

THIRTY-FOURTH DAY - MARCH 4, 2008

LEGISLATIVE JOURNAL

**ONE HUNDREDTH LEGISLATURE
SECOND SESSION**

THIRTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 4, 2008

PRAYER

The prayer was offered by Pastor Bob Lawrence, South Auburn Church of Christ, Auburn.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Dierks, Engel, Heidemann, Nantkes, and Pedersen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-third day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 962. Placed on Select File.

LEGISLATIVE BILL 914. Placed on Select File with amendment.
ER8174

- 1 1. Strike original section 25 and insert the following
- 2 new section:
- 3 Sec. 26. Sections 1, 8, 13, 17, 18, 19, 20, 21, 22, 24,
- 4 25, 26, 27, and 29 of this act become operative on their effective
- 5 date. Sections 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 14, 15, 16, 23, and
- 6 28 of this act become operative on January 1, 2009.
- 7 2. On page 1, line 2, after the first comma insert
- 8 "77-1783.01,".
- 9 3. On page 27, line 9, strike "subsections (11) and
- 10 (12)", show as stricken, and insert "this subsection and subsection
- 11 (11)".
- 12 4. On page 41, line 18, strike "Incentive" and insert

13 "Incentives".

14 5. On page 66, line 1, strike "effective date of this
15 act" and insert "operative date of this section"; and in line 14
16 after "November" insert an underscored comma.

17 6. On page 67, line 8, after "repealed" insert a period.

LEGISLATIVE BILL 822. Placed on Select File.

LEGISLATIVE BILL 1147. Placed on Select File with amendment.
ER8175

1 1. In the Standing Committee amendment, AM1999:

2 a. On page 10, lines 10 and 11; page 13, lines 4 and 5;
3 and page 16, lines 10 and 11, strike "Bureau of Labor Statistics"
4 and insert "Bureau of Labor Statistics."; and

5 b. On page 16, line 27, before "Except" insert "(2)".

6 2. On page 1, strike beginning with "24-710.07" in line
7 3 through the semicolon in line 5 and insert "23-2306, 23-2309.01,
8 23-2310.05, 24-710.07, 24-710.10, 81-2027.03, 84-1307, 84-1310.01,
9 and 84-1311.03, Revised Statutes Cumulative Supplement, 2006,
10 and sections 23-2320, 79-947.01, and 84-1322, Revised Statutes
11 Supplement, 2007; to change contribution allocation provisions and
12 contribution requirements under the County Employees Retirement Act
13 and the State Employees Retirement Act;".

LEGISLATIVE BILL 952. Placed on Select File with amendment.
ER8173

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

3 Section 1. Section 81-119, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 81-119 Each department created by section 81-101 shall
6 have power through its head, or any deputy, assistant, or employee,
7 when authorized by him or her, to make a thorough investigation
8 into all the books, papers, and affairs of any person, firm,
9 or corporation when in the judgment of such department such
10 examination is necessary to the proper performance of its duties
11 and the efficient enforcement of the laws. Such department may
12 subpoena witnesses to attend investigative hearings and have such
13 witnesses bring with them books, accounts, and documents necessary
14 for a thorough investigation. Such witnesses may be examined under
15 oath. These powers shall not be used for criminal investigations.
16 ~~and in so doing to administer oaths and affirmations and to examine~~
17 ~~on oath or affirmation any person, officer, agent or clerk of any~~
18 ~~firm or corporation touching the matters which, in the judgment of~~
19 ~~such department, ought to be inquired into, and to examine and to~~
20 ~~summon, and by attachment compel the attendance of, any person or~~
21 ~~persons in this state to testify under oath before such department~~
22 ~~or its secretary or any deputy, any assistant or employee thereof~~
23 ~~in relation thereto.~~

- 1 Sec. 2. Original section 81-119, Reissue Revised Statutes
 2 of Nebraska, is repealed.
 3 2. On page 1, strike beginning with the last comma in
 4 line 2 through line 7 and insert "; to change provisions relating
 5 to investigatory powers; and to repeal the original section."

(Signed) Amanda McGill, Chairperson

MESSAGE FROM THE GOVERNOR

February 26, 2008

Mr. President, Speaker Flood
 and Members of the Legislature
 State Capitol Building
 Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed to the Nebraska Railway Council:

Ralph Holzfaster, 77045 Road 343, Paxton, NE 69155

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and background information are included for your review.

Sincerely,
 (Signed) Dave Heineman
 Governor

Enclosures

COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 809. Placed on General File with amendment.
 AM1981

- 1 1. Strike section 1 and insert the following new section:
 2 Section 1. Section 71-519, Revised Statutes Supplement,
 3 2007, is amended to read:
 4 71-519 ~~(1) AH (1)(a) Except as provided in subdivision~~
 5 (b) of this subsection, all infants born in the State of Nebraska
 6 shall be screened for phenylketonuria, primary hypothyroidism,
 7 biotinidase deficiency, galactosemia, hemoglobinopathies,
 8 medium-chain acyl co-a dehydrogenase (MCAD) deficiency, and
 9 such other metabolic diseases as the Department of Health and Human
 10 Services may from time to time specify. Confirmatory tests shall be
 11 performed if a presumptive positive result on the screening test

12 is obtained.

13 (b) A parent or legal guardian of an infant subject to
14 the requirements of subdivision (a) of this subsection may request
15 and shall be granted an exemption from such requirements on behalf
16 of the infant based on the sincerely held religious beliefs of
17 such parent or legal guardian. Such request shall be made in
18 writing on a form developed by the department and filed with the
19 attending physician or person registering the infant's birth under
20 subsection (2) of this section. Such request shall be reported
21 to the department and shall be made part of the infant's medical
22 record. The department shall make forms available to request and
23 report such exemption. Such forms shall include a warning and
1 relevant information relating to the risks associated with the
2 failure to receive the screening.

3 (2) The attending physician shall collect or cause to
4 be collected the prescribed blood specimen or specimens and shall
5 submit or cause to be submitted the same to the laboratory
6 designated by the department for the performance of such tests
7 within the period and in the manner prescribed by the department.
8 If a birth is not attended by a physician and the infant does
9 not have a physician, the person registering the birth shall
10 cause such tests to be performed within the period and in the
11 manner prescribed by the department. The laboratory shall within
12 the period and in the manner prescribed by the department perform
13 such tests as are prescribed by the department on the specimen
14 or specimens submitted and report the results of these tests to
15 the physician, if any, the hospital or other birthing facility or
16 other submitter, and the department. The laboratory shall report
17 to the department the results of such tests that are presumptive
18 positive or confirmed positive within the period and in the manner
19 prescribed by the department.

20 (3) The hospital or other birthing facility shall record
21 the collection of specimens for tests for metabolic diseases and
22 the report of the results of such tests or the absence of such
23 report. For purposes of tracking, monitoring, and referral, the
24 hospital or other birthing facility shall provide from its records,
25 upon the department's request, information about the infant's and
26 mother's location and contact information, and care and treatment
27 of the infant.

1 (4)(a) The department shall have authority over the
2 use, retention, and disposal of blood specimens and all related
3 information collected in connection with metabolic disease testing
4 conducted under subsection (1) of this section.

5 (b) The department shall adopt and promulgate rules
6 and regulations relating to the retention and disposal of such
7 specimens. The rules and regulations shall: (i) Be consistent with
8 nationally recognized standards for laboratory accreditation and
9 shall comply with all applicable provisions of federal law; (ii)
10 require that the disposal be conducted in the presence of a witness

11 who may be an individual involved in the disposal or any other
12 individual; and (iii) provide for maintenance of a written or
13 electronic record of the disposal, verified by such witness.

14 (c) The department shall adopt and promulgate rules and
15 regulations relating to the use of such specimens and related
16 information. Such use shall only be made for public health purposes
17 and shall comply with all applicable provisions of federal law.
18 The department may charge a reasonable fee for evaluating proposals
19 relating to the use of such specimens for public health research
20 and for preparing and supplying specimens for research proposals
21 approved by the department.

22 (5) The department shall prepare written materials
23 explaining the requirements of this section. The department shall
24 include the following information in the pamphlet:

25 (a) The nature and purpose of the testing program
26 required under this section, including, but not limited to, a brief
27 description of each condition or disorder listed in subsection (1)
1 of this section;

2 (b) The purpose and value of the infant's parent,
3 guardian, or person in loco parentis retaining a blood specimen
4 obtained under subsection (6) of this section in a safe place;

5 (c) The department's procedures for retaining and
6 disposing of blood specimens developed under subsection (4) of this
7 section; and

8 (d) That the blood specimens taken for purposes of
9 conducting the tests required under subsection (1) of this section
10 may be used for research pursuant to subsection (4) of this
11 section.

12 (6) In addition to the requirements of subsection (1)
13 of this section, the attending physician or person registering
14 the birth may offer to draw an additional blood specimen from
15 the infant. If such an offer is made, it shall be made to the
16 infant's parent, guardian, or person in loco parentis at the
17 time the blood specimens are drawn for purposes of subsection (1)
18 of this section. If the infant's parent, guardian, or person in
19 loco parentis accepts the offer of an additional blood specimen,
20 the blood specimen shall be preserved in a manner that does not
21 require special storage conditions or techniques, including, but
22 not limited to, lamination. The attending physician or person
23 making the offer shall explain to the parent, guardian, or person
24 in loco parentis at the time the offer is made that the additional
25 blood specimen can be used for future identification purposes and
26 should be kept in a safe place. The attending physician or person
27 making the offer may charge a fee that is not more than the actual
1 cost of obtaining and preserving the additional blood specimen.

2 (7) The person responsible for causing the tests to be
3 performed under subsection (2) of this section shall inform the
4 parent or legal guardian of the infant of the tests and of the
5 results of the tests and provide, upon any request for further

6 information, at least a copy of the written materials prepared
7 under subsection (5) of this section.

8 (8) Dietary and therapeutic management of the infant with
9 phenylketonuria, primary hypothyroidism, biotinidase deficiency,
10 galactosemia, hemoglobinopathies, MCAD deficiency, or such other
11 metabolic diseases as the department may from time to time specify
12 shall be the responsibility of the child's parent, guardian, or
13 custodian with the aid of a physician selected by such person.

14 (9) Except for acts of gross negligence or willful or
15 wanton conduct, any physician, hospital or other birthing facility,
16 laboratory, or other submitter making reports or notifications
17 under sections 71-519 to 71-524 shall be immune from criminal or
18 civil liability of any kind or character based on any statements
19 contained in such reports or notifications.

LEGISLATIVE BILL 1048. Placed on General File with amendment.
AM1979

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

3 Section 1. Section 71-606, Revised Statutes Supplement,
4 2007, is amended to read:

5 71-606 (1) A stillborn child ~~born dead~~ shall be
6 registered as a fetal death on a certificate form furnished by the
7 department. Such certificate shall not be required for a child
8 which has not advanced to the twentieth week of gestation. The
9 certificate shall be filed with the department by the funeral
10 director and embalmer in charge of the funeral and shall include
11 a statement of the cause of death made by a person holding a
12 valid license as a physician who was in attendance. In the event
13 of hospital disposition, as provided in section 71-20,121, the
14 entire certificate shall be completed by the attending physician
15 and subscribed to also by the hospital administrator or his or her
16 designated representative. If the attendant is not a physician, the
17 death shall be referred to the county attorney for certification.
18 The same time limit for completion shall apply as for a regular
19 death certificate.

20 (2)(a) The parent of a stillborn child may request a
21 certificate of birth resulting in stillbirth for such child,
22 regardless of the date of filing of the corresponding fetal death
23 certificate. The department shall provide such certificate upon
1 request and payment of the required fee. For purposes of this
2 section, certificate of birth resulting in stillbirth means a birth
3 certificate issued to record the birth of a stillborn child born.

4 (b) The person responsible for filing a fetal death
5 certificate under this section shall notify the parent or parents
6 of the stillborn child that such parent may request a certificate
7 of birth resulting in stillbirth and shall provide the necessary
8 information for making such request.

9 (c) The parent requesting a certificate of birth

10 resulting in stillbirth may provide a name for the stillborn
 11 child. If no name is provided, the department shall enter upon
 12 the certificate the name "baby boy" or "baby girl" and the last
 13 name of the requesting parent. The name on the original or amended
 14 certificate of birth resulting in stillbirth shall be the same as
 15 that entered on the original or amended fetal death certificate
 16 and shall include the state file number of the corresponding fetal
 17 death certificate for such child.

18 Sec. 2. Original section 71-606, Revised Statutes
 19 Supplement, 2007, is repealed.

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

LEGISLATIVE BILL 1108. Placed on General File with amendment.
 AM1897

1 1. Insert the following new sections:

2 Sec. 2. Section 38-2115, Revised Statutes Supplement,
 3 2007, is amended to read:

4 38-2115 (1) Mental health practice means the provision
 5 of treatment, assessment, psychotherapy, counseling, or equivalent
 6 activities to individuals, couples, families, or groups for
 7 behavioral, cognitive, social, mental, or emotional disorders,
 8 including interpersonal or personal situations.

9 (2) Mental health practice does not include:

10 (a) The practice of psychology or medicine;

11 (b) Prescribing drugs or electroconvulsive therapy;

12 (c) Treating physical disease, injury, or deformity;

13 (d) Diagnosing major mental illness or disorder except in
 14 consultation with a qualified physician, ~~or~~ a psychologist licensed
 15 to engage in the practice of psychology as provided in section
 16 38-3111, or a licensed independent mental health practitioner;

17 (e) Measuring personality or intelligence for the purpose
 18 of diagnosis or treatment planning;

19 (f) Using psychotherapy with individuals suspected of
 20 having major mental or emotional disorders except in consultation
 21 with a qualified physician, ~~a~~ ~~or~~ licensed psychologist, or a
 22 licensed independent mental health practitioner; or

23 (g) Using psychotherapy to treat the concomitants of
 1 organic illness except in consultation with a qualified physician
 2 or licensed psychologist.

3 (3) Mental health practice includes the initial
 4 assessment of organic mental or emotional disorders for the purpose
 5 of referral or consultation.

6 (4) Nothing in sections 38-2114, 38-2118, and 38-2119
 7 shall be deemed to constitute authorization to engage in activities
 8 beyond those described in this section. Persons certified under the
 9 Mental Health Practice Act but not licensed under section 38-2122
 10 shall not engage in mental health practice.

11 Sec. 3. Section 38-2116, Revised Statutes Supplement,

12 2007, is amended to read:

13 38-2116 (1) Mental health practitioner means a person who
 14 holds himself or herself out as a person qualified to engage in
 15 mental health practice or a person who offers or renders mental
 16 health practice services. Independent mental health practitioner
 17 means a person who holds himself or herself out as a person
 18 qualified to engage in independent mental health practice or a
 19 person who offers or renders independent mental health practice
 20 services.

21 (2) A person who is licensed as a mental health
 22 practitioner ~~or an independent mental health practitioner~~ and
 23 certified as a master social worker may use the title licensed
 24 clinical social worker. A person who is licensed as a mental health
 25 practitioner ~~or an independent mental health practitioner~~ and
 26 certified as a professional counselor may use the title licensed
 27 professional counselor. A person who is licensed as a mental
 1 health practitioner ~~or an independent mental health practitioner~~
 2 and certified as a marriage and family therapist may use the
 3 title licensed marriage and family therapist. No person shall use
 4 the title licensed clinical social worker, licensed professional
 5 counselor, or licensed marriage and family therapist unless he or
 6 she is licensed and certified as provided in this subsection.

7 (3) A person who is licensed as an independent mental
 8 health practitioner and certified as a master social worker may
 9 use the title licensed independent clinical social worker. A person
 10 who is licensed as an independent mental health practitioner and
 11 certified as a professional counselor may use the title licensed
 12 independent professional counselor. A person who is licensed as an
 13 independent mental health practitioner and certified as a marriage
 14 and family therapist may use the title licensed independent
 15 marriage and family therapist. No person shall use the title
 16 licensed independent clinical social worker, licensed independent
 17 professional counselor, or licensed independent marriage and family
 18 therapist unless he or she is licensed and certified as provided in
 19 this subsection.

20 ~~(3)-(4)~~ A mental health practitioner shall not represent
 21 himself or herself as a physician or psychologist and shall not
 22 represent his or her services as being medical or psychological
 23 in nature. An independent mental health practitioner shall not
 24 represent himself or herself as a physician or psychologist.

25 2. On page 3, line 12, reinstate the stricken language;
 26 in lines 12 through 14 strike the new language; strike lines 5, 6,
 27 17, and 18 and show as stricken; and after lines 6 and 18 insert
 1 the following new subdivision:

2 "(ii)(A) Is licensed as a licensed mental health
 3 practitioner or (B) is licensed as a provisional mental health
 4 practitioner and has satisfactorily passed an examination approved
 5 by the board pursuant to subdivision (3) of section 38-2122; and".

6 3. On page 4, line 9, after "38-2112" insert ", 38-2115,

7 38-2116,".

8 4. Renumber the remaining sections accordingly.

(Signed) Joel Johnson, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 572. Placed on General File.

LEGISLATIVE BILL 884. Placed on General File with amendment.
AM2126

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

3 Section 1. Section 84-1602, Revised Statutes Cumulative
4 Supplement, 2006, is amended to read:

5 84-1602 Sections 84-1601 to 84-1615 shall be administered
6 by the personnel division of the Department of Administrative
7 Services. The Director of Personnel may employ such administrative,
8 clerical, secretarial, and technical assistants and consultants as
9 are required for the administration of such sections. The director
10 may also enter into agreements with public and private entities
11 and, notwithstanding other provisions of law, provide facilities at
12 state or private cost as are required for the administration of
13 such sections.

14 Sec. 2. Section 84-1611, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 84-1611 (1) ~~For any contract period or periods beginning~~
17 ~~on or after July 1, 1995, the~~ The state shall make the following
18 contributions from the various funds toward payment of a health
19 insurance or health maintenance organization program for employees
20 which may include coverage for dependents.

21 (a) ~~For any employee with a service date of May 4, 1993,~~
22 ~~or after, the state shall pay seventy nine percent of the total~~
23 ~~cost which was in effect on July 1, 1994, for the plan, option,~~
1 and coverage chosen by the employee. For any plan effective on or
2 after July 1, 1995, and for any employee with a service date of May
3 4, 1993, or after, the state shall pay seventy nine percent of the
4 total cost of the plan as of the effective date of the plan for the
5 option and coverage chosen by the employee;

6 (b) ~~For any employee who has a change in plan, option,~~
7 ~~or coverage after April 25, 1993, the state shall pay seventy nine~~
8 ~~percent of the total cost which was in effect on July 1, 1994, for~~
9 ~~the plan, option, and coverage chosen by the employee. For any plan~~
10 ~~effective on or after July 1, 1995, and for any employee who has a~~
11 ~~change in plan, option, or coverage after April 25, 1993, the state~~
12 ~~shall pay seventy nine percent of the total cost of the plan as of~~
13 ~~the effective date of the plan for the option and coverage chosen~~
14 ~~by the employee;~~

15 (c) ~~For any employee who is required to change health~~

16 carriers because of the termination of the plan and who does not
 17 change either the option or coverage, the state shall pay an amount
 18 equal to seventy nine percent of the total cost which was in effect
 19 on July 1, 1994, for the optional major medical plan for the
 20 same coverage as the plan chosen by the employee, subject to the
 21 limitations in subsection (2) of this section;

22 (d) For any employee who chooses any coverage of the
 23 preferred provider organization plan, the state shall pay an amount
 24 equal to seventy nine percent of the total cost which was in effect
 25 on July 1, 1994, for the optional major medical plan for the same
 26 coverage chosen by the employee; and

27 (e) For all other employees, except as limited in
 1 subsection (2) of this section, the state shall pay an amount
 2 equal to seventy nine percent of the total cost which was in effect
 3 on July 1, 1994, for the optional major medical plan for the same
 4 coverage as the plan chosen by the employee.

5 (2)(a) Under no circumstances shall the state's
 6 contribution exceed the actual cost of the plan, option, and
 7 coverage chosen by the employee.

8 (b) The state's contribution shall not be less than
 9 seventy-nine percent of the total cost ~~which was in effect on~~
 10 ~~July 1, 1994,~~ for the plan, option, and coverage chosen by the
 11 employee if the employee enrolls and participates as required in
 12 a wellness program offered by the state through the Department of
 13 Administrative Services. The state's contribution shall not be less
 14 than sixty-nine percent of the total cost for the plan, option, and
 15 coverage chosen by the employee if the employee does not enroll
 16 and participate as required in a wellness program offered by the
 17 state through the department. Any wellness program offered shall
 18 contain alternatives which allow participation by persons with
 19 disabilities. If no alternative is allowed, the department shall
 20 provide a waiver procedure for persons with disabilities.

21 (3) For purposes of this section, (a) coverage shall
 22 mean the rate categories of one-party, two-party, four-party, and
 23 family, as offered under any contract entered into for medical
 24 benefits, and (b) option shall mean one of the choices of levels of
 25 medical and other benefits offered by a carrier, ~~and~~ (c) ~~service~~
 26 ~~date shall mean the date maintained in the Nebraska employees~~
 27 ~~information system and used for calculating vacation and sick leave~~
 1 ~~benefits.~~

2 (4) If any provision of this section varies from the
 3 terms of a labor contract, the terms of the labor contract shall
 4 prevail for the employees covered by the labor contract.

5 Sec. 3. The Wellness Program Design Advisory Group is
 6 created. The members shall be appointed by the Governor. The group
 7 shall have five members: (1) The chief medical officer designated
 8 in section 81-3115; (2) the Director of Administrative Services;
 9 (3) an employee representative from a code agency of the State of
 10 Nebraska; (4) an employee representative from a noncode agency of

11 the State of Nebraska; and (5) a representative from the private
12 sector who shall be experienced in wellness or health benefits. The
13 Wellness Program Design Advisory Group shall be appointed by August
14 1, 2008, and shall terminate on December 31, 2009. The Department
15 of Administrative Services shall provide administrative support for
16 the group. The group shall meet as required to provide advice
17 to the department regarding the design of a wellness program,
18 including, but not limited to, advice regarding components of a
19 successful wellness program. Members shall not receive a per diem.
20 Members may be reimbursed for their actual and necessary expenses
21 as provided in sections 81-1174 to 81-1177.

22 Sec. 4. Original section 84-1611, Reissue Revised
23 Statutes of Nebraska, and section 84-1602, Revised Statutes
24 Cumulative Supplement, 2006, are repealed.

(Signed) Ray Aguilar, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 255. Introduced by McGill, 26.

WHEREAS, Minh Thu Tran, a resident of Lincoln and a student at Lincoln Northeast High School, has achieved national recognition for exemplary volunteer service by receiving the 2008 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial, in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Minh Thu Tran has earned this award by generously giving her time to the creation and maintenance of Lincoln Northeast High School's "Study Buddies Program" to provide tutoring assistance to nontraditional students; and

WHEREAS, the State of Nebraska, the strength of our communities, and the overall vitality of our society depend upon the dedication of young people like Minh Thu Tran who use their considerable talents to serve others.

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

1. That the Legislature congratulates and honors Minh Thu Tran as a recipient of the 2008 Prudential Spirit of Community Award.

2. That a copy of this resolution to sent to Minh Thu Tran.

Laid over.

MOTIONS - Approve Appointments

Senator Raikes moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 711:

Nebraska Educational Telecommunications Commission
Phillip Dudley Jr.

Voting in the affirmative, 36:

Adams	Erdman	Janssen	McDonald	Schimek
Aguilar	Fischer	Johnson	McGill	Stuthman
Avery	Friend	Karpisek	Pahls	Wallman
Burling	Fulton	Kopplin	Pankonin	White
Carlson	Gay	Kruse	Pirsch	
Christensen	Hansen	Langemeier	Preister	
Cornett	Howard	Lautenbaugh	Raikes	
Dubas	Hudkins	Louden	Rogert	

Voting in the negative, 0.

Present and not voting, 8:

Ashford	Flood	Lathrop	Synowiecki
Chambers	Harms	Nelson	Wightman

Excused and not voting, 5:

Dierks	Engel	Heidemann	Nantkes	Pedersen
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The appointment was confirmed with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Senator Fischer moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 730:

Nebraska Railway Council
Patrick Meuret

Voting in the affirmative, 34:

Adams	Erdman	Hudkins	Lautenbaugh	Pirsch
Aguilar	Fischer	Janssen	Louden	Preister
Avery	Friend	Johnson	McDonald	Raikes
Burling	Fulton	Karpisek	McGill	Schimek
Carlson	Gay	Kopplin	Nelson	Stuthman
Christensen	Hansen	Kruse	Pahls	Wightman
Engel	Howard	Langemeier	Pankonin	

Voting in the negative, 0.

Present and not voting, 12:

Ashford	Dierks	Harms	Synowiecki
Chambers	Dubas	Lathrop	Wallman
Cornett	Flood	Rogert	White

Excused and not voting, 3:

Heidemann	Nantkes	Pedersen
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The appointment was confirmed with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Senator Fischer moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 730:

Motor Vehicle Industry Licensing Board
Roy Neneman

Voting in the affirmative, 33:

Adams	Engel	Hudkins	McDonald	Schimek
Aguilar	Erdman	Janssen	McGill	Stuthman
Ashford	Fischer	Karpisek	Pahls	Wallman
Avery	Friend	Kopplin	Pankonin	White
Burling	Gay	Kruse	Pirsch	Wightman
Carlson	Hansen	Lathrop	Preister	
Christensen	Howard	Lautenbaugh	Raikes	

Voting in the negative, 0.

Present and not voting, 13:

Chambers	Dubas	Harms	Louden	Synowiecki
Cornett	Flood	Johnson	Nelson	
Dierks	Fulton	Langemeier	Rogert	

Excused and not voting, 3:

Heidemann	Nantkes	Pedersen
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The appointment was confirmed with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

BILLS ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB123 with 41 ayes, 2 nays, 4 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 123.

A BILL FOR AN ACT relating to real property; to amend section 87-302, Revised Statutes Cumulative Supplement, 2006; to adopt the Nebraska Foreclosure Protection Act; to provide a penalty; to change provisions relating to the Uniform Deceptive Trade Practices Act; and to repeal the original section.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Heidemann Pedersen

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 268.

A BILL FOR AN ACT relating to counties; to amend sections 23-151 and 32-528, Reissue Revised Statutes of Nebraska; to change provisions relating

to election of county boards; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 41:

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

Voting in the negative, 4:

Dierks	Fulton	Hudkins	Nelson
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Present and not voting, 2:

Lautenbaugh Louden

Excused and not voting, 2:

Heidemann Pedersen

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

LEGISLATIVE BILL 279.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,173, 60-4,174, and 60-4,175, Reissue Revised Statutes of Nebraska; to change provisions relating to driver training schools; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Present and not voting, 3:

Cornett Friend Pankonin

Excused and not voting, 2:

Heidemann Pedersen

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB386 with 42 ayes, 3 nays, 2 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 386.

A BILL FOR AN ACT relating to real property; to adopt the Nebraska Security Instrument Satisfaction Act.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Heidemann Pedersen

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 500.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-652, Revised Statutes Supplement, 2007; to change provisions governing charges to the experience account of employers; and to repeal the original section.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Heidemann Pedersen

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

LEGISLATIVE BILL 586. With Emergency.

A BILL FOR AN ACT relating to liens; to amend section 52-401, Reissue Revised Statutes of Nebraska; to change medical lien provisions; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Heidemann Pedersen

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

LEGISLATIVE BILL 620.

A BILL FOR AN ACT relating to debt collection; to amend section 43-3342.03, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to collection and disbursement of child support by the State Disbursement Unit and collection of debt by state agencies; to provide for fees; to create a fund; and to repeal the original section.

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

Voting in the affirmative, 45:

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

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Synowiecki

Excused and not voting, 2:

Heidemann Pedersen

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

LEGISLATIVE BILL 623.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1207, Reissue Revised Statutes of Nebraska; to change provisions relating to speedy trial; and to repeal the original section.

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

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 2:

Louden Synowiecki

Excused and not voting, 2:

Heidemann Pedersen

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

LEGISLATIVE BILL 624.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-905, Revised Statutes Cumulative Supplement, 2006; to modify provisions relating to operation of a motor vehicle to avoid arrest; and to repeal the original section.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Schimek

Excused and not voting, 2:

Heidemann Pedersen

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

LEGISLATIVE BILL 668.

A BILL FOR AN ACT relating to personal property; to amend section 69-1305.03, Revised Statutes Cumulative Supplement, 2006; to eliminate provisions relating to gift cards and gift certificates as prescribed; and to repeal the original section.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Heidemann Pedersen

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

LEGISLATIVE BILL 715.

A BILL FOR AN ACT relating to real estate; to amend section 81-885.17, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to nonresident real estate licensees; and to repeal the original section.

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

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 2:

McGill Wightman

Excused and not voting, 2:

Heidemann Pedersen

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

LEGISLATIVE BILL 744.

A BILL FOR AN ACT relating to state government; to amend section 81-1108.17, Revised Statutes Cumulative Supplement, 2006; to authorize leases of state property as prescribed; and to repeal the original section.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Kopplin

Excused and not voting, 2:

Heidemann Pedersen

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

LEGISLATIVE BILL 747.

A BILL FOR AN ACT relating to energy; to amend sections 66-1065 and 79-10,105, Reissue Revised Statutes of Nebraska; to change provisions relating to energy financing contracts; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Heidemann Pedersen

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

LEGISLATIVE BILL 750. With Emergency.

A BILL FOR AN ACT relating to elections; to amend section 32-302, Reissue Revised Statutes of Nebraska, and sections 32-311.01 and 32-321, Revised Statutes Cumulative Supplement, 2006; to provide for voter registration applications to be distributed and returned to the office of the Secretary of State; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Heidemann Pedersen

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

LEGISLATIVE BILL 752.

A BILL FOR AN ACT relating to the Nebraska Capitol Commission; to amend section 81-1108.32, Revised Statutes Cumulative Supplement, 2006; to change membership provisions; and to repeal the original section.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Cornett

Excused and not voting, 2:

Heidemann Pedersen

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

LEGISLATIVE BILL 782. With Emergency.

A BILL FOR AN ACT relating to children; to amend section 28-725, Revised Statutes Cumulative Supplement, 2006, and section 28-726, Revised Statutes Supplement, 2007; to provide and eliminate provisions relating to disclosure of child abuse and neglect information; to repeal the original sections; to outright repeal section 28-739, Revised Statutes Cumulative Supplement, 2006, and sections 28-734, 28-735, 28-736, 28-737, and 28-738, Revised Statutes Supplement, 2007; and to declare an emergency.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Heidemann Pedersen

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

LEGISLATIVE BILL 790.

A BILL FOR AN ACT relating to agriculture; to amend section 2-5109, Revised Statutes Cumulative Supplement, 2006; to change buffer strip reimbursement; and to repeal the original section.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Heidemann Pedersen

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

LEGISLATIVE BILL 791.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-1072, 2-1074, and 2-10,116, Reissue Revised Statutes of Nebraska; to define a term; to provide for rules and regulations governing planting of certified seed potatoes; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Heidemann Pedersen

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB823 with 40 ayes, 3 nays, 4 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 823.

A BILL FOR AN ACT relating to information technology; to amend sections 86-501, 86-506, 86-516, 86-520, 86-521, 86-526, 86-527, 86-528, 86-529, 86-530, 86-552, 86-562, 86-563, 86-564, 86-565, 86-569, 86-571, 86-572, and 86-573, Revised Statutes Cumulative Supplement, 2006, and section 86-570, Revised Statutes Supplement, 2007; to change provisions relating to enterprise projects under the Information Technology Infrastructure Act, the Nebraska Information Technology Commission, the Chief Information Officer, the technical panel, and the Information Technology Infrastructure Fund; to provide powers and duties for the Nebraska Information Technology Commission and the Chief Information Officer; to require reporting of information technology plans by state agencies, boards, and commissions; to change and eliminate provisions of the Intergovernmental Data Services Program Act; to rename and change provisions relating to the Geographic Information System Steering Committee; to repeal the Intergovernmental Data Communications Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 86-531, 86-532, 86-533, 86-534, 86-535, 86-536, 86-537, 86-538, 86-539, 86-540, 86-541, 86-542, 86-543, 86-544, 86-545, 86-546, 86-547, 86-548, 86-549, and 86-553, Revised Statutes Cumulative Supplement,

2006.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Heidemann Pedersen

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 856.

A BILL FOR AN ACT relating to elections; to amend section 32-564, Revised Statutes Cumulative Supplement, 2006; to provide for a special election for congressional representatives as prescribed; and to repeal the original section.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Kruse

Excused and not voting, 2:

Heidemann Pedersen

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

LEGISLATIVE BILL 857.

A BILL FOR AN ACT relating to elections; to amend section 32-712, Reissue Revised Statutes of Nebraska; to change provisions relating to certification of candidates for President and Vice President; and to repeal the original section.

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

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Kruse

Excused and not voting, 2:

Heidemann Pedersen

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

LEGISLATIVE BILL 896. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 49-801.01, Revised Statutes Supplement, 2007; to update references to the Internal Revenue Code of 1986; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Heidemann Pedersen

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB915 with 37 ayes, 3 nays, 7 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 915.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2769, Reissue Revised Statutes of Nebraska, sections 77-2727, 77-2734.01, 77-2794, and 77-27,119, Revised Statutes Cumulative Supplement, 2006, and sections 77-2717 and 77-5803, Revised Statutes Supplement, 2007; to change provisions relating to income tax, tax credits, and disclosure of information; to provide operative dates; and to repeal the original sections.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Heidemann Pedersen

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 925.

A BILL FOR AN ACT relating to livestock; to amend section 54-401, Reissue Revised Statutes of Nebraska; to provide liability for damage done by certain goats as prescribed; and to repeal the original section.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Heidemann Pedersen

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

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 123, 268, 279, 386, 500, 586, 620, 623, 624, 668, 715, 744, 747, 750, 752, 782, 790, 791, 823, 856, 857, 896, 915, and 925.

GENERAL FILE

LEGISLATIVE BILL 768. Title read. Considered.

Committee AM1682, found on page 445, was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 939. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 1056. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 721A. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 721, One Hundredth Legislature, Second Session, 2008.

AMENDMENT - Print in Journal

Senator Ashford filed the following amendment to LB606A:
AM2136

- 1 1. On page 2, line 8, after "employees" insert "in the
- 2 Department of Health and Human Services".

RESOLUTION

LEGISLATIVE RESOLUTION 256. Introduced by Aguilar, 35.

WHEREAS, the Nebraska National Guard has played a major role in support of Operation Noble Eagle in the United States; Operation Enduring Freedom in Afghanistan; and Operation Iraqi Freedom in Iraq; and

WHEREAS, Nebraska Army National Guard missions have included security, force protection, transportation, logistic support, quick reaction force, forward area support, rear area support, medical support, aviation maintenance, aviation support, medical evacuation (air and ground), reconnaissance, surveillance, law and order (police investigation), and direct support maintenance; and

WHEREAS, Nebraska Air National Guard missions have included aerial refueling, maintenance, engineering, supply mobility support, financial management, and security; and

WHEREAS, more than three thousand five hundred members of the Nebraska National Guard have deployed to more than twenty foreign countries during the last five years; and

WHEREAS, First Lieutenant Edward D. Iwan, Sergeant Jacob S. Schmuecker, Sergeant Wayne R. Cornell, Sergeant Kenneth E. Locker Jr., Specialist William L. Bailey III, and Specialist Randy J. Matheny made the ultimate sacrifice by giving their lives for this nation; and

WHEREAS, the Bronze Star with Valor, awarded for heroic or meritorious achievement or service, has been presented to Sergeant Anthony J. Jensen, Sergeant Jared M. Riggert, Sergeant Heather N. Springer, Sergeant Josiah P. Warren, Specialist Mathew P. Severin, and Specialist Bryan M. Stroyek; and

WHEREAS, the Purple Heart, awarded to members of the United States Armed Forces wounded or killed as a direct result of enemy actions, has been presented to Staff Sergeant Courtney L. Miller, Sergeant Dennis K. Cabanting, Sergeant Timothy L. Dolberg, Sergeant Jeremy M. Fulton,

Sergeant Adam L. Homan, Sergeant Mack W. Richards, Sergeant Travis D. Richards (two awards), Sergeant Jacob S. Schmuecker (posthumous), Sergeant Josiah P. Warren, Specialist Jeromy P. Dillman, Specialist Luis A. Estrada, Specialist William J. Hottovy, Specialist Daniel L. McCoy, Specialist Houston M. Meeks, Specialist Brennan A. Rutt, Specialist Bradley C. Utterback, Specialist Arthur C. Werner, Specialist Timothy J. Wheelock, Specialist Shane T. Zezulka, Specialist William L. Bailey III (posthumous), Specialist Randy J. Matheny (posthumous), Private First Class Jason M. Newman, and Private First Class James J. O'Malley IV; and

WHEREAS, the Army Commendation Medal with Valor, awarded for heroism, meritorious achievement, or meritorious service, has been presented to Sergeant Wayne R. Cornell, Sergeant Christopher M. Brammer, Sergeant Joshua D. Tobaben, and Specialist Micah J. Alfieri.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRETH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature expresses its gratitude and wishes to honor these men and women for their sacrifice and service to the State of Nebraska and the United States of America.

2. That a copy of this resolution be sent to all the soldiers mentioned in this resolution.

Laid over.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Holzfafter, Ralph - Nebraska Railway Council - Transportation and Telecommunications

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

COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 1081. Placed on General File.

LEGISLATIVE BILL 814. Placed on General File with amendment.
AM2113

- 1 1. Strike original section 1 and insert the following new
- 2 sections:
- 3 Section 1. Section 77-1704.02, Reissue Revised Statutes
- 4 of Nebraska, is amended to read:
- 5 77-1704.02 (1) Any county treasurer shall accept payments
- 6 of five hundred dollars or more for the partial discharge of
- 7 current or delinquent real property taxes, personal property taxes,
- 8 or both or any charges for interest, publication, penalties, or

9 other charges by reason of the delinquency of such taxes. Such
10 partial payment shall be in an amount of at least five hundred
11 dollars unless the partial payment is for the remaining obligation.
12 The county treasurer shall distribute partial payments to the
13 entities levying taxes on the property in proportion to the total
14 amount of taxes levied on the property by each entity levying
15 taxes on such property. Partial payment shall stop the accumulation
16 of interest with regard to the amount of payment made. Partial
17 payments for delinquent taxes shall be applied to the oldest
18 delinquencies first. Partial payment of delinquent taxes shall not
19 affect any collection procedure that is underway or available to
20 the county until the delinquency is fully satisfied.

21 ~~(1)-(2)~~ Any county board may pass a resolution to allow
22 payments ~~for the~~ of amounts less than five hundred dollars for
23 the partial discharge of current or delinquent real property
1 taxes, personal property taxes, or both or any charges for
2 interest, publication, penalties, or other charges by reason of
3 the delinquency of such taxes to be held in escrow by the
4 county treasurer or may contract with another party to hold such
5 payments in escrow. Upon passage of such a resolution or such
6 other effective date as the resolution may provide, the county
7 treasurer shall accept payments in accordance with the resolution
8 or any subsequent amendments thereto and hold such amounts until
9 the accumulated payments are sufficient to pay at least one-half
10 the taxes currently due on the property or the full amount of
11 delinquency and any interest, penalties, or other charges due to
12 the delinquency. The resolution of the county board may require
13 a minimum, limited, or periodic payment amount as a condition
14 for acceptance of payments to be held in escrow. The resolution
15 may also require that an escrow agreement be executed between the
16 person making payment and the county treasurer as a condition for
17 accepting payments.

18 ~~(2)-(3)~~ Payments held in escrow under this section may be
19 held in a designated bank account or may be commingled with other
20 county funds. Such amounts are the property of the person making
21 payment and shall be held in trust for the benefit of such person
22 and be accounted for with respect to the property for which the
23 current or delinquent taxes are to be paid. The county may pay
24 interest on amounts held in escrow at a rate to be determined by
25 the county board or may retain any interest received. Upon sale
26 of the property, any amounts held in escrow with respect to that
27 property shall be returned to the person that made the payment or
1 applied as directed by such person.

2 ~~(3)-(4)~~ Payments held in escrow for payment of delinquent
3 taxes shall be applied to the oldest delinquencies first. Payments
4 held in escrow for payment of delinquent taxes shall not affect any
5 collection procedure that is underway or available to the county
6 until the delinquency is fully satisfied.

7 Sec. 3. Section 77-1719.03, Revised Statutes Cumulative

8 Supplement, 2006, is amended to read:

9 77-1719.03 In any case ~~where in which~~ any distress
 10 warrant includes taxes for one year or more, the sheriff may,
 11 in his or her discretion, accept partial payment and shall pay
 12 the same, as received, to the county treasurer, who shall accept
 13 the same and receipt the sheriff therefor. ~~Pursuant to section~~
 14 ~~77-1704.02, the~~ The county treasurer may accept the partial payment
 15 ~~and hold such amounts until the accumulated payments are sufficient~~
 16 ~~to pay the full amount of the delinquency for one year and any~~
 17 ~~interest, penalties, or other charges due to the delinquency, in~~
 18 the manner provided in section 77-1704.02. Notwithstanding any
 19 partial payment, the sheriff shall make levy and return thereof, on
 20 the distress warrant, as required by law.

21 2. On page 4, line 23, strike "by September 1, next
 22 following" and insert "on or before the first Monday of March after
 23 the tax becomes delinquent".

24 3. On page 6, line 2, after the second comma insert "and
 25 section 77-1719.03, Revised Statutes Cumulative Supplement, 2006,".

26 4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 890. Placed on General File with amendment.
 AM2125

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

3 Section 1. Section 77-2701.35, Revised Statutes
 4 Supplement, 2007, is amended to read:

5 77-2701.35 (1) Sales price applies to the measure subject
 6 to sales tax and means the total amount of consideration, including
 7 cash, credit, property, and services, for which personal property
 8 or services are sold, leased, or rented, valued in money, whether
 9 received in money or otherwise, without any deduction for the
 10 following:

11 (a) The seller's cost of the property sold;

12 (b) The cost of materials used, the cost of labor or
 13 service, interest, losses, all costs of transportation to the
 14 seller, all taxes imposed on the seller, and any other expense of
 15 the seller;

16 (c) Charges by the seller for any services necessary to
 17 complete the sale;

18 (d) Delivery charges, except as provided in subdivision
 19 (3)(e) of this section; and

20 (e) Installation charges.

21 (2) Sales price includes consideration received by the
 22 seller from third parties if:

23 (a) The seller actually receives consideration from a
 1 party other than the purchaser and the consideration is directly
 2 related to a price reduction or discount on the sale;

3 (b) The seller has an obligation to pass the price
 4 reduction or discount through to the purchaser;

- 5 (c) The amount of the consideration attributable to the
6 sale is fixed and determinable by the seller at the time of the
7 sale of the item to the purchaser; and
- 8 (d) One of the following criteria is met:
- 9 (i) The purchaser presents a coupon, certificate, or
10 other documentation to the seller to claim a price reduction
11 or discount when the coupon, certificate, or documentation is
12 authorized, distributed, or granted by a third party with the
13 understanding that the third party will reimburse any seller to
14 whom the coupon, certificate, or documentation is presented;
- 15 (ii) The purchaser identifies himself or herself to the
16 seller as a member of a group or organization entitled to a price
17 reduction or discount. A preferred customer card that is available
18 to any patron does not constitute membership in such a group; or
- 19 (iii) The price reduction or discount is identified as a
20 third-party price reduction or discount on the invoice received by
21 the purchaser or on a coupon, certificate, or other documentation
22 presented by the purchaser.
- 23 (3) Sales price does not include:
- 24 (a) Any discounts, including cash, terms, or coupons that
25 are not reimbursed by a third party that are allowed by a seller
26 and taken by a purchaser on a sale;
- 27 (b) Interest, financing, and carrying charges from credit
1 extended on the sale of personal property or services, if the
2 amount is separately stated on the invoice, bill of sale, or
3 similar document given to the purchaser;
- 4 (c) Any taxes legally imposed directly on the consumer
5 that are separately stated on the invoice, bill of sale, or similar
6 document given to the purchaser; ~~and~~
- 7 (d) Credit for any trade-in as follows:
- 8 (i) The value of property taken by a seller in trade as
9 all or a part of the consideration for a sale of property of any
10 kind or nature; or
- 11 (ii) The value of a motor vehicle or motorboat taken by
12 any person in trade as all or a part of the consideration for a
13 sale of another motor vehicle or motorboat; and-
- 14 (e) Delivery charges for direct mail.
- 15 Sec. 2. This act becomes operative on October 1, 2008.
- 16 Sec. 3. Original section 77-2701.35, Revised Statutes
17 Supplement, 2007, is repealed.

LEGISLATIVE BILL 1017. Placed on General File with amendment.
AM2134

- 1 1. Strike the original sections and insert the following
2 new sections:
- 3 Section 1. Section 44-4317, Reissue Revised Statutes of
4 Nebraska, is amended to read:
- 5 44-4317 (1)(a) Any public agency which has the authority
6 to levy a tax shall be authorized to levy a tax, to contract

7 indebtedness, and to issue general obligation bonds payable from
 8 such a tax levy to pay the premium costs of general liability
 9 insurance, property insurance, workers' compensation insurance,
 10 health, dental, or accident insurance, life insurance, and any
 11 other insurance to protect against any of the losses described in
 12 section 44-4304 and to pay all costs and expenses associated with
 13 membership in a risk management pool, including, but not limited
 14 to, standard insurance coverages, group self-insurance coverages,
 15 assessments levied by the pool, retirement of debt incurred by the
 16 pool, and operating expenses of the pool.

17 (b) A member of a risk management pool which has the
 18 authority to levy a tax shall be authorized to enter into
 19 agreements obligating the member to make payments beyond its
 20 current budget year for any of such purposes.

21 (c) Taxes levied by a public agency other than an
 22 educational service unit or school district for the payment of the
 23 principal of, premium of, or interest on such a general obligation
 1 bond of such public agency, the payment of such insurance premium
 2 costs, and the payment of all costs and expenses associated with
 3 membership in a risk management pool may be levied in excess of any
 4 tax limitation imposed by statute.

5 (d) Except as permitted in subdivision (1)(e) of this
 6 section, taxes levied by an educational service unit or school
 7 district on or after the effective date of this act for the
 8 payment of the principal of, premium of, or interest on such a
 9 general obligation bond of such public agency, the payment of such
 10 insurance premium costs, and the payment of all costs and expenses
 11 associated with membership in a risk management pool shall be
 12 subject to the levy limit applicable to such public agency under
 13 section 77-3442.

14 (e) Taxes levied by an educational service unit or school
 15 district beginning with fiscal year 2011-12 for the payment of the
 16 principal of, premium of, or interest on such a general obligation
 17 bond of such educational service unit or school district issued
 18 prior to the effective date of this act shall be excluded from the
 19 exception to the levy limits in subsection (10) of section 77-3442.

20 (2) Nothing in the Intergovernmental Risk Management
 21 Act shall be construed or interpreted as permitting the State
 22 of Nebraska, represented by the Risk Manager, to enter into any
 23 agreement or contract or do any act in contravention of the
 24 Constitution of the State of Nebraska.

25 Sec. 2. Section 77-3442, Revised Statutes Supplement,
 26 2007, is amended to read:

27 77-3442 (1) Property tax levies for the support of local
 1 governments for fiscal years beginning on or after July 1, 1998,
 2 shall be limited to the amounts set forth in this section except as
 3 provided in section 77-3444.

4 (2)(a) Except as provided in subdivision (2)(e) of this
 5 section, school districts and multiple-district school systems,

6 except learning communities and school districts that are members
7 of learning communities, may levy a maximum levy of one dollar and
8 five cents per one hundred dollars of taxable valuation of property
9 subject to the levy.

10 (b) For each fiscal year, learning communities may levy
11 a maximum levy for the general fund budgets of member school
12 districts equal to the local effort rate prescribed in section
13 79-1015.01 for such fiscal year. The proceeds from the levy
14 pursuant to this subdivision shall be distributed pursuant to
15 section 79-1073.

16 (c) Except as provided in subdivision (2)(e) of this
17 section, for each fiscal year, school districts that are members
18 of learning communities may levy for purposes of such districts'
19 general fund budget and special building funds a maximum combined
20 levy of the difference of one dollar and five cents on each one
21 hundred dollars of taxable property subject to the levy minus
22 the learning community levies pursuant to subdivisions (2)(b) and
23 (2)(g) of this section for such learning community.

24 (d) Excluded from the limitations in subdivisions (2)(a)
25 and (2)(c) of this section are amounts levied to pay for
26 sums agreed to be paid by a school district to certificated
27 employees in exchange for a voluntary termination of employment
1 and amounts levied to pay for special building funds and sinking
2 funds established for projects commenced prior to April 1, 1996,
3 for construction, expansion, or alteration of school district
4 buildings. For purposes of this subsection, commenced means any
5 action taken by the school board on the record which commits
6 the board to expend district funds in planning, constructing, or
7 carrying out the project.

8 (e) Federal aid school districts may exceed the maximum
9 levy prescribed by subdivision (2)(a) or (2)(c) of this section
10 only to the extent necessary to qualify to receive federal aid
11 pursuant to Title VIII of Public Law 103-382, as such title existed
12 on September 1, 2001. For purposes of this subdivision, federal
13 aid school district means any school district which receives ten
14 percent or more of the revenue for its general fund budget from
15 federal government sources pursuant to Title VIII of Public Law
16 103-382, as such title existed on September 1, 2001.

17 (f) For school fiscal year 2002-03 through school fiscal
18 year 2007-08, school districts and multiple-district school systems
19 may, upon a three-fourths majority vote of the school board of
20 the school district, the board of the unified system, or the
21 school board of the high school district of the multiple-district
22 school system that is not a unified system, exceed the maximum
23 levy prescribed by subdivision (2)(a) of this section in an amount
24 equal to the net difference between the amount of state aid that
25 would have been provided under the Tax Equity and Educational
26 Opportunities Support Act without the temporary aid adjustment
27 factor as defined in section 79-1003 for the ensuing school fiscal

1 year for the school district or multiple-district school system
2 and the amount provided with the temporary aid adjustment factor.
3 The State Department of Education shall certify to the school
4 districts and multiple-district school systems the amount by which
5 the maximum levy may be exceeded for the next school fiscal year
6 pursuant to this subdivision (f) of this subsection on or before
7 February 15 for school fiscal years 2004-05 through 2007-08.

8 (g) For each fiscal year, learning communities may levy a
9 maximum levy of two cents on each one hundred dollars of taxable
10 property subject to the levy for special building funds for member
11 school districts. The proceeds from the levy pursuant to this
12 subdivision shall be distributed pursuant to section 79-1073.01.

13 (h) For each fiscal year, learning communities may levy
14 a maximum levy of five cents on each one hundred dollars of
15 taxable property subject to the levy for elementary learning center
16 facilities and for up to fifty percent of the estimated cost for
17 capital projects approved by the learning community coordinating
18 council pursuant to section 79-2111.

19 (3) Community colleges may levy a maximum levy calculated
20 pursuant to the Community College Foundation and Equalization Aid
21 Act on each one hundred dollars of taxable property subject to the
22 levy.

23 (4)(a) Natural resources districts may levy a maximum
24 levy of four and one-half cents per one hundred dollars of taxable
25 valuation of property subject to the levy.

26 (b) Natural resources districts shall also have the power
27 and authority to levy a tax equal to the dollar amount by which
1 their restricted funds budgeted to administer and implement ground
2 water management activities and integrated management activities
3 under the Nebraska Ground Water Management and Protection Act
4 exceed their restricted funds budgeted to administer and implement
5 ground water management activities and integrated management
6 activities for FY2003-04, not to exceed one cent on each one
7 hundred dollars of taxable valuation annually on all of the taxable
8 property within the district.

9 (c) In addition, natural resources districts located in
10 a river basin, subbasin, or reach that has been determined to
11 be fully appropriated pursuant to section 46-714 or designated
12 as overappropriated pursuant to section 46-713 by the Department
13 of Natural Resources shall also have the power and authority to
14 levy a tax equal to the dollar amount by which their restricted
15 funds budgeted to administer and implement ground water management
16 activities and integrated management activities under the Nebraska
17 Ground Water Management and Protection Act exceed their restricted
18 funds budgeted to administer and implement ground water management
19 activities and integrated management activities for FY2005-06, not
20 to exceed three cents on each one hundred dollars of taxable
21 valuation on all of the taxable property within the district for
22 fiscal year 2006-07 and each fiscal year thereafter through fiscal

23 year 2011-12.

24 (5) Educational service units may levy a maximum levy of
25 one and one-half cents per one hundred dollars of taxable valuation
26 of property subject to the levy.

27 (6)(a) Incorporated cities and villages which are not
1 within the boundaries of a municipal county may levy a maximum levy
2 of forty-five cents per one hundred dollars of taxable valuation
3 of property subject to the levy plus an additional five cents per
4 one hundred dollars of taxable valuation to provide financing for
5 the municipality's share of revenue required under an agreement
6 or agreements executed pursuant to the Interlocal Cooperation Act
7 or the Joint Public Agency Act. The maximum levy shall include
8 amounts levied to pay for sums to support a library pursuant
9 to section 51-201, museum pursuant to section 51-501, visiting
10 community nurse, home health nurse, or home health agency pursuant
11 to section 71-1637, or statue, memorial, or monument pursuant to
12 section 80-202.

13 (b) Incorporated cities and villages which are within the
14 boundaries of a municipal county may levy a maximum levy of ninety
15 cents per one hundred dollars of taxable valuation of property
16 subject to the levy. The maximum levy shall include amounts paid
17 to a municipal county for county services, amounts levied to pay
18 for sums to support a library pursuant to section 51-201, a museum
19 pursuant to section 51-501, a visiting community nurse, home health
20 nurse, or home health agency pursuant to section 71-1637, or a
21 statue, memorial, or monument pursuant to section 80-202.

22 (7) Sanitary and improvement districts which have been in
23 existence for more than five years may levy a maximum levy of forty
24 cents per one hundred dollars of taxable valuation of property
25 subject to the levy, and sanitary and improvement districts which
26 have been in existence for five years or less shall not have
27 a maximum levy. Unconsolidated sanitary and improvement districts
1 which have been in existence for more than five years and are
2 located in a municipal county may levy a maximum of eighty-five
3 cents per hundred dollars of taxable valuation of property subject
4 to the levy.

5 (8) Counties may levy or authorize a maximum levy of
6 fifty cents per one hundred dollars of taxable valuation of
7 property subject to the levy, except that five cents per one
8 hundred dollars of taxable valuation of property subject to the
9 levy may only be levied to provide financing for the county's
10 share of revenue required under an agreement or agreements executed
11 pursuant to the Interlocal Cooperation Act or the Joint Public
12 Agency Act. The maximum levy shall include amounts levied to pay
13 for sums to support a library pursuant to section 51-201 or museum
14 pursuant to section 51-501. The county may allocate up to fifteen
15 cents of its authority to other political subdivisions subject
16 to allocation of property tax authority under subsection (1) of
17 section 77-3443 and not specifically covered in this section to

18 levy taxes as authorized by law which do not collectively exceed
19 fifteen cents per one hundred dollars of taxable valuation on any
20 parcel or item of taxable property. The county may allocate to
21 one or more other political subdivisions subject to allocation
22 of property tax authority by the county under subsection (1) of
23 section 77-3443 some or all of the county's five cents per one
24 hundred dollars of valuation authorized for support of an agreement
25 or agreements to be levied by the political subdivision for the
26 purpose of supporting that political subdivision's share of revenue
27 required under an agreement or agreements executed pursuant to the
1 Interlocal Cooperation Act or the Joint Public Agency Act. If an
2 allocation by a county would cause another county to exceed its
3 levy authority under this section, the second county may exceed the
4 levy authority in order to levy the amount allocated.

5 (9) Municipal counties may levy or authorize a maximum
6 levy of one dollar per one hundred dollars of taxable valuation
7 of property subject to the levy. The municipal county may allocate
8 levy authority to any political subdivision or entity subject to
9 allocation under section 77-3443.

10 (10) Property tax levies for judgments, except judgments
11 or orders from the Commission of Industrial Relations, obtained
12 against a political subdivision which require or obligate a
13 political subdivision to pay such judgment, to the extent such
14 judgment is not paid by liability insurance coverage of a
15 political subdivision, for preexisting lease-purchase contracts
16 approved prior to July 1, 1998, for bonded indebtedness approved
17 according to law and secured by a levy on property except as
18 provided in section 44-4317 for bonded indebtedness issued by
19 educational service units and school districts, and for payments by
20 a public airport to retire interest-free loans from the Department
21 of Aeronautics in lieu of bonded indebtedness at a lower cost to
22 the public airport are not included in the levy limits established
23 by this section.

24 (11) The limitations on tax levies provided in this
25 section are to include all other general or special levies
26 provided by law. Notwithstanding other provisions of law, the
27 only exceptions to the limits in this section are those provided by
1 or authorized by sections 77-3442 to 77-3444.

2 (12) Tax levies in excess of the limitations in this
3 section shall be considered unauthorized levies under section
4 77-1606 unless approved under section 77-3444.

5 (13) For purposes of sections 77-3442 to 77-3444,
6 political subdivision means a political subdivision of this state
7 and a county agricultural society.

8 Sec. 3. Original section 44-4317, Reissue Revised
9 Statutes of Nebraska, and section 77-3442, Revised Statutes
10 Supplement, 2007, are repealed.

11 Sec. 4. Since an emergency exists, this act takes effect
12 when passed and approved according to law.

LEGISLATIVE BILL 9. Indefinitely postponed.
LEGISLATIVE BILL 169. Indefinitely postponed.
LEGISLATIVE BILL 714. Indefinitely postponed.
LEGISLATIVE BILL 770. Indefinitely postponed.
LEGISLATIVE BILL 887. Indefinitely postponed.
LEGISLATIVE BILL 922. Indefinitely postponed.
LEGISLATIVE BILL 931. Indefinitely postponed.
LEGISLATIVE BILL 1000. Indefinitely postponed.
LEGISLATIVE BILL 1007. Indefinitely postponed.
LEGISLATIVE BILL 1071. Indefinitely postponed.
LEGISLATIVE BILL 1080. Indefinitely postponed.
LEGISLATIVE BILL 1098. Indefinitely postponed.
LEGISLATIVE BILL 1118. Indefinitely postponed.
LEGISLATIVE BILL 1140. Indefinitely postponed.
LEGISLATIVE BILL 1175. Indefinitely postponed.

(Signed) Ray Janssen, Chairperson

VISITORS

Visitors to the Chamber were 18 fourth-grade students and teacher from Wildewood Elementary, Ralston; and 18 eighth-grade students from St. Mary's, Lincoln.

RECESS

At 11:57 a.m., on a motion by Senator Aguilar, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Langemeier presiding.

ROLL CALL

The roll was called and all members were present except Senators Ashford, Cornett, Flood, Pedersen, and Synowiecki who were excused until they arrive.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 4, 2008, at 12:00 p.m. were the following: LBs 123, 268, 279, 386, 500, 586e, 620, 623, 624, 668, 715, 744, 747, 750e, 752, 782e, 790, 791, 823, 856, 857, 896e, 915, and 925.

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

AMENDMENTS - Print in Journal

Senators Johnson and Stuthman filed the following amendment to LB797:
AM2133 is available in the Bill Room.

Senator Johnson filed the following amendment to LB797:
AM2143

- 1 1. Strike original section 2 and insert the following new
- 2 section:
- 3 Sec. 2. Section 71-409, Revised Statutes Cumulative
- 4 Supplement, 2006, is amended to read:
- 5 71-409 Critical access hospital means a facility (1) with
- 6 acute care inpatient beds where care or treatment is provided on an
- 7 outpatient basis or on an inpatient basis to persons for an average
- 8 period of not more than ninety-six hours and emergency services
- 9 are provided on a twenty-four-hour basis, ~~and~~ (2) which has
- 10 formal agreements with at least one hospital and other appropriate
- 11 providers for services such as patient referral and transfer,
- 12 communications systems, provision of emergency and nonemergency
- 13 transportation, and backup medical and emergency services, and (3)
- 14 which is located in a rural area. For purposes of this section,
- 15 rural area means a county with a population of less than one
- 16 hundred thousand residents. A facility licensed as a critical
- 17 access hospital shall have no more than twenty-five acute care
- 18 inpatient beds.
- 19 2. On page 3, line 9, strike "April", show as stricken,
- 20 and insert "January".
- 21 3. On page 9, line 2, after "the" insert "breast and
- 22 cervical cancer"; in line 3 strike "71-7001", show as stricken,
- 23 and insert "71-7001.01"; and strike beginning with "in" in line 4
- 1 through "program" in line 5 and show as stricken.
- 2 4. On page 12, line 11, strike "71-7001" and insert
- 3 "71-7001.01".
- 4 5. On page 18, line 15, strike "sections 68-906 and
- 5 68-1017" and insert "section 71-409, Revised Statutes Cumulative
- 6 Supplement, 2006, and section 68-906".

COMMITTEE REPORT

Appropriations

LEGISLATIVE BILL 1165. Placed on General File with amendment.
AM2056

- 1 1. Strike original section 1 and insert the following new
- 2 sections:
- 3 Section 1. Section 84-612, Revised Statutes Supplement,
- 4 2007, is amended to read:
- 5 84-612 (1) There is hereby created within the state
- 6 treasury a fund known as the Cash Reserve Fund which shall be under
- 7 the direction of the State Treasurer. The fund shall only be used

8 pursuant to this section.

9 (2) The State Treasurer shall transfer funds from the
10 Cash Reserve Fund to the General Fund upon certification by the
11 Director of Administrative Services that the current cash balance
12 in the General Fund is inadequate to meet current obligations. Such
13 certification shall include the dollar amount to be transferred.
14 Any transfers made pursuant to this subsection shall be reversed
15 upon notification by the Director of Administrative Services that
16 sufficient funds are available.

17 (3) The State Treasurer, at the direction of the
18 budget administrator of the budget division of the Department
19 of Administrative Services, shall transfer such amounts not to
20 exceed seven million seven hundred fifty-three thousand two hundred
21 sixty-three dollars in total from the Cash Reserve Fund to the
22 Nebraska Capital Construction Fund between July 1, 2003, and June
23 30, 2007.

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

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

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

12 (7) On June 16, 2008, the State Treasurer shall transfer
13 seventeen million nine hundred thirty-one thousand thirty dollars
14 from the Cash Reserve Fund to the General Fund.

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

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

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

24 (11) From the effective date of an endowment agreement
25 as defined in subdivision (3)(c) of section 79-1101 until June
26 30, 2007, forty million dollars of the Cash Reserve Fund shall be
27 deemed to constitute the Early Childhood Education Endowment Fund.

1 Such funds shall remain part of the Cash Reserve Fund for all
2 purposes, except that the interest earned on such forty million
3 dollars shall accrue as provided in section 84-613.

4 (12) The State Treasurer, at the direction of the budget
5 administrator, shall transfer such amounts, as certified by the
6 Director of Administrative Services, for employee health insurance

7 claims and expenses, not to exceed twelve million dollars in total
8 from the Cash Reserve Fund to the State Employees Insurance Fund
9 between May 1, 2007, and June 30, 2011.

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

13 (14) On July 9, 2007, the State Treasurer shall transfer
14 five million dollars from the Cash Reserve Fund to the Job Training
15 Cash Fund. The State Treasurer shall transfer from the Job Training
16 Cash Fund to the Cash Reserve Fund such amounts as directed in
17 section 81-1201.21.

18 (15) On July 7, 2008, the State Treasurer shall transfer
19 five million dollars from the Cash Reserve Fund to the Job Training
20 Cash Fund. The State Treasurer shall transfer from the Job Training
21 Cash Fund to the Cash Reserve Fund such amounts as directed in
22 section 81-1201.21.

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

27 (17) On or before June 30, 2009, the State Treasurer
1 shall transfer nine million five hundred ninety thousand dollars
2 from the Cash Reserve Fund to the Nebraska Capital Construction
3 Fund.

4 (18) The State Treasurer, at the direction of the budget
5 administrator, shall transfer an amount equal to the total amount
6 transferred pursuant to subsection (12) of this section from
7 the appropriate health insurance accounts of the State Employees
8 Insurance Fund in such amounts as certified by the Director of
9 Administrative Services to the Cash Reserve Fund on or before June
10 30, 2011.

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

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

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

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

23 (23) Within five days after the effective date of this
24 act, or as soon thereafter as administratively possible, the State
25 Treasurer shall transfer five million dollars from the Cash Reserve
26 Fund to the Nebraska Cultural Preservation Endowment Fund.

27 Sec. 2. Original section 84-612, Revised Statutes
1 Supplement, 2007, is repealed.

(Signed) Lavon Heidemann, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1157. Title read. Considered.

SENATOR STUTHMAN PRESIDING

Committee AM2093, found on page 724, was considered.

SENATOR LANGEMEIER PRESIDING

Pending.

AMENDMENT - Print in Journal

Senator Friend filed the following amendment to LB1096:
AM2147

(Amendments to E & R amendments, ER8171)

- 1 1. On page 2, line 2, before the period insert "or by the
- 2 city manager in cities that have adopted the city manager plan of
- 3 government".

COMMITTEE REPORTS

Health and Human Services

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

Dale Michels - State Board of Health

Aye: 7 Senators Erdman, Gay, Hansen, Howard, Johnson, Pankonin, Stuthman. Nay: 0. Absent: 0.

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

Julie Johnson - Commission for the Blind and Visually Impaired
Wesley Majerus - Commission for the Blind and Visually Impaired

Aye: 7 Senators Erdman, Gay, Hansen, Howard, Johnson, Pankonin, Stuthman. Nay: 0. Absent: 0.

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

Patricia Madsen - Child Abuse Prevention Fund Board
 Tawanna Black - Child Abuse Prevention Fund Board
 Rebecca Brown - Child Abuse Prevention Fund Board
 Sandra Markley - Child Abuse Prevention Fund Board
 Parrish McDonald - Child Abuse Prevention Fund Board

Aye: 7 Senators Erdman, Gay, Hansen, Howard, Johnson, Pankonin, Stuthman. Nay: 0. Absent: 0.

(Signed) Joel Johnson, Chairperson

Judiciary

LEGISLATIVE BILL 781. Placed on General File.

LEGISLATIVE BILL 943. Placed on General File.

LEGISLATIVE BILL 1025. Placed on General File.

LEGISLATIVE BILL 840. Placed on General File with amendment.
 AM1690

- 1 1. On page 10, line 14, strike "and"; in lines 15 and
- 2 16 strike "or Salvinorin A"; and in line 23 strike the period and
- 3 insert "; and
- 4 (35) Salvinorin A".

LEGISLATIVE RESOLUTION 224. Indefinitely postponed.

(Signed) Brad Ashford, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 257. Introduced by Engel, 17.

WHEREAS, the South Sioux City High School girls' basketball team is the champion of the 2008 Class B Girls' State Basketball Tournament, repeating its championship successes of 1995, 1996, 1997, 1998, 2000, 2001, 2002, 2003, 2004, and 2005; and

WHEREAS, this championship marks the eleventh state title for the Lady Cardinals, a state record, and signifies "A New Beginning"; and

WHEREAS, the Lady Cardinals' 53-48 win over the defending champion Alliance Bulldogs broke the Bulldogs' forty-seven-game winning streak; and

WHEREAS, Head Coach Kelly Flynn and assistant coach Ed Wiltgen guided the South Sioux City High School girls' basketball team to an impressive 24-1 season; and

WHEREAS, throughout the year, the South Sioux City Lady Cardinals have demonstrated that hard work, dedication, and discipline produces remarkable results; and

WHEREAS, the South Sioux City Lady Cardinals are positive role models for young athletes in the community and throughout the region; and

WHEREAS, such a team achievement is made possible not only by the players' performance and coaching guidance, but also through the support of teachers, administrators, parents, and the community.

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

1. That the Legislature recognizes and congratulates the South Sioux City Lady Cardinals basketball team and its coaches.

2. That a copy of this resolution be sent to South Sioux City Lady Cardinals' basketball team Head Coach Kelly Flynn.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 1157. Committee AM2093, found on page 724 and considered in this day's Journal, was renewed.

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

Senator Raikes requested a roll call vote on the committee amendment.

Voting in the affirmative, 32:

Adams	Cornett	Howard	McDonald	Schimek
Aguilar	Engel	Janssen	McGill	Synowiecki
Ashford	Flood	Johnson	Nantkes	White
Avery	Friend	Kopplin	Pahls	Wightman
Burling	Fulton	Kruse	Pedersen	
Carlson	Hansen	Lathrop	Raikes	
Chambers	Harms	Lautenbaugh	Rogert	

Voting in the negative, 5:

Dierks	Dubas	Karpisek	Stuthman	Wallman
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Present and not voting, 12:

Christensen	Gay	Langemeier	Pankonin
Erdman	Heidemann	Louden	Pirsch
Fischer	Hudkins	Nelson	Preister

The committee amendment was adopted with 32 ayes, 5 nays, and 12 present and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 30 ayes, 4 nays, and 15

present and not voting.

LEGISLATIVE BILL 1049. Senator Erdman renewed his amendment, AM2047, found on page 743.

The Erdman amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Senator Chambers withdrew his motion, MO131, found on page 666, to indefinitely postpone.

Senator Preister renewed his amendment, AM2035, found on page 701.

SPEAKER FLOOD PRESIDING

Pending.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 243, 244, 245, 246, 247, 248, 249, and 250 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 243, 244, 245, 246, 247, 248, 249, and 250.

COMMITTEE REPORT

Education

LEGISLATIVE BILL 988. Placed on General File with amendment. AM2128 is available in the Bill Room.

(Signed) Ron Raikes, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 258. Introduced by Kopplin, 3.

WHEREAS, Kennedy Healy, a resident of Sarpy County and a student at Gretna Middle School, has achieved national recognition for exemplary volunteer service by receiving the 2008 Prudential Spirit of Community Award; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Miss Healy earned this award by giving generously of her time and energy to help form the "Help MDA Hope Club," a five-member youth group that raises money for the Muscular Dystrophy Association and provides weekly assistance at the local MDA office; and

WHEREAS, Miss Healy gives speeches for MDA, appears in its telethon, and led her club in organizing three carnivals, two bake sales, and a teen dance, raising more than \$6,500 for MDA; and

WHEREAS, the success of the State of Nebraska, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Kennedy Healy who use their considerable talents and resources to serve others.

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

1. That the Legislature hereby congratulates and honors Miss Kennedy Healy as a recipient of the Prudential Spirit of Community Award, recognizes her outstanding record of volunteer service, peer leadership, and community spirit and extends best wishes for her continued success and happiness.

2. That a copy of this resolution to sent to Miss Kennedy Healy.

Laid over.

ANNOUNCEMENT

Senator Erdman announced the Agriculture Committee will hold an executive session Wednesday, March 5, 2008, at 8:00 a.m., in Room 1524.

UNANIMOUS CONSENT - Add Cointroducer

Senator Lathrop asked unanimous consent to add his name as cointroducer to LB920. No objections. So ordered.

VISITOR

The Doctor of the Day was Dr. Paul Paulman from Omaha.

ADJOURNMENT

At 5:02 p.m., on a motion by Senator Burling, the Legislature adjourned until 9:00 a.m., Wednesday, March 5, 2008.

Patrick J. O'Donnell
Clerk of the Legislature

