

**EIGHTY-SECOND DAY - MAY 17, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****EIGHTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, May 17, 2007

**PRAYER**

The prayer was offered by Senator Wallman.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Friend presiding.

The roll was called and all members were present except Senators Cornett, Dubas, Flood, Heidemann, Kopplin, McDonald, Pahls, Raikes, and Schimek who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighty-first day was approved.

**GENERAL FILE**

**LEGISLATIVE BILL 570.** Title read. Considered.

Committee AM690, found on page 871, was considered.

Senator Chambers offered the following motion:  
Bracket until May 25, 2007.

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

Senator Pirsch moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The motion to cease debate prevailed with 25 ayes, 7 nays, 10 present and not voting, and 7 excused and not voting.

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

Voting in the affirmative, 0.

Voting in the negative, 40:

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

Present and not voting, 4:

Ashford	Chambers	Kruse	Preister
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Excused and not voting, 5:

Flood	Kopplin	McDonald	Pahls	Pedersen
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The Chambers motion to bracket failed with 0 ayes, 40 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:  
Reconsider vote on motion to bracket LB 570.

Senator Chambers moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

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

Voting in the affirmative, 1:

Chambers

Voting in the negative, 43:

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

Present and not voting, 2:

Preister            Stuthman

Excused and not voting, 3:

Adams            Ashford            Dierks

The Chambers motion to reconsider failed with 1 aye, 43 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Langemeier withdrew his amendments, FA103, FA101, and FA102, found on pages 1418 and 1423.

Pending.

## RESOLUTION

**LEGISLATIVE RESOLUTION 209.** Introduced by Pankonin, 2.

WHEREAS, Andrew Katalenich, son of Thomas and Theresa Katalenich, a sophomore at Plattsmouth High School, has completed the requirements to attain the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest advancement 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, Andrew Katalenich has learned, been tested on, and been recognized for various Scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, Andrew earned twenty-seven merit badges, six more than the required twenty-one merit badges, twelve of which are in required areas, and completed a community service project approved by the troop and the scout council; and

WHEREAS, for his Eagle Scout community service project, Andrew planned and completed paperwork for the relocation of the Cass County Food Pantry from its former location at the First Presbyterian Church at 701 Chicago Avenue in Plattsmouth to its present location at the First United Methodist Church at 702 Main Street in Plattsmouth. Andrew also researched and directed the installation and configuration of new shelving for the food pantry, which increased its available storage capacity by forty percent. Finally, Andrew supervised the moving and restocking of the food pantry's approximately three thousand pounds of canned, refrigerated, and dry goods; and

WHEREAS, the newly constructed Cass County Food Pantry will

efficiently serve the citizens of Cass County for many years in the future.

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

1. That the Legislature congratulates Andrew Katalenich for the exemplary achievement of fulfilling the requirements for obtaining the rank for Eagle Scout.
2. That a copy of this resolution be sent to Andrew Katalenich.

Laid over.

### EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LB 367 and LB 367A.

(Signed) Dwite Pedersen

### AMENDMENT - Print in Journal

Senator Schimek filed the following amendment to LB 247:  
AM1345

- 1 1. Insert the following new section:
- 2 Section 1. (1) Notwithstanding section 44-3,131, (a)
- 3 any individual or group sickness and accident insurance policy,
- 4 certificate, or subscriber contract delivered, issued for delivery,
- 5 or renewed in this state and any hospital, medical, or surgical
- 6 expense-incurred policy, except for short-term major medical
- 7 policies of six months or less duration and policies that provide
- 8 coverage for a specified disease or other limited-benefit coverage,
- 9 and (b) any self-funded employee benefit plan to the extent not
- 10 preempted by federal law shall include screening coverage for a
- 11 colorectal cancer examination and laboratory tests for cancer for
- 12 any nonsymptomatic person fifty years of age and older covered
- 13 under such policy, certificate, contract, or plan. Such screening
- 14 coverage shall include a maximum of one screening fecal occult
- 15 blood test annually and a flexible sigmoidoscopy every five years,
- 16 a colonoscopy every ten years, or a barium enema every five to
- 17 ten years, or any combination, or the most reliable, medically
- 18 recognized screening test available. The screenings selected shall
- 19 be as deemed appropriate by a health care provider and the patient.
- 20 (2) This section does not prevent application of
- 21 deductible or copayment provisions contained in the policy,
- 22 certificate, contract, or employee benefit plan or require that
- 23 such coverage be extended to any other procedures.
- 1 2. Renumber the remaining sections accordingly.

**VISITORS**

Visitors to the Chamber were 42 fourth-grade students, teachers, and sponsors from Shoemaker Elementary, Grand Island; 19 fourth-grade students, teacher, and sponsors from Raymond Central, Ceresco; 50 fourth-grade students from Rockbrook Elementary, Omaha; members of Alpha Kappa Alpha Sorority and sponsors from Omaha; 40 fourth-grade students and teachers from Knickrehn Elementary, Grand Island; and Doris Whatcott from Queen Creek, Arizona and Rhea Dahl from Gilbert, Arizona.

**RECESS**

At 11:57 a.m., on a motion by Senator Lathrop, 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 Pankonin who was excused; and Senators Cornett, Dierks, Engel, Flood, Kruse, McDonald, Mines, and White who were excused until they arrive.

**AMENDMENT - Print in Journal**

Senator Harms filed the following amendment to LB 351:  
AM1060

(Amendments to Standing Committee amendments, AM645)

- 1 1. On page 1, line 2, after "matter" insert "and insert
- 2 ' The principal wage earner and other nonexempt family members
- 3 shall be allowed to engage in a baccalaureate or associate degree
- 4 postsecondary program during the months they are eligible for
- 5 cash assistance. Persons engaged in postsecondary education as
- 6 full-time students, as defined in section 85-1908 and the rules and
- 7 regulations adopted and promulgated under such section, shall not
- 8 be required to engage in additional work activities except those
- 9 work activities directly related to their educational program' "

**MESSAGE FROM THE GOVERNOR**

May 16, 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 Personnel Board:

Amber A. Brown, 1003 East 65th Street Place, Kearney NE 68847

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

**MOTION - Print in Journal**

Senator Chambers filed the following motion to LB 570:  
Indefinitely postpone.

**SELECT FILE**

**LEGISLATIVE BILL 482A.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 377.** ER8109, found on page 1552, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 377A.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 516.** ER8106, found on page 1555, was adopted.

Advanced to E & R for engrossment.

**LEGISLATIVE BILL 516A.** Advanced to E & R for engrossment.

**LEGISLATIVE BILL 299.** ER8032, found on page 702, was adopted.

Senator Louden withdrew his amendment, AM719, found on page 922.

Senator Chambers withdrew his amendment, AM1241, found on page 1443.

Senators Hudkins and Chambers offered the following amendment:  
AM1351

- 1 1. Strike the Standing Committee amendment, AM189.
- 2 2. Insert the following sections:
- 3 Sec. 13. Section 37-513, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 37-513 (1) It shall be unlawful to shoot at any wildlife
- 6 from any highway or roadway, which includes that area of land from
- 7 the center of the traveled surface to the right-of-way on either
- 8 side. Any person violating this ~~section~~ subsection shall be guilty
- 9 of a Class III misdemeanor and shall be fined at least fifty
- 10 dollars.
- 11 (2)(a) It shall be unlawful to trap any wildlife in the
- 12 county road right-of-way.
- 13 (b) For purposes of this subsection, county road
- 14 right-of-way means the area which has been designated a part of the
- 15 county road system and which has not been vacated pursuant to law.
- 16 Sec. 16. Section 37-614, Reissue Revised Statutes of
- 17 Nebraska, is amended to read:
- 18 37-614 (1) When a person pleads guilty to or is convicted
- 19 of any violation listed in this subsection, the court shall, in
- 20 addition to any other penalty, revoke and require the immediate
- 21 surrender of all permits to hunt, fish, and harvest fur held by
- 22 such person and suspend the privilege of such person to hunt,
- 23 fish, and harvest fur and to purchase such permits for a period
- 1 of not less than one nor more than three years. The court shall
- 2 consider the number and severity of the violations of the Game Law
- 3 in determining the length of the revocation and suspension. The
- 4 violations shall be:
- 5 (a) Carelessly or purposely killing or causing injury to
- 6 livestock with a firearm or bow and arrow;
- 7 (b) Purposely taking or having in his or her possession
- 8 a number of game animals, game fish, game birds, or fur-bearing
- 9 animals exceeding twice the limit established pursuant to section
- 10 37-314;
- 11 (c) Taking any species of wildlife protected by the Game
- 12 Law during a closed season in violation of section 37-502;
- 13 (d) Resisting or obstructing any officer or any employee
- 14 of the commission in the discharge of his or her lawful duties in
- 15 violation of section 37-609; and
- 16 (e) Being a habitual offender of the Game Law.
- 17 (2) When a person pleads guilty to or is convicted of any
- 18 violation listed in this subsection, the court may, in addition to
- 19 any other penalty, revoke and require the immediate surrender of
- 20 all permits to hunt, fish, and harvest fur held by such person and

21 suspend the privilege of such person to hunt, fish, and harvest  
 22 fur and to purchase such permits for a period of not less than  
 23 one nor more than three years. The court shall consider the number  
 24 and severity of the violations of the Game Law in determining the  
 25 length of the revocation and suspension. The violations shall be:

26 (a) Hunting, fishing, or fur harvesting without a permit  
 27 in violation of section 37-411;

1 (b) Hunting from a vehicle, aircraft, or boat in  
 2 violation of section 37-513, 37-514, 37-515, 37-535, or 37-538;  
 3 ~~and~~

4 (c) Trapping wildlife in the county right-of-way in  
 5 violation of section 37-513; and

6 ~~(e)(d)~~ Knowingly taking any wildlife on private land  
 7 without permission in violation of section 37-722.

8 (3) When a person pleads guilty to or is convicted of  
 9 any violation of the Game Law or the rules and regulations of the  
 10 commission not listed in subsection (1) or (2) of this section, the  
 11 court may, in addition to any other penalty, revoke and require  
 12 the immediate surrender of all permits to hunt, fish, and harvest  
 13 fur held by such person and suspend the privilege of such person  
 14 to hunt, fish, and harvest fur and to purchase such permits for a  
 15 period of one year.

16 3. On page 23, line 2, after the last comma insert  
 17 "37-513,"; and in line 3, after "37-548," insert "37-614,".

18 4. Renumber the remaining sections accordingly.

The Hudkins-Chambers amendment was adopted with 27 ayes, 4 nays, 11 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

## GENERAL FILE

**LEGISLATIVE BILL 142.** Considered.

### SENATOR ERDMAN PRESIDING

Committee AM579, found on page 865 and considered on page 1423, was renewed.

Senator Chambers offered the following amendment to the committee amendment:

FA109

Amend AM579 Page 1, line 1 after "sections" put a period, and strike all remaining language through "repealed." in line 7 on page 4.

Senator Chambers withdrew his amendment.

Pending.



**COMMITTEE REPORTS**  
**Business and Labor**

**LEGISLATIVE BILL 209.** Placed on General File.

**LEGISLATIVE BILL 432.** Placed on General File - Com AM28.  
AM28

- 1 1. On page 4, line 15, strike "over", show as stricken,
- 2 and after "years" insert "or more".
- 3 2. On page 5, line 25, strike "or", show as stricken, and
- 4 insert an underscored comma.
- 5 3. On page 6, line 1, after "States" insert ", or (c) an
- 6 Indian tribe".
- 7 4. On page 7, line 2, strike "the"; and in line 13 strike
- 8 "employer's" and insert "employee's".
- 9 5. On page 8, line 3, strike "or as an applicant for
- 10 employment" and show as stricken.

(Signed) Abbie Cornett, Chairperson

**Health and Human Services**

**LEGISLATIVE RESOLUTION 73.** Reported to the Legislature for further consideration.

(Signed) Joel Johnson, Chairperson

**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.

Robert Hill - Boiler Safety Code Advisory Board  
Thomas Hix - Boiler Safety Code Advisory Board  
William Yates - Boiler Safety Code Advisory Board

VOTE: Aye: Senators Cornett, McGill, Rogert, Wallman, White. Nay: None. Absent: Senators Chambers, Lathrop.

(Signed) Abbie Cornett, Chairperson

**AMENDMENTS - Print in Journal**

Senator Gay filed the following amendment to LB 641:  
AM1316

(Amendments to AM1258)

- 1 1. On page 2, line 13, strike "five" and insert "two";
- 2 and in line 16 after "dollar" insert "and three cents".
- 3 2. On page 51, line 27, strike "five" and insert "two".

Senator Stuthman filed the following amendment to LB 247:  
(Amendment, AM1353, is printed separately and available in the Bill Room, Room 1104.)

**NOTICE OF COMMITTEE HEARINGS**  
**General Affairs**  
Room 1524

Tuesday, May 29, 2007

1:15 p.m.

Dennis P. Lee - Nebraska Racing Commission

(Signed) Vickie McDonald, Chairperson

**Health and Human Services**  
Room 1510

Tuesday, May 29, 2007

9:45 a.m.

Clifford Carlson - Commission for the Deaf and Hard of Hearing

(Signed) Joel Johnson, Chairperson

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Brown, Amber A. - State Personnel Board - Government, Military and Veterans Affairs

(Signed) Pat Engel, Chairperson  
Legislative Council, Executive Board

**RESOLUTION**

**LEGISLATIVE RESOLUTION 210.** Introduced by Natural Resources Committee: Louden, 49, Chairperson; Carlson, 38; Christensen, 44; Dubas, 34; Fischer, 43; Hudkins, 21; Kopplin, 3; Wallman, 30.

**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, FIRST 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 142.** Senator Chambers offered the following amendment to the committee amendment:

FA110

Amend AM579 Page 1, line 12 after "person" insert "contacted".

Senator Chambers withdrew his amendment.

Senator Friend offered the following amendment to the committee amendment:

FA111

Amend AM579 On page 1, line 12 strike "the person" and insert "he or she."

### SENATOR AGUILAR PRESIDING

The Friend amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Senator Lathrop offered the following amendment to the committee amendment:

FA112

Amend AM579 Strike P. 2 lines 9-12

The Lathrop amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Senator Chambers offered the following amendment to the committee amendment:

FA113

Amend AM579 P. 1 strike original lines 13 through 17 and all amendments thereto and insert, "(i) Contacts another person utilizing an electronic communication device and disturbs the peace, quiet, and right of privacy of any person at the place where the communications are received."

Pending.

**BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 554A.** Introduced by Flood, 19.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 554, One Hundredth Legislature, First Session, 2007; and to reduce appropriations.

**AMENDMENTS - Print in Journal**

Senator Johnson filed the following amendment to LB 247:  
AM1352

(Amendments to AM1221)

- 1 1. Strike section 8 and insert the following new
- 2 sections:
- 3 Sec. 36. Section 187, Legislative Bill 463, One Hundredth
- 4 Legislature, First Session, 2007, is amended to read:
- 5 Sec. 187. Sections 187 to 212 of this act and section 39
- 6 of this act shall be known and may be cited as the Audiology and
- 7 Speech-Language Pathology Practice Act.
- 8 Sec. 37. Section 71-1,186, Reissue Revised Statutes of
- 9 Nebraska, as amended by section 6, Legislative Bill 247, One
- 10 Hundredth Legislature, First Session, 2007, and section 188,
- 11 Legislative Bill 463, One Hundredth Legislature, First Session,
- 12 2007, is amended to read:
- 13 ~~71-1,186~~ For purposes of the Audiology and
- 14 Speech-Language Pathology Practice Act and elsewhere in the Uniform
- 15 Credentialing Act, unless the context otherwise requires, the
- 16 definitions found in sections 189 to 194 of this act and section 39
- 17 of this act apply.
- 18 Sec. 38. Section 191, Legislative Bill 463, One Hundredth
- 19 Legislature, First Session, 2007, is amended to read:
- 20 Sec. 191. ~~Communication assistant-Audiology or~~
- 21 speech-language pathology assistant or any individual who presents
- 22 himself or herself to the public by any title or description
- 1 with the same duties means any person who, following specified
- 2 training and receiving specified supervision, provides specified
- 3 limited structured communication or swallowing services, which are
- 4 developed and supervised by a licensed audiologist or licensed
- 5 speech-language pathologist, in the areas in which the supervisor
- 6 holds licenses.
- 7 Sec. 39. Dysphagia means disorders of swallowing.
- 8 Sec. 40. Section 192, Legislative Bill 463, One Hundredth
- 9 Legislature, First Session, 2007, is amended to read:
- 10 Sec. 192. Practice of audiology means the application of
- 11 ~~principles, methods, and procedures for testing, measuring, and~~
- 12 ~~monitoring hearing, preparation of ear impressions and selection~~

13 of hearing aids, aural rehabilitation, hearing conservation,  
 14 vestibular testing of patients when vestibular testing is done as  
 15 a result of a referral by a physician, and instruction related to  
 16 hearing and disorders of hearing for the purpose of preventing,  
 17 identifying, evaluating, and minimizing the effects of such  
 18 disorders and conditions but shall not include the practice of  
 19 medical diagnosis, medical treatment, or surgery; evidence-based  
 20 practice in clinical decisionmaking for the prevention, assessment,  
 21 habilitation, rehabilitation, and maintenance of persons with  
 22 hearing, auditory function, and vestibular function impairments  
 23 and related impairments, including (1) cerumen removal from the  
 24 cartilaginous outer one-third portion of the external auditory  
 25 canal when the presence of cerumen may affect the accuracy  
 26 of hearing evaluations or impressions of the ear canal for  
 27 amplification devices and (2) evaluation, selection, fitting, and  
 1 dispensing of hearing aids, external processors of implantable  
 2 hearing aids, and assistive technology devices as part of a  
 3 comprehensive audiological rehabilitation program. Practice of  
 4 audiology does not include the practice of medical diagnosis,  
 5 medical treatment, or surgery.

6 Sec. 41. Section 193, Legislative Bill 463, One Hundredth  
 7 Legislature, First Session, 2007, is amended to read:

8 Sec. 193. Practice of speech-language pathology means  
 9 the application of principles; and methods; associated with  
 10 and procedures for the evaluation, monitoring, instruction,  
 11 habilitation, or rehabilitation related to the development and  
 12 disorders of speech, voice, or language for the purpose of  
 13 preventing, identifying, evaluating, and minimizing the effects  
 14 of such disorders and conditions but does not include the  
 15 practice of medical diagnosis, medical treatment, or surgery;  
 16 human communication skills and with dysphagia, which principles  
 17 and methods include screening, assessment, evaluation, treatment,  
 18 prevention, consultation, and restorative modalities for speech,  
 19 voice, language, language-based learning, hearing, swallowing, or  
 20 other upper aerodigestive functions for the purpose of improving  
 21 quality of life by reducing impairments of body functions and  
 22 structures, activity limitations, participation restrictions, and  
 23 environmental barriers. Practice of speech-language pathology does  
 24 not include the practice of medical diagnosis, medical treatment,  
 25 or surgery.

26 Sec. 42. Section 71-1,195.09, Reissue Revised Statutes  
 27 of Nebraska, as amended by section 16, Legislative Bill 247,  
 1 One Hundredth Legislature, First Session, 2007, and section 211,  
 2 Legislative Bill 463, One Hundredth Legislature, First Session,  
 3 2007, is amended to read:

4 ~~71-1,195.09~~ The supervising audiologist or  
 5 speech-language pathologist shall provide annual reports to the  
 6 department verifying that evaluation, supervision, and training  
 7 required by section ~~71-1,195.08-210~~ of Legislative Bill 463, One

8 Hundredth Legislature, First Session, 2007, has been completed.

9 The audiologist or speech-language pathologist shall keep accurate  
10 records of such evaluation, supervision, and training.

11 Sec. 43. Section 720, Legislative Bill 463, One Hundredth  
12 Legislature, First Session, 2007, is amended to read:

13 Sec. 720. Sections 720 to 756 of this act and sections 18  
14 and 21 of this act shall be known and may be cited as the Mental  
15 Health Practice Act.

16 Sec. 44. Section 71-4702, Reissue Revised Statutes of  
17 Nebraska, as amended by section 30, Legislative Bill 247, One  
18 Hundredth Legislature, First Session, 2007, and section 573,  
19 Legislative Bill 463, One Hundredth Legislature, First Session,  
20 2007, is amended to read:

21 ~~71-4702~~ (1) No person shall engage in the sale of or  
22 practice of fitting hearing aids or display a sign or in any other  
23 way advertise or represent himself or herself as a person who  
24 practices the fitting and sale or dispensing of hearing aids unless  
25 he or she holds an unsuspended, unrevoked license issued by the  
26 department as provided in the Hearing Aid Instrument Dispensers and  
27 Fitters Practice Act. A license shall confer upon the holder the  
1 right to select, fit, and sell hearing aids.

2 (2) A licensed audiologist who maintains a practice  
3 pursuant to licensure as an audiologist in which hearing aids are  
4 regularly dispensed or who intends to maintain such a practice  
5 shall also be licensed pursuant to subsection (4) of section  
6 ~~71-4707~~, 576 of Legislative Bill 463, One Hundredth Legislature,  
7 First Session, 2007, as amended by section 45 of this legislative  
8 bill.

9 (3) Nothing in the act shall prohibit a corporation,  
10 partnership, limited liability company, trust, association, or  
11 other like organization maintaining an established business address  
12 from engaging in the business of selling or offering for sale  
13 hearing aids at retail without a license if it employs only  
14 properly licensed natural persons in the direct sale and fitting of  
15 such products.

16 (4) Nothing in the act shall prohibit the holder of  
17 a license from the fitting and sale of wearable instruments or  
18 devices designed for or offered for the purpose of conservation or  
19 protection of hearing.

20 Sec. 45. Section 71-4707, Reissue Revised Statutes of  
21 Nebraska, as amended by section 576, Legislative Bill 463, One  
22 Hundredth Legislature, First Session, 2007, is amended to read:

23 ~~71-4707~~ (1) Any person may obtain a license under the  
24 Hearing Aid Instrument Dispensers and Fitters Practice Act by  
25 successfully passing a qualifying examination if the applicant:

26 (a) Is at least twenty-one years of age; and

27 (b) Has an education equivalent to a four-year course in  
1 an accredited high school.

2 (2) The qualifying examination shall consist of written  
3 and practical tests. The examination shall not be conducted in  
4 such a manner that college training is required in order to  
5 pass. Nothing in this examination shall imply that the applicant  
6 is required to possess the degree of medical competence normally  
7 expected of physicians.

8 (3) The department shall give examinations approved by  
9 the board. A minimum of two examinations shall be offered each  
10 calendar year.

11 (4) The department shall issue a license without  
12 examination to a licensed audiologist who maintains a practice  
13 pursuant to licensure as an audiologist in which hearing aids are  
14 regularly dispensed or who intends to maintain such a practice upon  
15 application to the department, proof of licensure, and payment of a  
16 twenty-five-dollar fee.

17 Sec. 46. Sections 36, 37, 38, 39, 40, 41, 42, 43, 44,  
18 45, 48, and 50 of this act become operative on December 1, 2008.  
19 The other sections of this act become operative on their effective  
20 date.

21 Sec. 48. Original section 71-1,186, Reissue Revised  
22 Statutes of Nebraska, as amended by section 6, Legislative  
23 Bill 247, One Hundredth Legislature, First Session, 2007, and  
24 section 188, Legislative Bill 463, One Hundredth Legislature,  
25 First Session, 2007; section 71-1,195.09, Reissue Revised Statutes  
26 of Nebraska, as amended by section 16, Legislative Bill 247,  
27 One Hundredth Legislature, First Session, 2007, and section 211,  
1 Legislative Bill 463, One Hundredth Legislature, First Session,  
2 2007; section 71-4702, Reissue Revised Statutes of Nebraska,  
3 as amended by section 30, Legislative Bill 247, One Hundredth  
4 Legislature, First Session, 2007, and section 573, Legislative  
5 Bill 463, One Hundredth Legislature, First Session, 2007; section  
6 71-4707, Reissue Revised Statutes of Nebraska, as amended by  
7 section 576, Legislative Bill 463, One Hundredth Legislature,  
8 First Session, 2007; and sections 187, 191, 192, 193, and 720,  
9 Legislative Bill 463, One Hundredth Legislature, First Session,  
10 2007, are repealed.

11 Sec. 50. The following sections are outright repealed:  
12 Sections 71-1,195.03, 71-1,315, 71-1,316, 71-1,333, and 71-1,338,  
13 Reissue Revised Statutes of Nebraska, as amended by sections  
14 10, 22, 23, 24, and 28, respectively, Legislative Bill 247, One  
15 Hundredth Legislature, First Session, 2007.

16 2. On page 27, line 7, strike "71-1,190,".

17 3. Renumber the remaining sections accordingly.

Senator Johnson filed the following amendment to LB 247:  
(Amendment, AM1367, is printed separately and available in the Bill Room,  
Room 1104.)

**COMMITTEE REPORTS**  
**Enrollment and Review****Correctly Engrossed**

The following bills were correctly engrossed: LBs 342, 342A, 456, 482, 482A, 542, 603, and 603A.

ST9044

## Enrollment and Review Change to LB 342

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

1. In the E & R amendments, ER8110:
  - a. On page 23, line 27, "section" has been struck and "act" inserted; and
  - b. On page 45, line 19, "operative dates" has been struck and "an operative date" inserted.

ST9042

## Enrollment and Review Change to LB 456

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

1. In the E & R amendments, ER8105, on page 5, lines 7 and 8 have been deleted.

ST9045

## Enrollment and Review Change to LB 542

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

1. In the Stuthman amendment, AM1357, on page 1, line 10, "subdivision" has been struck and "subsection" inserted.
2. In the Synowiecki amendment, AM1295, on page 1, line 7, "3" has been struck and "7" inserted.
3. In the Synowiecki amendment, AM1202:
  - a. On page 1, lines 20 and 22; and page 2, line 3, an underscored comma has been inserted before "appointed"; and
  - b. On page 2, line 11, "head" has been struck and "chairperson" inserted.

ST9043

## Enrollment and Review Change to LB 603

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

1. In the E & R amendments, ER8090:
  - a. Section 34 and all amendments thereto have been struck and the following new section inserted:



Sec. 35. Sections 1, 16, 17, 18, 19, 20, 21, 22, 28, 31, 32, 33, 36, and 39 of this act become operative on July 1, 2008. Sections 4, 7, 8, 10, 12, 34, 35, 38, and 40 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.

b. On page 3, line 27; and page 21, line 14, "14" has been struck and "15" inserted;

c. On page 6, lines 7 and 11, "33" has been struck and "34" inserted;

d. On page 15, lines 14 and 15, "9, 14 to 19, and 23" has been struck and "10, 15 to 20, and 24" inserted;

e. On page 34, line 15; and page 35, lines 5 and 20, "infrastructure" has been inserted after "technology";

f. On page 37, lines 13 and 25, "23" has been struck and "24" inserted;

g. On page 58, line 14, "section 79-1012" has been struck and "sections 79-1012 and 79-1103" inserted; and in line 24 "79-1103," has been inserted after "79-1018.01,"; and

h. On page 59, line 2, "for educational service units" has been inserted after "members"; in line 8 "to change provisions relating to the Early Childhood Education Grant Program;" has been inserted after the first semicolon.

2. On page 1, line 1, "educational service units" has been struck and "education" inserted.

(Signed) Amanda McGill, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 142.** The Chambers amendment, FA113, found in this day's Journal, to the committee amendment, was renewed.

The Chambers amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Senator Chambers offered the following amendment to the committee amendment:

FA114

Amend AM579 Page 1, lines 13 and 18 after "another" insert "person"

### SENATOR ERDMAN PRESIDING

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

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

The Chair declared the call raised.

Senator Chambers offered the following amendment to the committee

amendment:

FA115

Amend AM579 Page 1, line 22 and page 3, line 16 strike "suggests" and show as stricken, and insert "explicitly offers or solicits".

Senator Chambers withdrew his amendment.

Committee AM579, found on page 865 and considered on page 1423 and in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

### **BILL ON FIRST READING**

The following bill was read for the first time by title:

**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.

### **GENERAL FILE**

**LEGISLATIVE BILL 653.** Title read. Considered.

Committee AM1319, found on page 1617, was considered.

### **SENATOR LANGEMEIER PRESIDING**

Senator Raikes offered the following amendment to the committee amendment:

AM1379

(Amendments to Standing Committee amendments, AM1319)

- 1 1. On page 2, line 1; page 4, line 15; page 5, line 14;
- 2 and page 8, line 16, strike "2008-09" and insert "2009-10".
- 3 2. On page 5, line 23; and page 8, line 16, strike
- 4 "2009-10" and insert "2010-11".
- 5 3. On page 8, line 17, strike "2012" and insert "2013".
- 6 4. On page 9, strike beginning with "Data" in line 22
- 7 through "community" in line 24 and insert "School districts shall
- 8 report data collected pursuant to the plan described in subsection
- 9 (1) of this section to such educational service units"; and in line
- 10 26 strike "identifer" and insert "identifier".

- 11 5. On page 10, line 11, strike "including" and insert  
 12 "which may include".

### **SPEAKER FLOOD PRESIDING**

Pending.

**LEGISLATIVE RESOLUTION 1CA.** Considered.

### **SENATOR AGUILAR PRESIDING**

Senator Preister renewed his amendment, AM1308, found on page 1627.

The Preister amendment was adopted with 29 ayes, 5 nays, 9 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

### **BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 351A.** Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to appropriations; to reduce an appropriation to aid in carrying out the provisions of Legislative Bill 351, One Hundredth Legislature, First Session, 2007.

### **AMENDMENTS - Print in Journal**

Senator Cornett filed the following amendment to LB 265:  
 AM1282

(Amendments to Standing Committee amendments, AM863)

- 1 1. Strike sections 12 to 16, 35, 36, 38, and 40 and
- 2 insert the following sections:
- 3 Sec. 30. Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 32,
- 4 and 35 become operative on July 1, 2007. Sections 21, 22, 23, 24,
- 5 25, 26, 27, 28, 29, 31, and 34 of this act become operative on
- 6 January 1, 2008. Sections 1, 12, 13, 14, 15, 16, 17, 18, 19, 20,
- 7 33, and 36 of this act become operative three calendar months after
- 8 adjournment of this legislative session. Sections 30 and 37 of this
- 9 act become operative on their effective date.
- 10 Sec. 32. Original sections 48-606, 48-612, and 48-663.01,
- 11 Reissue Revised Statutes of Nebraska, and sections 48-601, 48-602,
- 12 48-624, 48-649, 48-652, and 48-664, Revised Statutes Cumulative
- 13 Supplement, 2006, are repealed.
- 14 Sec. 33. Original sections 20-113, 48-1001, 48-1002,
- 15 48-1003, 48-1004, 48-1005, 48-1007, 48-1008, 48-1009, and 48-1010,

- 16 Reissue Revised Statutes of Nebraska, are repealed.  
 17 Sec. 35. The following section is outright repealed:  
 18 Section 48-649.01, Revised Statutes Cumulative Supplement, 2006.  
 19 Sec. 36. The following section is outright repealed:  
 20 Section 48-1006, Reissue Revised Statutes of Nebraska.  
 21 2. Renumber the remaining sections and correct internal  
 22 references accordingly.

Senator Synowiecki filed the following amendment to LB 351:  
 AM1382

- 1 1. On page 9, line 12, strike "(1)(r)" and insert  
 2 "(1)(q)".  
 3 2. On page 12, strike lines 17 and 18 and show as  
 4 stricken; in line 19 strike "(k)", show as stricken, and insert  
 5 "(j)"; in line 21 strike "(l)", show as stricken, and insert "(k)";  
 6 in line 22 strike "(m)", show as stricken, and insert "(l)"; and in  
 7 line 24 strike "(n)", show as stricken, and insert "(m)".  
 8 3. On page 13, line 1, strike "(o)", show as stricken,  
 9 and insert "(n)"; in line 5 strike "(p)" and insert "(o)"; in line  
 10 7 strike "(q)" and insert "(p)"; in line 14 strike "(r)" and insert  
 11 "(q)"; in line 17 strike "(s)" and insert "(r)"; in line 19 strike  
 12 "(t)" and insert "(s)"; and in line 22 strike "(u)" and insert  
 13 "(t)".  
 14 4. On page 23, strike beginning with the period in line  
 15 17 through line 22, show as stricken, and insert an underscored  
 16 semicolon.

## COMMITTEE REPORTS

### Enrollment and Review

#### Correctly Engrossed

The following bills were correctly engrossed: LBs 377, 377A, 516, and 516A.

(Signed) Amanda McGill, Chairperson

#### VISITORS

Visitors to the Chamber were Senator Langemeier's parents, Roland and Norma Langemeier; John Wilkinson from Curtis; 28 sixth-grade students from St. Isidore, Columbus; Boy Scouts and sponsors from across the state; 18 fourth-grade students from Trinity Lutheran School, Grand Island; and 50 fourth-grade students from Engleman Elementary, Grand Island.

The Doctor of the Day was Dr. Rick Gustafson from Lincoln.

**ADJOURNMENT**

At 8:44 p.m., on a motion by Senator Kopplin, the Legislature adjourned until 9:00 a.m., Friday, May 18, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature

