditional sales contract, or other similar instrument covering a vehicle, if such instrument is accompanied by delivery of such manufacturer's or importer's certificate and followed by actual and continued possession of the same by the holder of such instrument or, in the case of a certificate of title, if a notation of the same has been made by the county clerk, designated county official, or department on the face thereof, shall be valid as against the creditors of the debtor, whether armed with process or not, and subsequent purchasers, secured parties, and other lienholders or claimants but otherwise shall not be valid against them, except that during any period in which a vehicle is inventory, as defined in section 9-102, Uniform Commercial Code, held for sale by a person or corporation that is required to be licensed as provided in Chapter 60, article 14, and is in the business of selling such vehicles, the filing provisions of article 9, Uniform Commercial Code, as applied to inventory, shall apply to a security interest in such vehicle created by such person or corporation as debtor without the notation of lien on the instrument of title. A buyer of a vehicle at retail from a dealer required to be licensed as provided in Chapter 60, article 14, shall take such vehicle free of any security interest. A purchase-money security interest, as defined in section 9-103, Uniform Commercial Code, in a vehicle is perfected against the rights of judicial lien creditors and execution creditors on and after the date the purchase-money security interest attaches.

(2) Subject to subsection (1) of this section, all liens, security agreements, and encumbrances noted upon a certificate of title shall take priority according to the order of time in which the same are noted thereon by the county clerk, designated county official, or department. Exposure for sale of any vehicle by the owner thereof with the knowledge or with the knowledge and consent of the holder of any lien, security agreement, or encumbrance on such vehicle shall not render the same void or ineffective as against the creditors of such owner or holder of subsequent liens, security agreements, or encumbrances upon such vehicle.

(3) The holder of a security agreement, trust receipt, conditional sales contract, or similar instrument, upon presentation of such instrument to the department, if the certificate of title was issued by the department, or to any county clerk or designated county official, together with the certificate of title and the fee prescribed for notation of lien, may have a notation of such lien made on the face of such certificate

of title. The county clerk or designated county official or the department shall enter the notation and the date thereof over the signature of such officer and the official seal. If noted by a county clerk or designated county official, he or she shall on that day notify the department which shall note the lien on its records. The county clerk or designated county official or the department shall also indicate by appropriate notation and on such instrument itself the fact that such lien has been noted on the certificate of title.

(4) A transaction does not create a sale or a security interest in a vehicle, other than an all-terrain vehicle or a minibike, merely because it provides that the rental price is permitted or required to be adjusted under the agreement either upward or downward by reference to the amount realized upon sale or other disposition of the vehicle.

(5) The county clerk or designated county official or the department, upon receipt of a lien instrument duly signed by the owner in the manner prescribed by law governing such lien instruments together with the fee prescribed for notation of lien, shall notify the first lienholder to deliver to the county clerk or designated county official or the department, within fifteen days after the date of notice, the certificate of title to permit notation of such other lien and, after notation of such other lien, the county clerk or designated county official or the department shall deliver the certificate of title to the first lienholder. The holder of a certificate of title who refuses to deliver a certificate of title to the county clerk or designated county official or the department for the purpose of showing such other lien on such certificate of title within fifteen days after the date of notice shall be liable for damages to such other lienholder for the amount of damages such other lienholder suffered by reason of the holder of the certificate of title refusing to permit the showing of such lien on the certificate of title.

(6) When a lien is discharged, the holder shall, within fifteen days after payment is received, note a cancellation of the lien on the certificate of title over his, her, or its signature and deliver the certificate of title to the county clerk or designated county official or the department, which shall note the cancellation of the lien on the face of the certificate of title and on the records of such office. If delivered to a county clerk or designated county official, he or she shall on that day notify the department which shall note the cancellation on its records. The county clerk or designated county official or the department shall then return the certificate of title to the owner or as otherwise directed by the owner. The cancellation of lien shall be noted on the certificate of title without charge. If the holder of the title cannot locate a lienholder, a lien may be discharged ten years after the date of filing by presenting proof that thirty days have passed since the mailing of a written notice by certified

mail, return receipt requested, to the last-known address of the lienholder.

Sec. 4. Original sections 60-137 and 60-164, Revised Statutes Supplement, 2007, are repealed.

2. On page 1, strike beginning with "liens" in line 1 through line 6 and insert "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.".

LEGISLATIVE BILL 995. Placed on Select File with amendment.
ER8223

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 12-401, Reissue Revised Statutes of Nebraska, is amended to read:

12-401 The mayor of any city having ~~less~~ fewer than twenty-five thousand inhabitants, by and with the consent of the council or a majority thereof, and the ~~chairman~~ chairperson of the board of trustees of any village, by and with the consent of the village board or a majority thereof, may appoint a board of not fewer than three nor more than six members, to be known as the cemetery board, from among the citizens at large of such city or village, who shall serve without pay and shall have entire control and management of any cemetery belonging to such city or village. Neither the mayor nor any member of the council~~,~~ nor the ~~chairman~~ chairperson nor any member of the village board of trustees may be ~~members~~ a member of the cemetery board. At the time of establishing ~~said~~ such cemetery board, ~~two~~ approximately one-third of the members shall be appointed for a term of one year, ~~two~~ one-third for a term of two years, and ~~two~~ one-third for a term of three years, and thereafter ~~two~~ members shall be appointed ~~each year for a term~~ for terms of three years. Vacancies in the membership of the board other than through the expiration of a term shall be filled ~~in like manner as regular members of the board are appointed.~~ for the unexpired portion of the term.

Sec. 2. Section 12-402, Revised Statutes Cumulative Supplement, 2006, is amended to read:

12-402 (1) The mayor and council or the board of trustees, for the purpose of defraying the cost of the care, management, improvement, beautifying, and welfare of such cemeteries and the inhabitants thereof, may each year levy a tax not exceeding five and two-tenths cents on each one hundred dollars upon the taxable value of all the taxable property in such city or village subject to taxation for general purposes. The tax shall be collected and paid to the city or village as taxes for general purposes are collected and paid to the city or village. All taxes collected for this purpose shall constitute and be known as the

cemetery fund and shall be used for the general care, management, improvement, beautifying, and welfare of such cemetery and the inhabitants thereof. Warrants upon this fund shall be drawn by the cemetery board and shall be paid by the city or village treasurer. The city council or the board of trustees may issue a warrant from the cemetery fund if a payment is due and the cemetery board is not scheduled to meet prior to such due date to authorize the warrant.

(2) If the mayor and council or the board of trustees sets aside the proceeds from the sale of lots as a perpetual fund, the principal of the fund that is attributable to such proceeds, or attributable to any money which has come to the fund by donation, bequest, or otherwise that does not prohibit such use, may be used for the purchase and development of additional land to be used for cemetery purposes as long as no more than twenty-five percent of such principal is so used in any fiscal year and no more than thirty-five percent of such principal is so used in any period of ten consecutive fiscal years.

(3) This section does not limit the use of any money that comes to the city or village by donation, bequest, or otherwise that is not designated to be credited to the perpetual fund or that allows greater use for purchase or development of additional land to be used for cemetery purposes.

Sec. 3. Section 12-805, Revised Statutes Cumulative Supplement, 2006, is amended to read:

12-805 The county board ~~may~~ shall expend money from the general fund of the county for the care and maintenance of each abandoned ~~and~~ or neglected cemetery. Such amount shall not exceed one thousand dollars per cemetery in a calendar year. ~~and Indian burial ground as follows: (1) Not to exceed five hundred dollars in any one year when the cemetery is totally abandoned; or (2) not to exceed four hundred dollars in any one year when the cemetery is partially abandoned.~~ Such care and maintenance may include the repair or building of fences and annual spraying for the control of weeds and brush.

Sec. 4. Section 12-806, Reissue Revised Statutes of Nebraska, is amended to read:

12-806 The county board may include in the budget for the next fiscal year an item for care of abandoned ~~and~~ or neglected cemeteries as provided in section 12-805.

Sec. 5. Section 12-807, Reissue Revised Statutes of Nebraska, is amended to read:

12-807 The county board shall expend money from the general fund of the county for the continuous preservation and maintenance, including mowing, of an abandoned ~~and~~ or neglected pioneer cemetery when petitioned to do so by thirty-five adult residents of the county. The county board shall publish notice of such petition in one issue of the official newspaper published and of general circulation in the county at least ten days prior to the day when the matter will be heard by the county board.

Sec. 6. Section 12-808, Reissue Revised Statutes of Nebraska, is amended to read:

12-808 For purposes of sections 12-807 to 12-810, an abandoned ~~and~~ or neglected pioneer cemetery shall be defined according to the following criteria:

(1) Such cemetery was founded~~,~~ or the land upon which such cemetery is situated was given, granted, donated, sold, or deeded to the founders of the cemetery prior to January 1, 1900;

(2) Such cemetery contains the grave or graves of a person or persons who were homesteaders, immigrants from a foreign nation, prairie farmers, pioneers, sodbusters, first generation Nebraskans, or Civil War veterans; and

(3) Such cemetery has been generally abandoned ~~and~~ or neglected for a period of at least ~~twenty~~ five consecutive years.

Sec. 7. Section 12-810, Reissue Revised Statutes of Nebraska, is amended to read:

12-810 Any county affected by sections 12-807 to 12-810 shall provide for at least one mowing annually of such cemetery each year, and one of such mowings shall occur within a period of two weeks prior to Memorial Day. Additional mowings shall be at the discretion of the county board, and each additional mowing may be subject to a public hearing at which the need for the additional mowing shall be presented to the county board. Within five years after maintenance and preservation of such cemetery is commenced by such county, a historical marker giving the date of the establishment of the cemetery and a short history of the cemetery ~~shall~~ may be placed at the site of such cemetery. One directional marker showing the way to such cemetery may be placed on the nearest state highway to such cemetery.

Sec. 8. Section 12-1202, Reissue Revised Statutes of Nebraska, is amended to read:

12-1202 The Legislature hereby finds and declares that:

(1) Human burial sites which do not presently resemble well-tended and well-marked cemeteries are subject to a higher degree of vandalism and inadvertent destruction than well-tended and well-marked cemeteries;

(2) Although existing law prohibits removal, concealment, or abandonment of any dead human body and provides for the care and maintenance of abandoned ~~and~~ or neglected ~~Indian~~ cemeteries ~~and burial grounds~~ and pioneer cemeteries, additional statutory guidelines and protections are in the public interest;

(3) Existing law on cemeteries reflects the value placed on preserving human burial sites but does not clearly provide equal and adequate protection or incentives to assure preservation of all human burial sites in this state;

(4) An unknown number of unmarked human burial sites containing the remains of pioneers, settlers, and Indians are scattered throughout the state;

(5) No adequate procedure regarding the treatment and

disposition of human skeletal remains from unmarked graves exists to protect the interests of relatives or other interested persons; and

(6) There are scientific, educational, religious, and cultural interests in the remains of our ancestors and those interests, whenever possible, should be served.

Sec. 9. Section 12-1204, Reissue Revised Statutes of Nebraska, is amended to read:

12-1204 For purposes of the Unmarked Human Burial Sites and Skeletal Remains Protection Act:

(1) Burial goods shall mean any item or items reasonably believed to have been intentionally placed with the human skeletal remains of an individual at the time of burial and which can be traced with a reasonable degree of certainty to the specific human skeletal remains with which it or they were buried;

(2) Human burial site shall mean the specific place where any human skeletal remains are buried and the immediately surrounding area;

(3) Human skeletal remains shall mean the body or any part of the body of a deceased human in any stage of decomposition;

(4) Indian tribe shall mean any federally recognized or state-recognized Indian tribe, band, or community;

(5) Professional archaeologist shall mean a person having a postgraduate degree in archaeology, anthropology, history, or a related field with a specialization in archaeology and with demonstrated ability to design and execute an archaeological study and to present the written results and interpretations of such a study in a thorough, scientific, and timely manner;

(6) Reasonably identified and reasonably identifiable shall mean identifiable, by a preponderance of the evidence, as to familial or tribal origin based on any available archaeological, historical, ethnological, or other direct or circumstantial evidence or expert opinion;

(7) Society shall mean the Nebraska State Historical Society; and

(8) Unmarked human burial shall mean any interment by whatever means of human skeletal remains for which there exists no grave marker, including burials located in abandoned ~~and~~ or neglected cemeteries.

Sec. 10. Section 12-1401, Revised Statutes Cumulative Supplement, 2006, is amended to read:

12-1401 (1) The Nebraska State Historical Society shall establish and maintain the Statewide Cemetery Registry. The registry shall be located in the office of the Nebraska State Historical Society and shall be made available to the public. The purpose of the registry is to provide a central data bank of accurate and current information regarding the location of cemeteries, burial grounds, mausoleums, and columbaria in the state.

(2)(a) Each city, village, township, county, church, fraternal and benevolent society, cemetery district, cemetery association, mausoleum association, and any other person owning, operating, or maintaining a cemetery, pioneer cemetery, abandoned ~~and~~ or neglected cemetery, ~~Indian burial ground,~~ mausoleum, or columbarium shall register with the Statewide Cemetery Registry.

(b) Except as provided in subdivision (c) of this subsection, the registration shall include the following:

(i) The location or address of the cemetery, ~~burial ground,~~ mausoleum, or columbarium;

(ii) A plat of the cemetery, ~~burial ground,~~ mausoleum, or columbarium grounds, including any lots, graves, niches, or crypts, if available;

(iii) The name and address of the person or persons representing the entity owning, operating, or maintaining the cemetery, ~~burial ground,~~ mausoleum, or columbarium;

(iv) The inception date of the cemetery, ~~burial ground,~~ mausoleum, or columbarium, if available; and

(v) If the cemetery, ~~burial ground,~~ mausoleum, or columbarium is abandoned, the abandonment date, if available.

(c) The information required in subdivision (b) of this subsection regarding the operation and maintenance of a cemetery, ~~burial ground,~~ mausoleum, or columbarium prior to January 1, 2006, shall be required only if such information is reasonably available to the registering entity.

(d) The entity owning, operating, or maintaining the cemetery, ~~burial ground,~~ mausoleum, or columbarium may include information regarding the history of the operation of the cemetery, ~~burial ground,~~ mausoleum, or columbarium.

(3) The entity owning, operating, or maintaining a registered cemetery, ~~burial ground,~~ mausoleum, or columbarium shall update its entry in the registry every ten years following the initial registration by the entity.

Sec. 11. Original 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, are repealed.

Sec. 12. The following section is outright repealed: 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. On page 1, strike beginning with the first "and" in line 5 through "failures" in line 6 and insert "; to change provisions relating to names and reinstatement of limited liability companies".

LEGISLATIVE BILL 308. Placed on Select File with amendment.
ER8227

1. On page 1, strike beginning with "section" in line 1 through line 8 and insert "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.".

(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

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. Insert the following new section:

Sec. 2. Section 86-2,112, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-2,112 The Attorney General or any county attorney may administer oaths and affirmations, subpoena witnesses~~,~~ and compel their attendance, take evidence, and require the production of records including books, papers, documents, and tangible things which constitute or contain evidence relevant or material to the investigation or enforcement of the laws of this state ~~pertaining to offenses enumerated in section 86-291~~ when it reasonably appears that such action is necessary and proper. The attendance of witnesses and the production of records shall be required from any place within the State of Nebraska. Witnesses summoned by the Attorney General or a county attorney shall be paid the same fees that are paid witnesses in the courts of the State of Nebraska and mileage at the rate provided in section 81-1176.

2. On page 2, line 2, strike "is" and insert "and section 86-2,112, Revised Statutes Cumulative Supplement, 2006, are".

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. On page 6, strike beginning with "carried" in line 11 through "year" in line 12 and insert "remitted to the General Fund".

Senator Kopplin filed the following amendment to LB986:
AM2535
(Amendments to Standing Committee amendments, AM1998)
1. On page 6, line 5, after "terminate" insert "three months after the date of adoption of the legislation creating the 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 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 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 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 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

printed on recycled paper

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

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, Louden, Wallman. Nay: 0. Absent: 2 Senators Dubas, Kopplin.

(Signed) LeRoy Louden, 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. Insert the following new section:

Sec. 5. Section 24-708, Revised Statutes Cumulative Supplement, 2006, is amended to read:

24-708 (1) Except as provided in section 24-721, a judge may retire upon reaching the age of sixty-five years and upon making application to the board. Upon retiring each such judge shall receive retirement annuities as provided in section 24-710.

(2) Beginning on the effective date of this act, except as provided in section 24-721, a judge may retire upon reaching the age of sixty-two years and elect to receive a reduced monthly retirement income in lieu of a deferred vested annuity. The judge may request that the reduced monthly retirement income commence at any date, beginning on the first day of the month following the actual retirement date and ending on the normal retirement date. The amount of the monthly retirement income shall be calculated based on the length of creditable service and average compensation at the actual retirement date and shall be reduced when the payments commence prior to the normal retirement date to an amount that is actuarially equivalent to the deferred vested annuity payable at the normal retirement date. If a judge retires at the age of sixty-two years, such amount shall then be reduced by nine percent. If a judge retires at the age of sixty-three years, such amount shall be reduced by six percent, and if a judge retires at the age of sixty-four years, such amount shall be reduced by three percent.

~~(2)~~ (3) Except as provided in section 24-721, a judge may retire upon reaching the age of fifty-five years and elect to receive a reduced monthly retirement income in lieu of a deferred vested annuity. The judge may request that the reduced monthly retirement income commence at any date, beginning on the first day of the month following the actual retirement date and ending on the normal retirement date. The amount of the monthly retirement income

shall be calculated based on the length of creditable service and average compensation at the actual retirement date and shall be reduced when the payments commence prior to the normal retirement date to an amount that is actuarially equivalent to the deferred vested annuity payable at the normal retirement date.

~~(3)~~ (4) Payment of any benefit provided under the Judges Retirement Act may not be deferred later than April 1 of the year following the year in which the judge has both attained at least age seventy and one-half years and terminated his or her employment as a judge.

~~(4)~~ (5) The effective date of retirement payments shall be the first day of the month following (a) the date a member qualifies for retirement as provided in this section or (b) the date upon which a member's request for retirement is received on an application form provided by the retirement system, whichever is later. An application may be filed no more than ninety days in advance of qualifying for retirement.

~~(5)~~ (6) The board shall make reasonable efforts to locate the member or the member's beneficiary and distribute benefits by the required beginning date as specified by section 401(a)(9) of the Internal Revenue Code and the regulations issued thereunder. If the board is unable to make such a distribution, the benefit shall be distributed pursuant to the Uniform Disposition of Unclaimed Property Act and no amounts may be applied to increase the benefits any member would otherwise receive under the Judges Retirement Act.

2. Renumber the remaining sections and correct the 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. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 66-1838, Reissue Revised Statutes of Nebraska, is amended to read:

66-1838 (1) The provisions of this section apply only to general rate filings.

(2) Except as provided in subsection (3) of this section, a jurisdictional utility shall provide written notice to each city that will be affected by a proposed change in rates simultaneously with the filing with the commission of a request for a change in rates pursuant to the State Natural Gas Regulation Act. Such notice shall identify the cities that will be affected by the rate filing. The jurisdictional utility shall also file the information prescribed by the act and rules and regulations for rate changes adopted and promulgated by the commission with each city affected by such proposed rate change in electronic or digital format or, upon request, as paper documents.

(3) A jurisdictional utility may determine not to participate in negotiations with affected cities. Such decision, if indicated by written notice in the initial rate filing to the commission, shall relieve it from the duty of supplying notice to such cities as specified in subsection (2) of this section. The jurisdictional utility shall, not later than fifteen days after the initial filing, inform the commission by written notice of any decision not to participate in negotiations.

(4) Affected cities shall have a period of sixty days after the date of such filing within which to adopt a resolution evidencing their intent to negotiate an agreed rate change with the jurisdictional utility. A copy of the resolution adopted by each city under this section, notice of the rejection by a city of such a resolution, or written notice by an authorized officer of the city of the city's rejection of negotiations shall be provided to the commission and to the jurisdictional utility within seven days after its adoption.

(5) Any city may, at any time, by resolution adopted by its governing body and filed with the commission, indicate its rejection of participation in any future negotiations pertaining to any rate change whenever the same may be filed. Such resolution shall be treated as a duly filed notice of rejection of participation in negotiations for any rate filing by a jurisdictional utility at any time thereafter. The city filing a resolution pursuant to this subsection shall be bound thereby until such time as a resolution by the governing body of that city revoking its prior rejection of participation is filed with the commission.

(6) If the commission receives resolutions adopted prior to the expiration of the sixty-day period provided for in subsection (4) of this section evidencing the intent to negotiate from cities representing more than fifty percent of the ratepayers within the affected cities, the commission shall certify the case for negotiation between such cities and the jurisdictional utility and shall take no action upon the rate filing until the negotiation period and any stipulated extension has expired or an agreement on rates is submitted, whichever occurs first. The commission's certification shall be issued within eight business days after the earlier of (a) receipt of a copy of the resolutions from cities representing fifty percent or more of ratepayers within the affected cities or (b) the end of the sixty-day period provided for in subsection (4) of this section.

(7) When (a) the commission receives notice or has written documentary evidence on file from cities representing more than fifty percent of the ratepayers within the affected cities which notice or documents either expressly reject negotiations or reject such a resolution or (b) the commission receives written notice from the jurisdictional utility expressly rejecting negotiations, the rate change review by the commission shall proceed immediately from the date when the commission makes such a determination or receives such notice.

(8) When the sixty-day period provided for in subsection (4) of this section has expired without the receipt by the commission of resolutions from cities representing more than fifty percent of the ratepayers within the affected cities evidencing their intent to negotiate an agreed rate change review by the commission with the jurisdictional utility, the rate change shall proceed immediately from the date when the commission makes such a determination.

(9) If commission certification to pursue negotiations is received, cities adopting resolutions to negotiate and the jurisdictional utility shall enter into good faith negotiations over such proposed rate change.

(10)(a) The jurisdictional utility's filed rates may be placed into effect as interim rates, subject to refund, upon the adoption of final rates sixty days after the filing with

the commission, if the commission certifies the rate filing for negotiations.

(b) If the rate filing is not certified by the commission for negotiations, the jurisdictional utility's filed rates may be placed into effect as interim rates, subject to refund, upon the adoption of final rates, ninety days after filing with the commission.

(11) Negotiations between the cities and the jurisdictional utility shall continue for a period not to exceed ninety days after the date of the rate filing, except that the parties may mutually agree to extend such period to a future date certain and shall provide such stipulation to the commission.

(12) Notwithstanding any other provision of law, any information exchanged between the jurisdictional utility and cities is not a public record within the meaning of sections 84-712 to 84-712.09 and its disclosure to the commission, its staff, the public advocate, or any other person or corporation, for any purpose, is expressly prohibited.

(13) If the cities and the jurisdictional utility reach agreement upon new rates, such agreement shall be reduced to writing, including proposed findings of fact, proposed conclusions of law, and a proposed commission order, and filed with the commission. If cities representing more than fifty percent of the ratepayers within the cities affected by the proposed rate change enter into an agreement upon new rates and such agreement is filed with and approved by the commission, such rates shall be effective and binding upon all of the jurisdictional utility's ratepayers affected by the rate filing.

(14) Any agreement filed with the commission shall be presumed in the public interest, and absent any clear evidence on the face of the agreement that it is contrary to the standards and provisions of the State Natural Gas Regulation Act, the agreement shall be approved by the commission within a reasonable time.

(15)(a) Except as provided in subdivision (c) of this subsection, if the negotiations fail to result in an agreement upon new rates, the rates requested in the rate filing shall become final and no longer subject to refund if the commission has not taken final action within two hundred ten days after the date of the expiration of the negotiation period or after the date upon which the jurisdictional utility and the cities file a written agreement that the negotiations have failed and that the rate change review by the commission should proceed as provided in subsection (7) of this section.

(b) Except as provided in subdivision (c) of this subsection, if the filing is not certified for negotiations, the rate requested in the rate filing shall become final and no longer subject to refund if the commission has not taken final action within ~~two hundred ten~~ one hundred eighty days after the date of the ~~filing.~~ expiration of the sixty-day period provided for

in subsection (4) of this section or the date that the commission receives notice or has accumulated written documentary evidence on file from cities representing more than fifty percent of the ratepayers within the affected cities, whichever is earlier, if such notice or documents either expressly reject negotiations or reject such a resolution.

(c) The commission may extend the ~~two-hundred-ten-day~~ deadlines specified in subdivision (a) or (b) of this subsection by a period not to exceed an additional sixty days upon a finding that additional time is necessary to properly fulfill its responsibilities in the proceeding.

(16) Within thirty days after such changes have been authorized by the commission or become effective, copies of all tariffs, schedules, and classifications, and all terms or conditions of service, except those determined to be confidential under rules and regulations adopted and promulgated by the commission, shall be available for public inspection in every office and facility open to the general public of the jurisdictional utility in this state.

Sec. 2. Section 66-1852, Revised Statutes Cumulative Supplement, 2006, is amended to read:

66-1852 (1) Except as otherwise expressly authorized in the State Natural Gas Regulation Act, no person, public or private, shall extend duplicative or redundant natural gas mains or other natural gas services into any area which has existing natural gas utility infrastructure or where a contract has been entered into for the placement of natural gas utility infrastructure.

(2) The prohibition in subsection (1) of this section shall not apply in any area in which two or more jurisdictional utilities share authority to provide natural gas within the same territory under franchises issued by the same city.

(3) The prohibition in subsection (1) of this section shall not apply to the extension by a jurisdictional utility of a transmission line connecting to distribution facilities owned or operated by a jurisdictional utility, a city, or a metropolitan utilities district.

(4)(a) The prohibition in subsection (1) of this section shall not apply to the extension by a metropolitan utilities district of a transmission line connecting to distribution facilities owned or operated by such metropolitan utilities district.

(b) The extension by a metropolitan utilities district of a transmission line connecting to distribution facilities owned or operated by such metropolitan utilities district shall not constitute an enlargement or expansion of its natural gas service area and shall not be considered part of its natural gas service area.

(c) The extension of a transmission line by a jurisdictional utility as provided in subsection (3) of this

section shall not constitute an enlargement or expansion of the jurisdictional utility's natural gas service area and shall not be considered part of its natural gas service area if the transmission line makes its connection to distribution facilities in a county in which the natural gas service area or a portion of the natural gas service area of a metropolitan utilities district is located.

(5) The prohibition in subsection (1) of this section shall not apply to the extension by a city that owns or operates a natural gas utility of a transmission line that connects to its own distribution facilities.

(6) For purposes of this section, a transmission line means a pipeline, other than a gathering pipeline, distribution pipeline, or service line, that transports natural gas.

(7) Nothing in this section shall be construed to authorize a jurisdictional utility to extend a transmission line to a high-volume ratepayer with an existing source and adequate supply of natural gas that is located outside the area in which that jurisdictional utility has existing natural gas utility infrastructure.

Sec. 3. Section 75-130.01, Reissue Revised Statutes of Nebraska, is amended to read:

75-130.01 With respect to any matter of fact or law at issue in a contested case and notwithstanding any other provision of law, a member, staff, or agent of the Public Service Commission shall not during the pendency of any contested case heard before the commission have any ex parte communication with any party having an interest in the outcome of the contested case. For purposes of this section, the definitions in section 84-901 shall apply. Notwithstanding subdivision (4)(c) of section 84-901, this section applies to all communications by a party in contested cases under the State Natural Gas Regulation Act, including, but not limited to, general rate filings under section 66-1838.

Sec. 4. Original sections 66-1838 and 75-130.01, Reissue Revised Statutes of Nebraska, and section 66-1852, Revised Statutes Cumulative Supplement, 2006, are repealed.

2. On page 1, line 3, after "Nebraska" insert ", and section 66-1852, Revised Statutes Cumulative Supplement, 2006"; and in line 5 after the first "to" insert "extension of natural gas transmission lines and to".

LEGISLATIVE BILL 928. Placed on Select File with amendment.
ER8230

1. In the Standing Committee amendments, AM2435:

a. Renumber sections 33, 34, 35, 36, 37, and 38 as sections 32, 33, 34, 35, 36, and 37, respectively;

b. On page 39, line 2, strike the second "a"; in line 10 strike "a" and insert "the"; and in line 19 before the comma insert "of the World Health Organization";

c. On page 40, line 22, strike "a"; and

d. On page 44, line 21, strike "32," and strike "34" and insert "33"; and in line 23 strike "36, and 37" and insert "35, and 36".

2. In the Chambers amendment, FA250, after "32" insert "and all amendments thereto".

3. On page 1, strike beginning with "repeal" in line 1 through line 4 and insert "amend sections 81-653, 81-655, and 81-659, Reissue Revised Statutes of Nebraska, sections 81-656 and 81-660, Revised Statutes Cumulative Supplement, 2006, and sections 38-101, 38-1901, 38-1902, 38-1907, 38-1915, 38-3321, 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; to provide for the performance of collaborative animal health care tasks under the Uniform Credentialing Act as prescribed; to define and redefine terms; to change provisions relating to medical radiographers, licensing requirements under the Medical Radiography Practice Act, laboratories, and collection and use of fees; to provide for fingerprinting and a background check under the Radiation Control Act; 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.".

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. Insert the following new section:

Sec. 6. Section 44-1113, Reissue Revised Statutes of Nebraska, is amended to read:

44-1113 (1) In addition to the penalties and other enforcement provisions of the Viatical Settlements Act, if any person violates the act or any rule or regulation implementing the act, the director may seek an injunction in a court of competent jurisdiction and may apply for temporary and permanent orders that the director determines are necessary to restrain the person from committing the violation.

(2) Any person damaged by the acts of a person in violation of the act may bring a civil action against the person committing the violation in a court of competent jurisdiction.

(3) The director may issue, in accordance with the Administrative Procedure Act, a cease and desist order upon a person that violates any provision of the Viatical Settlements Act, any rule, regulation, or order adopted or issued by the director, or any written agreement entered into between such person and the director.

(4) When the director finds that an activity in violation of the act presents an immediate danger to the public that requires

an immediate final order, the director may issue an emergency cease and desist order reciting with particularity the facts underlying the findings. The emergency cease and desist order is effective immediately upon service of a copy of the order on the respondent and remains effective for ninety days. If the director begins nonemergency cease and desist proceedings, the emergency cease and desist order remains effective, absent an order by a court of competent jurisdiction pursuant to the Administrative Procedure Act.

(5) In addition to the penalties and other enforcement provisions of the Viatical Settlements Act, any person who violates the act is subject to civil penalties of up to one thousand dollars per violation. Imposition of civil penalties shall be pursuant to an order of the director issued under the Administrative Procedure Act. The director's order may require a person found to be in violation of the Viatical Settlements Act to make restitution to persons aggrieved by violations of the act.

(6) A person who is found by a court of competent jurisdiction, pursuant to an action initiated by the director, to have committed a fraudulent viatical settlement act, is subject to a civil penalty not to exceed five thousand dollars for the first violation, ten thousand dollars for the second violation, and fifteen thousand dollars for each subsequent violation.

~~(7)~~ (7)(a) Any person who solicits, markets, or otherwise promotes the purchase of an insurance policy for the sole purpose of or with the primary emphasis on entering into a viatical settlement contract shall be guilty of a Class IV felony.

(b) A person convicted of ~~a~~ any violation of the act except for the violation described in subdivision (a) of this subsection by a court of competent jurisdiction shall be guilty of a Class III misdemeanor.

(c) A person convicted of a violation of the act shall be ordered to pay restitution to persons aggrieved by the violation. Restitution shall be ordered in addition to a fine or imprisonment, but not in lieu of a fine or imprisonment. A prosecution under this subsection shall be in lieu of an action under subsection (6) of this section.

2. Renumber the remaining sections and correct the 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

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. Strike original section 1 and insert the following new section:

Section 1. Section 30-2483, Reissue Revised Statutes of Nebraska, is amended to read:

30-2483 Unless notice has already been given under this article and except when an appointment of a personal representative is made pursuant to subdivision (4) of section 30-2408, the clerk of the court upon the appointment of a personal representative shall publish a notice once a week for three successive weeks in a newspaper of general circulation in the county announcing the appointment and the address of the personal representative, and notifying creditors of the estate to present their claims within two months after the date of the first publication of the notice or be forever barred. The first publication shall be made within thirty days after the appointment. The party instituting or

maintaining the proceeding or his or her attorney is required to mail the published notice and give proof thereof in accordance with section 25-520.01. If the decedent was fifty-five years of age or older or resided in a medical institution as defined in subsection (1) of section 68-919, the notice shall also be mailed to the Department of Health and Human Services with the decedent's social security number and, if available upon reasonable investigation, the name and social security number of the decedent's spouse if such spouse is deceased.

LEGISLATIVE BILL 868. Placed on General File with amendment.
AM2178

1. Strike the original sections and insert the following new sections:

Section 1. Section 45-918, Reissue Revised Statutes of Nebraska, is amended to read:

45-918 No licensee shall charge as a fee a total amount in excess of ~~fifteen dollars per one hundred dollars or pro rata for any part thereof on~~ thirty-six percent annually of the face amount of a check for services provided by licensee.

Sec. 2. Original section 45-918, Reissue Revised Statutes of Nebraska, is repealed.

(Signed) Brad Ashford, Chairperson

AMENDMENTS - Print in Journal

Senator Louden filed the following amendment to LB986:
AM2625

(Amendments to Standing Committee amendments, AM1998)

1. On page 4, line 14, strike "(1)"; in line 15 after "manufacturer" insert "who sold at least five hundred electronic devices in this state in the previous calendar year"; in line 16 after "department" insert "whether"; in line 17 before the period insert "falls within subdivision (1), (2), or (3) of section 6 of this act and which subdivision is applicable"; strike lines 18 through 24; in line 25 strike "(1)"; and strike line 27.

2. On page 5, strike line 1; in line 5 strike "(a)" and insert "(1)"; in line 7 strike "(b)" and insert "(2)"; in line 9 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. Insert the following new section:

Sec. 7. Section 79-933, Reissue Revised Statutes of Nebraska, is amended to read:

79-933 (1) Upon retirement under section 79-931, a member or emeritus member shall receive a school retirement allowance

which shall consist of the sum of: ~~(1)~~ (a) A savings annuity which shall be the actuarial equivalent, as determined by the retirement board, of the member's accumulated contributions at the time of his or her retirement or, in the case of an emeritus member, the savings annuity fixed by the retirement board at the time of his or her original retirement; and ~~(2)~~ (b) a service annuity to be paid by the State of Nebraska.

(2) The amount of any individual service annuity for (a) a full-time school employee hired on or before April 1, 1988, who retires with thirty-five or more years of service or who retires under the provisions of disability retirement, (b) a full-time school employee who provided compensated service after April 1, 1988, but prior to July 19, 1996, if the service annuity commences on or after the member's sixty-fifth birthday, who retires with thirty-five or more years of service, or who retires under the provisions of disability retirement, or (c) an emeritus member shall be three dollars and fifty cents per month for each year of creditable service commencing with his or her retirement on or after May 19, 1981. For employees not enumerated in subdivision (a) or (b) of this subsection or for employees hired on or after July 19, 1996, ~~, except that~~ if the service annuity commences prior to the member's sixty-fifth birthday, it shall be on an actuarially reduced basis. Each school employee or emeritus member who retired before July 1, 1973, and who is receiving a service annuity as of that date shall have such service annuity adjusted by the increase in the cost of living as determined by the difference between the Consumer Price Index for Urban Wage Earners and Clerical Workers from the date the service annuity commenced and July 1, 1973, except that such annuity shall not exceed three dollars and fifty cents monthly per year of service based on the same number of years of service that is currently being used to determine his or her service annuity. Such increased service annuity shall commence on July 1, 1973.

2. Renumber the remaining sections and correct the repealer accordingly.

SELECT FILE

LEGISLATIVE BILL 853. Senator Hudkins offered the following amendment to her amendment:

AM2618

(Amendments to AM2114)

1. On page 4, line 25, strike "or".

2. On page 5, line 1, after the semicolon insert "or (g) Soliciting, marketing, or otherwise promoting the purchase of an insurance policy for the sole purpose of or with the 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 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 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 Quasquicentennial.

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 quasquicentennial 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. Insert the following new sections:

Sec. 2. Section 79-1104.01, Revised Statutes Cumulative Supplement, 2006, is amended to read:

79-1104.01 (1) Within ninety days after July 14, 2006, the State Department of Education shall request proposals from private endowments with experience in managing public and private funds for the benefit of children and families in multiple locations in Nebraska to be the endowment provider for the Nebraska Early Childhood Education Endowment upon the terms set forth in this section.

(2) An endowment seeking to become the endowment provider for the Nebraska Early Childhood Education Endowment shall agree to:

(a) Irrevocably commit, subject to subdivision (4)(a) of this section, no less than twenty million dollars in a private endowment to be used solely as part of the Nebraska Early Childhood Education Endowment within five years after the effective date of the endowment agreement, of which no less than five million dollars shall be pledged on the effective date of the endowment agreement. A minimum of one million dollars shall be placed in the private endowment prior to December 31, 2006, and a minimum of five million dollars shall be placed in the private endowment prior to June 30, 2007;

(b) Commit all ~~interest, earnings, and proceeds~~ earnings deposited from such private endowment for deposit into the Early Childhood Education Endowment Cash Fund;

(c) Permit the board of trustees to determine the allocation of funds from the Early Childhood Education Endowment Cash Fund pursuant to section 79-1104.02; and

(d) Submit to the State Department of Education an annual financial statement of the private endowment, audited by an independent auditor and complying with all applicable Internal Revenue Service requirements. The financial statement shall report details on the private endowment, including the current value of the corpus and the annual receipts to the private endowment categorized by donations and interests, together with a report listing the amount and purpose of expenditures from the private endowment.

(3) Upon selection of an endowment provider, the State Department of Education and such endowment provider shall enter into an endowment agreement pursuant to which the state and the endowment provider will agree to deposit funds as provided in subsection (4) of this section.

(4)(a) Upon the effective date of an endowment agreement,

the state shall provide for the Early Childhood Education Endowment Fund, which is hereby created, in accordance with section 79-1104.05. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. The endowment agreement may provide that the obligations of the endowment provider will terminate if the funds allocated to the Early Childhood Education Endowment Fund pursuant to subsection (11) of section 84-612 terminate as set forth in such section and are not replaced by a minimum of forty million dollars from another source on and after July 1, 2007.

(b) All interest, earnings, and proceeds from the Early Childhood Education Endowment Fund shall be deposited in the Early Childhood Education Endowment Cash Fund, which is hereby created. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. All interest, earnings, and proceeds from the Early Childhood Education Endowment Cash Fund shall be retained in such fund.

(c) Upon the effective date of an endowment agreement, the endowment provider shall deposit the amounts set forth in the endowment agreement into a private endowment for the sole benefit of the Early Childhood Education Endowment Fund. Money in the private endowment shall be managed by the endowment provider in accordance with sound, professional, fiduciary practices and in accordance with the endowment agreement.

(d) ~~All interest, earnings, and proceeds~~ Earnings deposited from the private endowment shall be deposited into the Early Childhood Education Endowment Cash Fund ~~no less than quarterly.~~ at least annually or as the endowment agreement provides.

Sec. 3. Section 79-1104.02, Revised Statutes Cumulative Supplement, 2006, is amended to read:

79-1104.02 (1) The Early Childhood Education Endowment Cash Fund, consisting of the interest, earnings, and proceeds from the Early Childhood Education Endowment Fund and the ~~interest,~~ earnings~~, and proceeds~~ from the private endowment created by the endowment provider, and any additional private donations made directly thereto, shall be used exclusively to provide funds for the Early Childhood Education Grant Program for at-risk children from birth to age three as set forth in this section.

(2) Grants provided by this section shall be to school districts~~,~~ and cooperatives of school districts~~, and educational service units~~ for early childhood education programs for at-risk children from birth to age three, as determined by the board of trustees pursuant to criteria set forth by the board of trustees. School districts~~,~~ and cooperatives of school districts~~, and educational service units~~ may establish agreements with other public and private entities to provide services or operate

programs.

(3) Each program selected for a grant pursuant to this section may be provided a grant for up to one-half of the total budget of such program per year. Programs selected for grant awards may receive continuation grants subject to the availability of funding and the submission of a continuation plan which meets the requirements of the board of trustees.

(4) Programs shall be funded across the state and in urban and rural areas to the fullest extent possible.

(5) Each program selected for a grant pursuant to this section shall meet the requirements described in subsection (2) of section 79-1103, except that the periodic evaluations of the program are to be specified by the board of trustees and the programs need not include continuity with programs in kindergarten and elementary grades and need not include instructional hours that are similar to or less than the instructional hours for kindergarten.

(6) Up to ~~five~~ ten percent of the total amount deposited in the Early Childhood Education Endowment Cash Fund each fiscal year may be reserved by the board of trustees for evaluation and technical assistance for the Early Childhood Education Grant Program with respect to programs for at-risk children from birth to age three.

Sec. 4. Section 79-1104.04, Revised Statutes Supplement, 2007, is amended to read:

79-1104.04 (1) The board of trustees shall include the following six members:

(a) The Commissioner of Education or his or her designee;

(b) The chief executive officer of the Department of Health and Human Services or his or her designee; and

(c) The following persons appointed by the Governor, in his or her discretion:

(i) Two persons nominated by the endowment provider;

(ii) An early childhood professional representing an urban at-risk area appointed pursuant to subsection (5) of this section; and

(iii) An early childhood professional representing a rural at-risk county appointed pursuant to subsection (6) of this section.

(2) The terms of office for members initially appointed under subsection (1) of this section shall be three years. Upon completion of the initial terms of such members, the Governor shall appoint the two members under subdivision (1)(c)(i) of this section for terms of one and two years, the member under subdivision (1)(c)(ii) of this section for a term of three years, and the member under subdivision (1)(c)(iii) of this section for a term of two years. Succeeding appointees shall be appointed for terms of three years. An appointee to a vacancy occurring from an unexpired term shall serve out the term of his or her predecessor. Members

whose terms have expired shall continue to serve until their successors have been appointed and qualified.

(3) The board of trustees shall by majority vote annually elect a chairperson from among the members of the board of trustees.

(4) The members of the board of trustees shall be reimbursed for their actual and necessary expenses incurred while engaged in the performance of their official duties as provided in sections 81-1174 to 81-1177.

(5) The Governor shall, in his or her discretion, appoint one member to the board of trustees who resides or works in ~~identify~~ an at-risk urban area consisting of not less than ten contiguous census tracts, as determined by the United States Bureau of the Census for the 2000 United States Census, within a city of the metropolitan class, which each contain a percentage of families below the poverty line of greater than twenty percent, as reported by the United States Bureau of the Census for the 2000 United States Census. ~~The Governor shall request that a committee, consisting of (a) the member of the Legislature representing the district containing the preponderance of geographic area of such at-risk area, (b) the member of the board of county commissioners representing the district containing the preponderance of geographic area of such at-risk area, and (c) the member of the city council representing the district containing the preponderance of geographic area of such at-risk area, develop a list of not less than two and not more than four nominees for appointment to the board of trustees. Upon receipt of a list of nominees signed by at least two members of the committee, the Governor shall, in his or her discretion, appoint a member to the board of trustees from such list of nominees.~~

(6) The Governor shall, in his or her discretion, appoint one member to the board of trustees who resides or works in a county which does not contain a city of the metropolitan class or a city of the primary class and which contains a percentage of families below the poverty line of greater than eight and one-half percent, as reported by the United States Bureau of the Census for the 2000 United States Census.

Sec. 5. Original sections 79-1104.01 and 79-1104.02, Revised Statutes Cumulative Supplement, 2006, and section 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

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

Excused and not voting, 4:

Erdman	Flood	Heidemann	Langemeier

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 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 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. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. (1) On July 1, 2009, and each July 1 thereafter, the State Treasurer shall transfer an amount equal to one-half of one percent of the appropriations and express obligations for the current biennial budget period from the General Fund to the Highway Trust Fund.

(2) The amount transferred pursuant to subsection (1) of this section shall be allocated as follows:

(a) Ninety percent to the Highway Cash Fund for the Department of Roads;

(b) Five percent to the Highway Allocation Fund for allocation to the various counties for road purposes; and

(c) Five percent to the Highway Allocation Fund for allocation to the various municipalities for street purposes.

Sec. 2. Section 84-612, Revised Statutes Supplement, 2007, is amended to read:

84-612 (1) There is hereby created within the state treasury a fund known as the Cash Reserve Fund which shall be under the direction of the State Treasurer. The fund shall only be used pursuant to this section.

(2) The State Treasurer shall transfer funds from the Cash Reserve Fund to the General Fund upon certification by the Director of Administrative Services that the current cash balance in the General Fund is inadequate to meet current obligations. Such certification shall include the dollar amount to be transferred. Any transfers made pursuant to this subsection shall be reversed upon notification by the Director of Administrative Services that sufficient funds are available.

(3) The State Treasurer, at the direction of the budget administrator of the budget division of the Department of Administrative Services, shall transfer such amounts not to exceed seven million seven hundred fifty-three thousand two hundred sixty-three dollars in total from the Cash Reserve Fund to the Nebraska Capital Construction Fund between July 1, 2003, and June 30, 2007.

(4) The State Treasurer, at the direction of the budget administrator, shall transfer an amount equal to the total amount transferred pursuant to subsection (3) of this section from the General Fund to the Cash Reserve Fund on or before June 30, 2008.

(5) In addition to receiving transfers from other funds, the Cash Reserve Fund shall receive federal funds received by the State of Nebraska for undesignated general government purposes, federal revenue sharing, or general fiscal relief of the state.

(6) On June 15, 2007, the State Treasurer shall transfer fifteen million six hundred seventy-four thousand one hundred seven dollars from the Cash Reserve Fund to the General Fund.

(7) On June 16, 2008, the State Treasurer shall transfer seventeen million nine hundred thirty-one thousand thirty dollars from the Cash Reserve Fund to the General Fund.

(8) On June 15, 2009, the State Treasurer shall transfer four million nine hundred ninety thousand five hundred five dollars from the Cash Reserve Fund to the General Fund.

(9) On or before June 16, 2008, the State Treasurer, at the direction of the budget administrator, shall transfer fifty million dollars from the Cash Reserve Fund to the General Fund.

(10) On or before June 16, 2009, the State Treasurer, at the direction of the budget administrator, shall transfer fifty million dollars from the Cash Reserve Fund to the General Fund.

(11) From the effective date of an endowment agreement as defined in subdivision (3)(c) of section 79-1101 until June 30, 2007, forty million dollars of the Cash Reserve Fund shall be

deemed to constitute the Early Childhood Education Endowment Fund. Such funds shall remain part of the Cash Reserve Fund for all purposes, except that the interest earned on such forty million dollars shall accrue as provided in section 84-613.

(12) The State Treasurer, at the direction of the budget administrator, shall transfer such amounts, as certified by the Director of Administrative Services, for employee health insurance claims and expenses, not to exceed twelve million dollars in total from the Cash Reserve Fund to the State Employees Insurance Fund between May 1, 2007, and June 30, 2011.

(13) On July 9, 2007, the State Treasurer shall transfer twelve million dollars from the Cash Reserve Fund to the Nebraska Capital Construction Fund.

(14) On July 9, 2007, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the Job Training Cash Fund. The State Treasurer shall transfer from the Job Training Cash Fund to the Cash Reserve Fund such amounts as directed in section 81-1201.21.

(15) On July 7, 2008, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the Job Training Cash Fund. The State Treasurer shall transfer from the Job Training Cash Fund to the Cash Reserve Fund such amounts as directed in section 81-1201.21.

(16) On or before August 1, 2007, the State Treasurer, at the direction of the budget administrator, shall transfer seventy-five million dollars from the Cash Reserve Fund to the Nebraska Capital Construction Fund.

(17) On or before June 30, 2009, the State Treasurer shall transfer nine million five hundred ninety thousand dollars from the Cash Reserve Fund to the Nebraska Capital Construction Fund.

(18) The State Treasurer, at the direction of the budget administrator, shall transfer an amount equal to the total amount transferred pursuant to subsection (12) of this section from the appropriate health insurance accounts of the State Employees Insurance Fund in such amounts as certified by the Director of Administrative Services to the Cash Reserve Fund on or before June 30, 2011.

(19) On July 9, 2007, the State Treasurer shall transfer one million dollars from the Cash Reserve Fund to the Microenterprise Development Cash Fund.

(20) On July 9, 2007, the State Treasurer shall transfer two hundred fifty thousand dollars from the Cash Reserve Fund to the Building Entrepreneurial Communities Cash Fund.

(21) On July 7, 2008, the State Treasurer shall transfer one million dollars from the Cash Reserve Fund to the Microenterprise Development Cash Fund.

(22) On July 7, 2008, the State Treasurer shall transfer two hundred fifty thousand dollars from the Cash Reserve Fund to

the Building Entrepreneurial Communities Cash Fund.

(23) Within seven days after the effective date of this act, the State Treasurer shall transfer fourteen million five hundred thirteen thousand nine hundred thirty dollars from the Cash Reserve Fund to the Roads Operations Cash Fund.

(24) Within seven days after the effective date of this act, the State Treasurer shall transfer sixteen million one hundred two thousand dollars from the Cash Reserve Fund to the Highway Cash Fund.

Sec. 3. Original section 84-612, Revised Statutes Supplement, 2007, is repealed.

Senator Janssen filed the following amendment to LB895:
AM2590

(Amendments to E & R amendments, ER8219)

1. On page 24, line 6, strike "(a)"; and strike lines 11 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. On page 25, line 16, after the period insert "A taxpayer who has a project for an Internet web portal and who has met the required level of investment for a tier 5 project shall receive the incentive provided in this subsection for property in subdivision (8)(b)(ii) of this section.".

2. On page 34, line 3, after "77-5725" insert "or any reduction in the personal property tax under section 77-5725"; and 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. Insert the following new section:

Section 1. Section 18-2720, Reissue Revised Statutes of Nebraska, is amended to read:

18-2720 (1) If the economic development program involves the establishment of a loan fund, the governing body of the city shall designate an appropriate individual to assume primary responsibility for loan servicing and shall provide such other assistance or additional personnel as may be required. The individual may be an employee of the city, or the city may contract with an appropriate business or financial institution for loan servicing functions. The governing body of the city shall be provided with an account of the status of each loan outstanding, program income, and current investments of unexpended funds on a monthly basis. Program income shall mean payments of principal and

interest on loans made from the loan fund and the interest earned on these funds.

(2) ~~The individual responsible for loan servicing shall establish a separate account in a financial institution for each loan made from the loan fund.~~ Records kept on such accounts and reports made to the governing body of the city shall include, but not be limited to, the following information: (a) The name of the borrower; (b) the purpose of the loan; (c) the date the loan was made; (d) the amount of the loan; (e) the basic terms of the loan, including the interest rate, the maturity date, and the frequency of payments; and (f) the payments made to date and the current balance due.

(3) The individual responsible for loan servicing shall monitor the status of each loan and, with the cooperation of the governing body of the city and the primary lender or lenders, take appropriate action when a loan becomes delinquent. The governing body shall establish standards for the determination of loan delinquency, when a loan shall be declared to be in default, and what action shall be taken to deal with the default to protect the interests of the qualifying business, third parties, and the city. The governing body shall establish a process to provide for consultation, agreement, and joint action between the city and the primary lender or lenders in pursuing appropriate remedies following the default of a qualifying business in order to collect amounts owed under the loan.

2. Renumber the remaining sections and correct internal references and the repealer accordingly.

Senator White filed the following amendment to LB1001:
AM2632

(Amendments to E & R amendments, ER8188)

1. On page 2, line 14, after the comma insert "a nonprofit corporation organized for the purpose of furnishing electric service,".

2. On page 2, line 27; and page 3, lines 3, 5, and 10, before "sales" insert "state".

3. On page 3, line 3, strike "Any" and insert "For time periods after July 1, 2007, any"; and strike beginning with "The" in line 12 through line 13.

4. On page 4, after line 9, insert the following new subsection:

"(4) The eligible entity shall certify to the department the amount of money to be distributed from the applicable subfund of the Energy Conservation Improvement Fund for payments of the energy conservation grants approved in subsection (2) of this section. Requests for distribution may be filed no more frequently than monthly. The department shall distribute money only to the eligible entity."; in line 11 after "to" insert "administer a program for eligible energy conservation grants under

the Low-Income Home Energy Conservation Act or to"; and strike beginning with "under" in line 12 through "Act" in line 13.

5. On page 8, line 16, after "made" insert "or made 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. Insert the following new sections:

Sec. 17. Section 77-1704.02, Reissue Revised Statutes of Nebraska, is amended to read:

77-1704.02 (1) Until such time as the real property is sold for taxes under section 77-1806, each county treasurer shall accept payments of five hundred dollars or more for the partial discharge of current or delinquent real property taxes, personal property taxes, or both or any charges for interest, publication, penalties, or other charges by reason of the delinquency of such taxes. Such partial payment shall be in an amount of at least five hundred dollars unless the partial payment is for the remaining obligation. The county treasurer shall distribute partial payments to the entities levying taxes on the property in proportion to the total amount of taxes levied on the property by each entity levying taxes on such property. Partial payment shall stop the accumulation of interest with regard to the amount of payment made. Partial payments for delinquent taxes shall be applied to the oldest delinquencies first. Partial payment of delinquent taxes shall not affect any collection procedure that is underway or available to the county until the delinquency is fully satisfied.

~~(1)~~ (2) Any county board may pass a resolution to allow payments ~~for the~~ of amounts less than five hundred dollars for the partial discharge of current or delinquent real property taxes, personal property taxes, or both, any amounts after the real property has been sold for taxes under section 77-1806, or any charges for interest, publication, penalties, or other charges by reason of the delinquency of such taxes to be held in escrow by the county treasurer or may contract with another party to hold such payments in escrow. Upon passage of such a resolution or such other effective date as the resolution may provide, the county treasurer shall accept payments in accordance with the resolution or any subsequent amendments thereto and hold such amounts until the accumulated payments are sufficient to pay at least one-half the taxes currently due on the property or the full amount of delinquency and any interest, penalties, or other charges due to the delinquency. The resolution of the county board may require a minimum, limited, or periodic payment amount as a condition for acceptance of payments to be held in escrow. The resolution may also require that an escrow agreement be executed between the person making payment and the county treasurer as a condition for accepting payments.

~~(2)~~ (3) Payments held in escrow under this section may be held in a designated bank account or may be commingled with other county funds. Such amounts are the property of the person making payment and shall be held in trust for the benefit of such person and be accounted for with respect to the property for which the current or delinquent taxes are to be paid. The county may pay interest on amounts held in escrow at a rate to be determined by the county board or may retain any interest received. Upon sale of the property, any amounts held in escrow with respect to that property shall be returned to the person that made the payment or applied as directed by such person.

~~(3)~~ (4) Payments held in escrow for payment of delinquent taxes shall be applied to the oldest delinquencies first. Payments held in escrow for payment of delinquent taxes shall not affect any collection procedure that is underway or available to the county until the delinquency is fully satisfied.

Sec. 18. Section 77-1716, Reissue Revised Statutes of Nebraska, is amended to read:

77-1716 The county treasurer ~~may,~~ shall, at any time prior to January 1 of each year, send by mail to the last-known address a notice to each person on the personal tax roll and each person owing real estate taxes on mobile homes, cabin trailers, manufactured homes, or similar property assessed and taxed as improvements to leased land, advising such taxpayer of the amount of such taxes owed for that year. At any time ~~after May 1 and before September 1 next following,~~ on or before May 15 in counties with more than one hundred thousand inhabitants, as of the last federal decennial census, or on or before June 15 in all other counties, the county treasurer is required to notify by mail, at the last-known address, any taxpayer, whose personal or real estate tax under this section is delinquent, on account of such taxpayer not having paid the taxes, or the first installment thereof, on ~~May 1,~~ or before such dates, as required by law, of the amount of such delinquent tax. The delinquency notice shall also recite that unless the entire tax is paid by September 1, next following, a distress warrant will be issued therefor. One dollar may be charged by the county treasurer as a cost to the taxpayer to defray the cost of sending the delinquency notice. The failure of the taxpayer to receive the notice shall not affect the validity of the distress warrant.

Sec. 19. Section 77-1719.03, Revised Statutes Cumulative Supplement, 2006, is amended to read:

77-1719.03 In any case ~~where~~ in which any distress warrant includes taxes for one year or more, the sheriff may, in his or her discretion, accept partial payment and shall pay the same, as received, to the county treasurer, who shall accept the same and receipt the sheriff therefor. ~~Pursuant to section 77-1704.02, the~~ The county treasurer may accept the partial payment ~~and hold such amounts until the accumulated payments are sufficient~~

~~to pay the full amount of the delinquency for one year and any interest, penalties, or other charges due to the delinquency.~~ in the manner provided in section 77-1704.02. Notwithstanding any partial payment, the sheriff shall make levy and return thereof, on the distress warrant, as required by law.

Sec. 20. Except for delinquent taxes on mobile homes, cabin trailers, manufactured homes, or similar property assessed and taxed as improvements to leased land, the county treasurer shall, at any time on or before May 15 in counties with more than one hundred thousand inhabitants, as of the last federal decennial census, or on or before June 15 in all other counties, notify by mail, at the last-known address, any taxpayer whose real estate tax is delinquent, on account of such taxpayer not having paid the taxes, or the first installment thereof, on or before such dates, as required by law, of the amount of such delinquent tax. The notice shall also recite that unless the entire tax is paid on or before the first Monday of March after the tax becomes delinquent, the real estate will be sold or foreclosed on as provided by law in order to pay the delinquent real estate taxes. One dollar may be charged by the county treasurer as a cost to the taxpayer to defray the cost of sending the delinquency notice. The failure of the taxpayer to receive the notice shall not affect the validity of a sale under Chapter 77, article 18.

Sec. 31. Original sections 77-1704.02 and 77-1716, Reissue Revised Statutes of Nebraska, and section 77-1719.03, Revised Statutes Cumulative Supplement, 2006, are repealed.

2. Renumber the remaining sections, correct internal references, and correct the operative date section and the repealer so that the sections added by this amendment become operative on 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 an 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. Insert the following new section:

Sec. 11. Section 46, Legislative Bill 988, One Hundredth Legislature, Second Session, 2008, is amended to read:

For school fiscal year 2008-09 and each school fiscal year thereafter, a school district may exceed its maximum general fund budget of expenditures minus the special education budget of expenditures by a specific dollar amount for:

(1) Expenditures for repairs to infrastructure damaged by a natural disaster which is declared a disaster emergency pursuant to the Emergency Management Act;

(2) Expenditures for judgments, except judgments or orders from the Commission of Industrial Relations, obtained against a school district which require or obligate a school district to pay such judgment, to the extent such judgment is not paid by liability insurance coverage of a school district;

(3) Expenditures pursuant to the Retirement Incentive Plan authorized in section 79-855 or the Staff Development Assistance authorized in section 79-856;

(4) Expenditures of incentive payments or base fiscal year incentive payments to be received in such school fiscal year pursuant to section 79-1011;

(5) Expenditures of amounts received from educational entities as defined in section 79-1201.01 for providing distance

education courses through the Educational Service Unit Coordinating Council to such educational entities; and

(6) ~~A school district may exceed its applicable allowable growth rate for either (a) the first and second school fiscal years the district will be participating in Network Nebraska for the full school fiscal year or (b) school fiscal year 2008-09, if the school district participated in Network Nebraska for all of school fiscal year 2007-08, by a specific dollar amount equal to the estimated expenditures, to be made in the school fiscal year in which the district may exceed its applicable allowable growth rate, for (i) telecommunication services, (ii) access to data transmission networks that transmit data to and from the school district, and (iii) the transmission of data on such networks as such expenditures are defined by the department for purposes of the distance education and telecommunications allowance minus the dollar amount of such expenditures for the school fiscal year immediately preceding the first full school fiscal year the district participates in Network Nebraska. Districts shall estimate expenditures on forms prescribed by the department. The department shall approve, deny, or modify the estimated expenditures.~~ Either (a) the first and second school fiscal years the district will be participating in Network Nebraska for the full school fiscal year or (b) school fiscal year 2008-09, if the school district participated in Network Nebraska for all of school fiscal year 2007-08, for the difference of the estimated expenditures for such school fiscal year for telecommunications services, access to data transmission networks that transmit data to and from the school district, and the transmission of data on such networks as such expenditures are defined by the department for purposes of the distance education and telecommunications allowance minus the dollar amount of such expenditures for the second school fiscal year preceding the first full school fiscal year the district participates in Network Nebraska.

The state board shall approve, deny, or modify the amount allowed for any exception to the maximum general fund budget of expenditures minus the special education budget of expenditures pursuant to this section.

2. On page 38, lines 24 and 25, strike "plus all member districts of learning communities".

3. On page 39, line 4, strike the new matter; and in line 8 after "section" insert ", except that such adjusted valuation for member school districts that are also member districts of a learning community shall be reduced by fifty percent. The adjusted valuation for each learning community shall equal fifty percent of the total adjusted valuation of the member school districts pursuant to section 79-1016 used for the calculation of state aid for school districts pursuant to the act for the school fiscal year for which the distribution is being calculated pursuant to this section".

4. Renumber the remaining sections and correct internal 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. On page 11, lines 19 and 27; page 19, line 19; page 25, lines 5 and 6; page 29, lines 9 and 10; page 32, lines 18 and 19; page 33, lines 18 and 22 and 23; page 35, line 10; page 39, lines 6, 10, and 15; page 40, line 22; page 41, line 22; and page 44, line 26, strike "and surcharge".

2. On page 17, strike lines 20 through 27.

3. On page 18, strike lines 1 through 6.

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, Louden, 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. Insert the following new section:

Sec. 23. Section 71-7608, Revised Statutes Supplement, 2007, as amended by section 7, Legislative Bill 606, One Hundredth Legislature, Second Session, 2008, is amended to read:

71-7608 The Nebraska Tobacco Settlement Trust Fund is created. The fund shall include any settlement payments or other revenue received by the State of Nebraska in connection with any tobacco-related litigation to which the State of Nebraska is a party. The Department of Health and Human Services shall remit such revenue to the State Treasurer for credit to the fund, except that ~~(1)~~ of such revenue received on or after April 1, 2005, two million five hundred thousand dollars shall be credited annually to the Tobacco Prevention and Control Cash Fund. Beginning in July 2008 and ~~(2) within seven days after the effective date of this act, and on July 1 of~~ each year thereafter, on or before July 25, five hundred thousand dollars shall be ~~credited~~ transferred from the Nebraska Tobacco Settlement Trust Fund to the Stem Cell Research Cash Fund created under section 5 of this act. Subject to the terms and conditions of such litigation, money from the Nebraska Tobacco Settlement Trust Fund shall be transferred to the Nebraska Health Care Cash Fund as provided in section 71-7611. Any money in the Nebraska Tobacco Settlement Trust Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

2. On page 36, line 6, strike "30" and insert "31".

3. On page 44, line 21, strike "32, and 34" and insert "33, and 35"; in line 22 strike "23,"; and in line 23 strike "36, and 37" and insert "32, 37, and 38".

4. On page 45, line 3, strike "is" and insert "and section 71-7608, Revised Statutes Supplement, 2007, as amended by section 7, Legislative Bill 606, One Hundredth Legislature, Second Session, 2008, are".

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. Strike the original sections and insert the following new sections:

Section 1. There is hereby appropriated (1) $56,101 for the Health and Human Services Cash Fund for FY2008-09 and (2) $97,949 from the Health and Human Services Cash Fund for FY2009-10 to the Department of Health and Human Services, for Program 33, to aid in carrying out the provisions of Legislative Bill 928, One Hundredth Legislature, Second Session, 2008.

Sec. 2. There is hereby appropriated (1) $25,000 from the General Fund for FY2008-09 and (2) $9,000 from the General Fund for FY2009-10 to the University of Nebraska, for Program 781, to aid in carrying out the provisions of Legislative Bill 928, One Hundredth Legislature, Second Session, 2008.

Sec. 3. The General Fund appropriation for FY2009-10 to the Department of Health and Human Services, for Program 33, is 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. Strike the original sections and insert the following new sections:

Section 1. Section 68-949, Revised Statutes Supplement, 2007, is amended to read:

68-949 (1) It is the intent of the Legislature that the department implement reforms to the medical assistance program such as those contained in the Medicaid Reform Plan, including (a) an incremental expansion of home and community-based services for aged persons and persons with disabilities consistent with such plan, (b) an increase in care coordination or disease management initiatives to better manage medical assistance expenditures on behalf of high-cost recipients with multiple or chronic medical conditions, and (c) other reforms as deemed necessary and appropriate by the department, in consultation with the committee and the Medicaid Reform Council.

(2)(a) The department shall develop recommendations ~~relating to the provision of health care and related services for medicaid-eligible children under the state children's health insurance program as allowed under Title XIX and Title XXI of the federal Social Security Act. Such study and recommendations shall include, but not be limited to, the organization and administration of such program, the establishment of premiums, copayments, and deductibles under such program, and the establishment of limits on the amount, scope, and duration of services offered to recipients under such program.~~ based on a comprehensive analysis of various options available to the state under applicable federal law for the provision of medical assistance to persons with disabilities who are employed, including persons with a medically improved disability, to enhance and replace current eligibility provisions contained in subsection (8) of section 68-915.

(b) The department shall provide a draft report of such recommendations to the committee and the Medicaid Reform Council no later than October 1, ~~2007.~~ 2008. The council shall conduct a public meeting no later than October 15, ~~2007,~~ 2008, to discuss

and receive public comment regarding such report. The council shall provide any comments and recommendations regarding such report in writing to the department and the committee no later than November 1, ~~2007.~~ 2008. The department shall provide a final report of such recommendations to the Governor, the committee, and the council no later than December 1, ~~2007.~~ 2008.

(3)(a) The department shall develop recommendations for further modification or replacement of the defined benefit structure of the medical assistance program. Such recommendations shall be consistent with the public policy in section 68-905 and shall consider the needs and resources of low-income Nebraska residents who are eligible or may become eligible for medical assistance, the experience and outcomes of other states that have developed and implemented such changes, and other relevant factors as determined by the department.

(b) The department shall provide a draft report of such recommendations to the committee and the Medicaid Reform Council no later than October 1, 2008. The council shall conduct a public meeting no later than October 15, 2008, to discuss and receive public comment regarding such report. The council shall provide any comments and recommendations regarding such report in writing to the department and the committee no later than November 1, 2008. The department shall provide a final report of such recommendations to the Governor, the committee, and the council no later than December 1, 2008.

Sec. 2. Original section 68-949, Revised Statutes Supplement, 2007, is repealed.

LEGISLATIVE BILL 1176. Placed on General File with amendment.
AM2630

1. Strike the original sections and insert the following new sections:

Section 1. Section 68-909, Revised Statutes Cumulative Supplement, 2006, is amended to read:

68-909 (1) All contracts, agreements, rules, and regulations relating to the medical assistance program as entered into or adopted and promulgated by the department prior to July 1, 2006, and all provisions of the medicaid state plan and waivers adopted by the department prior to July 1, 2006, shall remain in effect until revised, amended, repealed, or nullified pursuant to law.

(2) Prior to the adoption and promulgation of proposed rules and regulations under section 68-912 or relating to the implementation of medicaid state plan amendments or waivers, the department shall provide a report to the Governor, the Legislature, and the Medicaid Reform Council no later than December 15 summarizing the purpose and content of such proposed rules and regulations and the projected impact of such proposed rules and regulations on recipients of medical assistance and medical

assistance expenditures.

(3) The Medicaid Reform Council, no later than thirty days after the date of receipt of any report under subsection (2) of this section, may conduct a public meeting to receive public comment regarding such report. The council shall promptly provide any comments and recommendations regarding such report in writing to the department. Such comments and recommendations shall be advisory only and shall not be binding on the department, but the department shall promptly provide a written response to such comments or recommendations to the council.

(4) The department shall monitor and shall periodically, as necessary, but no less than biennially, report to the Governor, the Legislature, and the Medicaid Reform Council on the implementation of rules and regulations, medicaid state plan amendments, and waivers adopted under the Medical Assistance Act and the effect of such rules and regulations, amendments, or waivers on eligible recipients of medical assistance and medical assistance expenditures.

Sec. 2. Original section 68-909, Revised Statutes 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

Excused and not voting, 4:

Dierks	Fischer	Nantkes	Pahls

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. Strike section 10 and insert the following new sections:

Section 10. Section 46, Legislative Bill 988, One Hundredth Legislature, Second Session, 2008, is amended to read:

For school fiscal year 2008-09 and each school fiscal year thereafter, a school district may exceed its maximum general fund budget of expenditures minus the special education budget of expenditures by a specific dollar amount for:

(1) Expenditures for repairs to infrastructure damaged by a natural disaster which is declared a disaster emergency pursuant to the Emergency Management Act;

(2) Expenditures for judgments, except judgments or orders from the Commission of Industrial Relations, obtained against a school district which require or obligate a school district to pay such judgment, to the extent such judgment is not paid by liability insurance coverage of a school district;

(3) Expenditures pursuant to the Retirement Incentive Plan authorized in section 79-855 or the Staff Development Assistance authorized in section 79-856;

(4) Expenditures of incentive payments or base fiscal year incentive payments to be received in such school fiscal year pursuant to section 79-1011;

(5) Expenditures of amounts received from educational entities as defined in section 79-1201.01 for providing distance education courses through the Educational Service Unit Coordinating Council to such educational entities;~~ and~~

(6)~~ A school district may exceed its applicable allowable growth rate for either (a) the first and second school fiscal years the district will be participating in Network Nebraska for the full school fiscal year or (b) school fiscal year 2008-09, if the school district participated in Network Nebraska for all of school fiscal year 2007-08, by a specific dollar amount equal to the estimated expenditures, to be made in the school fiscal year in which the district may exceed its applicable allowable growth rate, for (i) telecommunication services, (ii) access to data transmission networks that transmit data to and from the school district, and (iii) the transmission of data on such networks as such expenditures are defined by the department for purposes~~

~~of the distance education and telecommunications allowance minus the dollar amount of such expenditures for the school fiscal year immediately preceding the first full school fiscal year the district participates in Network Nebraska. Districts shall estimate expenditures on forms prescribed by the department. The department shall approve, deny, or modify the estimated expenditures.~~ Either (a) the first and second school fiscal years the district will be participating in Network Nebraska for the full school fiscal year or (b) school fiscal year 2008-09, if the school district participated in Network Nebraska for all of school fiscal year 2007-08, for the difference of the estimated expenditures for such school fiscal year for telecommunications services, access to data transmission networks that transmit data to and from the school district, and the transmission of data on such networks as such expenditures are defined by the department for purposes of the distance education and telecommunications allowance minus the dollar amount of such expenditures for the second school fiscal year preceding the first full school fiscal year the district participates in Network Nebraska; and

(7) Expenditures to pay another school district for the transfer of land from such other school district.

The state board shall approve, deny, or modify the amount allowed for any exception to the maximum general fund budget of expenditures minus the special education budget of expenditures pursuant to this section.

Sec. 13. Section 79-1210, Reissue Revised Statutes of Nebraska, is amended to read:

79-1210 The State Board of Education shall grant or deny any petition to change educational service unit boundaries based upon the following criteria:

(1) The educational needs of students in the affected school districts and the affected educational service units;

(2) The economic viability of the proposal as it relates to affected established educational service units or affected proposed educational service units;

(3) Any community of interest among affected school districts and affected educational service units;

(4) Geographic proximity as such would affect the ability of affected educational service units to deliver service in a cost-effective manner;~~ and~~

(5) Compliance with the requirements of the Educational Service Units Act; and

~~(5)~~ (6) In the dissolution of one or more entire educational service units, evidence of consent from each educational service unit board and two-thirds of the school boards or boards of education of member school districts representing a majority of students in each affected educational service unit.

For petitions that change educational service unit boundaries by transferring a learning community member district

from one educational service unit to another educational service unit with existing territory in such learning community, the requirements of subdivisions (1), (2), (3), and (4) of this section shall be deemed to have been met if the affected educational service units will each have at least two member school districts after such transfer.

2. On page 34, line 26, strike "section 79-1007.02" and insert "the Tax Equity and Educational Opportunities Support Act".

3. On page 38, lines 24 and 25, strike "plus all member districts of learning communities".

4. On page 39, line 4, strike the new matter; and in line 8 after "section" insert ", except that such adjusted valuation for member school districts that are also member districts of a learning community shall be reduced by fifty percent. The adjusted valuation for each learning community shall equal fifty percent of the total adjusted valuation of the member school districts pursuant to section 79-1016 used for the calculation of state aid for school districts pursuant to the act for the school fiscal year for which the distribution is being calculated pursuant to this section".

5. On page 45, strike beginning with "in" in line 15 through "79-1007.02" in line 17 and insert "sparse or very sparse as determined pursuant to the Tax Equity and Educational Opportunities Support Act".

6. Amend the repealer, renumber the remaining sections, 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. On page 64, line 27, strike "families" and insert "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. Strike section 14 and all amendments thereto.

2. Amend the repealer, renumber the remaining sections, 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. On page 9, line 19, after the period insert "The State Treasurer shall transfer an amount equal to forty dollars times the number of ignition interlock permits issued pursuant to section 60-4,118.06 during the previous year from the General Fund to the Ignition Interlock Device Fund.".

2. On page 33, strike beginning with "(1)" in line 4 through "(2)" in line 16; and strike beginning with "The" in line 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. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 71-3305, Revised Statutes Supplement, 2007, is amended to read:

71-3305 (1) Except as otherwise provided in subsection (2) of this section, any political subdivision as defined in section 13-702~~,~~ that provides the water supply ~~of~~ for human consumption for any city or village ~~for human consumption~~ having a population of one thousand or more inhabitants shall, no later than June 1, 2010, add fluoride to such water supply ~~in the amount and manner prescribed by~~ or have sufficient amounts of naturally occurring fluoride in such water supply as provided in the rules and regulations of the Department of Health and Human Services.

(2) ~~Fluoride shall not be added to the water supply of any city or village in which the voters have, after September 2, 1973, adopted an ordinance by initiative prohibiting the adding of fluoride to its water supply. The procedure for the adoption of any such ordinance shall be that provided in sections 18-2501 to 18-2536. No such ordinance may be adopted in a city or village receiving, or which has contracted to receive, its water supply, or any part thereof, from another political subdivision, or public or private entity, which adds fluoride to its water supply in compliance with subsection (1) of this section, or section 71-3306, or which has available only purchased fluoridated water with which to supply such city or village.~~ In any city or village which is subject to the requirements of subsection (1) of this section, which does not have sufficient amounts of naturally occurring fluoride in its water supply, and in which fluoride is not added to its water supply, the voters of the city or village may adopt an ordinance, after the effective date of this act, but before June 1, 2010, to prohibit the adding of fluoride to the water supply of such city or village. The ordinance may be placed on the ballot by a majority vote of the governing body of the city or village or by initiative pursuant to sections 18-2501 to 18-2538.

Sec. 2. Original section 71-3305, Revised Statutes Supplement, 2007, is repealed.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.

2. On page 1, line 2, strike "Reissue Revised Statutes of Nebraska" and insert "Revised Statutes Supplement, 2007"; and in line 4 strike "and" and after "section" insert "; and to declare an emergency".

LEGISLATIVE BILL 245A. Placed on Select File with amendment.
ER8232
1. On page 1, line 3, strike "First Session, 2007" and insert "Second Session, 2008".
2. On page 2, lines 2 and 4, strike "Department of"; in lines 3 and 11 strike "FY2007-08" and insert "FY2008-09"; in lines 5 and 11 strike "FY2008-09" and insert "FY2009-10"; and in line 8 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. On page 3, line 9, strike "three" and show as stricken; in line 21 strike "and" and show as stricken; and in line 23 after "two" insert "voting" and before the period insert "; and
(iv) Each member of the Legislature whose legislative district is wholly or in part within the area with a high concentration of poverty serving as a nonvoting, ex officio member 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. Insert the following new section:

Section 1. Section 82-331, Reissue Revised Statutes of Nebraska, is amended to read:

82-331 (1) There is hereby established in the state treasury a trust fund to be known as the Nebraska Cultural Preservation Endowment Fund. The fund shall consist of funds appropriated or transferred by the Legislature, and only the earnings of the fund may be used as provided in this section.

(2) On August 1, 1998, the State Treasurer shall transfer five million dollars from the General Fund to the Nebraska Cultural Preservation Endowment Fund.

(3) It is the intent of the Legislature that the State Treasurer shall transfer two million dollars from the General Fund to the Nebraska Cultural Preservation Endowment Fund on August 1 of each of the following years: 2009 and 2010.

(4) On the effective date of this act, prior to the transfer of funds from any state account into the Nebraska Cultural Preservation Endowment Fund, the Nebraska Arts Council shall provide documentation to the budget division of the Department of Administrative Services that qualified endowments have generated a dollar-for-dollar match of new money as defined in section 82-332 that is equal to the amount of state funds authorized by the Legislature to be transferred to the Nebraska Cultural Preservation Endowment Fund. The budget division of the Department of Administrative Services shall notify the State Treasurer to execute a transfer in an amount as specified by the Legislature only to the extent that the Nebraska Arts Council has provided documentation of a dollar-for-dollar match.

~~(3)~~ (5) The Legislature shall not appropriate or transfer money from the Nebraska Cultural Preservation Endowment Fund for any purpose other than the purposes stated in sections 82-330 to 82-333, except that the Legislature may appropriate or transfer money from the fund upon a finding that the purposes of such sections are not being accomplished by the fund.

~~(4)~~ (6) Any money in the Nebraska Cultural Preservation Endowment Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

~~(5)~~ (7) All investment earnings from the Nebraska Cultural Preservation Endowment Fund shall be credited to the Nebraska Arts and Humanities Cash Fund.

2. On page 4, strike lines 23 through 26 and insert the following:

(23) Within five days after the budget division of the Department of Administrative Services notifies the State Treasurer that matching fund requirements under section 82-331 have been met, the State Treasurer shall transfer one million dollars from the Cash Reserve Fund to the Nebraska Cultural Preservation Endowment Fund."; and in line 27 after "Original" insert "section 82-331, Reissue Revised Statutes of Nebraska, and".

3. On page 5, line 1, strike "is" and insert "are".

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. On page 2, line 9, strike "a primary" and insert "the"; and in line 14 strike "and other revenue".

2. On page 3, line 9, strike "in whole or in part"; and in line 11 after "revenue" insert "and shall mature not later than twenty-five years after the date of issuance. Annual debt service on all bonds issued with respect to an urban growth district pursuant to this section shall not exceed the urban growth local option sales and use tax revenue with respect to such district for the fiscal year prior to the fiscal year in which the current series of such bonds are issued".

Senators Schimek and Synowiecki filed the following amendment to LB956:
AM2641

1. On page 3, line 1, strike "and" and insert "employers,"; in line 2 after "employers" insert ", and poverty area employers"; in line 3 strike the second "or" and insert an underscored comma; in line 4 after "Nebraska" insert ", or (c) located in areas of high concentration of poverty within the corporate limits of a city or village consisting of one or more contiguous census tracts, as determined by the most recent federal decennial census, which contain a percentage of persons below the poverty line of greater than thirty percent, and all census tracts contiguous to such tract or tracts, as determined by the most recent federal decennial census"; and in line 6 strike "and rural" 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. Insert the following new section:

Section 1. Section 30-2483, Reissue Revised Statutes of Nebraska, is amended to read:

30-2483 Unless notice has already been given under this article and except when an appointment of a personal representative is made pursuant to subdivision (4) of section 30-2408, the clerk of the court upon the appointment of a personal representative shall publish a notice once a week for three successive weeks in a newspaper of general circulation in the county announcing the appointment and the address of the personal representative, and notifying creditors of the estate to present their claims within two months after the date of the first publication of the notice or be forever barred. The first publication shall be made within thirty days after the appointment. The party instituting or maintaining the proceeding or his or her attorney is required to mail the published notice and give proof thereof in accordance with section 25-520.01. If the decedent was fifty-five years of age or older or resided in a medical institution as defined in subsection (1) of section 68-919, the notice shall also be mailed to the Department of Health and Human Services with the decedent's social security number and, if available upon reasonable investigation, the name and social security number of the decedent's spouse if such spouse is deceased.

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

3. Renumber the remaining sections and correct internal 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, Louden, 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. Insert the following new section:
Sec. 2. The State of Nebraska shall assume responsibility for county jails by January 1, 2011. The Judiciary Committee of the Legislature shall develop legislation to carry out such assumption of responsibility.
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. Insert the following new sections:

Sec. 2. Section 79-1103, Revised Statutes Supplement, 2007, is amended to read:

79-1103 (1)(a) The State Department of Education shall establish and administer the Early Childhood Education Grant Program. Upon the effective date of an endowment agreement, administration of the Early Childhood Education Grant Program with respect to programs for children from birth to age three shall transfer to the board of trustees. If there is no endowment agreement in effect, the department shall request proposals in accordance with this section for all early childhood education programs from school districts, individually or in cooperation with other school districts or educational service units, working in cooperation with existing nonpublic programs which meet the

requirements of subsection (2) of section 79-1104. If there is an endowment agreement in effect, the board of trustees shall administer the Early Childhood Education Grant Program with respect to programs for children from birth to age three pursuant to section 79-1104.02 and the department shall continue to administer the Early Childhood Education Grant Program with respect to other prekindergarten programs pursuant to sections 79-1101 to 79-1104.05. All administrative procedures of the board of trustees, including, but not limited to, rules, grant applications, and funding mechanisms, shall harmonize with those established by the department for other prekindergarten programs.

(b) The first priority shall be for (i) continuation grants for programs that received grants in the prior school fiscal year and for which the state aid calculation pursuant to the Tax Equity and Educational Opportunities Support Act does not include early childhood education students, in an amount equal to the amount of such grant, except that if the grant was a first-year grant the amount shall be reduced by thirty-three percent, (ii) continuation grants for programs for which the state aid calculation pursuant to the act includes early childhood education students, in an amount equal to the amount of the grant for the school fiscal year prior to the first school fiscal year for which early childhood education students were included in the state aid calculation for the school district's local system minus the calculated state aid amount, and (iii) for school fiscal year 2007-08, continuation grants for programs for which the state aid calculation pursuant to the act includes early childhood education students, but such state aid calculation does not result in the school district receiving any equalization aid, in an amount equal to the amount of the grant received in school fiscal year 2006-07. The calculated state aid amount shall be calculated by multiplying the ~~cost grouping cost per student~~ basic funding per formula student for the school ~~district's local system cost grouping by the adjusted~~ district by the formula students attributed to the early childhood education programs pursuant to the Tax Equity and Educational Opportunities Support Act.

(c) The second priority shall be for new grants and expansion grants for programs that will serve at-risk children who will be eligible to attend kindergarten the following school year. New grants may be given for up to three years in an amount up to one-half of the total budget of the program per year. Expansion grants may be given for one year in an amount up to one-half of the budget for expanding the capacity of the program to serve additional children.

(d) The third priority shall be for new grants, expansion grants, and continuation grants for programs serving children younger than those who will be eligible to attend kindergarten the following school year. New grants may be given for up to three years in an amount up to one-half the total budget of the

program per year. Expansion grants may be given for one year in an amount up to one-half the budget for expanding the capacity of the program to serve additional children. Continuation grants under this priority may be given annually in an amount up to one-half the total budget of the program per year minus any continuation grants received under the first priority.

(e) Programs serving children who will be eligible to attend kindergarten the following school year shall be accounted for separately for grant purposes from programs serving younger children, but the two types of programs may be combined within the same classroom to serve multi-age children. Programs that receive grants for school fiscal years prior to school fiscal year 2005-06 to serve both children who will be eligible to attend kindergarten the following school year and younger children shall account for the two types of programs separately for grant purposes beginning with school year 2005-06 and shall be deemed to have received grants prior to school fiscal year 2005-06 for each year that grants were received for the types of programs representing the age groups of the children served.

(2) Each program proposal which is approved by the department shall include (a) a planning period, (b) an agreement to participate in periodic evaluations of the program to be specified by the department, (c) evidence that the program will be coordinated or contracted with existing programs, including those listed in subdivision (d) of this subsection and nonpublic programs which meet the requirements of subsection (2) of section 79-1104, (d) a plan to coordinate and use a combination of local, state, and federal funding sources, including, but not limited to, programs for children with disabilities below five years of age funded through the Special Education Act, the Early Intervention Act, funds available through the flexible funding provisions under the Special Education Act, the federal Head Start program, 42 U.S.C. 9831 et seq., the federal Even Start Family Literacy Program, 20 U.S.C. 6361 et seq., Title I of the federal Improving America's Schools Act of 1994, 20 U.S.C. 6301 et seq., and child care assistance through the Department of Health and Human Services, (e) a plan to use sliding fee scales and the funding sources included in subdivision (d) of this subsection to maximize the participation of economically and categorically diverse groups and to ensure that participating children and families have access to comprehensive services, (f) the establishment of an advisory body which includes families and community members, (g) the utilization of appropriately qualified staff, (h) an appropriate child-to-staff ratio, (i) appropriate group size, (j) compliance with minimum health and safety standards, (k) appropriate facility size and equipment, (l) a strong family development and support component recognizing the central role of parents in their children's development, (m) developmentally and culturally appropriate curriculum, practices,

and assessment, (n) sensitivity to the economic and logistical needs and circumstances of families in the provision of services, (o) integration of children of diverse social and economic characteristics, (p) a sound evaluation component, including at least one objective measure of child performance and progress, (q) continuity with programs in kindergarten and elementary grades, (r) instructional hours that are similar to or less than the instructional hours for kindergarten, (s) well-defined language development and early literacy emphasis, including the involvement of parents in family literacy activities, (t) a plan for ongoing professional development of staff, and (u) inclusion of children with disabilities as defined in the Special Education Act, all as specified by rules and regulations of the department in accordance with sound early childhood educational practice.

(3) The department shall make an effort to fund programs widely distributed across the state in both rural and urban areas.

(4) A report evaluating the programs shall be made to the State Board of Education and the Legislature by January 1 of each odd-numbered year. Up to five percent of the total appropriation for the Early Childhood Education Grant Program may be reserved by the department for evaluation and technical assistance for the programs.

(5) Programs may be approved for purposes of the Tax Equity and Educational Opportunities Support Act, expansion grants, and continuation grants on the submission of a continuation plan demonstrating that the program will continue to meet the requirements of subsection (2) of this section and a proposed operating budget demonstrating that the program will continue to receive resources from other sources equal to or greater than the sum of any grant received pursuant to this section for the prior school year plus any calculated state aid as calculated pursuant to subsection (1) of this section for the prior school year.

(6) The State Board of Education may adopt and promulgate rules and regulations to implement the Early Childhood Education Grant Program, except that if there is an endowment agreement in effect, the board of trustees shall recommend any rules and regulations relating specifically to the Early Childhood Education Grant Program with respect to programs for children from birth to age three. It is the intent of the Legislature that the rules and regulations for programs for children from birth to age three be consistent to the greatest extent possible with those established for other prekindergarten programs.

Sec. 3. Original section 79-1103, Revised Statutes 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. Insert the following new section:

Sec. 2. Any early childhood education program as defined in section 79-1101 may, until school year 2010-11, enroll students who meet the age requirements to be enrolled in kindergarten but who are not then enrolled in kindergarten. Such students shall not be included in any calculations for state aid pursuant to the Tax Equity and Educational Opportunities Support Act, as provided in 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. Strike section 7.
2. On page 13, lines 23 and 24, strike "sections 2-108 and 84-612" and insert "section 2-108".
3. Renumber the remaining section accordingly.

Senator Kopplin filed the following amendment to LB1116:
AM2647
(Amendments to Standing Committee amendments, AM2629)
1. On page 12, strike lines 14 through 18, show as stricken, and renumber the remaining subsections accordingly.

Senator Kopplin filed the following amendment to LB1116:
AM2646
(Amendments to Standing Committee amendments, AM2629)
1. On page 13, line 20, strike "five" and insert "one" 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

printed on recycled paper

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. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 82-331, Reissue Revised Statutes of Nebraska, is amended to read:

82-331 (1) There is hereby established in the state treasury a trust fund to be known as the Nebraska Cultural Preservation Endowment Fund. The fund shall consist of funds appropriated or transferred by the Legislature, and only the earnings of the fund may be used as provided in this section.

(2) On August 1, 1998, the State Treasurer shall transfer five million dollars from the General Fund to the Nebraska Cultural Preservation Endowment Fund.

(3) It is the intent of the Legislature that the State Treasurer shall transfer two million dollars from the General Fund to the Nebraska Cultural Preservation Endowment Fund on August 1 of each of the following years: 2009 and 2010.

(4) On the effective date of this act, prior to the transfer of funds from any state account into the Nebraska Cultural Preservation Endowment Fund, the Nebraska Arts Council shall provide documentation to the budget division of the Department of Administrative Services that qualified endowments have generated a dollar-for-dollar match of new money as defined in section 82-332 that is equal to the amount of state funds authorized by the Legislature to be transferred to the Nebraska Cultural Preservation Endowment Fund. The budget division of the Department of Administrative Services shall notify the State Treasurer to execute a transfer in an amount as specified by the Legislature only to the extent that the Nebraska Arts Council has provided documentation of a dollar-for-dollar match.

~~(3)~~ (5) The Legislature shall not appropriate or transfer money from the Nebraska Cultural Preservation Endowment Fund for any purpose other than the purposes stated in sections 82-330 to 82-333, except that the Legislature may appropriate or transfer money from the fund upon a finding that the purposes of such

sections are not being accomplished by the fund.

~~(4)~~ (6) Any money in the Nebraska Cultural Preservation Endowment Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

~~(5)~~ (7) All investment earnings from the Nebraska Cultural Preservation Endowment Fund shall be credited to the Nebraska Arts and Humanities Cash Fund.

Sec. 2. Section 84-612, Revised Statutes Supplement, 2007, is amended to read:

84-612 (1) There is hereby created within the state treasury a fund known as the Cash Reserve Fund which shall be under the direction of the State Treasurer. The fund shall only be used pursuant to this section.

(2) The State Treasurer shall transfer funds from the Cash Reserve Fund to the General Fund upon certification by the Director of Administrative Services that the current cash balance in the General Fund is inadequate to meet current obligations. Such certification shall include the dollar amount to be transferred. Any transfers made pursuant to this subsection shall be reversed upon notification by the Director of Administrative Services that sufficient funds are available.

(3) The State Treasurer, at the direction of the budget administrator of the budget division of the Department of Administrative Services, shall transfer such amounts not to exceed seven million seven hundred fifty-three thousand two hundred sixty-three dollars in total from the Cash Reserve Fund to the Nebraska Capital Construction Fund between July 1, 2003, and June 30, 2007.

(4) The State Treasurer, at the direction of the budget administrator, shall transfer an amount equal to the total amount transferred pursuant to subsection (3) of this section from the General Fund to the Cash Reserve Fund on or before June 30, 2008.

(5) In addition to receiving transfers from other funds, the Cash Reserve Fund shall receive federal funds received by the State of Nebraska for undesignated general government purposes, federal revenue sharing, or general fiscal relief of the state.

(6) On June 15, 2007, the State Treasurer shall transfer fifteen million six hundred seventy-four thousand one hundred seven dollars from the Cash Reserve Fund to the General Fund.

(7) On June 16, 2008, the State Treasurer shall transfer seventeen million nine hundred thirty-one thousand thirty dollars from the Cash Reserve Fund to the General Fund.

(8) On June 15, 2009, the State Treasurer shall transfer four million nine hundred ninety thousand five hundred five dollars from the Cash Reserve Fund to the General Fund.

(9) On or before June 16, 2008, the State Treasurer, at the direction of the budget administrator, shall transfer fifty million dollars from the Cash Reserve Fund to the General Fund.

(10) On or before June 16, 2009, the State Treasurer, at the direction of the budget administrator, shall transfer fifty million dollars from the Cash Reserve Fund to the General Fund.

(11) From the effective date of an endowment agreement as defined in subdivision (3)(c) of section 79-1101 until June 30, 2007, forty million dollars of the Cash Reserve Fund shall be deemed to constitute the Early Childhood Education Endowment Fund. Such funds shall remain part of the Cash Reserve Fund for all purposes, except that the interest earned on such forty million dollars shall accrue as provided in section 84-613.

(12) The State Treasurer, at the direction of the budget administrator, shall transfer such amounts, as certified by the Director of Administrative Services, for employee health insurance claims and expenses, not to exceed twelve million dollars in total from the Cash Reserve Fund to the State Employees Insurance Fund between May 1, 2007, and June 30, 2011.

(13) On July 9, 2007, the State Treasurer shall transfer twelve million dollars from the Cash Reserve Fund to the Nebraska Capital Construction Fund.

(14) On July 9, 2007, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the Job Training Cash Fund. The State Treasurer shall transfer from the Job Training Cash Fund to the Cash Reserve Fund such amounts as directed in section 81-1201.21.

(15) On July 7, 2008, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the Job Training Cash Fund. The State Treasurer shall transfer from the Job Training Cash Fund to the Cash Reserve Fund such amounts as directed in section 81-1201.21.

(16) On or before August 1, 2007, the State Treasurer, at the direction of the budget administrator, shall transfer seventy-five million dollars from the Cash Reserve Fund to the Nebraska Capital Construction Fund.

(17) On or before June 30, 2009, the State Treasurer shall transfer nine million five hundred ninety thousand dollars from the Cash Reserve Fund to the Nebraska Capital Construction Fund.

(18) The State Treasurer, at the direction of the budget administrator, shall transfer an amount equal to the total amount transferred pursuant to subsection (12) of this section from the appropriate health insurance accounts of the State Employees Insurance Fund in such amounts as certified by the Director of Administrative Services to the Cash Reserve Fund on or before June 30, 2011.

(19) On July 9, 2007, the State Treasurer shall transfer one million dollars from the Cash Reserve Fund to the Microenterprise Development Cash Fund.

(20) On July 9, 2007, the State Treasurer shall transfer two hundred fifty thousand dollars from the Cash Reserve Fund to

the Building Entrepreneurial Communities Cash Fund.

(21) On July 7, 2008, the State Treasurer shall transfer one million dollars from the Cash Reserve Fund to the Microenterprise Development Cash Fund.

(22) On July 7, 2008, the State Treasurer shall transfer two hundred fifty thousand dollars from the Cash Reserve Fund to the Building Entrepreneurial Communities Cash Fund.

(23) Within five days after the budget division of the Department of Administrative Services notifies the State Treasurer that matching fund requirements under section 82-331 have been met, the State Treasurer shall transfer one million dollars from the Cash Reserve Fund to the Nebraska Cultural Preservation Endowment Fund.

Sec. 3. Original section 82-331, Reissue Revised Statutes of Nebraska, and section 84-612, Revised Statutes Supplement, 2007, are repealed.

2. On page 1, strike beginning with "appropriations" in line 1 through line 3 and insert "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 for transfers of funds from the Cash Reserve Fund; and to repeal the 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 objections of the Governor.

AMENDMENTS - Print in Journal

Senator Cornett filed the following amendment to LB1055:
AM2623

(Amendments to Final Reading copy)

1. Strike section 3 and insert the following new section:

Sec. 3. (1)(a) If a person is convicted of a Class IV felony under section 28-1005 or 28-1009, the sentencing court shall order such person not to own, possess, or reside with any animal for at least five years after the date of conviction, but such time restriction shall not exceed fifteen years. Any person violating such court order shall be guilty of a Class I misdemeanor.

(b) If a person is convicted of a Class I misdemeanor under subdivision (2)(a) of section 28-1009 or a Class III misdemeanor under section 28-1010, the sentencing court may order such person not to own, possess, or reside with any animal after the date of conviction, but such time restriction, if any, shall not exceed five years. Any person violating such court order shall be guilty of a Class IV misdemeanor.

(c) Any animal involved in a violation of a court order under subdivision (a) or (b) of this subsection shall be subject to seizure by law enforcement.

(2) This section shall not apply to any person convicted under section 28-1005 or 28-1009 if a licensed physician confirms in writing that ownership or possession of or residence with an animal is essential to the health of such person.

2. On page 6, line 25, after "animals" insert "and commercial livestock operations".

Senator Johnson filed the following amendment to LB928:
AM2642

(Amendments to Standing Committee amendments, AM2435)

1. Strike section 8 and insert the following new sections:

Sec. 3. Section 38-711, Revised Statutes Supplement, 2007, is amended to read:

38-711 (1) The determination and administration of total

anesthesia care shall be performed by the certified registered nurse anesthetist or a nurse anesthetist temporarily licensed pursuant to section 38-708 in consultation and collaboration with and with the consent of the licensed practitioner.

(2) The following duties and functions shall be considered as specific expanded role functions of the certified registered nurse anesthetist:

(a) Preanesthesia evaluation including physiological studies to determine proper anesthetic management and obtaining informed consent;

(b) Selection and application of appropriate monitoring devices;

(c) Selection and administration of anesthetic techniques;

(d) Evaluation and direction of proper postanesthesia management and dismissal from postanesthesia care; ~~and~~

(e) Evaluation and recording of postanesthesia course of patients; and~~.~~

(f) Use of fluoroscopy in conjunction with a licensed medical radiographer in connection with the performance of authorized duties and functions upon (i) the successful completion of appropriate education and training as approved jointly by the department and the board and promulgated by the department in rules and regulations pursuant to section 71-3508 and (ii) a determination regarding the scope and supervision of such use consistent with subsection (3) of this section.

(3) The determination of other duties that are normally considered medically delegated duties to the certified registered nurse anesthetist or to a nurse anesthetist temporarily licensed pursuant to section 38-708 shall be the joint responsibility of the governing board of the hospital, medical staff, and nurse anesthetist personnel of any duly licensed hospital or, if in an office or clinic, the joint responsibility of the duly licensed practitioner and nurse anesthetist. All such duties, except in cases of emergency, shall be in writing in the form prescribed by hospital or office policy.

Sec. 9. Section 38-1915, Revised Statutes Supplement, 2007, is amended to read:

38-1915 (1) A person licensed by the department, with the recommendation of the board, as a medical radiographer may practice medical radiography on any part of the human anatomy for interpretation by and under the direction of a licensed practitioner, including computed tomography but excluding interpretative fluoroscopic procedures, and may use fluoroscopy in conjunction with a certified registered nurse anesthetist as authorized in section 38-711.

(2) An applicant for a license as a medical radiographer shall:

(a) Complete an educational program in radiography

approved by the board pursuant to subsection (1) of section 38-1918;

(b) Complete an application in accordance with the Uniform Credentialing Act; and

(c) Successfully complete an examination approved by the board.

~~(2)~~ (3) Presentation of proof of registration in radiography with the American Registry of Radiologic Technologists is proof of meeting the requirements of subdivisions ~~(1)(a)~~ (2)(a) and (c) of this section.

Sec. 13. Section 43-4001, Revised Statutes Supplement, 2007, is amended to read:

43-4001 (1) The Children's Behavioral Health Task Force is created. The task force shall consist of the following members:

(a) The chairperson of the Health and Human Services Committee of the Legislature or another member of the committee as his or her designee;

(b) The chairperson of the Appropriations Committee of the Legislature or another member of the committee as his or her designee;

~~(c) The chairperson of the Behavioral Health Oversight Commission of the Legislature;~~

~~(d)~~ (c) Two providers of community-based behavioral health services to children, appointed by the chairperson of the Health and Human Services Committee of the Legislature;

~~(e)~~ (d) One regional administrator appointed under section 71-808, appointed by the chairperson of the Health and Human Services Committee of the Legislature;

~~(f)~~ (e) Two representatives of organizations advocating on behalf of consumers of children's behavioral health services and their families, appointed by the chairperson of the Health and Human Services Committee of the Legislature;

~~(g)~~ (f) One juvenile court judge, appointed by the Chief Justice of the Supreme Court;

~~(h)~~ (g) Two representatives of the Department of Health and Human Services, appointed by the Governor; and

~~(i)~~ (h) The Administrator of the Office of Juvenile Services.

~~(2) All members shall be appointed within thirty days after May 25, 2007.~~

~~(3)~~ (2) Members of the task force shall serve without compensation but shall be reimbursed from the Nebraska Health Care Cash Fund for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

~~(4)~~ (3) The chairperson of the ~~Behavioral Health Oversight Commission~~ Health and Human Services Committee of the Legislature or his or her designee shall serve as chairperson of the task force. Administrative and staff support for the task force shall be provided by the Health and Human Services Committee of the

Legislature and the Appropriations Committee of the Legislature.

Sec. 14. Section 68-909, Revised Statutes Cumulative Supplement, 2006, is amended to read:

68-909 (1) All contracts, agreements, rules, and regulations relating to the medical assistance program as entered into or adopted and promulgated by the department prior to July 1, 2006, and all provisions of the medicaid state plan and waivers adopted by the department prior to July 1, 2006, shall remain in effect until revised, amended, repealed, or nullified pursuant to law.

(2) Prior to the adoption and promulgation of proposed rules and regulations under section 68-912 or relating to the implementation of medicaid state plan amendments or waivers, the department shall provide a report to the Governor, the Legislature, and the Medicaid Reform Council <u>no later than December 15 before the next regular legislative session</u> summarizing the purpose and content of such proposed rules and regulations and the projected impact of such proposed rules and regulations on recipients of medical assistance and medical assistance expenditures.

(3) The Medicaid Reform Council, no later than thirty days after the date of receipt of any report under subsection (2) of this section, may conduct a public meeting to receive public comment regarding such report. The council shall promptly provide any comments and recommendations regarding such report in writing to the department. Such comments and recommendations shall be advisory only and shall not be binding on the department, but the department shall promptly provide a written response to such comments or recommendations to the council.

(4) The department shall monitor and shall periodically, as necessary, but no less than biennially, report to the Governor, the Legislature, and the Medicaid Reform Council on the implementation of rules and regulations, medicaid state plan amendments, and waivers adopted under the Medical Assistance Act and the effect of such rules and regulations, amendments, or waivers on eligible recipients of medical assistance and medical assistance expenditures.

Sec. 15. Section 68-949, Revised Statutes Supplement, 2007, is amended to read:

68-949 (1) It is the intent of the Legislature that the department implement reforms to the medical assistance program such as those contained in the Medicaid Reform Plan, including (a) an incremental expansion of home and community-based services for aged persons and persons with disabilities consistent with such plan, (b) an increase in care coordination or disease management initiatives to better manage medical assistance expenditures on behalf of high-cost recipients with multiple or chronic medical conditions, and (c) other reforms as deemed necessary and appropriate by the department, in consultation with the committee and the Medicaid Reform Council.

(2)(a) The department shall develop recommendations ~~relating to the provision of health care and related services for medicaid-eligible children under the state children's health insurance program as allowed under Title XIX and Title XXI of the federal Social Security Act. Such study and recommendations shall include, but not be limited to, the organization and administration of such program, the establishment of premiums, copayments, and deductibles under such program, and the establishment of limits on the amount, scope, and duration of services offered to recipients under such program.~~ based on a comprehensive analysis of various options available to the state under applicable federal law for the provision of medical assistance to persons with disabilities who are employed, including persons with a medically improved disability, to enhance and replace current eligibility provisions contained in subdivision (8) of section 68-915.

(b) The department shall provide a draft report of such recommendations to the committee and the Medicaid Reform Council no later than October 1, ~~2007.~~ 2008. The council shall conduct a public meeting no later than October 15, ~~2007,~~ 2008, to discuss and receive public comment regarding such report. The council shall provide any comments and recommendations regarding such report in writing to the department and the committee no later than November 1, ~~2007.~~ 2008. The department shall provide a final report of such recommendations to the Governor, the committee, and the council no later than December 1, ~~2007.~~ 2008.

(3)(a) The department shall develop recommendations for further modification or replacement of the defined benefit structure of the medical assistance program. Such recommendations shall be consistent with the public policy in section 68-905 and shall consider the needs and resources of low-income Nebraska residents who are eligible or may become eligible for medical assistance, the experience and outcomes of other states that have developed and implemented such changes, and other relevant factors as determined by the department.

(b) The department shall provide a draft report of such recommendations to the committee and the Medicaid Reform Council no later than October 1, 2008. The council shall conduct a public meeting no later than October 15, 2008, to discuss and receive public comment regarding such report. The council shall provide any comments and recommendations regarding such report in writing to the department and the committee no later than November 1, 2008. The department shall provide a final report of such recommendations to the Governor, the committee, and the council no later than December 1, 2008.

Sec. 27. Section 71-5830.01, Reissue Revised Statutes of Nebraska, is amended to read:

71-5830.01 Notwithstanding any other provisions of the Nebraska Health Care Certificate of Need Act, a certificate of need is not required for:

(1) A change in classification between an intermediate care facility, a nursing facility, or a skilled nursing facility;

(2) A project of a county in which is located a city of the metropolitan class for which a bond issue has been approved by the electorate of such county on or after January 1, 1994; and

(3) A project of a federally recognized Indian tribe to be located on tribal lands within the exterior boundaries of the State of Nebraska where (a) a determination has been made by the tribe's governing body that the cultural needs of the tribe's members cannot be adequately met by existing facilities if such project has been approved by the tribe's governing body and (b) the tribe has a self-determination agreement in place with the Indian Health Service of the United States Department of Health and Human Services so that payment for enrolled members of a federally recognized Indian tribe who are served at such facility will be made with one hundred percent federal reimbursement.

2. Correct the operative date and repealer sections so that:

a. Sections 3 and 9 added by this amendment become operative on December 1, 2008;

b. Section 13 added by this amendment becomes operative on July 1, 2008;

c. Sections 14 and 15 added by this amendment become operative three calendar months after the adjournment of this legislative session; and

d. Section 27 added by this amendment becomes operative on its effective date with the emergency clause.

3. Renumber the remaining sections and correct internal 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 underscored 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. On page 13, strike lines 19 through 21 and insert "(23) It is the intent of the Legislature that the State Treasurer shall transfer one million dollars from the Cash Reserve Fund to the Nebraska State Fair Relocation Cash Fund on August 1, 2008, and two million dollars from the Cash Reserve Fund to the Nebraska State Fair Relocation Cash Fund on August 1 of each of the 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. On page 2, line 15, strike "2010" and insert "2013".
2. On page 7, line 26, strike "or before December 31, 2009" and insert "December 31, 2012".
3. On page 8, strike beginning with the period in line 18 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. On page 6, line 9, strike "subject to the penalties 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. Strike the original section and insert the following new sections:

Section 1. The following section is outright repealed: Legislative Bill 959, One Hundredth Legislature, Second Session, 2008, section 15.

Sec. 2. Since an emergency exists, this act takes effect when passed and approved according to law.

2. On page 1, strike beginning with "appropriate" in line 1 through line 3 and insert "outright repeal Legislative Bill 959, One Hundredth Legislature, Second Session, 2008, section 15; and to 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

printed on recycled paper

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. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 81-1201.21, Revised Statutes Supplement, 2007, is amended to read:

81-1201.21 (1) There is hereby created the Job Training Cash Fund. The fund shall be under the direction of the Department of Economic Development. Money may be transferred to the fund pursuant to subdivision (1)(b)(iv) of section 48-621 and from the Cash Reserve Fund at the direction of the Legislature. The department shall establish a subaccount for all money transferred from the Cash Reserve Fund to the Job Training Cash Fund on or after July 1, 2005. Any unexpended or unobligated balance remaining within such subaccount on July 1, 2010, shall be transferred by the State Treasurer to the Cash Reserve Fund no later than July 10, 2010. Any obligated amount not transferred from the subaccount that remains unexpended on July 1, 2009, shall be transferred by the State Treasurer to the Cash Reserve Fund no later than December 31, 2011.

(2) The department shall use the ~~fund~~ Job Training Cash Fund to provide reimbursements for job training activities, including employee assessment, preemployment training, on-the-job training, training equipment costs, and other reasonable costs related to helping industry and business locate or expand in Nebraska, or to provide upgrade skills training of the existing labor force necessary to adapt to new technology or the introduction of new product lines.

(3) The department shall establish a subaccount within the fund to provide job training grants targeted to small employers, rural employers, and poverty area employers meeting one of the following criteria: (a) Employ twenty-five or fewer employees, (b) located in rural areas of Nebraska, or (c) located in areas of high concentration of poverty within the corporate limits of a city or village consisting of one or more contiguous census tracts, as determined by the most recent federal decennial census, which contain a percentage of persons below the poverty line of greater than thirty percent, and all census tracts contiguous to such tract or tracts, as determined by the most recent federal decennial census. The department shall calculate the amount of prior year investment income earnings accruing to the fund and allocate such amount to the subaccount for small, rural, or poverty area employer grants.

(4) Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 2. Section 81-1202, Reissue Revised Statutes of Nebraska, is amended to read:

81-1202 For purposes of sections 81-1202 to 81-1210 and section 3 of this act, job training grant means a grant from the Job Training Cash Fund or any nonfederal funding source within the Department of Economic Development awarded by the department.

Sec. 3. Whenever practicable, the Department of Economic Development shall give priority consideration to training services offered by community college areas.

Sec. 4. Section 81-1205, Reissue Revised Statutes of Nebraska, is amended to read:

81-1205 A business which is awarded a job training grant shall provide annual performance reports to the Department of Economic Development and a final performance report upon the completion of the project. The department shall provide an annual report by December 1 of each year to the Appropriations Committee of the Legislature. The report shall include information on each active grant, including specific information regarding the number of positions to be trained, whether new or existing employees are to be trained, the length of time that the project has been active, the amount of funding committed to the project, the amount of funding paid out to date, and the projected completion date. The report shall also provide information on grants closed during the reporting year, including the total number of employees trained, whether new or existing employees were trained, total project expenditures, and the duration time of the project. The department shall also provide information summarizing the use of community college areas to provide training services and list specific projects where a community college area is providing all or a component of the training services. If private or inhouse training services are used, the department shall provide information regarding the name of the private or inhouse training service and the qualifications of the training service.

Sec. 5. Original sections 81-1202 and 81-1205, Reissue Revised Statutes of Nebraska, and section 81-1201.21, Revised Statutes Supplement, 2007, are repealed.

2. On page 1, line 4, strike "and rural" and insert ", 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

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

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. Strike section 1 and insert the following new section:

Section 1. Section 71-3305, Revised Statutes Supplement, 2007, is amended to read:

71-3305 (1) Except as otherwise provided in subsection (2) of this section, ~~any political subdivision as defined in section 13-702, that provides the water supply of~~ any city or village ~~for human consumption~~ having a population of one thousand or more inhabitants shall, no later than June 1, 2010, add fluoride to ~~such~~ the water supply ~~in the amount and manner prescribed by~~ for human consumption for such city or village as provided in the rules and regulations of the Department of Health and Human Services unless such water supply has sufficient amounts of naturally occurring fluoride as provided in such rules and regulations.

(2) ~~Fluoride shall not be added to the water supply of any city or village in which the voters have, after September 2, 1973, adopted an ordinance by initiative prohibiting the adding of fluoride to its water supply. The procedure for the adoption of any such ordinance shall be that provided in sections 18-2501 to 18-2536. No such ordinance may be adopted in a city or village receiving, or which has contracted to receive, its water supply, or any part thereof, from another political subdivision, or public or private entity, which adds fluoride to its water supply in compliance with subsection (1) of this section, or section 71-3306, or which has available only purchased fluoridated water with which to supply such city or village.~~ In any city or village which is required to add fluoride to its water supply under subsection (1) of this section and in which fluoride is not added to such water supply as of January 1, 2008, the voters of the city or village may adopt an ordinance, after the effective date of this act, but before June 1, 2010, to prohibit the addition of fluoride to such water supply. The ordinance may be placed on the ballot by a majority vote of the governing body of the city or village or by initiative pursuant to sections 18-2501 to 18-2538.

(3) Any rural water district organized under sections 46-1001 to 46-1020 that supplies water for human consumption to any city or village which is required to add fluoride to such water supply under this section shall not be responsible for any costs, equipment, testing, or maintenance related to such fluoridation unless such district has agreed with the city or village to assume such responsibilities.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1116. Placed on Select File with amendment.

ER8236

1. In the Standing Committee amendments, AM2629:

a. On page 4, line 18, after "act" insert an underscored comma; and

b. On page 8, line 1, strike "200 some" and insert "two hundred plus"; and in line 3 strike "(Legal Description XXX)".

2. On page 1, strike beginning with "agriculture" in

line 1 through line 4 and insert "the Nebraska State Fair; to amend sections 2-101, 2-101.01, and 2-103, 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 transfer funds; to harmonize provisions; and to repeal the original 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. Strike the original sections and all amendments thereto and insert the following sections:

Section 1. Section 48-106, Revised Statutes Cumulative Supplement, 2006, is amended to read:

48-106 (1) The Nebraska Workers' Compensation Act shall apply to the State of Nebraska, to every governmental agency created by the state, and, except as provided in this section, to every resident employer in this state and nonresident employer performing work in this state who employs one or more employees in the regular trade, business, profession, or vocation of such employer.

(2) The act shall not apply to:

(a) A railroad company engaged in interstate or foreign commerce;

(b) Service performed by a worker who is a household domestic servant in a private residence;

(c) Service performed by a worker when performed for an employer who is engaged in an agricultural operation and employs only related employees;

(d) Service performed by a worker when performed for an employer who is engaged in an agricultural operation and employs unrelated employees unless such service is performed for an employer who during any calendar year employs ten or more unrelated, full-time employees, whether in one or more locations, on each working day for thirteen calendar weeks, whether or not such weeks are consecutive. The act shall apply to an employer thirty days after the thirteenth such week; ~~and~~

(e) Service performed by a person who is engaged in

an agricultural operation, or performed by his or her related employees, when the service performed is (i) occasional and (ii) for another person who is engaged in an agricultural operation who has provided or will provide reciprocal or similar service; and~~.~~

(f) Mental injuries and mental illness of a worker unaccompanied by physical injury when such injury is incurred during the time of employment.

(3) If the employer is the state or any governmental agency created by the state, the exemption from the act under subdivision (2)(d) of this section does not apply.

(4) If the act applies to an employer because the employer meets the requirements of subdivision (2)(d) of this section, all unrelated employees shall be covered under the act and such employees' wages shall be considered for premium purposes.

(5) If an employer to whom the act applies because the employer meets the requirements of subdivision (2)(d) of this section subsequently does not employ ten or more unrelated, full-time employees, such employer shall continue to provide workers' compensation insurance coverage for the employees for the remainder of the calendar year and for the next full calendar year. When the required coverage period has expired, such employer may elect to return to exempt status by (a) posting, continuously in a conspicuous place at the employment locations of the employees for a period of at least ninety days, a written or printed notice stating that the employer will no longer carry workers' compensation insurance for the employees and the date such insurance will cease and (b) thereafter no longer carrying a policy of workers' compensation insurance. Failure to provide notice in accordance with this subsection voids an employer's attempt to return to exempt status.

(6) An employer who is exempt from the act under subsection (2) of this section may elect to bring the employees of such employer under the act. Such election is made by the employer obtaining a policy of workers' compensation insurance covering such employees. Such policy shall be obtained from a corporation, association, or organization authorized and licensed to transact the business of workers' compensation insurance in this state. If such an exempt employer procures a policy of workers' compensation insurance which is in full force and effect at the time of an accident to an employee of such employer, such procurement is conclusive proof of the employer's and employee's election to be bound by the act. Such an exempt employer who has procured a policy of workers' compensation insurance may elect to return to exempt status by (a) posting, continuously in a conspicuous place at the employment locations of the employees for a period of at least ninety days, a written or printed notice stating that the employer will no longer carry workers' compensation insurance for the employees and the date such insurance will cease and (b) thereafter no longer carrying a policy of workers' compensation insurance.

Failure to provide notice in accordance with this subsection voids an employer's attempt to return to exempt status.

(7) Every employer exempted under subdivision (2)(d) of this section who does not elect to provide workers' compensation insurance under subsection (6) of this section shall give all unrelated employees at the time of hiring the following written notice which shall be signed by the unrelated employee and retained by the employer: "In this employment you will not be covered by the Nebraska Workers' Compensation Act and you will not be compensated under the act if you are injured on the job or suffer an occupational disease. You should plan accordingly." Failure to provide the notice required by this subsection subjects an employer to liability under and inclusion in the act for all unrelated employees on the basis of failure to give such notice.

(8) An exclusion from coverage in any health, accident, or other insurance policy covering a person employed by an employer who is exempt from the act under this section which provides that coverage under the health, accident, or other insurance policy does not apply if such person is entitled to workers' compensation coverage is void as to such person if such employer has not elected to bring the employees of such employer within the act as provided in subsection (6) of this section.

(9) For purposes of this section:

(a) Agricultural operation means (i) the cultivation of land for the production of agricultural crops, fruit, or other horticultural products or (ii) the ownership, keeping, or feeding of animals for the production of livestock or livestock products;

(b) Full-time employee means a person who is employed to work one-half or more of the regularly scheduled hours during each pay period; and

(c) Related employee means a spouse of an employer and an employee related to the employer within the third degree by blood or marriage. Relationship by blood or marriage within the third degree includes parents, grandparents, great grandparents, children, grandchildren, great grandchildren, brothers, sisters, uncles, aunts, nephews, nieces, and spouses of the same. If the employer is a partnership, limited liability company, or corporation in which all of the partners, members, or shareholders are related within the third degree by blood or marriage, then related employee means any employee related to any such partner, member, or shareholder within the third degree by blood or marriage.

Sec. 2. Original section 48-106, Revised Statutes 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 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 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 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 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 objections of the Governor.

COMMITTEE REPORT

Judiciary

LEGISLATIVE BILL 810. Placed on General File with amendment.
AM2664

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. (1) A retail licensee shall, prior to allowing an employee to sell or serve alcoholic liquor, train the employee by electronic means. A retail licensee shall retain proof of electronic training until the training under subsection (2) of this section is complete.

(2) A retail licensee shall train its employees who sell or serve alcoholic liquor within sixty days after the operative date of this act for employees employed on the operative date of this act or within sixty days after employment for employees hired after the operative date of this act. The training shall be provided pursuant to section 53-117.03. An employee shall receive a certificate evidencing completion of the training. Employees shall complete the training every three years.

(3) A retail licensee who violates this section shall be subject to the same punishment provided for violation of section 53-180.

Sec. 2. Section 53-101, Revised Statutes Supplement, 2007, is amended to read:

53-101 Sections 53-101 to 53-1,122 and section 1 of this act shall be known and may be cited as the Nebraska Liquor Control Act.

Sec. 3. Section 53-1,104, Reissue Revised Statutes of Nebraska, is amended to read:

53-1,104 (1) Any licensee which sells or permits the sale of any alcoholic liquor not authorized under the terms of such license on the licensed premises or in connection with such licensee's business or otherwise shall be subject to suspension, cancellation, or revocation of such license by the commission.

(2) When an order suspending a license to sell alcoholic liquor becomes final, the licensee may elect to pay a cash penalty to the commission in lieu of suspending sales of alcoholic liquor for the designated period if such election is not prohibited by order of the commission. Except as otherwise provided in subsection (3) of this section, for the first such suspension for any licensee, the penalty shall be fifty dollars per day, and for a second or any subsequent suspension, the penalty shall be one hundred dollars per day.

(3)(a) For a second suspension for violation of section 53-180 or 53-180.02 or section 1 of this act occurring within four years after the date of the first suspension, the commission, in its discretion, may order that the licensee be required to suspend sales of alcoholic liquor for a period of time not to exceed forty-eight hours and that the licensee may not elect to pay a cash penalty. The commission may use the required suspension of sales of alcoholic liquor penalty either alone or in conjunction with suspension periods for which the licensee may elect to pay a cash penalty. For purposes of this subsection, second suspension for violation of section 53-180 shall include suspension for a violation of section 53-180.02 following suspension for a violation of section 53-180 and second suspension for violation of section 53-180.02 shall include suspension for a violation of section 53-180 following suspension for a violation of section 53-180.02;

(b) For a third or subsequent suspension for violation of section 53-180 or 53-180.02 or section 1 of this act occurring within four years after the date of the first suspension, the commission, in its discretion, may order that the licensee be required to suspend sales of alcoholic liquor for a period of time not to exceed fifteen days and that the licensee may not elect to pay a cash penalty. The commission may use the required suspension of sales of alcoholic liquor penalty either alone or in conjunction with suspension periods for which the licensee may elect to pay a cash penalty. For purposes of this subsection, third or subsequent suspension for violation of section 53-180 shall include suspension for a violation of section 53-180.02 following suspension for a violation of section 53-180 and third or subsequent suspension for violation of section 53-180.02 shall include suspension for a violation of section 53-180 following suspension for a violation of

section 53-180.02; and

(c) For a first suspension based upon a finding that a licensee or an employee or agent of the licensee has been convicted of possession of a gambling device on a licensee's premises in violation of sections 28-1107 to 28-1111, the commission, in its discretion, may order that the licensee be required to suspend sales of alcoholic liquor for thirty days and that the licensee may not elect to pay a cash penalty. For a second or subsequent suspension for such a violation of sections 28-1107 to 28-1111 occurring within four years after the date of the first suspension, the commission shall order that the license be canceled.

(4) For any licensee which has no violation for a period of four years consecutively, any suspension shall be treated as a new first suspension.

(5) The election provided for in subsection (2) of this section shall be filed with the commission in writing one week before the suspension is ordered to commence and shall be accompanied by payment in full of the sum required by this section. If such election has not been received by the commission by the close of business one week before the day such suspension is ordered to commence, it shall be conclusively presumed that the licensee has elected to close for the period of the suspension and any election received later shall be absolutely void and the payment made shall be returned to the licensee. The election shall be made on a form prescribed by the commission. ~~All funds received under this section shall be remitted to the State Treasurer for credit to the temporary school fund.~~ The commission shall remit all funds collected under this section to the State Treasurer for distribution in accordance with Article VII, section 5, of the Constitution of Nebraska.

Sec. 4. This act becomes operative on January 1, 2009.

Sec. 5. Original section 51-1,104, Reissue Revised Statutes of Nebraska, and section 53-101, Revised Statutes 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. Insert the following new section:

Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.

2. On page 7, line 10, after "district" insert "or to serve city-owned electric generating facilities located within the boundaries of a city within which the jurisdictional utility

extending the transmission line provides natural gas service to customers".

Senator Heidemann filed the following amendment to LB609A:
AM2684

(Amendments to Final Reading copy)

1. Strike the original section and insert the following new sections:

Section 1. Laws 2007, LB 321, section 36, is amended to read:

Sec. 36. AGENCY NO. 11 - ATTORNEY GENERAL

Program No. 508 - School Finance Litigation

	FY2007-08	FY2008-09
~~GENERAL FUND~~	~~2,500,000~~	~~-0-~~
~~PROGRAM TOTAL~~	~~2,500,000~~	~~-0-~~
GENERAL FUND	2,350,000	-0-
PROGRAM TOTAL	2,350,000	-0-

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $89,806 for FY2007-08. ~~or $91,603 for FY2008-09.~~

The unexpended General Fund appropriation balance existing on June 30, 2007, is hereby reappropriated.

Any unexpended, unencumbered appropriations for Program 508 - School Finance Litigation remaining on June 30, 2008, shall be lapsed to the General Fund.

Sec. 2. Legislative Bill 959, One Hundredth Legislature, Second Session, 2008, section 14, is amended to read:

Sec. 14. AGENCY NO. 11 - ATTORNEY GENERAL

Program No. 507 - Interpretation and Application of Law

	FY2007-08	FY2008-09
GENERAL FUND	-0-	150,000
CASH FUND	17,500	75,108
~~PROGRAM TOTAL~~	~~17,500~~	~~75,108~~
PROGRAM TOTAL	17,500	225,108
~~SALARY LIMIT~~	~~11,750~~	~~49,350~~
SALARY LIMIT	11,750	140,953

Sec. 3. Original Laws 2007, LB 321, section 36, and Legislative Bill 959, One Hundredth Legislature, Second Session, 2008, section 14, are repealed.

Sec. 4. The following section is outright repealed: Legislative Bill 959, One Hundredth Legislature, Second Session, 2008, section 15.

Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.

2. On page 1, strike beginning with "appropriate" in line 1 through line 3 and insert "amend Laws 2007, LB 321, section 36, and Legislative Bill 959, One Hundredth Legislature, Second Session, 2008, section 14; to change and eliminate appropriations; to repeal the original sections; to outright repeal Legislative

Bill 959, One Hundredth Legislature, Second Session, 2008, section 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. Strike the original sections and insert the following new sections:

Section 1. (1) Personal injury includes mental injuries and mental illness unaccompanied by physical injury for an employee who is a first responder if such first responder:

(a) Establishes, by a preponderance of the evidence, that the employee's employment conditions causing the mental injury or mental illness were extraordinary and unusual in comparison to the normal conditions of the particular employment; and

(b) Establishes, by a preponderance of the evidence, the medical causation between the mental injury or mental illness and the employment conditions by medical evidence.

(2) For purposes of this section, mental injuries and mental illness arising out of and in the course of employment unaccompanied by physical injury are not considered compensable if they result from any event or series of events which are incidental to normal employer and employee relations, including, but not limited to, personnel actions by the employer such as disciplinary actions, work evaluations, transfers, promotions, demotions, salary reviews, or terminations.

(3) For purposes of this section, first responder means a firefighter, a law enforcement officer, a crime scene investigator, or an out-of-hospital emergency care provider as defined in section 38-1208.

Sec. 2. Section 48-151, Reissue Revised Statutes of Nebraska, is amended to read:

48-151 Throughout the Nebraska Workers' Compensation Act, the following words and phrases shall be considered to have the following meaning, respectively, unless the context clearly indicates a different meaning in the construction used:

(1) Physician means any person licensed to practice medicine and surgery, osteopathic medicine, chiropractic, podiatry, or dentistry in the State of Nebraska or in the state in which the physician is practicing;

(2) Accident means an unexpected or unforeseen injury happening suddenly and violently, with or without human fault, and producing at the time objective symptoms of an injury. The claimant has the burden of proof to establish by a preponderance of the evidence that such unexpected or unforeseen injury was in fact caused by the employment. There is no presumption from the mere occurrence of such unexpected or unforeseen injury that the injury was in fact caused by the employment;

(3) Occupational disease means only a disease which is due to causes and conditions which are characteristic of and peculiar to a particular trade, occupation, process, or employment and excludes all ordinary diseases of life to which the general public is exposed;

(4) Injury and personal injuries mean only violence to the physical structure of the body and such disease or infection as naturally results therefrom and personal injuries described in section 1 of this act. The terms include disablement resulting from occupational disease arising out of and in the course of the employment in which the employee was engaged and which was contracted in such employment. The terms include an aggravation of a preexisting occupational disease, the employer being liable only for the degree of aggravation of the preexisting occupational disease. The terms do not include disability or death due to natural causes but occurring while the employee is at work and do not include an injury, disability, or death that is the result of a natural progression of any preexisting condition;

(5) Death, when mentioned as a basis for the right to compensation, means only death resulting from such violence and its resultant effects or from occupational disease;

(6) Without otherwise affecting either the meaning or the interpretation of the abridged clause, personal injuries arising out of and in the course of employment, it is hereby declared not to cover workers except while engaged in, on, or about the premises where their duties are being performed or where their service requires their presence as a part of such service at the time of the injury and during the hours of service as such workers, and not to cover workers who on their own initiative leave their line of duty or hours of employment for purposes of their own. Property maintained by an employer is considered the premises of such employer for purposes of determining whether the injury arose out of employment;

(7) Willful negligence consists of (a) a deliberate act, (b) such conduct as evidences reckless indifference to safety, or (c) intoxication at the time of the injury, such intoxication being without the consent, knowledge, or acquiescence of the employer or the employer's agent;

(8) Intoxication includes, but is not limited to, being under the influence of a controlled substance not prescribed by a physician;

(9) Prospective loss costs means prospective loss costs as defined in section 44-7504 and prepared, filed, or distributed by an advisory organization which has been issued a certificate of authority pursuant to section 44-7518; and

(10) Whenever in the Nebraska Workers' Compensation Act the singular is used, the plural is considered included; when the masculine gender is used, the feminine is considered included.

Sec. 3. Section 48-1,110, Revised Statutes Supplement,

2007, is amended to read:

48-1,110 Sections 48-101 to 48-1,117 and sections 1 and 4 of this act shall be known and may be cited as the Nebraska Workers' Compensation Act.

Sec. 4. The changes made by this legislative bill to the Nebraska Workers' Compensation Act apply only to personal injuries that occurred on or after the effective date of this act.

Sec. 5. Original section 48-151, Reissue Revised Statutes of Nebraska, and section 48-1,110, Revised Statutes Supplement, 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

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

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. Strike original sections 3, 4, and 6 and insert the following new sections:

Sec. 3. Section 86-247, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-247 All telephone solicitation messages ~~delivered~~ transmitted by an automatic dialing-announcing device shall:

(1) At the beginning of the message, state clearly the identity of the person making the call; and

(2) During or after the message, state clearly the telephone number, other than that of the device which made the call, or address of such person.

Sec. 5. Section 86-256, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-256 (1) Any person using an automatic dialing-announcing device other than for telephone solicitations shall register the device with the commission pursuant to the

application process, without a fee, and shall include with the application a detailed explanation of the use planned and the ~~script~~ message to be used.

(2) All telephone messages transmitted by an automatic dialing-announcing device other than telephone solicitations shall:

(a) At the beginning of the message, state clearly the identity of the person on whose behalf the message is being transmitted;

(b) During or after the message, state clearly the telephone number, other than that of the device which made the call, or address of the person operating the device; and

(c) Transmit messages only between the hours of 8 a.m. and 9 p.m. at the location of the person receiving the message.

(3) This section does not apply to (a) a message from any elementary, secondary, or postsecondary educational institution to any of its students, parents, or employees, (b) a message to a person with whom the person placing the call or the person on whose behalf the message is being transmitted has an established business or personal relationship, or (c) a message from an employer advising any of its employees of work schedules.

2. On page 8, lines 5 and 6, strike "script" and insert "message".

3. On page 9, line 4, strike "86-248,".

4. Renumber the remaining sections accordingly.

The second committee amendment is as follows:

AM2714

1. Insert the following new subsections:

"(4) A person contracting with a third party to connect or operate an automatic dialing-announcing device for other than telephone solicitations shall be jointly and severally liable with the third party for connecting and operating the automatic dialing-announcing device in violation of the Automatic Dialing-Announcing Devices Act or the rules and regulations adopted and promulgated under the act.

(5) A person contracting with a third party to connect or operate an automatic dialing-announcing device for other than telephone solicitations shall file with the commission the message to be used within twenty-four hours after the message is 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 HUNDREDTH 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. Insert the following new section:

Sec. 20. Section 84-612, Revised Statutes Supplement, 2007, is amended to read:

84-612 (1) There is hereby created within the state treasury a fund known as the Cash Reserve Fund which shall be under the direction of the State Treasurer. The fund shall only be used pursuant to this section.

(2) The State Treasurer shall transfer funds from the Cash Reserve Fund to the General Fund upon certification by the Director of Administrative Services that the current cash balance in the General Fund is inadequate to meet current obligations. Such certification shall include the dollar amount to be transferred. Any transfers made pursuant to this subsection shall be reversed upon notification by the Director of Administrative Services that sufficient funds are available.

(3) The State Treasurer, at the direction of the budget administrator of the budget division of the Department of Administrative Services, shall transfer such amounts not to exceed seven million seven hundred fifty-three thousand two hundred sixty-three dollars in total from the Cash Reserve Fund to the Nebraska Capital Construction Fund between July 1, 2003, and June 30, 2007.

(4) The State Treasurer, at the direction of the budget administrator, shall transfer an amount equal to the total amount transferred pursuant to subsection (3) of this section from the General Fund to the Cash Reserve Fund on or before June 30, 2008.

(5) In addition to receiving transfers from other funds, the Cash Reserve Fund shall receive federal funds received by the State of Nebraska for undesignated general government purposes, federal revenue sharing, or general fiscal relief of the state.

(6) On June 15, 2007, the State Treasurer shall transfer fifteen million six hundred seventy-four thousand one hundred seven dollars from the Cash Reserve Fund to the General Fund.

(7) On June 16, 2008, the State Treasurer shall transfer seventeen million nine hundred thirty-one thousand thirty dollars from the Cash Reserve Fund to the General Fund.

(8) On June 15, 2009, the State Treasurer shall transfer four million nine hundred ninety thousand five hundred five dollars from the Cash Reserve Fund to the General Fund.

(9) On or before June 16, 2008, the State Treasurer, at the direction of the budget administrator, shall transfer fifty million dollars from the Cash Reserve Fund to the General Fund.

(10) On or before June 16, 2009, the State Treasurer, at the direction of the budget administrator, shall transfer fifty

million dollars from the Cash Reserve Fund to the General Fund.

(11) From the effective date of an endowment agreement as defined in subdivision (3)(c) of section 79-1101 until June 30, 2007, forty million dollars of the Cash Reserve Fund shall be deemed to constitute the Early Childhood Education Endowment Fund. Such funds shall remain part of the Cash Reserve Fund for all purposes, except that the interest earned on such forty million dollars shall accrue as provided in section 84-613.

(12) The State Treasurer, at the direction of the budget administrator, shall transfer such amounts, as certified by the Director of Administrative Services, for employee health insurance claims and expenses, not to exceed twelve million dollars in total from the Cash Reserve Fund to the State Employees Insurance Fund between May 1, 2007, and June 30, 2011.

(13) On July 9, 2007, the State Treasurer shall transfer twelve million dollars from the Cash Reserve Fund to the Nebraska Capital Construction Fund.

(14) On July 9, 2007, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the Job Training Cash Fund. The State Treasurer shall transfer from the Job Training Cash Fund to the Cash Reserve Fund such amounts as directed in section 81-1201.21.

(15) On July 7, 2008, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the Job Training Cash Fund. The State Treasurer shall transfer from the Job Training Cash Fund to the Cash Reserve Fund such amounts as directed in section 81-1201.21.

(16) On or before August 1, 2007, the State Treasurer, at the direction of the budget administrator, shall transfer seventy-five million dollars from the Cash Reserve Fund to the Nebraska Capital Construction Fund.

(17) On or before June 30, 2009, the State Treasurer shall transfer nine million five hundred ninety thousand dollars from the Cash Reserve Fund to the Nebraska Capital Construction Fund.

(18) The State Treasurer, at the direction of the budget administrator, shall transfer an amount equal to the total amount transferred pursuant to subsection (12) of this section from the appropriate health insurance accounts of the State Employees Insurance Fund in such amounts as certified by the Director of Administrative Services to the Cash Reserve Fund on or before June 30, 2011.

(19) On July 9, 2007, the State Treasurer shall transfer one million dollars from the Cash Reserve Fund to the Microenterprise Development Cash Fund.

(20) On July 9, 2007, the State Treasurer shall transfer two hundred fifty thousand dollars from the Cash Reserve Fund to the Building Entrepreneurial Communities Cash Fund.

(21) On July 7, 2008, the State Treasurer shall

transfer one million dollars from the Cash Reserve Fund to the Microenterprise Development Cash Fund.

(22) On July 7, 2008, the State Treasurer shall transfer two hundred fifty thousand dollars from the Cash Reserve Fund to the Building Entrepreneurial Communities Cash Fund.

(23) Within seven days after the operative date of this section, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the Roads Operations Cash Fund. The Department of Roads shall use such funds to provide the required state match for federal funding made available to the state through congressional earmarks.

(24) On July 8, 2009, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the Roads Operations Cash Fund. The Department of Roads shall use such funds to provide the required state match for federal funding made available to the state through congressional earmarks.

(25) On July 7, 2010, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the Roads Operations Cash Fund. The Department of Roads shall use such funds to provide the required state match for federal funding made available to the state through congressional earmarks.

2. On page 1, line 6, strike "section 66-489" and insert "sections 66-489 and 84-612"; and in line 8 after the semicolon insert "to provide for transfers from the Cash Reserve Fund;".

3. On page 15, line 24; page 20, lines 6 and 8; and page 23, lines 7 and 9, strike "January" and insert "July".

4. On page 20, line 17, strike "October 1, 2008" and insert "April 1, 2009".

5. On page 27, line 23, strike "January" and insert "July".

6. On page 28, line 4, strike "and"; and in line 7 after the last comma insert "and section 84-612, Revised Statutes Supplement, 2007,".

7. Renumber the remaining sections and correct internal 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

printed on recycled paper

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

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

Present and not voting, 6:

Fulton	Lautenbaugh	McGill
Lathrop	McDonald	Schimek

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.

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

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

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

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.

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. On page 4, line 2, strike "For" through "2007" and insert "Commencing July 1, 2009"; strike beginning with line 4 through the comma in line 5; and in line 8 after the period insert "The total amount designated in any calendar year shall not exceed five percent of the total state sales tax collected in the prior calendar year.".

2. On page 16, strike beginning with "Sections" in line 3 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. Insert the following new section:
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. Strike section 3 and insert the following new section:

Sec. 3. Section 53-1,104, Reissue Revised Statutes of Nebraska, is amended to read:

53-1,104 (1) Any licensee which sells or permits the sale of any alcoholic liquor not authorized under the terms of such license on the licensed premises or in connection with such licensee's business or otherwise shall be subject to suspension, cancellation, or revocation of such license by the commission.

~~(2) When an order suspending a license to sell alcoholic liquor becomes final, the licensee may elect to pay a cash penalty to the commission in lieu of suspending sales of alcoholic liquor for the designated period if such election is not prohibited by order of the commission. Except as otherwise provided in subsection (3) of this section, for the first such suspension for any licensee, the penalty shall be fifty dollars per day, and for a second or any subsequent suspension, the penalty shall be one hundred dollars per day.~~

(2) For a first suspension for violation of section 53-180 or 53-180.02 or section 1 of this act, the commission shall order that the licensee be required to suspend sales of alcoholic liquor for a period of time not to exceed seven days.

(3)(a) For a second suspension for violation of section 53-180 or 53-180.02 or section 1 of this act occurring within four years after the date of the first suspension, the commission~~, in its discretion, may~~ shall order that the licensee be required to suspend sales of alcoholic liquor for a period of time not to exceed ~~forty-eight hours and that the licensee may not elect to pay a cash penalty. The commission may use the required suspension of sales of alcoholic liquor penalty either alone or in conjunction with suspension periods for which the licensee may elect to pay a cash penalty.~~ ten days. For purposes of this subsection, second suspension for violation of section 53-180 shall include suspension for a violation of section 53-180.02 following suspension for a violation of section 53-180 and second suspension for violation of section 53-180.02 shall include suspension for a violation of section 53-180 following suspension for a violation of section 53-180.02;

(b) For a third or subsequent suspension for violation of section 53-180 or 53-180.02 or section 1 of this act occurring within four years after the date of the first suspension, the commission~~, in its discretion, may~~ shall order that the licensee be required to suspend sales of alcoholic liquor for a period of time not to exceed fifteen days. ~~and that the licensee may not elect to pay a cash penalty. The commission may use the required suspension of sales of alcoholic liquor penalty either alone or in conjunction~~

~~with suspension periods for which the licensee may elect to pay a cash penalty.~~ For purposes of this subsection, third or subsequent suspension for violation of section 53-180 shall include suspension for a violation of section 53-180.02 following suspension for a violation of section 53-180 and third or subsequent suspension for violation of section 53-180.02 shall include suspension for a violation of section 53-180 following suspension for a violation of section 53-180.02; and

(c) For a first suspension based upon a finding that a licensee or an employee or agent of the licensee has been convicted of possession of a gambling device on a licensee's premises in violation of sections 28-1107 to 28-1111, the commission, in its discretion, may order that the licensee be required to suspend sales of alcoholic liquor for thirty days. ~~and that the licensee may not elect to pay a cash penalty.~~ For a second or subsequent suspension for such a violation of sections 28-1107 to 28-1111 occurring within four years after the date of the first suspension, the commission shall order that the license be canceled.

(4) For any licensee which has no violation for a period of four years consecutively, any suspension shall be treated as a new first suspension.

~~(5) The election provided for in subsection (2) of this section shall be filed with the commission in writing one week before the suspension is ordered to commence and shall be accompanied by payment in full of the sum required by this section. If such election has not been received by the commission by the close of business one week before the day such suspension is ordered to commence, it shall be conclusively presumed that the licensee has elected to close for the period of the suspension and any election received later shall be absolutely void and the payment made shall be returned to the licensee. The election shall be made on a form prescribed by the commission. All funds received under this section shall be remitted to the State Treasurer for 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. Strike the original sections and insert the following new sections:

Section 1. There is hereby appropriated (1) $201,800 from the General Fund for FY2008-09 and (2) $56,900 from the General Fund for FY2009-10 to the Department of Revenue, for Program 102, to aid in carrying out the provisions of Legislative Bill 1001, One

Hundredth Legislature, Second Session, 2008.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $31,000 for FY2008-09 or $42,900 for FY2009-10.

Sec. 2. There is hereby appropriated $8,547,200 from the Energy Conservation Improvement Fund for FY2009-10 to the Department of Revenue, for Program 110, to aid in carrying out the provisions of Legislative Bill 1001, One Hundredth Legislature, Second Session, 2008.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Senator Schimek filed the following amendment to LB720:
AM2716

(Amendments to AM2713)

1. On page 2, line 12, strike the second "or"; and in line 13 after "schedules" insert ", or (d) a message from a political subdivision to its residents or employees".

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 1082. Placed on Select File with amendment.
ER8237

1. On page 1, strike lines 3 and 4 and insert "Nebraska, and section 48-1,110, Revised Statutes Supplement, 2007; to describe covered personal injuries for first responders as prescribed; to define and redefine terms; to provide for applicability; to harmonize provisions; and to repeal the original sections.".

LEGISLATIVE BILL 1027. Placed on Select File with amendment.
ER8238

1. On page 1, strike beginning with "sections" in line 1 through line 4 and insert "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;".

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. On page 1, line 10, after "fees" insert "for permits".

2. On page 10, line 21, after "section" insert ", except for the ignition interlock permit and associated fees as outlined in subsection (4) of this section".

3. On page 11, lines 4 through 8, strike the new matter.

4. On page 13, strike line 18.

5. On page 15, after line 3, insert the following new subsection:

"(4)(a) The fee for an ignition interlock permit shall be forty-five dollars. Five dollars of the fee shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. Forty dollars of the fee shall be remitted to the State Treasurer for credit to the Ignition Interlock Device Fund.

(b) The fee for a duplicate or replacement ignition interlock permit shall be ten dollars. Twenty-five cents of the fee shall be remitted to the county treasurer for credit to the county general fund. Five dollars of the fee shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. Four dollars and seventy-five cents of the fee shall be remitted to the State Treasurer for credit to the Ignition Interlock Device Fund.

(c) The fee for adding, changing, or removing a class, endorsement, or restriction on an ignition interlock permit shall be five dollars. The fee shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.".

6. On page 36, strike line 18 and insert "The Office of Probation Administration shall use the money in the fund for the costs of installing"; and in line 20 after the period insert "The Office of Probation Administration shall use no more than five percent of the fund revenue in each fiscal year for purposes of 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. Insert the following new section:

Sec. 2. There is hereby appropriated $10,000 from the Ignition Interlock Device Fund for FY2008-09 to the Supreme Court, for Program 67, to aid in carrying out the provisions of Legislative Bill 736, One Hundredth Legislature, Second Session, 2008.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated 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. Strike amendment 1 and all amendments thereto and insert the following new amendment:

"1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Sections 1 to 11 of this act shall be known and may be cited as the Probation and Parole Merger Act.

Sec. 2. For purposes of the Probation and Parole Merger Act:

(1) Chief probation and parole officer means the probation and parole officer in charge of a community corrections district;

(2) Committed offender has the definition found in section 83-170;

(3) Court means a district court, county court, or juvenile court as defined in section 43-245;

(4) Court services officer includes a chief court services officer, deputy court services officer, juvenile court officer, juvenile intake officer, presentence officer, or problem-solving court officer;

(5) Department means the Department of Correctional Services;

(6) Director means the Director of Correctional Services;

(7) Division means the Division of Community Corrections of the department;

(8) Juvenile probation means the release by a court, subject to conditions imposed by the court and subject to supervision, of a juvenile adjudicated delinquent or in need of special supervision;

(9) Office means the Office of Court Services;

(10) Parole means release by decision of the Board of Parole from incarceration in an adult correctional facility;

(11) Parolee means a person on parole;

(12) Probation has the definition found in section 29-2246;

(13) Probation administrator means the probation administrator appointed pursuant to section 29-2251;

(14) Probation and parole officer means an employee of the division who supervises probationers and parolees; and

(15) Probationer has the definition found in section 29-2246.

Sec. 3. The Legislature finds that:

(1) The separate and distinct supervision of adult offenders in the community by the executive branch of government and the judicial branch of government present significant barriers to the efficient supervision of adult offenders in the community

and to statewide coordination of community-based programs promoting the rehabilitation of offenders; and

(2) The interests of society and the protection of the public are best served by placing the supervision of adult offenders in the community under the executive branch of government.

Sec. 4. (1) On or before September 15, 2008, the director and the probation administrator shall submit a plan to the chairperson of the Judiciary Committee of the Legislature, the Governor, and the Chief Justice of the Supreme Court to implement the provisions of the Probation and Parole Merger Act. The plan shall include suggested legislation and a budget proposal that address the division of personnel, the assignment of duties, the allocation of fees, funds, furniture, equipment, books, and files, and all other matters related to creation of the Division of Community Corrections and the Office of Court Services. The director and the probation administer shall work cooperatively with the Probation and Parole Advisory Board and all other interested governmental entities in developing the plan.

(2) The chairperson of the Judiciary Committee of the Legislature shall prepare and introduce legislation, based upon the plan submitted by the director and the probation administrator, during the One Hundred First Legislature, First Session.

Sec. 5. (1) On July 1, 2009 the Division of Community Corrections is created within the department. Administrative support for the division shall be provided by employees of the department. On and after July 1, 2009, the division shall consist of the community corrections administrator and the field community corrections service described in section 7 of this act who are responsible for adult parolees. Beginning July 1, 2009, the division shall also consist of the personnel of the field community corrections service who are responsible for the supervision of adult probationers.

(2) Beginning July 1, 2009, the division shall be responsible for supervision of adult parolees and adult probationers.

Sec. 6. Beginning July 1, 2009, the chief administrative officer of the division shall be known as the community corrections administrator. The Governor shall appoint the community corrections administrator, with the approval of a majority of the Legislature, and set the salary of the administrator on the operative date of this section. The community corrections administrator shall be qualified for the position by appropriate training and experience in the fields of probation, parole, criminal law, and criminal justice. The community corrections administrator shall serve at the pleasure of the Governor.

Sec. 7. Section 83-1,103, Revised Statutes Cumulative Supplement, 2006, is amended to read:

~~83-1,103~~ The field ~~parole~~ community corrections service,

consisting of ~~district parole~~ chief probation and parole officers and deputy ~~parole~~ probation and parole officers working under the direction of the ~~Parole Administrator or district judge,~~ community corrections administrator shall be responsible for the investigation of parolees, and supervision~~,~~ and assistance of adult parolees, adult probationers, or individuals subject to community supervision under section 83-174.03. The field ~~parole~~ community corrections service shall be sufficient in size to assure that no ~~district parole~~ probation and parole officer carries a ~~case load~~ caseload larger than is compatible with adequate ~~parole~~ investigation or supervision.

Sec. 8. (1) The Probation and Parole Advisory Board is created. The Chief Justice of the Supreme Court or his or her designee shall be the chairperson of the advisory board. The advisory board shall have the following members:

(a) One county court judge, appointed by the Chief Justice;

(b) One district court judge, appointed by the Chief Justice;

(c) On July 1, 2009, the court services administrator;

(d) The chairperson of the Board of Parole;

(e) Until July 1, 2009, the probation administrator, and on and after such date, the community corrections administrator; and

(f) The Director of Correctional Services.

(2) Until July 1, 2009, the advisory board shall meet monthly at the call of the Chief Justice. The advisory board shall work cooperatively with the director and the probation administrator in developing and implementing the plan described in section 4 of this act.

(3) On and after July 1, 2009:

(a) The advisory board shall meet at least twice each year and may meet more often on the call of the Chief Justice, except that the advisory board shall meet at least once each month prior to the appointment of the community corrections administrator under section 6 of this act. The advisory board shall monitor the operation, professionalism, and success of the division and its employees and ensure open lines of communication between the division and the judiciary;

(b) All decisions regarding the budget and allocation of resources of the division shall remain with the Director of Correctional Services; and

(c) The chairperson of the Judiciary Committee of the Legislature shall consult with the advisory board to determine if further legislation is necessary to provide for a seamless transition from the organization of probation and parole services existing on the effective date of this act to the provisions of the Probation and Parole Merger Act. If legislation is necessary, the chairperson of the Judiciary Committee shall prepare such

legislation for introduction in the One Hundred First Legislature.

Sec. 9. On July 1, 2009, the Office of Court Services is created within the judicial branch of government and directly responsible to the Supreme Court. The office shall consist of the court services administrator, court services officers, and such other employees as may be necessary to carry out the functions of the office.

Sec. 10. The office shall be responsible for juvenile intake services, for adult presentence investigations, for juvenile predisposition investigations, for the direct supervision of juveniles placed on probation, and for adult and juvenile non-probation-based programs and services authorized by an interlocal agreement.

Sec. 11. On July 1, 2009, the Supreme Court shall appoint a court services administrator who shall be a person with appropriate experience and training in relevant disciplines at a recognized college or university and who shall serve at the pleasure of the Supreme Court.

Sec. 12. Original section 83-1,103, Revised Statutes 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. Strike section 2 and insert the following new sections:

Sec. 2. For school year 2008-09, any early childhood education program as defined in section 79-1101 established by a school board or an educational service unit that is not receiving a grant pursuant to section 79-1103 or funding through the Tax Equity and Educational Opportunities Support Act may enroll children who meet the age requirements to be enrolled in kindergarten pursuant to section 79-214, but who are not then enrolled in kindergarten and who are not of mandatory attendance age pursuant to section 79-201.

Sec. 7. Section 13, Legislative Bill 988, One Hundredth Legislature, Second Session, 2008, is amended to read:

(1) Except as otherwise provided in this section, for school fiscal year 2008-09, each school district's formula need shall equal the difference of the sum of the school district's basic funding, poverty allowance, limited English proficiency allowance, elementary class size allowance, focus school and program allowance, summer school allowance, special receipts allowance, transportation allowance, elementary site allowance, distance education and telecommunications allowance, averaging adjustment, and teacher education adjustment, minus the sum of the limited English proficiency allowance correction, poverty allowance correction, and local choice adjustment.

(2) Except as otherwise provided in this section, for school fiscal years 2009-10 and 2010-11, each school district's formula need shall equal the difference of the sum of the school district's basic funding, poverty allowance, limited English proficiency allowance, elementary class size allowance, focus school and program allowance, summer school allowance, special receipts allowance, transportation allowance, elementary site allowance, instructional time allowance, distance education and telecommunications allowance, averaging adjustment, teacher education adjustment, new learning community transportation adjustment, student growth adjustment, and new school adjustment, minus the sum of the limited English proficiency allowance correction, poverty allowance correction, and local choice adjustment.

(3) Except as otherwise provided in this section, for

school fiscal years 2011-12 and 2012-13, each school district's formula need shall equal the difference of the sum of the school district's basic funding, poverty allowance, limited English proficiency allowance, elementary class size allowance, focus school and program allowance, summer school allowance, special receipts allowance, transportation allowance, elementary site allowance, instructional time allowance, distance education and telecommunications allowance, averaging adjustment, teacher education adjustment, new learning community transportation adjustment, student growth adjustment, any positive student growth adjustment correction, and new school adjustment, minus the sum of the limited English proficiency allowance correction, poverty allowance correction, any negative student growth adjustment correction, and local choice adjustment.

(4) Except as otherwise provided in this section, for school fiscal year 2013-14 and each school fiscal year thereafter, each school district's formula need shall equal the difference of the sum of the school district's basic funding, poverty allowance, limited English proficiency allowance, focus school and program allowance, summer school allowance, special receipts allowance, transportation allowance, elementary site allowance, instructional time allowance, distance education and telecommunications allowance, averaging adjustment, teacher education adjustment, new learning community transportation adjustment, student growth adjustment, any positive student growth adjustment correction, and new school adjustment, minus the sum of the limited English proficiency allowance correction, poverty allowance correction, any negative student growth adjustment correction, and local choice adjustment.

(5) If the formula need calculated for a school district pursuant to subsections (1) through (4) of this section is less than one hundred percent of the formula need for such district for the school fiscal year immediately preceding the school fiscal year for which aid is being calculated, the formula need for such district shall equal one hundred percent of the formula need for such district for the school fiscal year immediately preceding the school fiscal year for which aid is being calculated. If the formula need calculated for a school district pursuant to subsections (1) through (4) of this section is more than one hundred twelve percent of the formula need for such district for the school fiscal year immediately preceding the school fiscal year for which aid is being calculated, the formula need for such district shall equal one hundred twelve percent of the formula need for such district for the school fiscal year immediately preceding the school fiscal year for which aid is being calculated, except that the formula need shall not be reduced pursuant to this subsection for any district (a) receiving a student growth adjustment for the school fiscal year for which aid is being calculated or (b) for school fiscal year 2008-09, for which

the formula students for the certification of aid pursuant to section 79-1022 for school fiscal year 2008-09 minus the formula students for the certification of aid pursuant to section 79-1022 for school fiscal year 2007-08 equals at least the greater of twenty-five students or one percent of the formula students for the certification of aid pursuant to section 79-1022 for school fiscal year 2007-08. For purposes of this subsection, the formula need for the school fiscal year immediately preceding the school fiscal year for which aid is being calculated shall be the formula need used in the final calculation of aid pursuant to section 79-1065 and for districts that were affected by a reorganization with an effective date in the calendar year preceding the calendar year in which aid is certified for the school fiscal year for which aid is being calculated, the formula need for the school fiscal year immediately preceding the school fiscal year for which aid is being calculated shall be attributed to the affected school districts <u>based on information provided to the department by the school districts or</u> proportionally based on the adjusted valuation transferred <u>if sufficient information has not been provided to the department</u>.

Sec. 8. The Revisor of Statutes shall assign section 1 of this act within Chapter 79, article 7.

Sec. 9. Sections 7, 9, 11, and 12 of this act become operative on their effective date. The other sections of this act become operative three calendar months after the adjournment of this legislative session.

Sec. 11. Original section 13, Legislative Bill 988, One Hundredth Legislature, Second Session, 2008, is repealed.

Sec. 12. Since an emergency exists, this act takes effect 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:
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:
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. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Sections 1 to 8 of this act shall be known and may be cited as the Food Supply Animal Veterinary Incentive Program Act.

Sec. 2. For purposes of the Food Supply Animal Veterinary Incentive Program Act:

(1) Department means the Department of Agriculture;

(2) Food supply animal includes cattle, hogs, sheep, goats, and poultry;

(3) Food supply animal veterinarian means a veterinarian who is engaged in general or food supply animal practice as his or her primary focus of practice and who has a substantial portion of his or her practice devoted to food supply animal veterinary medicine;

(4) Program means the Food Supply Animal Veterinary Incentive Program; and

(5) Rural mixed animal veterinary practice means practice as a food supply animal veterinarian in a rural area and a substantial portion of the practice involves food supply animal veterinary practice.

Sec. 3. Each year the department shall select from a pool of applicants up to four veterinarians to participate in the program. The selected veterinarians are eligible to receive up

to eighty thousand dollars under the program as an incentive to locate in rural Nebraska and practice food supply animal veterinary medicine.

Sec. 4. (1) To be eligible for funds under the program, an applicant shall:

(a) Be a graduate of an approved veterinary medical school;

(b) Be licensed to practice veterinary medicine in this state;

(c) Enter into a contract with the department to provide full-time veterinary medicine services as a food supply animal veterinarian in a food supply animal veterinary practice or in a rural mixed animal veterinary practice for four years in one or more communities approved by the department; and

(d) Be accredited by the United States Department of Agriculture, Animal and Plant Inspection Service, Veterinary Services to provide services relating to food supply animals by the end of the first year of service.

(2) The department shall give preference for approving communities for purposes of subdivision (1)(c) of this section to communities located in areas designated by the department as shortage areas for food supply animal veterinary medical services. In designating such areas, the department may initially utilize shortage areas as designated by the American Veterinary Medical Association on the effective date of this act and may revise designations as necessary and appropriate to achieve the purposes of the program.

Sec. 5. (1) To the extent that funds are available, program funds shall be distributed as follows:

(a) After completing the first year of service under the contract, the veterinarian is eligible to receive up to fifteen thousand dollars;

(b) After completing the second year of service under the contract, the veterinarian is eligible to receive up to fifteen thousand dollars;

(c) After completing the third year of service under the contract, the veterinarian is eligible to receive up to twenty-five thousand dollars; and

(d) After completing the fourth year of service under the contract, the veterinarian is eligible to receive up to twenty-five thousand dollars.

(2) If the veterinarian does not complete an entire year of service or if sufficient funds are not available to provide the full dollar amount of incentive in a year, the amount distributed under this section for that year shall be prorated.

Sec. 6. (1) A veterinarian shall be released from the program contract without penalty if:

(a) The veterinarian has completed the service requirements of the contract;

(b) The veterinarian is unable to complete the service requirements of the contract because of a permanent physical disability;

(c) The veterinarian demonstrates extreme hardship or shows other good cause justifying the release; or

(d) The veterinarian dies.

(2)(a) A veterinarian shall be released from further performance of veterinary services under the program contract if he or she is unable to perform his or her contractual obligations to provide veterinary services due to the suspension or revocation of his or her federal accreditation or denial, refusal of renewal, limitation, suspension, revocation, or other disciplinary measure taken against his or her license to practice in Nebraska pursuant to section 71-1,163 until December 1, 2008, and section 38-3324 on and after December 1, 2008.

(b) If a veterinarian is released from his or her contract pursuant to subdivision (a) of this subsection, the department may recover a portion of or all of the payments made to such veterinarian under section 5 of this act. The department shall remit any such funds to the State Treasurer for credit to the Food Supply Animal Veterinary Incentive Fund. The department may use appropriate remedies available to enforce this subdivision.

(3) The State of Nebraska shall be released from any further obligation under the Food Supply Animal Veterinary Incentive Program Act or any contract entered into with a veterinarian under the act if the veterinarian is released from the program pursuant to this section.

Sec. 7. The Food Supply Animal Veterinary Incentive Fund is created. The fund may be used to carry out the purposes of the Food Supply Animal Veterinary Incentive Program Act. The State Treasurer shall credit to the fund any money appropriated to the fund by the Legislature and any money received as gifts or grants or other private or public funds received under the act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 8. The department shall adopt and promulgate rules and regulations to carry out the Food Supply Animal Veterinary Incentive Program Act.

2. On page 1, strike beginning with the semicolon in line 2 through "intent" in line 3.

LEGISLATIVE BILL 1172A. Placed on Select File.

LEGISLATIVE BILL 720. Placed on Select File with amendment.
ER8239

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 49-1474.02, Revised Statutes

Cumulative Supplement, 2006, is amended to read:

49-1474.02 (1) Any person who makes an expenditure reportable under the Nebraska Political Accountability and Disclosure Act to disseminate by any means of telecommunication a prerecorded message or a recorded message relating to a candidate or ballot question shall include, immediately preceding ~~in~~ the message, the name of the person~~, including committees,~~ making the expenditure. Such messages shall be disseminated only between the hours of 8 a.m. and 9 p.m. at the location of the person receiving the messages.

(2) Any person who makes an expenditure reportable under the act to disseminate by any means of telecommunication a message relating to a candidate or ballot question which is not a recorded message or a prerecorded message shall, immediately upon the request of the recipient of the message, disclose the name of the person~~, including committees,~~ making the expenditure. If the message is disseminated through an employee or agent of the person making the expenditure, the employee or agent shall, immediately upon the request of the recipient of the message, disclose the name of the person~~, including committees,~~ making the expenditure.

(3) Any person who makes an expenditure reportable under the act to disseminate by any electronic means, including the Internet or email, a message relating to a candidate or ballot question shall include in the message the name of the person~~, including committees,~~ making the expenditure.

Sec. 2. Section 86-242, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-242 (1) Telephone solicitation means a telephone call or message using an automatic dialing-announcing device for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, which call or message is transmitted to any person.

(2) Telephone solicitation does not include a call or message ~~(1)~~ (a) made to any person with the person's prior express invitation or permission, ~~(2)~~ (b) made to any person with whom the caller has an established business relationship, ~~(3)~~ (c) made by a tax-exempt nonprofit organization, ~~(4)~~ (d) not made for commercial purposes, ~~(5)~~ (e) made for a commercial purpose but which does not include the transmission of an unsolicited advertisement, or ~~(6)~~ (f) placed by a live operator and a prerecorded message is not utilized.

Sec. 3. Section 86-247, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-247 All telephone solicitation messages ~~delivered~~ transmitted by an automatic dialing-announcing device shall:

(1) At the beginning of the message, state clearly the identity of the person making the call; and

(2) During or after the message, state clearly the telephone number, other than that of the device which made the

call, or address of such person.

Sec. 4. Section 86-250, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-250 (1) A person shall not connect or operate an automatic dialing-announcing device for the purpose of making telephone solicitations on any telephone line unless the person has a current permit from the commission for the device. An applicant for a permit shall make a written application to the commission. The application shall be in a form prescribed by the commission and shall require information about the type of device proposed for connection and operation, the time of day telephone solicitations will be made using the device, the anticipated number of calls proposed to be placed during the specified calling period, the average length of a completed call, or such alternative or additional information as the commission may require. If the applicant is an individual, the application shall include the applicant's social security number. The applicant shall remit a fee of five hundred dollars for each device with the application.

(2) Upon receiving an application for a permit, the commission may grant, grant as modified, or deny the application. The commission may modify or deny the permit if the commission determines that (a) the applicant is unwilling or unable to meet the requirements placed on such operations by law, rule, or regulation or has failed to comply with the requirements in the past, (b) the connection or operation of the device will result in a significant decline in the quality of service or access to service for other telephone users, (c) the applicant's equipment is unable to meet the requirements of law, rule, or regulation, or (d) the application does not contain adequate information.

(3) If a permit is granted, the permit shall remain in force for two years from the date of issuance, and each application for the renewal of a permit shall be treated as a new application.

(4) After receiving a permit but prior to connecting or operating an automatic dialing-announcing device on any telephone line, the permitholder shall notify the telephone company of the telephone line on which the device is proposed to be connected or operated. The telephone line shall be considered a business telephone line. The telephone company shall release to the commission the identity of any person connecting or operating an automatic dialing-announcing device when requested to do so by the commission pursuant to an investigation.

<u>(5) A person contracting with a third party to connect or operate an automatic dialing-announcing device for the purpose of making telephone solicitations on any telephone line shall be jointly and severally liable with the third party for connecting and operating the automatic dialing-announcing device in violation of the Automatic Dialing-Announcing Devices Act or the rules and regulations adopted and promulgated under the act.</u>

<u>(6) A person contracting with a third party to connect</u>

or operate an automatic dialing-announcing device for the purpose of making telephone solicitations shall file with the commission the message to be used to comply with the requirements of section 86-247. Such person shall file any subsequent change to the message with the commission within five days after the change.

Sec. 5. Section 86-256, Revised Statutes Cumulative Supplement, 2006, is amended to read:

86-256 (1) Any person using an automatic dialing-announcing device other than for telephone solicitations shall register the device with the commission pursuant to the application process, without a fee, and shall include with the application a detailed explanation of the use planned and the ~~script~~ message to be used.

(2) All telephone messages transmitted by an automatic dialing-announcing device other than telephone solicitations shall:

(a) At the beginning of the message, state clearly the identity of the person on whose behalf the message is being transmitted;

(b) During or after the message, state clearly the telephone number, other than that of the device which made the call, or address of the person operating the device; and

(c) Transmit messages only between the hours of 8 a.m. and 9 p.m. at the location of the person receiving the message.

(3) This section does not apply to (a) a message from any elementary, secondary, or postsecondary educational institution to any of its students, parents, or employees, (b) a message to a person with whom the person placing the call or the person on whose behalf the message is being transmitted has an established business or personal relationship, or (c) a message from an employer advising any of its employees of work schedules.

(4) A person contracting with a third party to connect or operate an automatic dialing-announcing device for other than telephone solicitations shall be jointly and severally liable with the third party for connecting and operating the automatic dialing-announcing device in violation of the Automatic Dialing-Announcing Devices Act or the rules and regulations adopted and promulgated under the act.

(5) A person contracting with a third party to connect or operate an automatic dialing-announcing device for other than telephone solicitations shall file with the commission the message to be used within twenty-four hours after the message is transmitted.

Sec. 6. This act becomes operative on January 1, 2009.

Sec. 7. Original sections 49-1474.02, 86-242, 86-247, 86-250, and 86-256, Revised Statutes Cumulative Supplement, 2006, are repealed.

2. On page 1, line 2, strike "86-248,"; and in line 6 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. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 13-1622, Reissue Revised Statutes of Nebraska, is amended to read:

13-1622 (1) Except as provided in subsection (4) of this section, the plan sponsor shall obtain excess insurance which will limit the plan sponsor's total claims liability for each plan year to not more than one hundred twenty-five percent of the expected claims liability as projected by an independent actuary or insurer.

(2) If the expected claims liability of the self-funded portion of the employee benefit plan is exceeded, the plan sponsor shall fund such additional liability by (a) allocating necessary funds from the operating fund of the general fund, (b) setting up an additional reserve in the operating fund of the general fund, or (c) setting up the monthly accruals at a level to fund claims in excess of the expected claims liability.

(3) An insurer shall pay claims for which it is obligated under excess insurance within three months of the time the claims are paid by the plan sponsor.

(4) A city of the metropolitan <u>or primary</u> class <u>or a county with a population of more than two hundred thousand</u> may provide an employee benefit plan without excess insurance if the city <u>or county</u> obtains a determination from an independent actuary or insurer that excess insurance is not necessary to preserve the safety and soundness of the employee benefit plan.

Sec. 2. Original section 13-1622, Reissue Revised 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. Strike sections 4, 7, 8, 10, and 24 and insert the following new sections:

Sec. 6. (1) Distribution means the act of receiving orders, possessing, warehousing, and record keeping related to the sale and delivery of veterinary legend drugs.

(2) Distribution does not include (a) intracompany sales of veterinary legend drugs, including any transaction or transfer between any division, subsidiary, or parent company and an affiliated or related company under common ownership or common control or (b) the delivery of or the offer to deliver veterinary legend drugs by a common carrier solely in the usual course of business of transporting such drugs as a common carrier if the common carrier does not store, warehouse, or take legal ownership of such drugs.

Sec. 8. Veterinary drug distributor means any person or entity, other than a pharmacy, that engages in the distribution of veterinary legend drugs in the State of Nebraska.

Sec. 28. This act becomes operative on December 1, 2008.

2. On page 1, line 3, strike "30" and insert "27"; strike beginning with "facilities" in line 7 through line 9 and insert "veterinary drug distributors in the State of Nebraska and for the development, establishment, and enforcement of basic standards for such distributors."; and in line 11 strike "12" and insert "10".

3. On page 2, strike beginning with "meaning" in line 18 through the comma in line 22.

4. On page 3, strike beginning with "the" in line 9 through "of" in line 10; strike beginning with "For" in line 10 through line 13; and strike beginning with the first comma in line 26 through line 27 and insert "or entity".

5. On page 4, line 1, strike "location" and after "distributor" insert "in this state"; and in line 8 strike "19" and insert "17".

6. On page 5, line 7, strike "manager" and insert "representative".

7. On page 6, line 16, strike "18" and insert "16"; in line 18 strike "15" and insert "13"; and in line 21 strike "13 to 16" and insert "11 to 14".

8. On page 9, line 12, strike "16" and insert "14".

9. On page 10, strike beginning with "by" in line 8 through line 9 and insert "adopted and promulgated under the act.".

10. On page 11, line 2, strike "22" and insert "20"; in lines 7 and 20 after "the" insert "veterinary legend"; in

line 10 strike the third "the" and insert "those in the employ of the veterinary drug"; in lines 13, 16, 21, 22, and 23 before "order" insert "veterinary drug"; in line 19 strike "Drug" and insert "Veterinary legend drug"; and in line 26 after "The" insert "veterinary legend".

11. On page 14, lines 16 and 26, strike "26" and insert "23".

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. Insert the following new sections:

Sec. 9. 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, is amended to read:

71-7611 (1) The Nebraska Health Care Cash Fund is created. The State Treasurer shall transfer (a) fifty-six million four hundred thousand dollars no later than July 30, 2008, and (b) fifty-five million seven hundred thousand dollars annually thereafter no later than July 15 from the Nebraska Medicaid Intergovernmental Trust Fund and the Nebraska Tobacco Settlement Trust Fund to the Nebraska Health Care Cash Fund, except that such amount shall be reduced by the amount of the unobligated balance in the Nebraska Health Care Cash Fund at the time the transfer is made. On or before May 1, 2008, the State Treasurer shall transfer from the Nebraska Medicaid Intergovernmental Trust Fund and the Nebraska Tobacco Settlement Trust Fund an additional two hundred fifty thousand dollars to the Nebraska Health Care Cash Fund. The state investment officer upon consultation with the Nebraska Investment Council shall advise the State Treasurer on the amounts to be transferred from the Nebraska Medicaid Intergovernmental Trust Fund and from the Nebraska Tobacco Settlement Trust Fund under this section in order to sustain such transfers in perpetuity. The state investment officer shall report to the Legislature on or before October 1 of every even-numbered year on the sustainability of such transfers. Except as otherwise provided by law, no more than ~~fifty-five million seven hundred thousand dollars~~ the amount specified in subdivision (1)(a) and (b) of this subsection may be appropriated or transferred from the

Nebraska Health Care Cash Fund in any fiscal year.

(2) Any money in the Nebraska Health Care Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(3) One million dollars in the Nebraska Health Care Cash Fund is designated each year for the Autism Treatment Program Act for five fiscal years beginning in fiscal year 2007-08 and shall be distributed in each fiscal year as follows: (a) First, to the Department of Health and Human Services for costs related to application and implementation of the waiver; (b) second, to the department for other medical costs for children who would not otherwise qualify for medicaid except for the waiver; and (c) third, the balance to the Autism Treatment Program Cash Fund. The State Treasurer shall transfer the balance of the funding to the Autism Treatment Program Cash Fund based on the estimated costs of administrative and other medical costs as determined by the Legislature through the appropriation process. The transfers to the Autism Treatment Program Cash Fund in any fiscal year shall be contingent upon the receipt of private matching funds under the Autism Treatment Program Act, with no less than one dollar of private funds received for every two dollars transferred from the Nebraska Health Care Cash Fund to the Autism Treatment Program Cash Fund.

(4) The University of Nebraska and postsecondary educational institutions having colleges of medicine in Nebraska and their affiliated research hospitals in Nebraska, as a condition of receiving any funds appropriated or transferred from the Nebraska Health Care Cash Fund, shall not discriminate against any person on the basis of sexual orientation.

(5) The State Treasurer shall transfer two hundred thousand dollars from the Nebraska Health Care Cash Fund to the University of Nebraska Medical Center Cash Fund for the Nebraska Regional Poison Center within fifteen days after each July 1.

Sec. 12. Original 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, is repealed.

2. On page 5, line 16, strike "This act becomes" and insert "Sections 1 to 8 and 11 of this act become"; and after the period insert "The other sections of this act become operative on their effective date.".

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. Strike section 9.

2. On page 1, line 14, after the period insert "The preferred drug list and other activities mandated by the act shall not be construed to replace, prohibit, or limit other lawful activities of the department not specifically permitted or required by the act.".

3. On page 2, line 13, strike "The" and insert "No later than July 1, 2010, the"; and strike beginning with "Except" in line 19 through line 27 and insert "The committee shall consist of at least (a) eight physicians, (b) four pharmacists, (c) a university professor of pharmacy or a person with a doctoral degree in pharmacology, and (d) two public members. No more than twenty-five percent of the committee shall be state employees.

(3) The physician members of the committee, so far as practicable, shall include physicians practicing in the areas of (a) family medicine, (b) internal medicine, (c) pediatrics, (d) cardiology, (e) psychiatry or neurology, (f) obstetrics or gynecology, (g) endocrinology, and (h) oncology.".

4. On page 3, strike lines 1 through 5; in line 6 strike "(5)" and insert "(4)"; in line 10 strike "(6)" and insert "(5)"; in line 14 strike "(7)" and insert "(6)"; and in line 15 strike "for" and insert "relating to".

5. On page 4, line 12, after "list" insert ", after consideration of applicable rebates or discounts negotiated by the department"; in line 19 strike "prescriber" and insert "provider"; in line 20 after "been" insert "therapeutically"; and in line 21 after "be" insert "therapeutically".

6. On page 5, line 3, after "if" insert "the provider certifies that (a)"; in line 4 strike "already" through "successful" and insert "achieving therapeutic success with a"; in line 7 after "or" insert "(b)" and strike "had a prior failure" and insert "experienced a prior therapeutic failure"; and strike lines 8 and 9 and insert an underscored period.

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. On page 2, line 2, strike "General" and insert "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. Strike original section 1 and all amendments thereto and insert the following new sections:

Section 1. <u>There is hereby appropriated (1) $55,405 from the General Fund and $10,000 from the Department of Health and Human Services Cash Fund for FY2008-09 and (2) $94,686 from the General Fund and $20,000 from the Department of Health and Human Services Cash Fund for FY2009-10 to the Department of Health and Human Services, for Program 33, to aid in carrying out the provisions of Legislative Bill 245, One Hundredth Legislature, Second Session, 2008.</u>

<u>Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $37,551 for FY2008-09 or $76,980 for FY2009-10.</u>

Sec. 2. Since an emergency exists, this act takes effect 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. Insert the following new sections:

Sec. 7. Section 79-1248, Revised Statutes Supplement, 2007, is amended to read:

79-1248 The powers and duties of the Educational Service Unit Coordinating Council include, but are not limited to:

(1) Providing public access to lists of qualified distance education courses;

(2) Collecting and providing school schedules for participating educational entities;

(3) Facilitation of scheduling for qualified distance education courses;

(4) Brokering of qualified distance education courses to be purchased by educational entities;

(5) Assessment of distance education needs and evaluation of distance education services;

(6) Compliance with technical standards as set forth by the Nebraska Information Technology Commission and academic standards as set forth by the State Department of Education related to distance education;

(7) Establishment of a system, <u>in cooperation with the Chief Information Officer,</u> for prioritizing courses if the demand for Network Nebraska exceeds the capacity available for distance education and for choosing receiving educational entities when the demand for a course exceeds the capacity as determined by either the technology available or the course provider;

(8) ~~Scheduling and prioritization for access to Network Nebraska by educational entities in cooperation with the Chief~~

~~Information Officer and using~~ Coordination of scheduling software or scheduling services which provide a distance education clearinghouse and device control and which meet any applicable standards established by the commission;

(9) Administration of learning management systems that are in compliance with any applicable standards of the commission either through the staff of the council or by delegation to an appropriate educational entity with the funding for such systems provided by participating educational entities; and

(10) Coordination with educational service units and postsecondary educational institutions to provide assistance for instructional design for both two-way interactive video distance education courses and the offering of graduate credit courses in distance education.

Sec. 8. Section 86-5,100, Revised Statutes Supplement, 2007, is amended to read:

86-5,100 The Chief Information Officer, in partnership with the University of Nebraska, shall develop and maintain a statewide, multipurpose, high capacity, scalable telecommunications network to be called Network Nebraska. The network shall consist of contractual arrangements with providers to meet the demand of state agencies, local governments, and educational entities as defined in section 79-1201.01. Such network shall provide access to a reliable and affordable infrastructure capable of carrying a spectrum of services and applications, including distance education, across the state. The Chief Information Officer shall provide access to each school district, each educational service unit, each community college, each state college, and the University of Nebraska at the earliest feasible date and no later than July 1, 2012. Access may be provided through educational service units or other aggregation points. Each participating school district and educational service unit may be required to participate in a distance education clearinghouse coordinated by the Educational Service Unit Coordinating Council but shall not be required to participate in device control. The Chief Information Officer shall aggregate demand for those state agencies and educational entities choosing to participate and shall reduce costs for participants whenever feasible. The Chief Information Officer shall establish a cost structure based on actual costs plus administrative expenses and shall charge participants according to such cost structure.

2. On page 14, line 20, strike "and 79-1104.04" and insert ", 79-1104.04, 79-1248, and 86-5,100".

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. Strike sections 12 and 13.
2. Renumber the remaining sections and correct the 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. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. Section 85-505, Reissue Revised Statutes of Nebraska, is amended to read:

85-505 Any member of the Nebraska National Guard who enrolls in any state-supported university, college, or community college or any independent, not-for-profit, regionally accredited college or university in this state shall be entitled to a credit of seventy-five percent of the resident tuition charges of such school, except that any member who attends an independent, not-for-profit, regionally accredited college or university in this state shall receive a credit in an amount no higher than that person would receive if he or she attended the University of Nebraska-Lincoln. Such entitlement shall be for a period of ten years from the date of the member's initial membership so long as the member maintains satisfactory performance with the guard and pursues his or her course of study in such institution in a manner

which satisfies the normal requirements of the institution. If a member is unable to complete his or her course of study within the ten-year period due to deployment on federal or state active-duty status for not less than one hundred twenty days, the Adjutant General may extend the entitlement period for such member for a period equal to the period of such person's active-duty status, not to exceed a maximum of five years. During the extended entitlement period, the member shall maintain satisfactory performance with the guard and pursue his or her course of study in such institution which satisfies the usual requirements of such institution. Any member entitled to a credit of seventy-five percent of resident tuition charges and enrolled in the tuition credit program as of October 1, 1992, shall on and after May 27, 1999, be entitled to the credit at such rate until completion of the educational program in which he or she is enrolled on October 1, 1992, so long as the member maintains satisfactory performance with the guard and pursues his or her course of study in such institution in a manner which satisfies the normal requirements of the institution. The number of individuals granted tuition credit shall not exceed the number specified in section 85-505.01 during any fiscal year, and the amount of tuition credits granted shall not exceed nine hundred thousand dollars during any fiscal year. When determining to whom such tuition credit shall be awarded, priority shall be given to those individuals who have previously received tuition credits while a National Guard member, and the Nebraska National Guard shall apply those program qualifications and limitations consistent with efficient and effective program management as determined by the Adjutant General.

Sec. 2. Section 85-505.01, Revised Statutes Cumulative Supplement, 2006, is amended to read:

85-505.01 (1) The tuition assistance program prescribed in sections 85-505 to 85-508 shall not be available to:

(a) More than one thousand two hundred members during any fiscal year;

(b) Commissioned and warrant officers who have a baccalaureate degree or are eligible for any other equivalent federal benefits;

(c) Enlisted personnel entitled to any equivalent federal educational benefits, except that this subdivision shall not apply to personnel receiving assistance from the federal Educational Assistance Program for Members of the Selected Reserve, as it existed on September 1, 2001; and

(d) Enlisted personnel who have a baccalaureate degree.

(2) The tuition assistance program prescribed in sections 85-505 to 85-508 shall be available to members of the Nebraska National Guard for a period of ten years, as provided in section 85-505, from the date of initial membership.

(3) Any member of the Nebraska National Guard receiving tuition assistance under sections 85-505 to 85-508 may obtain only

one undergraduate degree under such tuition assistance program. Only credit-bearing courses which meet degree requirements shall be approved for tuition assistance. Members shall not receive tuition assistance for any noncredit courses.

(4) If a member of the Nebraska National Guard voluntarily withdraws from a course for which he or she is receiving tuition assistance, the member shall be liable for all costs relating to such withdrawal, including, but not limited to, all of the costs billed by the educational institution to the Nebraska National Guard. Reimbursement shall be in accordance with section 72-1601.

(5) Any member of the Nebraska National Guard who receives tuition assistance shall agree in writing to serve in the Nebraska National Guard for three years after the completion of the courses for which tuition assistance was given. Any member who receives tuition assistance may be asked to reimburse the State of Nebraska if any such member leaves the Nebraska National Guard during such three-year period. Reimbursement shall be in accordance with section 72-1601.

(6) The Military Department shall retain the responsibility and authority to establish any limitations and controls it deems necessary to ensure maximum fiscal efficiency and productivity of the tuition assistance program prescribed in sections 85-505 to 85-508.

Sec. 3. Original section 85-505, Reissue Revised Statutes of Nebraska, and section 85-505.01, Revised Statutes Cumulative Supplement, 2006, are repealed.

2. On page 1, line 2, after "Nebraska" insert ", and section 85-505.01, Revised Statutes Cumulative Supplement, 2006"; in line 3 after the semicolon insert "to harmonize provisions;"; 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. Strike section 6 and insert the following sections:

Sec. 6. (1) Upon completion of the conditions specified in subsection (2) of this section, the Director of Administrative Services shall, on or before December 31, 2009, transfer by warranty deed the site and tract of land in Lancaster County known as the Nebraska State Fairgrounds, to the Board of Regents of the University of Nebraska. Such transfer shall occur notwithstanding sections 72-811 to 72-818 or any other provision of law.

(2) The transfer described in subsection (1) of this section shall be contingent upon:

(a) Funds for the purpose of carrying out subsection (4) of section 2-101 having been provided by or on behalf of the University of Nebraska in a total amount of no less than twenty-one million five hundred thousand dollars in cash or legally binding commitments. Such funds may be provided over time, but they shall in cumulative increments equal at least seven million five hundred thousand dollars by October 1, 2008, fourteen million five hundred thousand dollars by February 1, 2009, and twenty-one million five hundred thousand dollars by July 1, 2009;

(b) The University of Nebraska providing a master plan and business plan to carry out the master plan for the Innovation Campus to the Department of Administrative Services and to the Clerk of the Legislature on or before December 1, 2009, and a commitment to provide on or before December 1 of each year thereafter an annual update of the master plan and business plan to the Clerk of the Legislature; and

(c) Funds for the purpose of carrying out subsection (4) of section 2-101 having been provided by or on behalf of the city of Grand Island in a total amount of no less than eight million five hundred thousand dollars in cash or legally binding commitments. Such funds may be provided over time, but they shall

in cumulative increments equal at least three million dollars by October 1, 2008, six million dollars by February 1, 2009, and eight million five hundred thousand dollars by July 1, 2009.

(3) The University of Nebraska and the city of Grand Island shall provide certification to the Department of Administrative Services on October 1, 2008, February 1, 2009, and July 1, 2009, of all funds provided to carry out subsection (4) of section 2-101. All amounts as certified in subdivisions (2)(a) and (c) of this section shall be held and expended as determined by agreement between the Hall County Livestock Improvement Association and the Nebraska State Fair Board.

(4)(a) The Nebraska State Fair shall be relocated to the city of Grand Island pursuant to subsection (4) of section 2-101 contingent upon completion of the conditions specified in subsection (2) of this section.

(b) The Nebraska State Fair Board shall be responsible for any remaining costs associated with site improvements for relocating the Nebraska State Fair, not to exceed seven million dollars.

(c) On or before December 31, 2009, the Nebraska State Fair Board shall provide written release or other written instrument acceptable to the State Building Administrator in consultation with the President of the University of Nebraska in connection with the transfer of the Nebraska State Fairgrounds to the Board of Regents.

Sec. 7. Section 2-258, Reissue Revised Statutes of Nebraska, is amended to read:

2-258 The money raised by the operational tax levy authorized in section 2-257 shall be used for the purpose of paying premiums and for permanent improvements for such fair, for the purpose of purchasing the necessary fair supplies, advertising, and the paying of necessary labor in connection therewith, and for other necessary expenses for the operation of the fair. ~~In counties having a population of more than sixty thousand inhabitants but not more than three hundred fifty thousand inhabitants, and also containing a city of the primary class,~~ In the county in which the Nebraska State Fair is located, the money so raised may be used for permanent improvements on the state and county fairgrounds ~~or Nebraska State Fairgrounds,~~ or for leasing, contracting for, or in any manner acquiring use of fairground facilities for such ~~fair.~~ fairs.

Sec. 8. Section 81-1108.33, Revised Statutes Cumulative Supplement, 2006, is amended to read:

81-1108.33 (1) It is the intent of the Legislature that the state will not assume responsibility for the substandard construction, repair, or maintenance of, or for the excessive maintenance or repair costs for, real property, structures, or improvements which will be made available by gift, bequest, or devise to any state agency, board, or commission. Therefor,

prior to any construction, repair, or maintenance work on such real property, structure, or improvement, the state building division and the Task Force for Building Renewal shall review the plans, specifications, other construction or repair documents, and potential maintenance requirements as a requirement for acceptance by the state of such real property, structure, or improvement.

(2)(a) Any gift of, bequest of, or devise of (i) real property, (ii) a structure, or (iii) an improvement proposed to be made available to any state agency, board, or commission shall be reviewed by the state building division and the Task Force for Building Renewal pursuant to sections 81-176, 81-1108.15, and 81-1114. Such review shall include any potential matching of state funds, any plans, specifications, and other construction or repair documents reviewed pursuant to subsection (1) of this section, and any potential maintenance requirements as a condition of acceptance. Subsequent to such review, the state building division and the task force shall submit a report to the Governor, the Committee on Building Maintenance, and the Legislative Fiscal Analyst including a summary of the review of the plans, specifications, and other construction or repair documents and potential maintenance requirements and outlining the terms and conditions of the proposed gift, bequest, or devise along with its recommendation.

(b) Any proposed gift of, bequest of, or devise of (i) real property, (ii) a structure, or (iii) an improvement in excess of ten thousand dollars shall be approved by the Governor and the Legislature prior to acceptance. If the Legislature is not in session, the Executive Board of the Legislative Council, after recommendation by the Committee on Building Maintenance, may approve such gift, bequest, or devise along with the Governor.

(c) No construction or other work related to the proposed gift, bequest, or devise shall be initiated prior to receiving the approval required by this section.

(3) For purposes of this section, gift of, bequest of, or devise of (a) real property, (b) a structure, or (c) an improvement shall include, but not be limited to, a donation of, gift of, bequest of, devise of, or grant of (i) real property, (ii) a structure, or (iii) an improvement from an individual, an organization, a corporation, a foundation, or a similar entity or from a nonfederal governmental agency. For purposes of this section, gift, bequest, or devise shall not include a donation, gift, bequest, devise, or grant of tangible or intangible personal property.

(4) This section shall not apply to ~~(a)~~ the University of Nebraska or any Nebraska state college, since these agencies are subject to and participate in statewide facilities planning developed by the Coordinating Commission for Postsecondary Education pursuant to the Coordinating Commission for Postsecondary Education Act. ~~or (b) improvements or structures on Nebraska State~~

~~Fairgrounds property reviewed and approved pursuant to section 2-104.01.~~

Sec. 10. Sections 3 and 12 of this act become operative on January 1, 2009. Sections 8, 13, and 14 of this act becomes operative on December 31, 2009. The other sections of this act become operative on their effective date.

Sec. 12. Original section 2-103, Revised Statutes Cumulative Supplement, 2006, is repealed.

Sec. 13. Original section 81-1108.33, Revised Statutes Cumulative Supplement, 2006, is repealed.

Sec. 14. The following sections are outright repealed: Sections 2-104, 2-104.01, and 2-106, Revised Statutes Cumulative Supplement, 2006.

2. On page 2, line 11, after "(4)" insert "(a)" and after line 27 insert the following new subdivision:

"(b) The Nebraska State Fair Board, the Department of Administrative Services, and the Board of Regents of the University of Nebraska shall cooperate with each other and with other appropriate entities to provide for and carry out the plan to relocate the Nebraska State Fair and transfer the Nebraska State Fairgrounds in Lancaster County to the Board of Regents, including activities by the Board of Regents to obtain due diligence surveys, reports, and site assessments at the Nebraska State Fairgrounds in Lancaster County and by the Nebraska State Fair Board in connection with providing marketable title to the same in a form acceptable to the Board of Regents.".

3. On page 4, lines 6 and 7, strike the new matter; and in line 7 strike "the", show as stricken and insert "The".

4. On page 4, lines 17 and 18 and 24; and on page 13, line 19, strike "effective date of this act" and insert "operative date of this section".

5. On page 13, line 22, after "Original" insert "section 2-258, Reissue Revised Statutes of Nebraska," and strike ", 2-101.01, and 2-103," and insert "and 2-101.01,".

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. Strike the resolved clauses and insert:

"1. That the Legislature expresses its profound regret for the state's role in slavery, especially during its Territorial period prior to statehood, and condemns racial discrimination in any form toward African-Americans.

2. 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.

3. That this resolution shall not be used in, or be the basis of, any type of litigation and shall not be deemed a waiver 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. On page 1, line 20, strike "or primary" and insert ", 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. Insert the following new sections:

Section 1. Section 68-909, Revised Statutes Cumulative

Supplement, 2006, is amended to read:

68-909 (1) All contracts, agreements, rules, and regulations relating to the medical assistance program as entered into or adopted and promulgated by the department prior to July 1, 2006, and all provisions of the medicaid state plan and waivers adopted by the department prior to July 1, 2006, shall remain in effect until revised, amended, repealed, or nullified pursuant to law.

(2) Prior to the adoption and promulgation of proposed rules and regulations under section 68-912 or relating to the implementation of medicaid state plan amendments or waivers, the department shall provide a report to the Governor, the Legislature, and the Medicaid Reform Council <u>at least sixty days prior to the beginning of a regular legislative session</u> summarizing the purpose and content of such proposed rules and regulations and the projected impact of such proposed rules and regulations on recipients of medical assistance and medical assistance expenditures.

(3) The Medicaid Reform Council, no later than thirty days after the date of receipt of any report under subsection (2) of this section, may conduct a public meeting to receive public comment regarding such report. The council shall promptly provide any comments and recommendations regarding such report in writing to the department. Such comments and recommendations shall be advisory only and shall not be binding on the department, but the department shall promptly provide a written response to such comments or recommendations to the council.

(4) The department shall monitor and shall periodically, as necessary, but no less than biennially, report to the Governor, the Legislature, and the Medicaid Reform Council on the implementation of rules and regulations, medicaid state plan amendments, and waivers adopted under the Medical Assistance Act and the effect of such rules and regulations, amendments, or waivers on eligible recipients of medical assistance and medical assistance expenditures.

Sec. 2. Section 68-912, Revised Statutes Cumulative Supplement, 2006, is amended to read:

68-912 (1) The department may establish (a) premiums, copayments, and deductibles for goods and services provided under the medical assistance program, (b) limits on the amount, duration, and scope of goods and services that recipients may receive under the medical assistance program, and (c) requirements for recipients of medical assistance as a necessary condition for the continued receipt of such assistance, including, but not limited to, active participation in care coordination and appropriate disease management programs and activities.

(2) In establishing and limiting coverage for services under the medical assistance program, the department shall consider (a) the effect of such coverage and limitations on recipients

of medical assistance and medical assistance expenditures, (b) the public policy in section 68-905, (c) the experience and outcomes of other states, (d) the nature and scope of benchmark or benchmark-equivalent health insurance coverage as recognized under federal law, and (e) other relevant factors as determined by the department.

(3) Coverage for mandatory and optional services and limitations on covered services as established by the department prior to July 1, 2006, shall remain in effect until revised, amended, repealed, or nullified pursuant to law. Any proposed reduction or expansion of services or limitation of covered services by the department under this section shall be subject to the reporting and review requirements of section 68-909.

(4) Except as otherwise provided in this subsection, proposed rules and regulations under this section relating to the establishment of premiums, copayments, or deductibles for eligible recipients or limits on the amount, duration, or scope of covered services for eligible recipients shall not become effective until the conclusion of the earliest regular session of the Legislature in which there has been a reasonable opportunity for legislative consideration of such rules and regulations. This subsection does not apply to rules and regulations that are (a) required by federal or state law, (b) related to a waiver in which recipient participation is voluntary, or (c) proposed due to a loss of federal matching funds relating to a particular covered service or eligibility category. Legislative consideration includes, but is not limited to, the introduction of a legislative bill, a legislative resolution, or an amendment to pending legislation relating to such rules and regulations.

<u>(5) The department shall implement a process under which an eligible recipient may, upon request of the recipient or a person on behalf of the recipient, obtain an exception from the service limitation placed on an optional service up to the limit established under the medical assistance program as the limit existed on January 1, 2008. The process shall provide that if the department does not notify an eligible recipient regarding its decision on the recipient's request for an exception within ten days after the department receives the request, the department shall be deemed to have found the services requested to be medically necessary.</u>

Sec. 3. Original sections 68-909 and 68-912, Revised Statutes Cumulative Supplement, 2006, are repealed.

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. In AM2304, strike sections 1 and 5.
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. 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

regional center services under this section. Such notice shall include detailed documentation of the community-based services or other regional center services that are being utilized to replace such services. The Behavioral Health Oversight Commission ~~of the Legislature~~ shall review such documentation and shall report to the Governor and the Health and Human Services Committee of the Legislature whether, in its opinion, the requirements of subsection (2) of this section have been met with respect to such intended reduction or discontinuation of regional center services and shall enumerate the criteria used by the commission in making such determination.

(4) As regional center services are reduced or discontinued under this section, the division shall make appropriate corresponding reductions in regional center personnel and other expenditures related to the provision of such services. All funding related to the provision of regional center services that are reduced or discontinued under this section shall be reallocated and expended by the division for purposes related to the statewide development and provision of community-based services.

(5) The division may establish state-operated community-based services to replace regional center services that are reduced or discontinued under this section. The division shall provide regional center employees with appropriate training and support to transition such employees into positions as may be necessary for the provision of such state-operated services.

(6) When the occupancy of the licensed psychiatric hospital beds of any regional center reaches twenty percent or less of its licensed psychiatric hospital bed capacity on March 15, 2004, the division shall notify the Governor and the Legislature of such fact. Upon such notification, the division, with the approval of a majority of members of the Executive Board of the Legislative Council, may provide for the transfer of all remaining patients at such center to appropriate community-based services or other regional center services pursuant to this section and cease the operation of such regional center.

(7) The division, in consultation with each regional behavioral health authority, shall establish and maintain a data and information system for all persons receiving state-funded behavioral health services under the Nebraska Behavioral Health Services Act. Information maintained by the division shall include, but not be limited to, (a) the number of persons receiving regional center services, (b) the number of persons ordered by a mental health board to receive inpatient or outpatient treatment and receiving regional center services, (c) the number of persons ordered by a mental health board to receive inpatient or outpatient treatment and receiving community-based services, (d) the number of persons voluntarily admitted to a regional center and receiving regional center services, (e) the number of persons waiting

to receive regional center services, (f) the number of persons waiting to be transferred from a regional center to community-based services or other regional center services, (g) the number of persons discharged from a regional center who are receiving community-based services or other regional center services, and (h) the number of persons admitted to behavioral health crisis centers. Each regional behavioral health authority shall provide such information as requested by the division and necessary to carry out this subsection. The division shall submit reports of such information to the Governor and the Legislature on a quarterly basis beginning July 1, 2005, in a format which does not identify any person by name, address, county of residence, social security number, or other personally identifying characteristic.

(8) The provisions of this section are self-executing and require no further authorization or other enabling legislation.

Sec. 13. Section 71-818, Revised Statutes Cumulative Supplement, 2006, is amended to read:

71-818 ~~(1)~~ (1)(a) The Behavioral Health Oversight Commission ~~of the Legislature~~ is created. ~~The~~

(b) Until June 30, 2008, the commission shall consist of not more than twenty-five members appointed by the chairperson of the Health and Human Services Committee of the Legislature and confirmed by a majority of members of the committee, and members ~~. Members~~ of the commission shall ~~(a)~~ (i) include, but not be limited to, representatives of the Legislature, consumers and consumer advocacy organizations, behavioral health providers, the communities of Norfolk and Hastings, state employees, regional behavioral health authorities, mental health boards, and law enforcement, ~~(b)~~ (ii) possess a demonstrated interest and commitment and specialized knowledge, experience, or expertise relating to the provision of behavioral health services in the State of Nebraska, and ~~(c)~~ (iii) be broadly representative of all the behavioral health regions.

(c) Beginning on July 1, 2008, the members of the commission shall possess a demonstrated interest and commitment and specialized knowledge, experience, or expertise relating to the provision of behavioral health services in the State of Nebraska, and the commission shall consist of twelve members appointed by the Governor as follows: (i) One consumer of behavioral health services, (ii) one consumer advocate of behavioral health services, (iii) three providers of community-based behavioral health services, including one representative from each congressional district, (iv) three regional behavioral health authority administrators, including one from each congressional district, (v) one representative of the Norfolk Regional Center, (vi) one representative of the Lincoln Regional Center, (vii) one representative of the city of Norfolk, and (viii) one representative of the city of Hastings.

(d) Members of the commission shall serve without

compensation but shall be reimbursed from the Nebraska Health Care Cash Fund for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

~~(2) The~~ (2)(a) Until June 30, 2008, the commission, under the direction of and in consultation with the Health and Human Services Committee of the Legislature, shall oversee and support implementation of the Nebraska Behavioral Health Services Act and shall administer such funds as appropriated by the Legislature from the Nebraska Health Care Cash Fund for such purpose, and the ~~.~~ ~~The~~ commission may employ staff, enter into contracts, establish and utilize task forces and subcommittees, and perform such other activities as necessary and appropriate to carry out its duties under this section.

(b) Beginning on July 1, 2008, the commission shall be responsible to the division and shall oversee and support implementation of the Nebraska Behavioral Health Services Act. To carry out this duty, the commission shall (i) conduct regular meetings, (ii) provide advice and assistance to the division relating to the implementation of the act, (iii) promote the interests of consumers and their families, (iv) provide reports as requested by the division, and (v) engage in such other activities as directed or authorized by the division.

(3) To assist the commission in its role of oversight, the division shall provide the commission with a quarterly report regarding the implementation of the Nebraska Behavioral Health Services Act.

~~(3)~~ (4) The commission and this section terminate on June 30, ~~2008.~~ 2009.

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

3. Correct the operative date and repealer sections so that the sections added by this amendment become operative on their 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. Strike the original sections and insert the following new sections:

Section 1. There is hereby appropriated (1) $56,101 from the Health and Human Services Cash Fund for FY2008-09 and (2) $97,949 from the Health and Human Services Cash Fund for FY2009-10

to the Department of Health and Human Services, for Program 33, to aid in carrying out the provisions of Legislative Bill 928, One Hundredth Legislature, Second Session, 2008.

Sec. 2. There is hereby appropriated (1) $25,000 from the General Fund for FY2008-09 and (2) $9,000 from the General Fund for FY2009-10 to the University of Nebraska, for Program 781, to aid in carrying out the provisions of Legislative Bill 928, One Hundredth Legislature, Second Session, 2008.

Sec. 3. The General Fund appropriation for FY2009-10 to the Department of Health and Human Services, for Program 33, is hereby reduced by $42,000.

Sec. 4. (1) The General Fund appropriation for FY2008-09 to the Department of Health and Human Services, for Program 348, is hereby reduced by $144,402. The federal fund appropriation for FY2008-09 to the Department of Health and Human Services, for Program 348, is hereby reduced by $216,603.

(2) The General Fund appropriation for FY2009-10 to the Department of Health and Human Services, for Program 348, is hereby reduced by $204,570. The federal fund appropriation for FY2009-10 to the Department of Health and Human Services, for Program 348, is hereby reduced by $306,854.

The reductions made pursuant to this section are to aid in carrying out the provisions of Legislative Bill 928, One 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. Insert the following new section:

Sec. 3. There is hereby appropriated $10,000 from the Nebraska Health Care Cash Fund for FY2008-09 to the Department of Health and Human Services, for Program 33, to aid in carrying out the provisions of Legislative Bill 928, One Hundredth Legislature, Second Session, 2008.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated 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

printed on recycled paper

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. Strike the original section and insert the following new sections:

Section 1. Legislative Bill 959, One Hundredth Legislature, Second Session, 2008, section 15, is amended to read:

Sec. 15. AGENCY NO. 11 -- ATTORNEY GENERAL

Program No. 508 - School Finance Litigation

	FY2007-08	FY2008-09
~~GENERAL FUND~~	~~600,000~~	~~600,000~~
~~PROGRAM TOTAL~~	~~600,000~~	~~600,000~~
GENERAL FUND	-0-	-0-
PROGRAM TOTAL	-0-	-0-
SALARY LIMIT	-0-	-0-

Any unexpended, unencumbered appropriations remaining on June 30, 2008, shall be lapsed to the General Fund.

Sec. 2. Original Legislative Bill 959, One Hundredth Legislature, Second Session, 2008, section 15, is repealed.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.

2. On page 1, strike beginning with "appropriate" in line 1 through line 3 and insert "amend Legislative Bill 959, One Hundredth Legislature, Second Session, 2008, section 15; to change an appropriation; to repeal the original section; and to declare an 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 ROGERT 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. On page 5, strike beginning with "that" in line 3 through "percent" in line 5 and insert "the number of electronic devices recycled as a percentage"; in line 22 strike "(2)" and insert "(2)(a)"; and strike beginning with "the" in line 22 through line 27 and insert "the registration fee prescribed in subsection (1) of this section shall be reduced pursuant to subdivision (b) of this subsection if the manufacturer or group of manufacturers has certified to the department the percentage of electronic devices recycled as described in subsection (2) of section 5 of this act.

(b) If the percentage certified pursuant to subsection (2) of section 5 of this act is at least ten percent and less than twenty percent, the manufacturer or group of manufacturers shall receive a ten percent reduction in the registration fee. If the percentage certified is at least twenty percent and less than thirty percent, such reduction shall be twenty percent. If the percentage certified is thirty percent or more, such reduction 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

Excused and not voting, 4:

Heidemann	Hudkins	Lautenbaugh	Pedersen

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. On page 15, strike lines 22 through 27 and insert
"(5) The credit allowed under this section shall not be allowed to an owner of agricultural assets for a rental agreement with a beginning farmer or livestock producer who is a relative, as defined in section 36-702, of the owner of agricultural assets or of a partner, member, shareholder, or trustee of the owner of agricultural assets unless the rental agreement is included in a written succession plan. Such succession plan shall be in the form of a written contract or other instrument legally binding the parties to a process and timetable for the transfer of agricultural assets from the owner of agricultural assets to the beginning farmer or livestock producer. The succession plan shall provide for the transfer of assets to be completed within a period of no longer than thirty years, except that when the asset to be transferred is land owned by an individual, the period of transfer may be for a period up to the date of death of the owner. The owner of agricultural assets shall be allowed the credit provided 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 ROGERT 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

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 stuck 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 ROGERT 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

printed on recycled paper

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. Strike sections 20 to 22 and insert the following new sections:

Sec. 8. Section 66-499, Revised Statutes Cumulative Supplement, 2006, is amended to read:

66-499 Unless otherwise provided, all sums of money received under sections 66-489 and 66-4,105 by the State Treasurer shall be credited to the Highway Trust Fund. Credits and refunds of the tax provided for in such sections allowed to producers, suppliers, distributors, wholesalers, exporters, importers, or

retailers shall be paid from the Highway Trust Fund. The balance of the amount credited, after credits and refunds, shall be allocated to the Highway Cash Fund.

Sec. 21. Section 84-612, Revised Statutes Supplement, 2007, is amended to read:

84-612 (1) There is hereby created within the state treasury a fund known as the Cash Reserve Fund which shall be under the direction of the State Treasurer. The fund shall only be used pursuant to this section.

(2) The State Treasurer shall transfer funds from the Cash Reserve Fund to the General Fund upon certification by the Director of Administrative Services that the current cash balance in the General Fund is inadequate to meet current obligations. Such certification shall include the dollar amount to be transferred. Any transfers made pursuant to this subsection shall be reversed upon notification by the Director of Administrative Services that sufficient funds are available.

(3) The State Treasurer, at the direction of the budget administrator of the budget division of the Department of Administrative Services, shall transfer such amounts not to exceed seven million seven hundred fifty-three thousand two hundred sixty-three dollars in total from the Cash Reserve Fund to the Nebraska Capital Construction Fund between July 1, 2003, and June 30, 2007.

(4) The State Treasurer, at the direction of the budget administrator, shall transfer an amount equal to the total amount transferred pursuant to subsection (3) of this section from the General Fund to the Cash Reserve Fund on or before June 30, 2008.

(5) In addition to receiving transfers from other funds, the Cash Reserve Fund shall receive federal funds received by the State of Nebraska for undesignated general government purposes, federal revenue sharing, or general fiscal relief of the state.

(6) On June 15, 2007, the State Treasurer shall transfer fifteen million six hundred seventy-four thousand one hundred seven dollars from the Cash Reserve Fund to the General Fund.

(7) On June 16, 2008, the State Treasurer shall transfer seventeen million nine hundred thirty-one thousand thirty dollars from the Cash Reserve Fund to the General Fund.

(8) On June 15, 2009, the State Treasurer shall transfer four million nine hundred ninety thousand five hundred five dollars from the Cash Reserve Fund to the General Fund.

(9) On or before June 16, 2008, the State Treasurer, at the direction of the budget administrator, shall transfer fifty million dollars from the Cash Reserve Fund to the General Fund.

(10) On or before June 16, 2009, the State Treasurer, at the direction of the budget administrator, shall transfer fifty million dollars from the Cash Reserve Fund to the General Fund.

(11) From the effective date of an endowment agreement as defined in subdivision (3)(c) of section 79-1101 until June

30, 2007, forty million dollars of the Cash Reserve Fund shall be deemed to constitute the Early Childhood Education Endowment Fund. Such funds shall remain part of the Cash Reserve Fund for all purposes, except that the interest earned on such forty million dollars shall accrue as provided in section 84-613.

(12) The State Treasurer, at the direction of the budget administrator, shall transfer such amounts, as certified by the Director of Administrative Services, for employee health insurance claims and expenses, not to exceed twelve million dollars in total from the Cash Reserve Fund to the State Employees Insurance Fund between May 1, 2007, and June 30, 2011.

(13) On July 9, 2007, the State Treasurer shall transfer twelve million dollars from the Cash Reserve Fund to the Nebraska Capital Construction Fund.

(14) On July 9, 2007, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the Job Training Cash Fund. The State Treasurer shall transfer from the Job Training Cash Fund to the Cash Reserve Fund such amounts as directed in section 81-1201.21.

(15) On July 7, 2008, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the Job Training Cash Fund. The State Treasurer shall transfer from the Job Training Cash Fund to the Cash Reserve Fund such amounts as directed in section 81-1201.21.

(16) On or before August 1, 2007, the State Treasurer, at the direction of the budget administrator, shall transfer seventy-five million dollars from the Cash Reserve Fund to the Nebraska Capital Construction Fund.

(17) On or before June 30, 2009, the State Treasurer shall transfer nine million five hundred ninety thousand dollars from the Cash Reserve Fund to the Nebraska Capital Construction Fund.

(18) The State Treasurer, at the direction of the budget administrator, shall transfer an amount equal to the total amount transferred pursuant to subsection (12) of this section from the appropriate health insurance accounts of the State Employees Insurance Fund in such amounts as certified by the Director of Administrative Services to the Cash Reserve Fund on or before June 30, 2011.

(19) On July 9, 2007, the State Treasurer shall transfer one million dollars from the Cash Reserve Fund to the Microenterprise Development Cash Fund.

(20) On July 9, 2007, the State Treasurer shall transfer two hundred fifty thousand dollars from the Cash Reserve Fund to the Building Entrepreneurial Communities Cash Fund.

(21) On July 7, 2008, the State Treasurer shall transfer one million dollars from the Cash Reserve Fund to the Microenterprise Development Cash Fund.

(22) On July 7, 2008, the State Treasurer shall transfer

two hundred fifty thousand dollars from the Cash Reserve Fund to the Building Entrepreneurial Communities Cash Fund.

(23) On July 7, 2009, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the Roads Operations Cash Fund. The Department of Roads shall use such funds to provide the required state match for federal funding made available to the state through congressional earmarks.

(24) On July 7, 2010, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the Roads Operations Cash Fund. The Department of Roads shall use such funds to provide the required state match for federal funding made available to the state through congressional earmarks.

(25) On July 7, 2011, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the Roads Operations Cash Fund. The Department of Roads shall use such funds to provide the required state match for federal funding made available to the state through congressional earmarks.

Sec. 22. Sections 5, 8, 10, 13, 14, 16, 18, and 23 of this act become operative on July 1, 2009. The other sections of this act become operative on their effective date.

Sec. 23. Original section 66-6,109, Reissue Revised Statutes of Nebraska, sections 66-499, 66-4,105, 66-4,145, 66-4,146, and 66-6,107, Revised Statutes Cumulative Supplement, 2006, and section 66-489, Revised Statutes Supplement, 2007, are repealed.

Sec. 24. Original sections 66-4,103 and 66-697, Reissue Revised Statutes of Nebraska, sections 39-2215, 66-482, 66-485, 66-488, 66-489.01, 66-495.01, 66-4,114, 66-6,111, and 66-726, Revised Statutes Cumulative Supplement, 2006, and section 84-612, Revised Statutes Supplement, 2007, are repealed.

2. On page 1, line 4, after the second comma insert "66-499,"; in line 6 strike "section 66-489" and insert "sections 66-489 and 84-612"; and in line 8 after the semicolon insert "to change allocation of tax proceeds; to provide for transfers from the Cash Reserve Fund;".

3. On page 2, line 6, after "sections" insert "66-499,".

4. On page 12, line 14; page 19, line 20; and page 23, line 3, strike "two" and insert "seven".

5. On page 15, line 24; page 20, lines 6 and 8; and page 23, lines 7 and 9, strike "January" and insert "July".

6. On page 20, line 17, strike "October 1, 2008" and insert "April 1, 2009".

7. On page 21, strike beginning with "The" in line 2 through line 4 and insert "The change in the average wholesale price between two six-month periods shall be adjusted so that the increase or decrease in the tax provided for in this section or section 17 of this act does not exceed one cent per gallon.".

8. On page 22, lines 7 and 18, after "two" insert "and eight-tenths"; and in lines 11 and 19 after the period insert "The

changes made to this section by this legislative bill apply for tax periods beginning on and after July 1, 2009.".

9. On page 24, line 8, after "two" insert "and eight-tenths"; and in line 10 after the period insert "The changes made to this section by this legislative bill apply for tax periods beginning on and after July 1, 2009.".

10. Renumber the remaining sections and correct internal 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 HUNDREDTH 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. On page 16, line 11, strike "11.00 2.75 6.00 2.25" and insert "10.00 .25 5.00 4.75".

2. On page 20, line 6, after the period insert "The license or card shall be delivered as provided in section 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. On page 6, line 23, after "gender," insert "race or ethnicity,".

2. On page 21, line 5, after "gender;" insert "race or 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 HUNDREDTH 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. Strike the original section and insert the following new sections:

Section 1. 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, is amended to read:

9-506 Effect of errors or omissions.

~~(a)~~ (a)(i) This subsection applies until September 2, 2009. A financing statement substantially satisfying the requirements of this part is effective, even if it has minor errors or omissions, unless the errors or omissions make the financing statement seriously misleading.

~~(b)~~ (ii) Except as otherwise provided in ~~subsection (c),~~ subdivision (iii) of this subsection, a financing statement that fails sufficiently to provide the name of the debtor in accordance with section 9-503(a) is seriously misleading.

~~(c)~~ (iii) If a search of the records of the filing office under the debtor's correct name, ~~or, in the case of a debtor who is an individual, the debtor's correct last name,~~ using the filing office's standard search logic, if any, would disclose a financing statement that fails sufficiently to provide the name of the debtor

in accordance with section 9-503(a), the name provided does not make the financing statement seriously misleading.

~~(d)~~ (iv) For purposes of section 9-508(b), the "debtor's correct name" in ~~subsection (c)~~ subdivision (iii) of this subsection means the correct name of the new debtor.

(b)(i) This subsection applies beginning on September 2, 2009. A financing statement substantially satisfying the requirements of this part is effective, even if it has minor errors or omissions, unless the errors or omissions make the financing statement seriously misleading.

(ii) Except as otherwise provided in subdivision (iii) of this subsection, a financing statement that fails sufficiently to provide the name of the debtor in accordance with section 9-503(a) is seriously misleading.

(iii) If a search of the records of the filing office under the debtor's correct name, or, in the case of a debtor who is an individual, the debtor's correct last name, using the filing office's standard search logic, if any, would disclose a financing statement that fails sufficiently to provide the name of the debtor in accordance with section 9-503(a), the name provided does not make the financing statement seriously misleading.

(iv) For purposes of section 9-508(b), the "debtor's correct name" in subdivision (iii) of this subsection means the correct name of the new debtor.

Sec. 2. Original 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, is repealed.

2. On page 1, strike beginning with "appropriations" in line 1 through line 3 and insert "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 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. Insert the following new sections:

Sec. 7. Human legend drug means any drug labeled for human use and required by federal law or regulation to be dispensed pursuant to a prescription, including finished dosage forms and active ingredients. Human legend drug does not include a device or a device component, part, or accessory.

Sec. 23. A veterinary drug distributor shall not:

(1) Operate from a place of residence;

(2) Possess, sell, purchase, trade, or otherwise furnish controlled substances; and

(3) Possess, sell, purchase, trade, or otherwise furnish human legend drugs.

2. On page 2, line 1, strike "27" and insert "29"; and in line 10 strike "10" and insert "11".

3. On page 3, line 10, after the comma insert "meaning that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal by virtue of an examination of the animal or by medically appropriate and timely visits to the premises where the animal is kept,".

4. Renumber the remaining sections and correct the 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. Insert the following sections:

Section 1. (1) Personal injury includes mental injuries and mental illness unaccompanied by physical injury for an employee who is a first responder if such first responder:

(a) Establishes, by a preponderance of the evidence, that the employee's employment conditions causing the mental injury or mental illness were extraordinary and unusual in comparison to the normal conditions of the particular employment; and

(b) Establishes, by a preponderance of the evidence, the medical causation between the mental injury or mental illness and the employment conditions by medical evidence.

(2) For purposes of this section, mental injuries and mental illness arising out of and in the course of employment unaccompanied by physical injury are not considered compensable if they result from any event or series of events which are incidental to normal employer and employee relations, including, but not limited to, personnel actions by the employer such as disciplinary actions, work evaluations, transfers, promotions, demotions, salary reviews, or terminations.

(3) For purposes of this section, first responder means a firefighter, a law enforcement officer, a crime scene investigator, or an out-of-hospital emergency care provider as defined in section 38-1208.

(4) This section terminates on January 1, 2014.

Sec. 2. Section 48-151, Reissue Revised Statutes of Nebraska, is amended to read:

48-151 Throughout the Nebraska Workers' Compensation Act, the following words and phrases shall be considered to have the following meaning, respectively, unless the context clearly indicates a different meaning in the construction used:

(1) Physician means any person licensed to practice medicine and surgery, osteopathic medicine, chiropractic, podiatry, or dentistry in the State of Nebraska or in the state in which the physician is practicing;

(2) Accident means an unexpected or unforeseen injury happening suddenly and violently, with or without human fault, and producing at the time objective symptoms of an injury. The claimant has the burden of proof to establish by a preponderance of the evidence that such unexpected or unforeseen injury was in fact caused by the employment. There is no presumption from the mere occurrence of such unexpected or unforeseen injury that the injury was in fact caused by the employment;

(3) Occupational disease means only a disease which is due to causes and conditions which are characteristic of and peculiar to a particular trade, occupation, process, or employment and excludes all ordinary diseases of life to which the general public is exposed;

(4) Injury and personal injuries mean only violence to the physical structure of the body and such disease or infection as naturally results therefrom and personal injuries described in section 1 of this act. The terms include disablement resulting from occupational disease arising out of and in the course of the employment in which the employee was engaged and which was

contracted in such employment. The terms include an aggravation of a preexisting occupational disease, the employer being liable only for the degree of aggravation of the preexisting occupational disease. The terms do not include disability or death due to natural causes but occurring while the employee is at work and do not include an injury, disability, or death that is the result of a natural progression of any preexisting condition;

(5) Death, when mentioned as a basis for the right to compensation, means only death resulting from such violence and its resultant effects or from occupational disease;

(6) Without otherwise affecting either the meaning or the interpretation of the abridged clause, personal injuries arising out of and in the course of employment, it is hereby declared not to cover workers except while engaged in, on, or about the premises where their duties are being performed or where their service requires their presence as a part of such service at the time of the injury and during the hours of service as such workers, and not to cover workers who on their own initiative leave their line of duty or hours of employment for purposes of their own. Property maintained by an employer is considered the premises of such employer for purposes of determining whether the injury arose out of employment;

(7) Willful negligence consists of (a) a deliberate act, (b) such conduct as evidences reckless indifference to safety, or (c) intoxication at the time of the injury, such intoxication being without the consent, knowledge, or acquiescence of the employer or the employer's agent;

(8) Intoxication includes, but is not limited to, being under the influence of a controlled substance not prescribed by a physician;

(9) Prospective loss costs means prospective loss costs as defined in section 44-7504 and prepared, filed, or distributed by an advisory organization which has been issued a certificate of authority pursuant to section 44-7518; and

(10) Whenever in the Nebraska Workers' Compensation Act the singular is used, the plural is considered included; when the masculine gender is used, the feminine is considered included.

Sec. 3. Section 48-1,110, Revised Statutes Supplement, 2007, is amended to read:

48-1,110 Sections 48-101 to 48-1,117 <u>and sections 1 and 4 of this act</u> shall be known and may be cited as the Nebraska Workers' Compensation Act.

Sec. 4. <u>The changes made by this legislative bill to the Nebraska Workers' Compensation Act apply only to personal injuries that occurred on or after the operative date of this section.</u>

Sec. 13. Sections 1 to 4 and 14 of this act become operative on January 1, 2009. The other sections of this act become operative on their effective date.

Sec. 14. Original section 48-151, Reissue Revised

Statutes of Nebraska, and section 48-1,110, Revised Statutes Supplement, 2007, are repealed.

2. On page 1, line 2, strike "48-668" and insert "48-151, 48-668,".

3. On page 1, line 5, after "sections" insert "48-1,110,".

4. On page 1, line 1, strike "the" through "Law" and insert "labor"; in line 8 after "compensation" insert "of the Employment Security Law and provisions relating to certain mental injuries in the Nebraska Workers' Compensation Act"; and in line 9 after the first semicolon insert "to provide operative dates;".

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

Excused and not voting, 2:

Engel	Raikes

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

Excused and not voting, 2:

Engel	Raikes

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

Excused and not voting, 2:

Engel	Raikes

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. In the last "WHEREAS", strike "Businesses" and insert "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

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

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

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

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

Excused and not voting, 5:

Engel	Fulton	Kruse	Preister	Raikes

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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:

Engel	Friend	Kruse	Preister	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 LB1162 with 40 ayes, 3 nays, 1 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1162.

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.

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
Burling	Flood	Karpisek	Nelson	Wallman
Carlson	Fulton	Kopplin	Pahls	White
Chambers	Gay	Langemeier	Pankonin	Wightman
Christensen	Hansen	Lathrop	Pedersen	
Cornett	Harms	Lautenbaugh	Pirsch	
Dierks	Howard	Louden	Rogert	

Voting in the negative, 0.

Present and not voting, 2:

Avery	Heidemann

Excused and not voting, 5:

Engel	Friend	Kruse	Preister	Raikes

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

printed on recycled paper

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 Louden 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	Louden	Pirsch	Wightman
Dierks	Hudkins	McDonald	Preister	

Voting in the negative, 0.

Present and not voting, 5:

Chambers	Dubas	Flood	Fulton	Langemeier

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

Excused and not voting, 5:

Ashford	Engel	Heidemann	Kruse	Raikes

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

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. Strike the original sections and insert the following new sections:

Section 1. The Nebraska Teacher Trust Fund is created. On and after the effective date of this act, the fund shall consist of two hundred million dollars of the Cash Reserve Fund. Such two hundred million dollars shall remain in the Cash Reserve Fund and remain a part thereof for all purposes, except that interest earned on the two hundred million dollars deemed to constitute the Nebraska Teacher Trust Fund shall accrue to the Professional Teacher Knowledge and Skills Compensation Cash Fund as provided in section 84-613. The Nebraska Teacher Trust Fund shall be a separate state trust fund administered by the State Treasurer. Any money in the Nebraska Teacher Trust Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 2. The Professional Teacher Knowledge and Skills Compensation Cash Fund is created in the State Department of Education. The fund shall consist of the interest, earnings, and proceeds from the Nebraska Teacher Trust Fund. Money in the fund shall be distributed by the State Board of Education in the form of grants awarded pursuant to the Professional Teacher Knowledge and Skills Compensation Pilot Program. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska

State Funds Investment Act.

Sec. 3. The Professional Teacher Knowledge and Skills Compensation Pilot Program is created as provided in sections 3 to 10 of this act. The program shall be administered by the State Department of Education. The purpose of the program is to develop and evaluate alternative teacher compensation models for teachers in the public school system.

Sec. 4. On or before October 15, 2008, a school district may apply to the State Department of Education for a performance and skills compensation plan development grant to support planning and research for and development of a compensation plan that rewards teacher performance, knowledge, and skills. The application shall be on forms provided by the department and shall include a signed agreement between the school board of the applicant school district and the collective bargaining unit representing teachers in the applicant school district, which agreement shall set out the goals, criteria, and research design for the compensation plan development proposal. The application may include all teachers in the school district or teachers at specified school buildings in the district. Teacher participation in activities funded by a grant under this section shall be voluntary and shall include a stipend or release time from regular classroom teaching responsibilities.

Sec. 5. On or before October 15, 2008, the State Board of Education shall award a maximum of ten performance and skills compensation plan development grants to school districts which apply under section 4 of this act. At least half of such grants shall be awarded to school districts with identified high levels of students in poverty and students with English language learning deficits. At least one grant shall be awarded to a school participating in a learning community as certified by the State Department of Education pursuant to section 79-2102, and at least one grant shall be awarded to a school district designated as sparse or very sparse as such terms are defined in section 79-1003.

A school district may receive only one grant. Grants shall be not less than twenty-five thousand dollars and not more than seventy-five thousand dollars, based on the scope of the plan development program described in the grant application. Grant periods shall be not less than six months and not more than two years.

Sec. 6. At the end of the grant period described in section 7 of this act, a school district that has received a grant pursuant to such section shall submit its performance and skills compensation plan to the State Department of Education for evaluation. After submitting such plan, the school district may apply for a pilot implementation grant. To be eligible to receive a pilot implementation grant, the district shall demonstrate that it meets the following minimum requirements:

(1) Teacher salaries at the school receiving the pilot implementation grant are competitive with school districts of

similar size within a geographically proximate area;

(2) The school district's expenditures for teacher salaries make up at least fifty percent of the district's general fund expenditures as reported on the most currently available annual financial report under section 79-528;

(3) The school board and the collective bargaining unit representing teachers in the applicant school district have signed an agreement to implement a pilot performance and skills compensation plan for a period of not less than three and not more than five school years; and

(4) Letters of support from community and business leaders accompany the application for pilot implementation grant.

Sec. 7. The State Board of Education shall award a maximum of ten pilot implementation grants under section 6 of this act. Such grants shall provide state funding for supplemental performance and skill compensation for participating teachers. Each grant shall be not less than seventy-five thousand dollars and not more than one million dollars for each year of the grant period, based upon the scope of the pilot performance and skills compensation program and the number of teachers expected to participate in such program. Grants may include all teachers in the school district or teachers at specified school buildings in the school district. Teacher participation shall be voluntary as provided in section 9 of this act. At least half of such grants shall be awarded to districts with identified high levels of students in poverty and students with English language learning deficits. At least one grant shall be awarded to a low-income school district or to a school participating in a learning community certified by the State Department of Education pursuant to section 79-2102, and at least one grant shall be awarded to a school district designated as sparse or very sparse as such terms are defined in section 79-1003.

Sec. 8. Grant funds awarded under section 7 of this act shall be used exclusively for supplemental salaries for eligible teachers. School districts receiving such grants shall not use grant funds in any way to supplant or replace local funding for teacher salaries. A portion of the grant funding may be used to pay required employer payroll tax and retirement contributions.

Sec. 9. Participation by teachers in a pilot performance and skills compensation program receiving a grant under section 5 of this act shall be voluntary, and lack of participation in the program shall not otherwise negatively impact the compensation of teachers that choose not to participate in the program.

Sec. 10. (1) On or before October 15, 2011, and on or before October 15, 2013, the State Department of Education shall report to the Legislature, evaluating the impact of the Professional Teacher Knowledge and Skills Compensation Pilot Program.

(2) The report shall include, but not be limited to, the

following considerations:

(a) Impact on student achievement gaps;

(b) Impact on teacher recruitment and retention;

(c) Impact on collective bargaining relationships;

(d) Impact on teachers' skills and knowledge; and

(e) Impact on teacher compensation.

(3) The report shall include recommendations to the Legislature relating to:

(a) Continuation of the grant program;

(b) Expansion of the grant program;

(c) Discontinuation of the grant program; or

(d) Implementation of a statewide professional teacher performance and skills compensation program for providing supplemental compensation to teachers, including plans for transition of an ongoing program into the Tax Equity and Educational Opportunities Support Act as an adjustment factor and an allowance.

Sec. 11. Section 15, Legislative Bill 988, One Hundredth Legislature, Second Session, 2008, is amended to read:

The department shall calculate a special receipts allowance for each district equal to the amount of special education, state ward, and accelerated or differentiated curriculum program receipts and grant funds received under the Professional Teacher Knowledge and Skills Compensation Pilot Program included in local system formula resources under subdivisions (7), (8), (16), ~~and~~ (17), and (18) of section 79-1018.01 attributable to the school district.

Sec. 12. Section 79-1018.01, Revised Statutes Supplement, 2007, as amended by section 40, Legislative Bill 988, One Hundredth Legislature, Second Session, 2008, is amended to read:

79-1018.01 Except as otherwise provided in this section, local system formula resources include other actual receipts available for the funding of general fund operating expenditures as determined by the department for the second school fiscal year immediately preceding the school fiscal year in which aid is to be paid. Receipts from the Community Improvements Cash Fund and receipts acquired pursuant to the Low-Level Radioactive Waste Disposal Act shall not be included. Other actual receipts include:

(1) Public power district sales tax revenue;

(2) Fines and license fees;

(3) Tuition receipts from individuals, other districts, or any other source except receipts derived from adult education, receipts derived from summer school tuition, receipts derived from early childhood education tuition, and receipts from educational entities as defined in section 79-1201.01 for providing distance education courses through the Distance Education Council until July 1, 2008, and the Educational Service Unit Coordinating Council on and after July 1, 2008, to such educational entities;

(4) Transportation receipts;

(5) Interest on investments;

(6) Other miscellaneous noncategorical local receipts, not including receipts from private foundations, individuals, associations, or charitable organizations;

(7) Special education receipts;

(8) Special education receipts and non-special education receipts from the state for wards of the court and wards of the state;

(9) All receipts from the temporary school fund. Beginning with the calculation of aid for school fiscal year 2002-03 and each school fiscal year thereafter, receipts from the temporary school fund shall only include receipts pursuant to section 79-1035 and the receipt of funds pursuant to section 79-1036 for property leased for a public purpose as set forth in subdivision (1)(a) of section 77-202;

(10) Motor vehicle tax receipts received on or after January 1, 1998;

(11) Pro rata motor vehicle license fee receipts;

(12) Other miscellaneous state receipts excluding revenue from the textbook loan program authorized by section 79-734;

(13) Impact aid entitlements for the school fiscal year which have actually been received by the district to the extent allowed by federal law;

(14) All other noncategorical federal receipts;

(15) All receipts pursuant to the enrollment option program under sections 79-232 to 79-246;

(16) Receipts under the federal Medicare Catastrophic Coverage Act of 1988, as such act existed on May 8, 2001, as authorized pursuant to sections 43-2510 and 43-2511 but only to the extent of the amount the local system would have otherwise received pursuant to the Special Education Act; ~~and~~

(17) Receipts for accelerated or differentiated curriculum programs pursuant to sections 79-1106 to 79-1108.03; and ~~.~~

(18) Receipts from grants received pursuant to the Professional Teacher Knowledge and Skills Compensation Pilot Program.

Sec. 13. Section 84-612, Revised Statutes Supplement, 2007, is amended to read:

84-612 (1) There is hereby created within the state treasury a fund known as the Cash Reserve Fund which shall be under the direction of the State Treasurer. The fund shall only be used pursuant to this section.

(2) The State Treasurer shall transfer funds from the Cash Reserve Fund to the General Fund upon certification by the Director of Administrative Services that the current cash balance in the General Fund is inadequate to meet current obligations. Such certification shall include the dollar amount to be transferred. Any transfers made pursuant to this subsection shall be reversed

upon notification by the Director of Administrative Services that sufficient funds are available.

(3) The State Treasurer, at the direction of the budget administrator of the budget division of the Department of Administrative Services, shall transfer such amounts not to exceed seven million seven hundred fifty-three thousand two hundred sixty-three dollars in total from the Cash Reserve Fund to the Nebraska Capital Construction Fund between July 1, 2003, and June 30, 2007.

(4) The State Treasurer, at the direction of the budget administrator, shall transfer an amount equal to the total amount transferred pursuant to subsection (3) of this section from the General Fund to the Cash Reserve Fund on or before June 30, 2008.

(5) In addition to receiving transfers from other funds, the Cash Reserve Fund shall receive federal funds received by the State of Nebraska for undesignated general government purposes, federal revenue sharing, or general fiscal relief of the state.

(6) On June 15, 2007, the State Treasurer shall transfer fifteen million six hundred seventy-four thousand one hundred seven dollars from the Cash Reserve Fund to the General Fund.

(7) On June 16, 2008, the State Treasurer shall transfer seventeen million nine hundred thirty-one thousand thirty dollars from the Cash Reserve Fund to the General Fund.

(8) On June 15, 2009, the State Treasurer shall transfer four million nine hundred ninety thousand five hundred five dollars from the Cash Reserve Fund to the General Fund.

(9) On or before June 16, 2008, the State Treasurer, at the direction of the budget administrator, shall transfer fifty million dollars from the Cash Reserve Fund to the General Fund.

(10) On or before June 16, 2009, the State Treasurer, at the direction of the budget administrator, shall transfer fifty million dollars from the Cash Reserve Fund to the General Fund.

(11) From the effective date of an endowment agreement as defined in subdivision (3)(c) of section 79-1101 until June 30, 2007, forty million dollars of the Cash Reserve Fund shall be deemed to constitute the Early Childhood Education Endowment Fund. Such funds shall remain part of the Cash Reserve Fund for all purposes, except that the interest earned on such forty million dollars shall accrue as provided in section 84-613.

(12) The State Treasurer, at the direction of the budget administrator, shall transfer such amounts, as certified by the Director of Administrative Services, for employee health insurance claims and expenses, not to exceed twelve million dollars in total from the Cash Reserve Fund to the State Employees Insurance Fund between May 1, 2007, and June 30, 2011.

(13) On July 9, 2007, the State Treasurer shall transfer twelve million dollars from the Cash Reserve Fund to the Nebraska Capital Construction Fund.

(14) On July 9, 2007, the State Treasurer shall transfer

five million dollars from the Cash Reserve Fund to the Job Training Cash Fund. The State Treasurer shall transfer from the Job Training Cash Fund to the Cash Reserve Fund such amounts as directed in section 81-1201.21.

(15) On July 7, 2008, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the Job Training Cash Fund. The State Treasurer shall transfer from the Job Training Cash Fund to the Cash Reserve Fund such amounts as directed in section 81-1201.21.

(16) On or before August 1, 2007, the State Treasurer, at the direction of the budget administrator, shall transfer seventy-five million dollars from the Cash Reserve Fund to the Nebraska Capital Construction Fund.

(17) On or before June 30, 2009, the State Treasurer shall transfer nine million five hundred ninety thousand dollars from the Cash Reserve Fund to the Nebraska Capital Construction Fund.

(18) The State Treasurer, at the direction of the budget administrator, shall transfer an amount equal to the total amount transferred pursuant to subsection (12) of this section from the appropriate health insurance accounts of the State Employees Insurance Fund in such amounts as certified by the Director of Administrative Services to the Cash Reserve Fund on or before June 30, 2011.

(19) On July 9, 2007, the State Treasurer shall transfer one million dollars from the Cash Reserve Fund to the Microenterprise Development Cash Fund.

(20) On July 9, 2007, the State Treasurer shall transfer two hundred fifty thousand dollars from the Cash Reserve Fund to the Building Entrepreneurial Communities Cash Fund.

(21) On July 7, 2008, the State Treasurer shall transfer one million dollars from the Cash Reserve Fund to the Microenterprise Development Cash Fund.

(22) On July 7, 2008, the State Treasurer shall transfer two hundred fifty thousand dollars from the Cash Reserve Fund to the Building Entrepreneurial Communities Cash Fund.

<u>(23) On and after the effective date of this act, two hundred million dollars of the Cash Reserve Fund shall be deemed to constitute the Nebraska Teacher Trust Fund. Such funds shall remain part of the Cash Reserve Fund for all purposes, except that the interest earned on such two hundred million dollars shall accrue as provided in section 84-613.</u>

Sec. 14. Section 84-613, Revised Statutes Supplement, 2007, is amended to read:

84-613 <u>(1)</u> Any money in the Cash Reserve Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

<u>(2)</u> Until July 1, 2007, any interest earned by the

fund shall accrue to the General Fund, except for interest earned on forty million dollars if such money is deemed to constitute the Early Childhood Education Endowment Fund in accordance with subsection (11) of section 84-612. From the effective date of an endowment agreement as defined in subdivision (3)(c) of section 79-1101 until June 30, 2007, interest earned on the forty million dollars deemed to constitute the Early Childhood Education Endowment Fund shall accrue to the Early Childhood Education Endowment Cash Fund.

(3) Commencing July 1, 2007, any interest earned by the Cash Reserve Fund shall accrue to the General Fund, except that on and after the effective date of this act, interest earned on two hundred million dollars of the fund deemed to constitute the Nebraska Teacher Trust Fund in accordance with subsection (23) of section 84-612 shall accrue to the Professional Teacher Knowledge and Skills Compensation Cash Fund created in section 2 of this act.

Sec. 15. Original sections 84-612 and 84-613, Revised Statutes Supplement, 2007, section 79-1018.01, Revised Statutes Supplement, 2007, as amended by section 40, Legislative Bill 988, One Hundredth Legislature, Second Session, 2008, and section 15, Legislative Bill 988, One Hundredth Legislature, Second Session, 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

printed on recycled paper

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

Present and not voting, 2:

Gay	Hansen

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 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

Present and not voting, 3:

Lathrop	McGill	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.

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

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

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 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

Present and not voting, 1:

Friend

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 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

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

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

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

printed on recycled paper

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