

SEVENTEENTH DAY - FEBRUARY 1, 2008**LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE
SECOND SESSION****SEVENTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, February 1, 2008

PRAYER

The prayer was offered by Pastor Gary Fugman, First Presbyterian Church, Lyons.

ROLL CALL

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

The roll was called and all members were present except Senator Johnson who was excused; and Senators Chambers, Fulton, Karpisek, and Wallman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixteenth day was approved.

ANNOUNCEMENT

Senator McGill designates LB268 as her priority bill.

AMENDMENT - Print in Journal

Senator Erdman filed the following amendment to LB39:
FA164

On page 3, line 19 and page 4, line 25 strike "an elector" and insert "a resident"

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 31, 2008, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Cavanaugh Law Firm, PC, LLO
Life Insurance Settlement Assoc.

Fahleson, Mark A.
Abengoa Bioenergy Corporation

Jordison, John C.
Renaissance Nebraska Project, Inc.

Kissel/Erickson & Sederstrom Associates, LLC
Coventry Insurance
Mosaic

Maxwell, Chip
Nebraska Coalition for Ethical Research

Pollock, Andy
Abengoa Bioenergy Corporation

Radcliffe, Walter H. of Radcliffe & Associates
Coventry Insurance

Ruth Mueller Robak LLC
Coventry Insurance

Schmit Industries, Inc.
Ethanol Producers, Assoc. of Nebraska

REPORTS

The following reports were received by the Legislature:

Health and Human Services, Department of
2007 License Suspension Report
2007 New Hire Report
2007 State Disbursement Unit Report

Investment Finance Authority
2007 Series IJK Single Family Housing Revenue Bonds Notice

PROPOSED RULES CHANGE

The Rules Committee renewed their proposed rules change found on page 281, to Rule 3, Sec. 4, new subsection (h) - Redistricting Committee.

The Rules Committee's proposed rules change was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

PRESIDENT SHEEHY PRESIDING**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

LEGISLATIVE BILL 92.

A BILL FOR AN ACT relating to foreign national minors; to amend sections 43-3801, 43-3802, 43-3803, 43-3804, 43-3805, 43-3806, 43-3807, 43-3808, and 43-3809, Revised Statutes Cumulative Supplement, 2006, and section 43-3810, Revised Statutes Supplement, 2007; to change references to dual citizenship; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Adams	Engel	Howard	McDonald	Rogert
Aguilar	Erdman	Hudkins	McGill	Schimek
Ashford	Fischer	Janssen	Nantkes	Stuthman
Avery	Flood	Kopplin	Pahls	Synowiecki
Burling	Friend	Kruse	Pankonin	Wallman
Carlson	Gay	Langemeier	Pedersen	White
Christensen	Hansen	Lathrop	Pirsch	Wightman
Cornett	Harms	Lautenbaugh	Preister	
Dubas	Heidemann	Louden	Raikes	

Voting in the negative, 1:

Dierks

Present and not voting, 1:

Nelson

Excused and not voting, 4:

Chambers	Fulton	Johnson	Karpisek
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 177.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-5903, Revised Statutes Supplement, 2007; to change provisions relating to the Nebraska Advantage Microenterprise Tax Credit Act; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Adams	Dubas	Heidemann	Lautenbaugh	Preister
Aguilar	Engel	Howard	Louden	Raikes
Ashford	Erdman	Hudkins	McDonald	Rogert
Avery	Fischer	Janssen	McGill	Schimek
Burling	Flood	Karpisek	Nantkes	Stuthman
Carlson	Friend	Kopplin	Pahls	Synowiecki
Christensen	Gay	Kruse	Pankonin	Wallman
Cornett	Hansen	Langemeier	Pedersen	White
Dierks	Harms	Lathrop	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 1:

Nelson

Excused and not voting, 3:

Chambers Fulton Johnson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 202.

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

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Present and not voting, 2:

Adams Nelson

Excused and not voting, 3:

Chambers Fulton Johnson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 204.

A BILL FOR AN ACT relating to labor; to amend sections 48-2102, 48-2103, 48-2104, 48-2107, 48-2114, and 48-2115, Reissue Revised Statutes of Nebraska; to change provisions relating to the Contractor Registration Act; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 31:

Aguilar	Dubas	Kopplin	Pankonin	Synowiecki
Ashford	Engel	Kruse	Pedersen	Wallman
Avery	Friend	Lathrop	Pirsch	White
Carlson	Fulton	Lautenbaugh	Preister	
Chambers	Howard	McGill	Raikes	
Cornett	Hudkins	Nantkes	Rogert	
Dierks	Janssen	Pahls	Schimek	

Voting in the negative, 16:

Adams	Fischer	Harms	Louden
Burling	Flood	Heidemann	McDonald
Christensen	Gay	Karpisek	Stuthman
Erdman	Hansen	Langemeier	Wightman

Present and not voting, 1:

Nelson

Excused and not voting, 1:

Johnson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 204A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 204, One Hundredth Legislature, Second Session, 2008.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 38:

Aguilar	Fischer	Howard	McGill	Rogert
Ashford	Flood	Hudkins	Nantkes	Schimek
Avery	Friend	Janssen	Pahls	Synowiecki
Chambers	Fulton	Karpisek	Pankonin	Wallman
Cornett	Gay	Kopplin	Pedersen	White
Dierks	Hansen	Kruse	Pirsch	Wightman
Dubas	Harms	Lathrop	Preister	
Engel	Heidemann	Lautenbaugh	Raikes	

Voting in the negative, 8:

Adams	Carlson	Erdman	McDonald
Burling	Christensen	Langemeier	Stuthman

Present and not voting, 2:

Louden Nelson

Excused and not voting, 1:

Johnson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 205. With Emergency.

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

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Adams	Engel	Howard	McGill	Schimek
Aguilar	Erdman	Hudkins	Nantkes	Synowiecki
Ashford	Fischer	Janssen	Nelson	Wallman
Avery	Flood	Karpisek	Pahls	White
Carlson	Fulton	Kopplin	Pankonin	Wightman
Chambers	Gay	Kruse	Pedersen	
Cornett	Hansen	Lathrop	Pirsch	
Dierks	Harms	Louden	Preister	
Dubas	Heidemann	McDonald	Raikes	

Voting in the negative, 0.

Present and not voting, 7:

Burling	Friend	Lautenbaugh	Stuthman
Christensen	Langemeier	Rogert	

Excused and not voting, 1:

Johnson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 210.

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

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

McGill

Excused and not voting, 1:

Johnson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 246. With Emergency.

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

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Johnson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 269.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 23-148, 23-149, 23-151, 23-202, 23-292, 23-293, 23-294, 23-295, 23-296, 23-297, 23-299, and 51-201.03, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to county organization; to change provisions relating to establishment of a county library; to harmonize provisions; to repeal the original sections; and to outright repeal sections 23-283, 23-287, 23-290, and 23-291, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Johnson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 312.

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

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 3:

Kruse	Langemeier	Nelson
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Excused and not voting, 1:

Johnson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER FLOOD PRESIDING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB379 with 39 ayes, 3 nays, 6 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 379.

A BILL FOR AN ACT relating to corporations; to amend sections 21-1302, 21-1403, 21-1921, 21-1934, 21-1935, 21-19,148, 21-19,152, 21-19,153, 21-19,161, 21-19,172, 21-2018, 21-2032, 21-20,170, 21-20,175, 21-20,181.01, 21-2304, and 21-2638, Reissue Revised Statutes of Nebraska, and sections 21-301, 21-302, 21-304, 21-305, 21-2216, 21-2601.01, 21-2606, 21-2610, and 21-2632.01, Revised Statutes Cumulative Supplement, 2006; to change certain reporting, notice, and filing provisions; to eliminate references to professional limited liability companies; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Johnson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 380.

A BILL FOR AN ACT relating to the Mortgage Bankers Registration and Licensing Act; to amend sections 45-705 and 45-706, Revised Statutes Supplement, 2007; to change a license application requirement; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Pankonin

Excused and not voting, 1:

Johnson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB383 with 39 ayes, 3 nays, 6 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 383.

A BILL FOR AN ACT relating to partnerships; to amend sections 67-236, 67-240, 67-241, 67-281, 67-283, and 67-415, Reissue Revised Statutes of Nebraska, and sections 67-454, 67-456, and 67-458, Revised Statutes Cumulative Supplement, 2006; to modify provisions relating to the address of the agent for partnerships under the Nebraska Uniform Limited Partnership Act and the Uniform Partnership Act of 1998; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Johnson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 690.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-413, Reissue Revised Statutes of Nebraska, and sections 37-414 and 37-452, Revised Statutes Supplement, 2007; to change provisions relating to mandatory firearm hunter education and bow hunter education programs; to provide for apprentice hunter education exemption certificates; to change provisions relating to hunting permits; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

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

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Schimek

Excused and not voting, 1:

Johnson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 706. With Emergency.

A BILL FOR AN ACT relating to limited cooperative associations; to amend section 21-2970, Revised Statutes Supplement, 2007; to delete erroneous references to corporation that should be references to limited cooperative association; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Johnson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 707.

A BILL FOR AN ACT relating to partnerships; to amend sections 67-294, 67-464, and 67-465, Reissue Revised Statutes of Nebraska; to repeal sections that terminated on January 1, 2001; to repeal sections that are no longer needed; to harmonize provisions; to repeal the original sections; and to outright repeal sections 67-101, 67-102, 67-103, 67-104, 67-105, 67-106, 67-301, 67-302, 67-303, 67-304, 67-305, 67-306, 67-307, 67-308, 67-309, 67-310, 67-311, 67-312, 67-313, 67-314, 67-315, 67-316, 67-317, 67-318, 67-319, 67-320, 67-321, 67-322, 67-323, 67-324, 67-325, 67-326, 67-327, 67-328, 67-329, 67-330, 67-331, 67-332, 67-333, 67-334, 67-335, 67-336, 67-337, 67-338, 67-339, 67-340, 67-341, 67-342, 67-343, 67-344, 67-345, 67-346, and 67-466, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 2:

Christensen Pirsch

Excused and not voting, 1:

Johnson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 5CA.

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

Section 1. At the primary election in May 2010 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article XIII, section 2:

XIII-2 (1) Notwithstanding any other provision in the Constitution, the Legislature may authorize any county or incorporated city or village, including cities operating under home rule charters, to acquire, own, develop, and lease real and personal property suitable for use by manufacturing or industrial enterprises and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing such property by construction, purchase, or otherwise. The Legislature may also authorize such county, city, or village to acquire, own, develop, and lease real and personal property suitable for use by enterprises as determined by law if such property is located in blighted areas as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued. Any real or personal property acquired, owned, developed, or used by any such county, city, or village pursuant to this ~~section-subsection~~ shall be subject to taxation to the same extent as private property during the time it is leased to or held by private interests, notwithstanding the provisions of Article VIII, section 2, of ~~the this~~ Constitution. The acquiring, owning, developing, and leasing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof.

(2) Notwithstanding any other provision in this Constitution, the Legislature may also authorize any county, city, or village to acquire, own, develop, and lease or finance real and personal property, other than property used or to be used for sectarian instruction or study or as a place for devotional activities or religious worship, to be used, during the term of any revenue bonds issued, only by nonprofit enterprises as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued, and such governmental subdivision shall have no authority to impose taxes for the

payment of such bonds. Notwithstanding the provisions of Article VIII, section 2, of this Constitution, the acquisition, ownership, development, use, or financing of any real or personal property pursuant to the provisions of this subsection shall not affect the imposition of any taxes or the exemption therefrom by the Legislature pursuant to this Constitution. The acquiring, owning, developing, and leasing or financing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property for the purposes specified in this subsection by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof.

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

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

A constitutional amendment to authorize the use of revenue bonds to develop and lease property for use by nonprofit enterprises as determined by law.

For

Against.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Johnson

A constitutional four-fifths majority having voted in the affirmative, the resolution was declared passed for the primary election.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 92, 177, 202, 204, 204A, 205, 210, 246, 269, 312, 379, 380, 383, 690, 706, 707, and LR5CA.

COMMITTEE REPORT

Revenue

LEGISLATIVE BILL 965. Placed on General File with amendment. AM1750 is available in the Bill Room.

(Signed) Ray Janssen, Chairperson

COMMUNICATIONS

January 31, 2008

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

Dear Mr. O'Donnell:

Pursuant to the Provisions of Section 85-408, R.R.S. of Nebraska, 1943, Legislative approval is required for the following University of Nebraska projects:

University of Nebraska-Lincoln, Student Housing Wireless Installation. This project will extend the campus wireless service to residence halls, including student rooms and common areas such as social lounges and study halls on UNL City and East Campuses. The project is estimated to cost \$950,000.

The expenditure relates to the Bond Resolution dated December 1, 1964, authorizing the issuance of Revenue Bonds by the Board of Regents. The board has heretofore issued revenue bonds payable from the revenues and fees derived from the ownership and operation of the dormitories and other facilities for the housing and boarding of

students, student unions, student health facilities and other facilities for the activities of students located on the campus of the University of Nebraska-Lincoln, under which a 1986 Surplus Fund was created.

Section 6.2 of the Resolution requires the Board to operate the facilities in an efficient, sound and economical manner and to keep all facilities and betterments thereto in good repair, working order and condition and to make all necessary and proper repairs, renewals, replacements, additions, extension and betterments thereto, so that at all times the business carried on in connection therewith shall be properly and advantageously conducted.

Request. The University requests approval of the installation of the wireless network proposal to enhance computer services to UNL residents in the amount of \$950,000 to be financed with student fees and facilities revenue bond bonds.

The Board of Regents authorized this expenditure at its November 9, 2007, meeting.

Pursuant to the Provisions of Section 85-1415, R.R.S. of Nebraska, Legislative approval is required for the following University of Nebraska projects:

University of Nebraska-Lincoln, Whittier Building Renovation. The University of Nebraska-Lincoln proposes to renovate the Whittier Building to create a modern laboratory and office facility that will make the University competitive in attracting faculty, staff, students, and research funding. The project is estimated to cost \$23,750,000.

Request. The University requests approval of the Whittier Building Renovation totaling \$23,750,000 to be financed from University of Nebraska Facilities Corporation Bonds.

University of Nebraska-Lincoln, NanoScience Facility. The University of Nebraska-Lincoln proposes to construct a Nanoscience Facility. This facility will allow UNL to pursue excellence in scholarly and research activity in the rapidly growing field of nanomaterials and nanotechnology. The proposed facility consists of research space, laboratory support space and administrative space. The project will complete generic space in the Physical Sciences Building as nanotechnology space and construct a north addition to the Physical Sciences building. The project is estimated to cost \$13,500,000.

Request. The University requests approval of the NanoScience Building totaling \$13,500,000 to be financed from University of Nebraska Facilities Corporation Revenue Bonds.

University of Nebraska-Lincoln, Animal Research Facility

Renovation. This project will replace the building's mechanical and electrical systems, correct fire and life safety and accessibility deficiencies, and reconfigure spaces to better meet the present and future programmatic needs. The project is estimated to cost \$5,000,000.

Request. The University requests approval of the Animal Research Facility Renovation totaling \$5,000,000 to be financed from University of Nebraska Facilities Corporation bonds.

The Board of Regents authorized these expenditures at its January 18, 2008, meeting.

The Nebraska Coordinating Commission for Postsecondary Education approved the expenditures for these projects on January 31, 2008. The CCPE Bond Project Evaluation Forms indicating approval of the projects are attached.

Thank you for your consideration of these projects.

Respectfully submitted,
(Signed) Donal J. Burns
Corporation Secretary

February 1, 2008

Senator Pat Engel
Chairperson, Executive Board
Room 2010
State Capitol
Lincoln, NE 68509

Dear Senator Engel,

Enclosed is correspondence from Donal J. Burns, Corporation Secretary for the Office of the President of the University of Nebraska and correspondence from the Coordinating Commission for Postsecondary Education. The correspondence relates to expenditure of bond funds for the following:

University of Nebraska at Lincoln: Student Housing Wireless Installation.

University of Nebraska at Lincoln: Whittier Building Renovation.

University of Nebraska at Lincoln: NanoScience Facility.

University of Nebraska at Lincoln: Animal Research Facility Renovation.

I am forwarding this correspondence to you for Executive Board action.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:ck

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board referred the University of Nebraska's request to issue revenue bonds to the Appropriations Committee for further consideration.

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

SELECT FILE

LEGISLATIVE BILL 235. Senator Nantkes renewed her amendment, AM1721, found on page 465.

SENATOR LANGEMEIER PRESIDING

PRESIDENT SHEEHY PRESIDING

Senator Chambers offered the following amendment to the Nantkes amendment:

FA165

Amend AM1721

In lines 2 and 4 strike "two" and insert "eight".

Senator Chambers moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 4:

Chambers Christensen Rogert Wallman

Voting in the negative, 39:

Adams	Engel	Howard	Lautenbaugh	Pirsch
Aguilar	Erdman	Hudkins	McDonald	Preister
Ashford	Fischer	Janssen	McGill	Raikes
Avery	Flood	Karpisek	Nantkes	Schimek
Carlson	Friend	Kopplin	Nelson	Stuthman
Cornett	Fulton	Kruse	Pahls	White
Dierks	Hansen	Langemeier	Pankonin	Wightman
Dubas	Harms	Lathrop	Pedersen	

Present and not voting, 3:

Burling Gay Synowiecki

Excused and not voting, 3:

Heidemann Johnson Louden

The Chambers amendment lost with 4 ayes, 39 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

The Nantkes amendment was adopted with 25 ayes, 9 nays, 12 present and not voting, and 3 excused and not voting.

Senator Nantkes renewed her amendment, AM1719, found on page 465.

Senator Chambers offered the following amendment to the Nantkes amendment:

FA166

Amend AM1719

P. 2, strike lines 10 and 11.

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

The Chambers amendment lost with 4 ayes, 21 nays, 18 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

ANNOUNCEMENT

Senator Howard designates LB782 as her priority bill.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 1, 2008, at 10:35 a.m. were the following: LBs 92, 177, 202, 204, 204A, 205e, 210, 246e, 269, 312, 379, 380, 383, 690, 706e, and 707.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on February 1, 2008, at 10:45 a.m. was the following: LR5CA.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

COMMITTEE REPORT

Natural Resources

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

John Baker - Environmental Quality Council
John Turnbull - Environmental Quality Council

Aye: 8 Senators Carlson, Christensen, Dubas, Fischer, Hudkins, Kopplin, Loudon, Wallman. Nay: 0. Absent: 0.

(Signed) LeRoy Loudon, Chairperson

COMMITTEE REPORT

Enrollment and Review

LEGISLATIVE BILL 157. Placed on Final Reading.
ST9063

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

1. On page 1, the matter beginning with "infants" in line 1 through line 4 and all amendments thereto have been struck and "children; to prohibit prosecution for leaving a child at a hospital; and to provide a duty for the hospital." inserted.

(Signed) Amanda McGill, Chairperson

COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 743. Placed on General File.

LEGISLATIVE BILL 865. Placed on General File.

(Signed) LeRoy Louden, Chairperson

NOTICE OF COMMITTEE HEARINGS

General Affairs

Room 1510

Monday, February 25, 2008 1:30 p.m.

Thomas, Patrick J. - Nebraska Liquor Control Commission

LB993

LB1103

LB955

(Signed) Vickie McDonald, Chairperson

Health and Human Services

Room 1510

Wednesday, February 13, 2008 1:30 p.m.

Sykes, Leon - Board of Emergency Medical Services

Schroeder, Dave - Foster Care Review Board

LB972

LB1029

LB1031

LB1070

Thursday, February 14, 2008 1:30 p.m.

Dokken, Steven - Nebraska Rural Health Advisory Commission

LB1074

LB994

LB1123

Wednesday, February 20, 2008 1:30 p.m.

Madsen, Patricia - Child Abuse Prevention Fund Board

LB1108
LB1163
LB1169

Thursday, February 21, 2008 1:30 p.m.

LB1121
LB1122
LB1176

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

LB1022
LB1104
LB1124

Wednesday, February 27, 2008 1:30 p.m.

LB742
LB1120
LB1173

Thursday, February 28, 2008 1:30 p.m.

LB951
LB1003

(Signed) Joel Johnson, Chairperson

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB235:

FA167

Amend AM1719

P. 2, line 3 strike semicolon and insert "as defined by the United States Supreme Court";"

Senator Carlson filed the following amendment to LB235:

FA168

Amend AM1719

page 2 line 4 strike "toward" insert "against"

Senator Nantkes filed the following amendment to LB235A:

AM1728

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. The State Treasurer shall transfer (1)
- 4 \$2,500,000 from the General Fund to the Film Enhancement Rebate
- 5 Program Fund within five days after the effective date of this

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

11 Sec. 2. There is hereby appropriated (1) \$2,500,000
 12 from the Film Enhancement Rebate Program Fund for FY2008-09 and
 13 (2) \$2,500,000 from the Film Enhancement Rebate Program Fund for
 14 FY2009-10 to the Department of Economic Development, for Program
 15 603, to aid in carrying out the provisions of Legislative Bill 235,
 16 One Hundredth Legislature, Second Session, 2008.

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

22 Total expenditures for permanent and temporary salaries
 23 and per diems from funds appropriated in this section shall not
 1 exceed \$76,000 in FY2008-09 and \$79,000 in FY2009-10.

MOTION - Print in Journal

Senator Chambers filed the following motion to LB235:
 MO121
 Reconsider the vote on FA166.

UNANIMOUS CONSENT - Add Cointroducers

Senator Kopplin asked unanimous consent to add his name as cointroducer to LB700. No objections. So ordered.

Senator Avery asked unanimous consent to add his name as cointroducer to LB981. No objections. So ordered.

WITHDRAW - Cointroducer

Senator Hudkins withdrew her name as cointroducer to LB1040.

VISITORS

Visitors to the Chamber were members of Nebraska Dental Hygienists Association from across the state; Senator Carlson's wife and son, Margo and Nathan, from Holdrege; Senator Christensen's son and daughter, Steven Fish and Ryelee Christensen, from Imperial; Russ, Michelle, Haley, and Josh Kalkwarf from Wilber; Alexis Rencountre, Clerk of the Congress, and Archie Mason, Speaker of the Congress, from Osage Nation Congress, Pawhuska, Oklahoma; and members of the Nebraska Commission on Indian Affairs.

The Doctor of the Day was Dr. Roger Meyer from Utica.

ADJOURNMENT

At 12:00 p.m., on a motion by Senator Heidemann, the Legislature adjourned until 10:00 a.m., Monday, February 4, 2008.

Patrick J. O'Donnell
Clerk of the Legislature

