

**SEVENTIETH DAY - APRIL 25, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****SEVENTIETH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, April 25, 2007

**PRAYER**

The prayer was offered by Senator Dierks.

**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, Nantkes, and Raikes who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-ninth day was approved.

**AMENDMENT - Print in Journal**

Senator Mines filed the following amendment to LB 395:  
AM1087

(Amendments to Final Reading copy)

- 1 1. On page 6, after line 9 insert the following new
- 2 subsection:
- 3 "(2) In any city of the primary class which had an
- 4 ordinance in effect on January 1, 2007, prohibiting smoking in
- 5 certain public places, the provisions of such ordinance shall
- 6 supersede the other provisions of the Nebraska Clean Indoor Air Act
- 7 enacted by this legislative bill, except that the governing body
- 8 or the voters of such city may adopt a new ordinance pursuant to
- 9 section 17 of this act."; and in line 10 strike "(2)" and insert
- 10 "(3)".
- 11 2. On page 7, line 12, after "petition" insert "meeting
- 12 the requirements of and subject to sections 32-628 to 32-630 and";
- 13 and strike beginning with "ordinance" in line 16 through line
- 14 17 and insert "repeal of such ordinance or resolution shall be
- 15 placed on the ballot for the voters of such city, village, or
- 16 unincorporated area of the county, and the ordinance or resolution

17 shall take effect unless and until the repeal is approved by the  
 18 voters. The election shall be conducted as provided in sections  
 19 32-556 to 32-559.".

### 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 917:

Health and Human Services System

Scot Adams

Christine Peterson

Voting in the affirmative, 44:

Adams	Dubas	Harms	McDonald	Preister
Aguilar	Engel	Howard	McGill	Raikes
Avery	Erdman	Hudkins	Mines	Rogert
Burling	Fischer	Janssen	Nantkes	Schimek
Carlson	Flood	Johnson	Nelson	Stuthman
Chambers	Friend	Karpisek	Pahls	Synowiecki
Christensen	Fulton	Kopplin	Pankonin	Wallman
Cornett	Gay	Lathrop	Pedersen	Wightman
Dierks	Hansen	Louden	Pirsch	

Voting in the negative, 0.

Present and not voting, 3:

Kruse            Langemeier    White

Excused and not voting, 2:

Ashford        Heidemann

The appointments were confirmed with 44 ayes, 0 nays, 3 present and not voting, and 2 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 917:

Foster Care Review Board

Melisa (Lisa) M. Borchardt

Sarah Ann Lewis

Voting in the affirmative, 40:

Adams	Cornett	Gay	Langemeier	Preister
Aguilar	Dierks	Hansen	Lathrop	Raikes
Ashford	Dubas	Harms	Louden	Rogert
Avery	Engel	Howard	Mines	Schimek
Burling	Erdman	Hudkins	Nantkes	Stuthman
Carlson	Fischer	Janssen	Nelson	Wallman
Chambers	Friend	Johnson	Pedersen	White
Christensen	Fulton	Karpisek	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 8:

Flood	Kruse	McGill	Pankonin
Kopplin	McDonald	Pahls	Synowiecki

Excused and not voting, 1:

Heidemann

The appointments were confirmed with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

### GENERAL FILE

**LEGISLATIVE BILL 226.** Title read. Considered.

Committee AM244, found on page 507, was adopted with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 195.** Title read. Considered.

Advanced to E & R for review with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 199.** Title read. Considered.

Advanced to E & R for review with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 396.** Title read. Considered.

Senator Johnson renewed his amendment, AM760, found on page 1268.

The Johnson amendment was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 396A.** Title read. Considered.

Senator Johnson renewed his motion, found on page 1263, to indefinitely postpone LB 396A.

The Johnson motion to indefinitely postpone prevailed with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 5.** Title read. Considered.

Committee AM415, found on page 610, was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 256.** Title read. Considered.

Committee AM380, found on page 611, was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 388.** Title read. Considered.

Committee AM411, found on page 611, was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 147.** Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 504.** Title read. Considered.

Advanced to E & R for review with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 364.** Title read. Considered.

Committee AM459, found on page 642, was adopted with 34 ayes, 0 nays,

13 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 481.** Title read. Considered.

Committee AM270, found on page 663, was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 152.** Title read. Considered.

Advanced to E & R for review with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 221.** Title read. Considered.

Advanced to E & R for review with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 664.** Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 227.** Title read. Considered.

Committee AM256, found on page 685, was adopted with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 132.** Title read. Considered.

Committee AM141, found on page 689, was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 561.** Title read. Considered.

Committee AM531, found on page 717, was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 252.** Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 69.** Title read. Considered.

Committee AM562, found on page 771, was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 162.** Title read. Considered.

Committee AM587, found on page 772, was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 162A.** Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 277.** Title read. Considered.

Committee AM588, found on page 772, was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 469.** Title read. Considered.

Advanced to E & R for review with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 445.** Title read. Considered.

Committee AM615, found on page 808, was considered.

Senator Johnson offered the following amendment to the committee amendment:

AM1123

(Amendments to Standing Committee amendments, AM615)

- 1 1. On page 1, line 3, after the semicolon insert "in
- 2 line 17 strike 'board' and insert 'executive director of the
- 3 commission';"; and in line 6 strike "or the board".

The Johnson amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 233.** Title read. Considered.

Advanced to E & R for review with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

## COMMITTEE REPORTS

### Enrollment and Review

#### Correctly Engrossed

The following bills were correctly engrossed: LBs 236 and 596.

ST9024

#### Enrollment and Review Change to LB 236

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Johnson amendment, AM1092, on page 47, line 14 "and" has been struck and "71-415, and 71-6720," has been inserted before "Reissue".

2. In the E & R amendments, ER8067:

- a. Section 7 has been struck;
- b. On page 1, line 3, "1 to 4" has been struck and "39 to 42" inserted;
- c. On page 2, line 12; and page 3, line 8, "2" has been struck and "40" inserted;
- d. On page 3, line 18, "1 to 3" has been struck and "39 to 41" inserted; and

e. On page 4, lines 1 and 20, "1" has been struck and "39" inserted.

3. On page 1, lines 2 through 6 and all amendments thereto have been struck and "sections 71-1,133, 71-1,134, 71-1,135, 71-1,135.02, 71-1,135.04, 71-1,135.06, 71-1,136, 71-1,136.01, 71-1,136.04, 71-1,147, 71-415, and 71-6720, Reissue Revised Statutes of Nebraska, sections 71-107, 71-110, 71-112, 71-162, and 71-168, Revised Statutes Cumulative Supplement, 2006, and sections 71-101, 71-102, and 71-1,142, Revised Statutes Cumulative Supplement, 2006, as amended by sections 296, 297, and 344, respectively, Legislative Bill 296, One Hundredth Legislature, First

Session, 2007; to provide for, change, and eliminate provisions relating to the regulation of perfusionists, optometrists, pharmacy technicians, and in-home personal services; to harmonize provisions; to provide severability; to repeal the original sections; and to outright repeal sections 71-1,135.03, 71-1,135.05, and 71-1,147.34, Reissue Revised Statutes of Nebraska, and section 71-1,147.33, Revised Statutes Cumulative Supplement, 2006." inserted.

ST9026

Enrollment and Review Change to LB 596

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "79-9,103" in line 1 through line 6 has been struck and "79-9,113, Reissue Revised Statutes of Nebraska, and sections 79-947.01 and 79-958, Revised Statutes Cumulative Supplement, 2006; to change benefit and contribution provisions for school retirement systems as prescribed; to repeal the original sections; and to declare an emergency." inserted.

(Signed) Amanda McGill, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 88.** Introduced by Kruse, 13.

WHEREAS, the Program for Women and Successful Aging, an outreach program based at the University of Nebraska at Omaha, announced the winners of its Women of Wisdom Awards; and

WHEREAS, Servalia Levels-Johnson was selected as a 2007 Women of Wisdom Award winner; and

WHEREAS, the recipients were honored at the third annual "Celebrate: Women of Wisdom Because Aging is a Lifetime Event" luncheon and community-wide program on April 18, 2007.

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

1. That the Legislature congratulates Servalia Levels-Johnson for her accomplishments recognized by the award.

2. That a copy of this resolution be sent to Servalia Levels-Johnson.

Laid over.

**AMENDMENTS - Print in Journal**

Senators Janssen, Burling, Cornett, Dierks, Dubas, Langemeier, and Preister filed the following amendment to LB 367:

AM1121

(Amendments to AM911)



1 1. Strike section 6 and insert the following new  
2 sections:

3 Sec. 6. Section 77-2101.01, Revised Statutes Cumulative  
4 Supplement, 2006, is amended to read:

5 77-2101.01 (1) In addition to the inheritance taxes  
6 imposed by the laws of the State of Nebraska, there is levied and  
7 imposed an estate or excise tax for all decedents dying before  
8 January 1, 2007, upon the transfer of the estate of every resident  
9 decedent and upon the value of any interest in Nebraska real  
10 estate and tangible personal property situated in Nebraska of a  
11 nonresident decedent.

12 (2) For decedents dying before January 1, 2003, the  
13 amount of such tax shall be the maximum state tax credit allowance  
14 upon the tax imposed by Chapter 11 of the Internal Revenue Code  
15 reduced by the lesser of (a) the aggregate amount of all estate,  
16 inheritance, legacy, or succession taxes paid to any state or  
17 territory, the District of Columbia, or any possession of the  
18 United States in respect of any property subject to such tax  
19 or (b) the sum of (i) the amount determined by multiplying the  
20 maximum state tax credit allowance with respect to the taxable  
21 transfer by the percentage which the gross value of the transferred  
22 property not situated in Nebraska bears to the gross value of the  
1 transferred property and (ii) the amount of Nebraska inheritance  
2 taxes paid.

3 (3) For all decedents dying on or after January 1, 2003,  
4 and before January 1, 2007, (a) for the estate of every resident  
5 decedent, the amount of such tax shall be the amount calculated  
6 in section 77-2101.03 reduced by the percentage which the gross  
7 value of the transferred property not situated in Nebraska bears  
8 to the gross value of the transferred property minus the amount of  
9 Nebraska inheritance taxes paid, and (b) for the estate of every  
10 nonresident decedent, the amount of such tax shall be the amount  
11 calculated in section 77-2101.03 multiplied by the percentage which  
12 the gross value of the transferred property situated in Nebraska  
13 bears to the gross value of the transferred property minus the  
14 amount of Nebraska inheritance taxes paid.

15 Sec. 7. Section 77-2101.02, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 77-2101.02 ~~There~~ For all generation-skipping transfers  
18 occurring before January 1, 2007, there is hereby imposed a  
19 generation-skipping transfer tax upon the generation-skipping  
20 transfer or distribution of property of every resident of this  
21 state and upon the generation-skipping transfer of Nebraska real  
22 estate and tangible personal property situated in Nebraska by a  
23 nonresident. The amount of the generation-skipping transfer tax  
24 shall be the amount calculated in section 77-2101.03 reduced by the  
25 lesser of (1) the aggregate amount of all transfer taxes paid to  
26 any state or territory, the District of Columbia, or any possession  
27 of the United States in respect of any property subject to the

1 generation-skipping transfer tax or (2) the amount determined  
 2 by multiplying the amount calculated in section 77-2101.03 with  
 3 respect to the taxable transfer by the percentage which the gross  
 4 value of the transferred property not situated in Nebraska bears to  
 5 the gross value of the transferred property.

6 Sec. 8. Section 77-2101.03, Revised Statutes Cumulative  
 7 Supplement, 2006, is amended to read:

8 77-2101.03 (1) For decedents dying on or after January  
 9 1, 2003, and before July 1, 2003, the tax on the Nebraska taxable  
 10 estate shall be the greater of the maximum state tax credit  
 11 allowance upon the tax imposed under Chapter 11 of the Internal  
 12 Revenue Code or the amount provided in the following table:  
 13 Nebraska taxable estate

14	At least	But less	Tax =	+	%	Of Excess
15		than				Over
16	\$0	\$40,000	\$0		0	\$0
17	40,000	90,000	0		.8	40,000
18	90,000	140,000	400		1.6	90,000
19	140,000	240,000	1,200		2.4	140,000
20	240,000	440,000	3,600		3.2	240,000
21	440,000	640,000	10,000		4	440,000
22	640,000	840,000	18,000		4.8	640,000
23	840,000	1,040,000	27,600		5.6	840,000
24	1,040,000	1,540,000	38,800		6.4	1,040,000
25	1,540,000	2,040,000	70,800		7.2	1,540,000
26	2,040,000	2,540,000	106,800		8	2,040,000
27	2,540,000	3,040,000	146,800		8.8	2,540,000
1	3,040,000	3,540,000	190,800		9.6	3,040,000
2	3,540,000	4,040,000	238,800		10.4	3,540,000
3	4,040,000	5,040,000	290,800		11.2	4,040,000
4	5,040,000	6,040,000	402,800		12	5,040,000
5	6,040,000	7,040,000	522,800		12.8	6,040,000
6	7,040,000	8,040,000	650,800		13.6	7,040,000
7	8,040,000	9,040,000	786,800		14.4	8,040,000
8	9,040,000	10,040,000	930,800		15.2	9,040,000
9	10,040,000		1,082,800		16	10,040,000

10 (2) For decedents dying on or after July 1, 2003, and  
 11 before January 1, 2007, the tax on the Nebraska taxable estate  
 12 shall be the greater of the maximum state tax credit allowance upon  
 13 the tax imposed under Chapter 11 of the Internal Revenue Code or  
 14 the amount provided in the following table:  
 15 Nebraska taxable estate

16	At least	But less	Tax =	+	%	Of Excess
17		than				Over
18	\$0	\$100,000	\$0		5.6	\$0
19	100,000	500,000	5,600		6.4	100,000
20	500,000	1,000,000	31,200		7.2	500,000
21	1,000,000	1,500,000	67,200		8	1,000,000
22	1,500,000	2,000,000	107,200		8.8	1,500,000

23	2,000,000	2,500,000	151,200	9.6	2,000,000
24	2,500,000	3,000,000	199,200	10.4	2,500,000
25	3,000,000	3,500,000	251,200	11.2	3,000,000
26	3,500,000	4,000,000	307,200	12	3,500,000
27	4,000,000	5,000,000	367,200	12.8	4,000,000
1	5,000,000	6,000,000	495,200	13.6	5,000,000
2	6,000,000	7,000,000	631,200	14.4	6,000,000
3	7,000,000	8,000,000	775,200	15.2	7,000,000
4	8,000,000	9,000,000	927,200	16	8,000,000
5	9,000,000		1,087,200	16.8	9,000,000

6 (3) Taxable generation-skipping transfers shall be taxed  
7 at a rate of sixteen percent of the Nebraska taxable transfer.

8 2. On page 5, line 20, strike "community-based wind  
9 energy project" and insert "C-BED project or community-based energy  
10 development project"; and strike lines 26 and 27 and insert the  
11 following new subdivisions:

12 "(1) C-BED project or community-based energy development  
13 project means a new wind energy project that:

14 (a) Has an ownership structure as follows:

15 (i) For a C-BED project that consists of more than two  
16 turbines, is owned by qualified owners with no single qualified  
17 owner owning more than fifteen percent of the project and with at  
18 least thirty-three percent of the power purchase agreement payments  
19 flowing to the qualified owner or owners or local community; or

20 (ii) For a C-BED project that consists of one or two  
21 turbines, is owned by one or more qualified owners with at least  
22 thirty-three percent of the power purchase agreement payments  
23 flowing to a qualified owner or local community; and

24 (b) Has a resolution of support adopted:

25 (i) By the county board of each county in which the C-BED  
26 project is to be located; or

27 (ii) By the tribal council for a C-BED project located  
1 within the boundaries of an Indian reservation;

2 (2) New wind energy project includes any materials used  
3 to manufacture, install, construct, repair, or replace a device,  
4 such as a wind charger, wind mill, or wind turbine, that converts  
5 wind energy to a form of usable energy; and

6 (3) Qualified owner means:

7 (a) A Nebraska resident;

8 (b) A limited liability company that is organized under  
9 the Limited Liability Company Act and that is entirely made up of  
10 members who are Nebraska residents;

11 (c) A Nebraska nonprofit corporation organized under the  
12 Nebraska Nonprofit Corporation Act;

13 (d) An electric supplier as defined in section  
14 70-1001.01, except that ownership in a single C-BED project is  
15 limited to no more than:

16 (i) Fifteen percent by a single electric supplier; and

17 (ii) A combined total of twenty-five percent ownership by

18 multiple electric suppliers; or

19 (e) A tribal council."

20 3. On page 6, strike lines 1 through 27.

21 4. On page 7, strike lines 1 through 5 and all amendments  
22 thereto.

23 5. On page 43, line 26; and page 44, lines 3, 4, 6, and  
24 10, strike the new matter and reinstate the stricken matter.

25 6. On page 46, line 23, strike "eight", show as stricken,  
26 and insert "ten".

27 7. On page 59, line 11, strike the second "for" and  
1 insert "per".

2 8. Correct the operative date section and repealer so

3 that the sections added by this amendment become operative on their  
4 effective date.

5 9. Renumber the remaining sections and correct internal

6 references accordingly.

Senator Erdman filed the following amendment to LB 530:

FA90

On page 4, line 1 strike "twenty" and insert "forty".

### **VISITORS**

Visitors to the Chamber were Randy Billups and Juan Carrera from Omaha; 65 fourth-grade students, teachers, and sponsors from St. Patrick's, Elkhorn; 52 fourth-grade students and teachers from Plattsmouth; Senator Mines' mother, Dorothy Mines, and Jan Vopalensky, Evelyn Kinney, and Jane Carmichael from North Bend; 28 second-grade students and teachers from Sutton; and 45 fourth-grade students from Portal Elementary, La Vista.

### **RECESS**

At 11:59 a.m., on a motion by Senator Fulton, 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, Engel, Fulton, Heidemann, Janssen, Kruse, McDonald, Nantkes, Pedersen, and Raikes who were excused until they arrive.

**COMMITTEE REPORTS**  
**Appropriations**

**LEGISLATIVE BILL 317.** Placed on General File - Com AM726.  
(Amendment is printed separately and available in the Bill Room, Room 1104.)

**LEGISLATIVE BILL 318.** Placed on General File.

**LEGISLATIVE BILL 319.** Placed on General File - Com AM928.  
(Amendment is printed separately and available in the Bill Room, Room 1104.)

**LEGISLATIVE BILL 320.** Placed on General File - Com AM727.  
(Amendment is printed separately and available in the Bill Room, Room 1104.)

**LEGISLATIVE BILL 321.** Placed on General File - Com AM728.  
(Amendment is printed separately and available in the Bill Room, Room 1104.)

**LEGISLATIVE BILL 322.** Placed on General File - Com AM1077.  
(Amendment is printed separately and available in the Bill Room, Room 1104.)

**LEGISLATIVE BILL 323.** Placed on General File - Com AM1090.  
AM1090

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 72-730, Revised Statutes Cumulative
- 4 Supplement, 2006, is amended to read:
- 5 72-730 The State Capitol Restoration Fund is created.
- 6 ~~Money in the fund shall include interest earned by the Cash Reserve~~
- 7 ~~Fund and transferred to the State Capitol Restoration Fund pursuant~~
- 8 ~~to section 84-613. Any money in the fund available for investment~~
- 9 shall be invested by the state investment officer pursuant to
- 10 the Nebraska Capital Expansion Act and the Nebraska State Funds
- 11 Investment Act.
- 12 Sec. 2. Section 81-179, Revised Statutes Cumulative
- 13 Supplement, 2006, is amended to read:
- 14 81-179 (1) There is hereby created under the control
- 15 of the Governor, for allocation to building renewal projects of
- 16 the various agencies, a fund to be known as the Building Renewal
- 17 Allocation Fund. The fund shall contain the revenue from the
- 18 special privilege tax as provided in section 77-2602, ~~the interest~~
- 19 ~~income as provided in section 84-613,~~ and such other money as is
- 20 appropriated by the Legislature. Such appropriation is declared to
- 21 consist of building renewal funds which shall be kept separate
- 22 and distinct from the program continuation funds and project

23 construction funds.

1 (2) Separate subfunds, subprograms, projects, or accounts  
2 shall be established to separately account for any expenditures on  
3 state buildings or facilities to comply with the federal Americans  
4 with Disabilities Act of 1990. A minimal amount of the funds  
5 contained in the subfunds, subprograms, projects, or accounts may  
6 be used for planning and evaluation of buildings and facilities.

7 (3) The budget division of the Department of  
8 Administrative Services may administratively transfer funds to  
9 appropriate accounting entities to correctly account for the  
10 operating expenditures. A separate fund, cash fund, project, or  
11 other account may be administratively established for such purpose.

12 (4) Any money in the fund available for investment  
13 shall be invested by the state investment officer pursuant to  
14 the Nebraska Capital Expansion Act and the Nebraska State Funds  
15 Investment Act.

16 Sec. 3. Section 84-612, Revised Statutes Cumulative  
17 Supplement, 2006, is amended to read:

18 84-612 (1) There is hereby created within the state  
19 treasury a fund known as the Cash Reserve Fund which shall be under  
20 the direction of the State Treasurer. The fund shall only be used  
21 pursuant to this section.

22 (2) The State Treasurer shall transfer funds from the  
23 Cash Reserve Fund to the General Fund upon certification by the  
24 Director of Administrative Services that the current cash balance  
25 in the General Fund is inadequate to meet current obligations. Such  
26 certification shall include the dollar amount to be transferred.

27 Any transfers made pursuant to this subsection shall be reversed  
1 upon notification by the Director of Administrative Services that  
2 sufficient funds are available.

3 (3) The State Treasurer, at the direction of the  
4 budget administrator of the budget division of the Department  
5 of Administrative Services, shall transfer such amounts not to  
6 exceed seven million seven hundred fifty-three thousand two hundred  
7 sixty-three dollars in total from the Cash Reserve Fund to the  
8 Nebraska Capital Construction Fund between July 1, 2003, and June  
9 30, 2007.

10 (4) The State Treasurer, at the direction of the budget  
11 administrator, shall transfer an amount equal to the total amount  
12 transferred pursuant to subsection (3) of this section from the  
13 General Fund to the Cash Reserve Fund on or before June 30, 2008.

14 (5) In addition to receiving transfers from other funds,  
15 the Cash Reserve Fund shall receive federal funds received by the  
16 State of Nebraska for undesignated general government purposes,  
17 federal revenue sharing, or general fiscal relief of the state.

18 (6) On June 15, 2007, the State Treasurer shall transfer  
19 fifteen million six hundred seventy-four thousand one hundred seven  
20 dollars from the Cash Reserve Fund to the General Fund.

21 (7) On June ~~15~~, 16, 2008, the State Treasurer shall

22 transfer seventeen million nine hundred thirty-one thousand thirty  
23 dollars from the Cash Reserve Fund to the General Fund.

24 (8) On June 15, 2009, the State Treasurer shall transfer  
25 four million nine hundred ninety thousand five hundred five dollars  
26 from the Cash Reserve Fund to the General Fund.

27 (9) On or before June 16, 2008, the State Treasurer, at  
1 the direction of the budget administrator, shall transfer fifty  
2 million dollars from the Cash Reserve Fund to the General Fund.

3 (10) On or before June 16, 2009, the State Treasurer,  
4 at the direction of the budget administrator, shall transfer fifty  
5 million dollars from the Cash Reserve Fund to the General Fund.

6 (11) From the effective date of an endowment agreement  
7 as defined in subdivision (3)(c) of section 79-1101 until June  
8 30, 2007, forty million dollars of the Cash Reserve Fund shall be  
9 deemed to constitute the Early Childhood Education Endowment Fund.  
10 Such funds shall remain part of the Cash Reserve Fund for all  
11 purposes, except that the interest earned on such forty million  
12 dollars shall accrue as provided in section 84-613.

13 (12) The State Treasurer, at the direction of the budget  
14 administrator, shall transfer such amounts, as certified by the  
15 Director of Administrative Services, for employee health insurance  
16 claims and expenses, not to exceed twelve million dollars in total  
17 from the Cash Reserve Fund to the State Employees Insurance Fund  
18 between May 1, 2007, and June 30, 2011.

19 (13) On July 9, 2007, the State Treasurer shall transfer  
20 twelve million dollars from the Cash Reserve Fund to the Nebraska  
21 Capital Construction Fund.

22 (14) On July 9, 2007, the State Treasurer shall transfer  
23 five million dollars from the Cash Reserve Fund to the Job Training  
24 Cash Fund. The State Treasurer shall transfer from the Job Training  
25 Cash Fund to the Cash Reserve Fund such amounts as directed in  
26 section 81-1201.21.

27 (15) On July 7, 2008, the State Treasurer shall transfer  
1 five million dollars from the Cash Reserve Fund to the Job Training  
2 Cash Fund. The State Treasurer shall transfer from the Job Training  
3 Cash Fund to the Cash Reserve Fund such amounts as directed in  
4 section 81-1201.21.

5 (16) On or before August 1, 2007, the State Treasurer,  
6 at the direction of the budget administrator, shall transfer  
7 seventy-five million dollars from the Cash Reserve Fund to the  
8 Nebraska Capital Construction Fund.

9 (17) On or before June 30, 2009, the State Treasurer  
10 shall transfer nine million five hundred ninety thousand dollars  
11 from the Cash Reserve Fund to the Nebraska Capital Construction  
12 Fund.

13 (18) The State Treasurer, at the direction of the budget  
14 administrator, shall transfer an amount equal to the total amount  
15 transferred pursuant to subsection (12) of this section from  
16 the appropriate health insurance accounts of the State Employees

17 Insurance Fund in such amounts as certified by the Director of  
 18 Administrative Services to the Cash Reserve Fund on or before June  
 19 30, 2011.

20 (19) On July 9, 2007, the State Treasurer shall  
 21 transfer one million dollars from the Cash Reserve Fund to the  
 22 Microenterprise Development Cash Fund.

23 (20) On July 9, 2007, the State Treasurer shall transfer  
 24 two hundred fifty thousand dollars from the Cash Reserve Fund to  
 25 the Building Entrepreneurial Communities Cash Fund.

26 (21) On July 7, 2008, the State Treasurer shall  
 27 transfer one million dollars from the Cash Reserve Fund to the  
 1 Microenterprise Development Cash Fund.

2 (22) On July 7, 2008, the State Treasurer shall transfer  
 3 two hundred fifty thousand dollars from the Cash Reserve Fund to  
 4 the Building Entrepreneurial Communities Cash Fund.

5 Sec. 4. Section 84-613, Revised Statutes Cumulative  
 6 Supplement, 2006, is amended to read:

7 84-613 ~~(4)~~ Any money in the Cash Reserve Fund available  
 8 for investment shall be invested by the state investment officer  
 9 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
 10 State Funds Investment Act. Until July 1, 2007, any interest  
 11 earned by the fund shall accrue to the General Fund, except  
 12 for interest earned on forty million dollars if such money is  
 13 deemed to constitute the Early Childhood Education Endowment Fund  
 14 in accordance with subsection (11) of section 84-612. From the  
 15 effective date of an endowment agreement as defined in subdivision  
 16 (3)(c) of section 79-1101 until June 30, 2007, interest earned  
 17 on the forty million dollars deemed to constitute the Early  
 18 Childhood Education Endowment Fund shall accrue to the Early  
 19 Childhood Education Endowment Cash Fund. Commencing July 1, 2007,  
 20 any interest earned by the Cash Reserve Fund shall accrue to the  
 21 ~~Building Renewal Allocation Fund. General Fund.~~

22 ~~(2) Of the amount accruing to the Building Renewal~~  
 23 ~~Allocation Fund pursuant to this section for the period July~~  
 24 ~~1, 2007, through June 30, 2008, the State Treasurer, at the~~  
 25 ~~direction of the budget administrator of the budget division of the~~  
 26 ~~Department of Administrative Services, shall transfer to the State~~  
 27 ~~Capitol Restoration Fund an amount or amounts equivalent to the~~  
 1 ~~total amount appropriated from the State Capitol Restoration Fund~~  
 2 ~~for the period July 1, 2008, through June 30, 2009. If the amount~~  
 3 ~~accruing to the Building Renewal Allocation Fund for the period~~  
 4 ~~July 1, 2007, through June 30, 2008, is insufficient to fulfill the~~  
 5 ~~directed transfers to the State Capitol Restoration Fund for such~~  
 6 ~~period, any deficiency shall be satisfied with amounts transferred~~  
 7 ~~pursuant to subsection (3) of this section.~~

8 ~~(3) Of the amount accruing to the Building Renewal~~  
 9 ~~Allocation Fund pursuant to this section for the period July 1,~~  
 10 ~~2008, through June 30, 2009, the State Treasurer, at the direction~~  
 11 ~~of the budget administrator, shall first transfer to the State~~



12 Capitol Restoration Fund an amount or amounts equivalent to any  
 13 deficiency in amounts accruing to the State Capitol Restoration  
 14 Fund under the provisions of subsection (2) of this section and  
 15 shall then transfer to the State Capitol Restoration Fund an amount  
 16 or amounts equivalent to the total amount appropriated from the  
 17 State Capitol Restoration Fund for the period July 1, 2009, through  
 18 June 30, 2010. If the amount accruing to the Building Renewal  
 19 Allocation Fund for the period July 1, 2008, through June 30, 2009,  
 20 is insufficient to fulfill the directed transfers to the State  
 21 Capitol Restoration Fund for such period, any such deficiency shall  
 22 be satisfied with amounts transferred pursuant to subsection (4) of  
 23 this section.

24 (4) Of the amount accruing to the Building Renewal  
 25 Allocation Fund pursuant to this section for the period July 1,  
 26 2009, through June 30, 2010, the State Treasurer, at the direction  
 27 of the budget administrator, shall first transfer to the State  
 1 Capitol Restoration Fund an amount or amounts equivalent to any  
 2 deficiency in amounts accruing to the State Capitol Restoration  
 3 Fund under the provisions of subsection (3) of this section and  
 4 shall then transfer to the State Capitol Restoration Fund an amount  
 5 or amounts equivalent to the total amount appropriated from the  
 6 State Capitol Restoration Fund for the period July 1, 2010, through  
 7 June 30, 2011. If the amount accruing to the Building Renewal  
 8 Allocation Fund for the period July 1, 2009, through June 30, 2010,  
 9 is insufficient to fulfill the directed transfers to the State  
 10 Capitol Restoration Fund for such period, any such deficiency shall  
 11 be satisfied with amounts transferred pursuant to subsection (5) of  
 12 this section.

13 (5) Of the amount accruing to the Building Renewal  
 14 Allocation Fund pursuant to this section for the period July 1,  
 15 2010, through June 30, 2011, the State Treasurer, at the direction  
 16 of the budget administrator, shall transfer to the State Capitol  
 17 Restoration Fund an amount or amounts equivalent to any deficiency  
 18 in amounts accruing to the State Capitol Restoration Fund under the  
 19 provisions of subsection (4) of this section.

20 Sec. 5. Sections 1, 2, 4, and 6 of this act become  
 21 operative on July 1, 2007. The other sections of this act become  
 22 operative on their effective date.

23 Sec. 6. Original sections 72-730, 81-179, and 84-613,  
 24 Revised Statutes Cumulative Supplement, 2006, are repealed.

25 Sec. 7. Original section 84-612, Revised Statutes  
 26 Cumulative Supplement, 2006, is repealed.

27 Sec. 8. Since an emergency exists, this act takes effect  
 1 when passed and approved according to law.

(Signed) Lavon Heidemann, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 449.** Title read. Considered.

Advanced to E & R for review with 35 ayes, 0 nays, 4 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 214.** Title read. Considered.

Advanced to E & R for review with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

**LEGISLATIVE BILL 424.** Title read. Considered.

Advanced to E & R for review with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 580.** Title read. Considered.

Committee AM851, found on page 1106, was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Senator Preister withdrew his amendment, AM305, found on page 588.

Advanced to E & R for review with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 508.** Title read. Considered.

Committee AM968, found on page 1150, was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 8.** Title read. Considered.

Advanced to E & R for review with 32 ayes, 6 nays, 8 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 382.** Title read. Considered.

Advanced to E & R for review with 31 ayes, 1 nay, 14 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 463.** Senator Schimek withdrew her amendment FA71, found on page 1178.

Senator Chambers withdrew his amendment, FA70, found on page 1178.

Senator Johnson withdrew his amendment, AM1007, found on page 1183.

Senator Johnson renewed his amendment, AM1108, found on page 1274.

The Johnson amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 588.** Title read. Considered.

### **SENATOR MCDONALD PRESIDING**

Committee AM862, printed separately and referred to on page 988, was considered.

Senator Lathrop withdrew his amendment, AM1003, found on page 1179.

Senator Johnson withdrew his amendment, AM1109, found on page 1275.

Senator Lathrop offered the following amendment to the committee amendment:

AM1130

- 1 1. On page 9, line 24, after the period insert "Trauma
- 2 Diagnostic Related Groups as defined by the Centers for Medicare
- 3 and Medicaid Services under the United States Department of Health
- 4 and Human Services shall not be included within the Diagnostic
- 5 Related Group inpatient hospital fee schedule until January 1,
- 6 2010.".

### **SENATOR FISCHER PRESIDING**

### **SENATOR LANGEMEIER PRESIDING**

The Lathrop amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Pending.

**MESSAGES FROM THE GOVERNOR**

April 25, 2007

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 232, 457, 502, and 562 were received in my office on April 19, 2007.

I signed these bills and delivered them to the Secretary of State on April 25, 2007.

Sincerely,  
(Signed) Dave Heineman  
Governor

April 25, 2007

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 415 & LB 415A without my signature and with my objections.

LB 415 would expand the restrictions already placed on young drivers to include, among other new requirements, a prohibition on the use of interactive wireless communication devices and a limit on the number of unrelated underage passengers that may travel with certain young drivers who possess a provisional operator's permit. The bill limits enforcement of the new restrictions by classifying them as secondary offenses.

I respect the intent of Senator Harms and others to protect both young drivers and the traveling public in general. While I share the safety concerns of the bill's proponents, I am fundamentally opposed to the approach used to address the issues presented in LB 415. I believe the bill substitutes the wisdom, judgment, and responsibility of parents with that of state government. Parents are best situated to judge the maturity and responsibility of their children and are best able to establish rules regarding their children's driving.

Furthermore, I believe it is unfair to place driving restrictions, such as the interactive wireless communication device prohibition, solely on young drivers when it is clear that the danger the restriction addresses, in this case distracted drivers, exists for all drivers. Distracted drivers of all ages present a challenge to highway safety, but it is a problem that should be addressed by personal responsibility, not by legislation.

I am also concerned that the six month passenger restriction on provisional operators may lead, unintentionally, to additional hardships on Nebraska families. The restriction is overly broad and does not take into account the realities of life in Nebraska. While the passenger restriction has an exception for immediate family members, it does not provide an exemption for cousins, neighbors, or others who may rely on the provisional operator to transport their children to school, work, community activities, or church.

Finally, the LB 415 restrictions appear to be problematic for consistent enforcement. Secondary offenses can only be enforced when the offense occurs concurrent with a primary offense. Enforcement of secondary offenses for intermittent activities, such as cell phone use, when limited to a specific class of individuals, in this case teen drivers, is exceedingly difficult.

For these reasons, I urge you to sustain my vetoes of LB 415 and LB 415A.

Sincerely,  
(Signed) Dave Heineman  
Governor

### **MOTIONS - Print in Journal**

Senator Harms filed the following motion to LB 415:  
That LB 415 becomes law notwithstanding the objections of the Governor.

Senator Harms filed the following motion to LB 415A:  
That LB 415A becomes law notwithstanding the objections of the Governor.

### **GENERAL FILE**

**LEGISLATIVE BILL 588.** Committee AM862, printed separately and referred to on page 988 and considered in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 610.** Title read. Considered.

Senator Johnson renewed his amendment, AM925, found on page 1167.

The Johnson amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 324.** Title read. Considered.

Senator Synowiecki renewed his amendment, AM653, printed separately and referred to on page 935.

The Synowiecki amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 324A.** Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 247.** Title read. Considered.

Senator Johnson renewed his amendment, AM1086, found on page 1272.

### **SENATOR FRIEND PRESIDING**

The Johnson amendment was adopted with 35 ayes, 1 nay, 8 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 435.** Title read. Considered.

Committee AM854, found on page 1033, was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

### **AMENDMENT - Print in Journal**

Senator Hudkins filed the following amendment to LB 358:  
(Amendment, AM1034, is printed separately and available in the Bill Room, Room 1104.)

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Pirsch asked unanimous consent to add his name as cointroducer to LBs 221 and 227. No objections. So ordered.

Senator Schimek asked unanimous consent to add her name as cointroducer to LB 554 and LR 1CA. No objections. So ordered.

**VISITOR**

The Doctor of the Day was Dr. Jay Matzke from Gothenburg.

**ADJOURNMENT**

At 5:18 p.m., on a motion by Senator Langemeier, the Legislature adjourned until 9:00 a.m., Thursday, April 26, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature

