

FIFTIETH DAY - MARCH 21, 2007**LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE
FIRST SESSION****FIFTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 21, 2007

PRAYER

The prayer was offered by Pastor Eric Bents, Trinity Church Interdenominational, 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 Hudkins who was excused; and Senators Engel and Heidemann who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-ninth day was approved.

COMMITTEE REPORT**Government, Military and Veterans Affairs**

LEGISLATIVE RESOLUTION 14. Reported to the Legislature for further consideration.

(Signed) Ray Aguilar, Chairperson

AMENDMENT - Print in Journal

Senator Aguilar filed the following amendment to LB 389:
AM782

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

GENERAL FILE

LEGISLATIVE RESOLUTION 6CA. Read. Considered.

Pending.

ANNOUNCEMENT

The Chair announced today is Senator McGill's and Senator Schimek's birthdays.

GENERAL FILE

LEGISLATIVE RESOLUTION 6CA. Senator Chambers offered the following amendment:

FA48

On page 1, lines 14 and 15 and page 2, line 1 strike "public power districts and other political subdivisions".

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 45 ayes, 1 nay, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 415A. Introduced by Harms, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 415, One Hundredth Legislature, First Session, 2007.

LEGISLATIVE BILL 570A. Introduced by Loudon, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 570, One Hundredth Legislature, First Session, 2007.

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.

Scot Adams - Health and Human Services System
Christine Peterson - Health and Human Services System

VOTE: Aye: Senators Johnson, Erdman, Gay, Hansen, Howard, Pankonin.
Nay: None. Absent: Senator Stuthman.

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.

Melisa (Lisa) M. Borchardt - Foster Care Review Board
Sarah Ann Lewis - Foster Care Review Board

VOTE: Aye: Senators Johnson, Erdman, Gay, Hansen, Howard, Pankonin.
Nay: None. Absent: Senator Stuthman.

(Signed) Joel Johnson, Chairperson

AMENDMENTS - Print in Journal

Senator Cornett filed the following amendment to LB 255:
AM720

(Amendments to Final Reading copy)

- 1 1. On page 3, lines 10 through 15, strike the new matter;
- 2 and in line 20 after the period insert "Paid leave, other than
- 3 earned but unused vacation leave, provided as a fringe benefit by
- 4 the employer shall not be included in the wages due and payable
- 5 at the time of separation, unless the employer and the employee
- 6 or the employer and the collective-bargaining representative have
- 7 specifically agreed otherwise.".

Senator Erdman filed the following amendment to LB 328:
AM758

(Amendments to E & R amendments, ER8054)

- 1 1. On page 27, line 8, strike "and outdoor education
- 2 specialist".

Senators Fulton and Schimek filed the following amendment to LB 198:
AM801

(Amendments to Standing Committee amendments, AM211)

- 1 1. On page 2, line 17, strike "and"; after line 17 insert
- 2 the following new subdivision:

3 "(2) Include in the message a statement of whether or not
 4 the message was authorized by a candidate and, if authorized, the
 5 name of the candidate; and"; and in line 18 strike "(2)" and insert
 6 "(3)".

Senator McDonald filed the following amendment to LB 638:
 AM768

1 1. On page 3, line 15, after the period insert "For
 2 purposes of enforcing sections 28-1101 to 28-1117, the authority
 3 of the investigators shall be limited to investigating possession
 4 of a gambling device, notifying local law enforcement authorities,
 5 and reporting suspected violations to the county attorney for
 6 prosecution.".
 7 2. On page 35, line 20; and page 36, line 3, before the
 8 period insert "pursuant to the limitations in section 9-1,101".

Senator Johnson filed the following amendment to LB 395:
 AM797

(Amendments to AM585)

1 1. Strike section 16.
 2 2. On page 1, line 3, strike "20" and insert "19".
 3 3. On page 3, lines 11 and 12, strike "sections 15 and
 4 16" and insert "section 15".
 5 4. On page 4, line 19; and page 5, lines 2, 12 and 13,
 6 and 27, strike "Regulation and Licensure".
 7 5. Renumber the remaining sections accordingly.

NOTICE OF COMMITTEE HEARING

Education
 Room 1525

Tuesday, May 1, 2007

8:30 a.m.

Ronald D. Hunter - Coordinating Commission for Postsecondary Education
 Review Revised Comprehensive Statewide Plan - for Postsecondary
 Education pursuant to §85-1413(8)
 Review Progress Report on Attainment of Higher Education Priorities -
 Coordinating Commission for Postsecondary Education pursuant to 85-1429

(Signed) Ron Raikes, Chairperson

GENERAL FILE

LEGISLATIVE BILL 198. Title read. Considered.

Committee AM211, found on page 610, was considered.

Senator Schimek renewed the Schimek et al. amendment, AM705, found on page 871, to the committee amendment.

The Schimek et al. amendment was adopted with 29 ayes, 2 nays, 15 present and not voting, and 3 excused and not voting.

Senator Chambers offered the following amendment to the committee amendment:

FA49

Amend Committee Amendment (AM211)

On page 1, line 12 after "and" insert "4 p.m., and between 6 p.m. and".

Senator Chambers withdrew his amendment.

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

Advanced to E & R for review with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

AMENDMENTS - Print in Journal

Senator Mines filed the following amendment to LB 405:
AM799

- 1 1. Insert the following new sections:
- 2 Sec. 3. Section 23-151, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 23-151 (1) Each county under commissioner organization
- 5 having not more than three hundred thousand inhabitants shall be
- 6 divided into three districts numbered respectively, one, two, and
- 7 three, or into five districts as provided for in sections 23-148
- 8 and 23-149 numbered respectively, one, two, three, four, and five.
- 9 ~~Beginning October 1, 1991, on the effective date of this act, each~~
- 10 county having more than three hundred thousand inhabitants shall be
- 11 divided into ~~seven~~nine districts numbered respectively, one, two,
- 12 three, four, five, six, ~~and seven, eight, and nine.~~
- 13 (2) Such districts shall consist of two or more voting
- 14 precincts comprising compact and contiguous territory and embracing
- 15 a substantially equal division of the population of the county.
- 16 District boundary lines shall not be subject to alteration
- 17 more than once every ten years except as otherwise provided in
- 18 subsection (3) of this section.
- 19 (3)(a) In counties having more than three hundred
- 20 thousand inhabitants, the establishment of district boundary lines
- 21 pursuant to subsection (1) of this section shall be completed not
- 22 later than ~~October 1, 1991, July 1, 2007,~~ or within one year
- 23 after the county attains a population of more than three hundred
- 1 thousand inhabitants, whichever occurs later. ~~Beginning in~~In 2001
- 2 and every ten years thereafter, the district boundary lines of any
- 3 county having more than three hundred thousand inhabitants shall
- 4 be redrawn, if necessary to maintain substantially equal district
- 5 populations, by the date specified in section 32-553.

6 (b) The establishment of district boundary lines and any
7 alteration thereof under this subsection shall be done by the
8 county board. If the county board fails to do so by the applicable
9 deadline, district boundaries shall be drawn by the election
10 commissioner within six months after the deadline established for
11 the drawing or redrawing of district boundaries by the county
12 board. If the election commissioner fails to meet such deadline,
13 the remedies established in subsection (3) of section 32-555 shall
14 apply.

15 (4) The district boundary lines shall not be changed at
16 any session of the county board unless all of the commissioners are
17 present at such session.

18 (5) Commissioners shall be elected as provided in section
19 32-528. Elections shall be conducted as provided in the Election
20 Act.

21 Sec. 4. Section 32-528, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 32-528 (1) In counties having a county board of three
24 commissioners, two commissioners shall be elected at the statewide
25 general election in 1994 and each four years thereafter, and one
26 commissioner shall be elected at the statewide general election
27 in 1996 and each four years thereafter. In counties having a

1 county board of five commissioners, three commissioners shall be
2 elected at the statewide general election in 1994 and each four
3 years thereafter, and two commissioners shall be elected at the
4 statewide general election in 1996 and each four years thereafter.

5 In counties having a county board of seven ~~or more~~ commissioners,
6 one commissioner shall be elected in each odd-numbered commissioner
7 district at the statewide general election in 1994 and each
8 four years thereafter, and one commissioner shall be elected in
9 each even-numbered commissioner district at the statewide general
10 election in 1996 and each four years thereafter. In counties

11 having a county board of nine commissioners, one commissioner
12 shall be elected in each even-numbered commissioner district at the
13 statewide general election in 2008 and each four years thereafter,
14 and one commissioner shall be elected in each odd-numbered
15 commissioner district at the statewide general election in 2010
16 and each four years thereafter.

17 (2) Except for commissioners first elected after the
18 county adopts the commissioner form of government or has increased
19 the number of commissioners, the term of each county commissioner
20 shall be four years or until his or her successor is elected
21 and qualified. At the first election held to choose the board of
22 commissioners in any county having three commissioners, the person
23 having the highest number of votes shall serve for four years and
24 the two receiving the next highest number of votes shall serve
25 for two years, and if any three or more persons have the same
26 number of votes, their terms of office shall be determined by the
27 county canvassing board. The county commissioners shall meet the

1 qualifications found in section 23-150. Nothing in this section
 2 shall be construed to prohibit the reelection of a commissioner
 3 holding office if the commissioner is reelected to represent his or
 4 her respective district. The county commissioners shall be elected
 5 on the partisan ballot.

6 (3) In counties having not more than three hundred
 7 thousand inhabitants, one commissioner shall be nominated and
 8 elected from each district by the registered voters of the
 9 district, except that in counties having a population of more than
 10 one hundred fifty thousand but not more than three hundred thousand
 11 inhabitants, one commissioner shall be nominated from each district
 12 by the registered voters of the district and shall be elected by
 13 the registered voters of the entire county. Beginning in 1992 in
 14 counties having more than three hundred thousand inhabitants, one
 15 commissioner shall be nominated and elected from each district by
 16 the registered voters of the district.

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

5 (5) In counties having more than three hundred thousand
 6 inhabitants, the ~~three commissioners whose terms of office will~~
 7 ~~expire in 1995~~ holding office on the effective date of this act
 8 shall continue in office until the expiration of the terms for
 9 which they were elected and until their successors are elected and
 10 qualified. At the primary election in ~~1992, 2008,~~ one commissioner
 11 in such counties shall be nominated from each ~~odd-numbered~~
 12 even-numbered district. At the ensuing general election, one
 13 commissioner shall be elected from each ~~odd-numbered even-numbered~~
 14 district. At the primary election in ~~1994, 2010,~~ one commissioner
 15 in such counties shall be nominated from each ~~even-numbered~~
 16 odd-numbered district. At the ensuing general election, one
 17 commissioner shall be elected from each ~~even-numbered odd-numbered~~
 18 district. Beginning in ~~1992, 2008,~~ each commissioner in such
 19 counties shall hold office for four years or until his or her
 20 successor is elected and qualified. Nothing in this subsection
 21 shall be construed to prohibit the reelection of a commissioner
 22 holding office ~~in 1992 or 1994~~ on the effective date of this

23 act if such commissioner is reelected to represent the district
 24 in which he or she resides. By August 1, 2007, an eighth and a
 25 ninth commissioner shall be appointed by a majority vote of the
 26 commissioners holding office on such date and shall serve until
 27 their successors are elected pursuant to this section.

- 1 2. On page 4, line 5, after "14-201" insert ", 23-151,
- 2 32-528,".
- 3 3. Renumber the remaining sections accordingly.

Senator Louden filed the following amendment to LB 299:
 AM719

- 1 1. Strike the Standing Committee amendments, AM189.
- 2 2. Insert the following new section:
- 3 Section 1. Section 37-401, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 37-401 (1) For the purpose of supplying revenue for
- 6 the propagation, importation, distribution, protection, and
- 7 conservation of the wildlife of this state, including all wild
- 8 animals, birds, fish, and all things pertaining thereto, every
- 9 person sixteen years of age or older who hunts for game animals or
- 10 game birds or takes bullfrogs or any other species defined as game
- 11 or who takes fish and every person sixteen years of age or older
- 12 who engages in fur harvesting shall first pay a fee established
- 13 by the commission pursuant to section 37-327 and obtain a permit
- 14 except persons exempt from this requirement pursuant to section
- 15 37-402. Any person violating this ~~section~~ subsection shall be
- 16 guilty of a Class II misdemeanor and shall be fined at least forty
- 17 dollars.
- 18 (2) In addition to any permit required under subsection
- 19 (1) of this section, a person shall not trap game in the county
- 20 road right-of-way unless written permission is obtained from the
- 21 appropriate county board or its designee. The county board may,
- 22 by resolution, waive such requirement. Failure to obtain written
- 23 permission if required by the county board under this subsection
- 1 shall constitute second degree criminal trespass under section
- 2 28-521. For purposes of this subsection, county road right-of-way
- 3 means the area which has been designated a part of the county road
- 4 system and which has not been vacated pursuant to law.
- 5 3. On page 23, line 2, after "sections" insert "37-401,".
- 6 4. Renumber the remaining sections accordingly.

COMMITTEE REPORT

Revenue

LEGISLATIVE BILL 334. Placed on General File - Com AM775.
 (Amendment is printed separately and available in the Bill Room, Room
 1104.)

(Signed) Ray Janssen, Chairperson

VISITORS

Visitors to the Chamber were Sandra Samuelson, Renata Emken, Julie Freburg, Barb Allen, and Dora Lee Carlson from Holdrege; Senator McGill's mother and grandmother, Susan and Bernie McGill, from Omaha; Myron Lembke from Bridgeport and Keith Rexroth from Sidney; Karla and Elizabeth Orozco, Joy Roos, and Cherise Johnson from Lexington; 12 students from Burke High School, Omaha; 120 fourth-grade students and teachers from Crete; Senator Engel's sister-in-law, Yvonne Engel, from Elkhorn and Dona Clauff from Omaha; and 50 third-grade students, teachers, and sponsors from Cathedral of the Risen Christ, Lincoln.

The Doctor of the Day was Dr. Bob Rauner from Lincoln.

ADJOURNMENT

At 11:51 a.m., on a motion by Senator Gay, the Legislature adjourned until 9:00 a.m., Thursday, March 22, 2007.

Patrick J. O'Donnell
Clerk of the Legislature

