

TWENTY-SIXTH DAY - FEBRUARY 8, 2007**LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE
FIRST SESSION****TWENTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, February 8, 2007

PRAYER

The prayer was offered by Pastor Harold Bickford, Peru Community Church and Tecumseh Lutheran Church, Peru.

ROLL CALL

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

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

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fifth day was approved.

**COMMITTEE REPORTS
Enrollment and Review**

LEGISLATIVE BILL 434. Placed on Select File.

LEGISLATIVE BILL 527. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: LBs 185, 283, and 283A.

ST9005

Enrollment and Review Change to LB 185

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

1. In the Erdman amendment, AM221:
 - a. Section 13 has been struck;
 - b. Sections 5, 9, 10, and 15 have been renumbered as sections 42, 46, 47, and 52, respectively.

2. In the Johnson amendment, AM220, on page 32, line 9, "47, 48, and 52" has been struck and "50, 51, and 55" inserted; in line 12 "50, and 51" has been struck and "53, and 54" inserted; in line 26 "71-1761 and 71-1762, Reissue Revised Statutes of Nebraska, and sections" has been inserted after "Sections"; and in line 27 "71-1761, 71-1762," has been struck.

3. On page 1, lines 2 through 11 have been struck and "sections 71-629, 71-1734, 71-1748, 71-1752, 71-1756, 71-1764, 71-1765, 71-5185, 71-6726, 71-6733, 71-8249, and 71-8252, Reissue Revised Statutes of Nebraska, and sections 68-906, 68-919, 68-921, 71-1707, 71-1722, 71-1723, 71-1723.01, 71-1723.02, 71-1724, 71-1724.01, 71-1726.01, 71-1726.02, 71-1729, 71-1730, 71-1731, 71-1735, 71-1737, 71-1749, 71-1755, 71-1757, 71-17,118, 71-17,119, 71-17,121, 71-17,122, 71-17,123, 71-17,124, 71-17,128, 71-17,129, 71-17,134, 71-17,135, 71-17,137, 71-17,138, 71-17,139, 71-17,140, 71-6039, 81-647, and 81-671, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the Medical Assistance Act, birth certificates, nursing assistants, medication aides, regional trauma advisory boards, and the cancer registry; to change provisions relating to recovery of medical assistance; to change and eliminate provisions relating to licensure and certification of certified nurse midwives, certified registered nurse anesthetists, clinical nurse specialists, and nurse practitioners; to authorize the release of patient information as prescribed; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 71-1761 and 71-1762, Reissue Revised Statutes of Nebraska, and sections 71-1724.02, 71-1725, 71-1725.01, 71-1726, 71-1736.01, 71-1736.02, 71-1736.03, 71-1758, 71-17,125, 71-17,126, and 71-17,127, Revised Statutes Cumulative Supplement, 2006; and to declare an emergency." inserted.

(Signed) Amanda McGill, Chairperson

COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 136. Placed on General File.

LEGISLATIVE BILL 381. Indefinitely postponed.

(Signed) Rich Pahls, Chairperson

BILL ON FIRST READING

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

LEGISLATIVE BILL 470A. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 470, One Hundredth Legislature, First Session, 2007.

AMENDMENT - Print in Journal

Senator Erdman filed the following amendment to LB 211:
AM253

(Amendments to E & R amendments, ER8023)

- 1 1. On page 1, lines 6 and 7, reinstate "the compensation
- 2 of"; in line 8 strike "paid" and insert "four hundred seventy-five
- 3 dollars"; and strike beginning with "The" in line 10 through line
- 4 11.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 7, 2007, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Arnold, Stanley R.
Reynolds American (formerly RJ Reynolds Tobacco)

Case, David
Astellas Pharma

Cox, William D.
Opticians, NE Society of Dispensing

Goc, John J.
League of Nebraska Municipalities

Hedberg, Matthew
Schering-Plough External Affairs, Inc.

Jensen, Ronald L./Jensen Associates, Inc.
Eli Lilly and Company

Karnes, David
Big Red Lottery Services, Ltd.

Liken, F. John
Opticians, NE Society of Dispensing

Loontjer, Pat
Gambling With the Good Life

McBride, David S.
Health Underwriters, Nebraska Association of

O'Hara, Lindsay & Associates, Inc.
First National of Nebraska, Inc.

Pappas, James E.
Bellevue Public Schools
League of Human Dignity

Peeetz, Natalie, Peeetz & Company
Gamebird and Hunting Association, Nebraska

Ptacek, Patrick J.
Grain and Feed Association, Nebraska

Wickman-Byrd, Barbara J.
Metro Omaha Builders Association

REPORTS

The following reports were received by the Legislature:

Administrative Services, Department of

Comprehensive Annual Financial Report Year ended June 30, 2006

Auditor of Public Accounts

Nebraska Public Employees Retirement Systems - School Employees,
Judges, and State Patrol Retirement Plans for the year ended June 30,
2006 audit report

Legislative Performance Audit Committee

State Department of Education's School-Based Teacher-Led Assessment
and Reporting System (STARS)

GENERAL FILE

LEGISLATIVE RESOLUTION 8CA. Senator Nelson renewed his amendment, AM258, found on page 495.

Senator Chambers offered the following motion:
Bracket until 2/12/07.

Senator Chambers withdrew his motion.

The Nelson amendment, AM258, found on page 495 and considered in this day's Journal, was renewed.

Senator Burling moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 6 nays, and 14 not voting.

The Nelson amendment lost with 7 ayes, 34 nays, 6 present and not voting,

and 2 excused and not voting.

Pending.

ANNOUNCEMENT

Senator Johnson designates LB 395 as his priority bill.

COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 309. Indefinitely postponed.

(Signed) Mike Friend, Chairperson

Business and Labor

LEGISLATIVE BILL 210. Placed on General File - Com AM252.
AM252

- 1 1. On page 4, line 10, reinstate the stricken matter and
- 2 strike "Twenty" and insert "majority of the".

(Signed) Abbie Cornett, Chairperson

NOTICE OF COMMITTEE HEARING
Health and Human Services
Room 1510

LB 171	Wednesday, February 21, 2007	1:30 p.m.
LB 292	Wednesday, February 21, 2007	1:30 p.m.
LB 518	Wednesday, February 21, 2007	1:30 p.m.
LB 666	Wednesday, February 21, 2007	1:30 p.m.
LR 10	Wednesday, February 21, 2007	1:30 p.m.

(Signed) Joel Johnson, Chairperson

GENERAL FILE

LEGISLATIVE RESOLUTION 8CA. Senator Wightman offered the following amendment:

AM271

- 1 1. On page 1, line 13, strike "four" and insert "five".

SENATOR LANGEMEIER PRESIDING

Senator Wightman moved for a call of the house. The motion prevailed with 28 ayes, 3 nays, and 18 not voting.

Senator Wightman requested a roll call vote, in reverse order, on his

amendment.

Voting in the affirmative, 20:

Adams	Burling	Karpisek	Mines	Stuthman
Aguilar	Carlson	Kruse	Pankonin	Synowiecki
Ashford	Engel	McDonald	Raikes	Wallman
Avery	Johnson	McGill	Schimek	Wightman

Voting in the negative, 23:

Chambers	Erdman	Hansen	Kopplin	Nelson
Christensen	Fischer	Harms	Langemeier	Rogert
Cornett	Flood	Howard	Lathrop	White
Dierks	Fulton	Hudkins	Louden	
Dubas	Gay	Janssen	Nantkes	

Present and not voting, 4:

Friend	Pahls	Pirsch	Preister
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Excused and not voting, 2:

Heidemann	Pedersen
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The Wightman amendment lost with 20 ayes, 23 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Hudkins offered the following amendment:

AM275

1 1. Strike the original sections and insert the following
 2 new sections:
 3 Section 1. At the general election in November 2008 the
 4 following proposed amendment to the Constitution of Nebraska shall
 5 be submitted to the electors of the State of Nebraska for approval
 6 or rejection:
 7 To amend Article III, section 3:
 8 III-3 The second power reserved is the referendum which
 9 may be invoked, by petition, against any act or part of an act of
 10 the Legislature, except those making appropriations for the expense
 11 of the state government or a state institution existing at the time
 12 of the passage of such act. Petitions invoking the referendum shall
 13 be signed by not less than five percent of the registered voters
 14 of the state, distributed as required for initiative petitions, and
 15 filed in the office of the Secretary of State within ninety days
 16 after the Legislature at which the act sought to be referred was
 17 passed shall have adjourned sine die or for more than ninety days.

18 Each such petition shall set out the title of the act against which
 19 the referendum is invoked and, in addition thereto, when only a
 20 portion of the act is sought to be referred, the number of the
 21 section or sections or portion of sections of the act designating
 22 such portion. No more than one act or portion of an act of the
 23 Legislature shall be the subject of each referendum petition. When
 1 the referendum is thus invoked, the Secretary of State shall refer
 2 the same to the electors for approval or rejection at the first
 3 general election to be held not less than thirty days after the
 4 filing of such petition.

5 When the referendum is invoked as to any act or part
 6 of act, other than emergency acts or those for the immediate
 7 preservation of the public peace, health, or safety, by petition
 8 signed by not less than ~~ten~~five percent of the registered voters
 9 of the state distributed as aforesaid, it shall suspend the taking
 10 effect of such act or part of act until the same has been approved
 11 by the electors of the state.

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

15 A constitutional amendment to change the number of
 16 signatures required on referendum petitions to suspend the taking
 17 effect of the law being referred.

18 For
 19 Against.

Senator Avery requested a ruling of the Chair on whether the Hudkins amendment is germane to the resolution.

The Chair ruled the Hudkins amendment is germane to the resolution.

Senator Hudkins moved for a call of the house. The motion prevailed with 25 ayes, 8 nays, and 16 not voting.

Senator Hudkins requested a roll call vote on her amendment.

Voting in the affirmative, 8:

Dierks	Erdman	Gay	Louden
Dubas	Flood	Hudkins	Nelson

Voting in the negative, 28:

Adams	Chambers	Hansen	McDonald	Raikes
Aguilar	Christensen	Harms	McGill	Schimek
Ashford	Cornett	Howard	Mines	Synowiecki
Avery	Engel	Karpisek	Nantkes	Wightman
Burling	Fischer	Kopplin	Pankonin	
Carlson	Fulton	Lathrop	Preister	

Present and not voting, 12:

Friend	Kruse	Pedersen	Stuthman
Janssen	Langemeier	Pirsch	Wallman
Johnson	Pahls	Rogert	White

Excused and not voting, 1:

Heidemann

The Hudkins amendment lost with 8 ayes, 28 nays, 12 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Avery moved for a call of the house. The motion prevailed with 28 ayes, 3 nays, and 18 not voting.

Senator Avery requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 20:

Adams	Chambers	Janssen	McGill	Stuthman
Aguilar	Cornett	Karpisek	Pedersen	Synowiecki
Ashford	Engel	Kruse	Preister	Wallman
Avery	Howard	McDonald	Schimek	Wightman

Voting in the negative, 22:

Christensen	Flood	Harms	Louden	Pankonin
Dierks	Friend	Hudkins	Mines	Pirsch
Dubas	Fulton	Kopplin	Nantkes	
Erdman	Gay	Langemeier	Nelson	
Fischer	Hansen	Lathrop	Pahls	

Present and not voting, 6:

Burling	Johnson	Rogert
Carlson	Raikes	White

Excused and not voting, 1:

Heidemann

Failed to advance to E & R for review with 20 ayes, 22 nays, 6 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 226. Placed on General File - Com AM244.
 AM244

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

3 Section 1. Section 48-720, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 48-720 As used in the Boiler Inspection Act, unless the
 6 context otherwise requires:

7 (1) Authorized inspection agency means an authorized
 8 inspection agency as defined in NB-369, National Board
 9 Qualifications and Duties for Authorized Inspection Agencies (AIAs)
 10 Performing Inservice Inspection Activities and Qualifications for
 11 Inspectors of Boilers and Pressure Vessels;

12 ~~(1)-(2)~~ Board means the Boiler Safety Code Advisory
 13 Board;

14 ~~(2)-(3)~~ Boiler means a closed vessel in which water or
 15 other liquid is heated, steam or vapor is generated, steam or
 16 vapor is superheated, or any combination thereof, under pressure
 17 or vacuum, for internal or external use to itself, by the direct
 18 application of heat and an unfired pressure vessel in which the
 19 pressure is obtained from an external source or by the application
 20 of heat from an indirect or direct source. Boiler includes a fired
 21 unit for heating or vaporizing liquids other than water only when
 22 such unit is separate from processing systems and complete within
 23 itself; ~~and~~

1 ~~(3)-(4)~~ Commissioner means the Commissioner of Labor; and

2 -
 3 (5) Department means the Department of Labor.

4 Sec. 2. Section 48-722, Reissue Revised Statutes of
 5 Nebraska, is amended to read:

6 48-722 (1) Except as provided in subsection ~~(2)-(3)~~ of
 7 this section, the state boiler inspector shall inspect or cause
 8 to be inspected at least once every twelve months all boilers
 9 required to be inspected by the Boiler Inspection Act to determine
 10 whether the boilers are in a safe and satisfactory condition and
 11 properly constructed and maintained for the purpose for which the
 12 boiler is used, except that (a) hobby boilers, steam farm traction
 13 engines, portable and stationary show engines, and portable and
 14 stationary show boilers, which are not otherwise exempted from the
 15 act pursuant to section 48-726, shall be subject to inspection
 16 at least once every twenty-four months and (b) the commissioner
 17 may, by rule and regulation, establish inspection periods for
 18 pressure vessels of more than twelve months, but not to exceed the
 19 inspection period recommended in the National Board Inspection Code

20 or the American Petroleum Institute Pressure Vessel Inspection Code
 21 API-510 for pressure vessels being used for similar purposes. In
 22 order to ensure that inspections are performed in a timely manner,
 23 the department may contract with an authorized inspection agency
 24 to perform any inspection authorized under the Boiler Inspection
 25 Act. If the department contracts with an authorized inspection
 26 agency to perform inspections, such contract shall be in writing
 27 and shall contain an indemnification clause wherein the authorized
 1 inspection agency agrees to indemnify and defend the department
 2 for loss occasioned by negligent or tortious acts committed by
 3 special inspectors employed by such authorized inspection agency
 4 when performing inspections on behalf of the department.

5 (2) No boilers required to be inspected by the act shall
 6 be operated without valid and current certification pursuant to
 7 rules and regulations adopted and promulgated by the commissioner
 8 in accordance with the requirements of the Administrative Procedure
 9 Act. The owner of any boiler installed after September 2, 1973,
 10 shall file a manufacturer's data report covering the construction
 11 of such boiler with the state boiler inspector. Such reports shall
 12 be used to assist the state boiler inspector in the certification
 13 of boilers. No boiler required to be inspected by the Boiler
 14 Inspection Act shall be operated at any type of public gathering or
 15 show without first being inspected and certified as to its safety
 16 by the state boiler inspector or a special inspector commissioned
 17 pursuant to section 48-731. Antique engines with boilers may be
 18 brought into the state from other states without inspection, but
 19 inspection as provided in this section shall be made and the boiler
 20 certified as safe before being operated.

21 (2)-(3) The commissioner may, by rule and regulation,
 22 waive the inspection of unfired pressure vessels registered with
 23 the State of Nebraska if the commissioner finds that the owner or
 24 user of the unfired pressure vessel follows a safety inspection and
 25 repair program that is based upon nationally recognized standards.

26 Sec. 3. Section 48-730, Reissue Revised Statutes of
 27 Nebraska, is amended to read:

1 48-730 Before any boiler required to be inspected by the
 2 Boiler Inspection Act is installed, a ten days' written notice of
 3 intention to install the boiler shall be given to the commissioner,
 4 except that the commissioner may, upon application and good cause
 5 shown, waive the ten-day prior notice requirement. The notice shall
 6 designate the proposed place of installation, the type and capacity
 7 of the boiler, the use to be made of the boiler, the name of the
 8 company which manufactured the boiler, and whether the boiler is
 9 new or used. A boiler moved from one location to another shall be
 10 reinspected prior to being placed back into use.

11 Sec. 4. Section 48-731, Reissue Revised Statutes of
 12 Nebraska, is amended to read:

13 48-731 (1)(a) The ~~Division Office~~ of Safety and Labor
 14 Standards of the Department of Labor may issue a special inspector

15 commission to an inspector in the employ of a company if the
16 inspector has previously passed the examination prescribed by
17 the National Board of Boiler and Pressure Vessel Inspectors and
18 the company is an insurance company authorized to insure boilers
19 in this state against loss from explosion or is an authorized
20 inspection agency.

21 (b) Each ~~insurance company which special inspector~~
22 employed by an insurance company or authorized inspection agency
23 who has been issued a special inspector commission under this
24 section shall submit to the state boiler inspector complete data of
25 each boiler required to be inspected by the Boiler Inspection Act
26 which is insured or inspected by such ~~company insurance company or~~
27 authorized inspection agency on forms approved by the commissioner.

1 (c) Insurance companies shall notify the ~~division~~
2 department of new, canceled, or suspended risks relating to insured
3 boilers. Insurance companies shall notify the ~~division~~ department
4 of all boilers which the company insures, or any boiler for which
5 insurance has been canceled, not renewed, or suspended within
6 thirty days after such action. Authorized inspection agencies shall
7 notify the department of any new or canceled agreements relating to
8 the inspection of boilers or pressure vessels within thirty days
9 after such action.

10 (d) Insurance companies and authorized inspection
11 agencies shall immediately notify the ~~division~~ department of
12 defective boilers. If a special inspector employed by an insurance
13 company, upon the first inspection of new risk, finds that the
14 boiler or any of the appurtenances are in such condition that
15 the inspector's company refuses insurance, the company shall
16 immediately submit a report of the defects to the state boiler
17 inspector.

18 (2) The inspection required by the act shall not be ~~made~~
19 required if (a) an annual inspection is made under a city ordinance
20 which meets the standards set forth in the act, (b) a certificate
21 of inspection of the boiler is filed with the commissioner with
22 a certificate fee, and (c) the inspector for the city making
23 such inspection is required by such ordinance to either hold a
24 commission from the National Board of Boiler and Pressure Vessel
25 Inspectors commensurate with the type of inspections performed by
26 the inspector for the city or acquire the commission within twelve
27 months after appointment.

1 (3) The commissioner may, by rule and regulation, provide
2 for the issuance of a special inspector commission to an inspector
3 in the employ of a company using or operating an unfired pressure
4 vessel subject to the act for the limited purpose of inspecting
5 unfired pressure vessels used or operated by such company.

6 (4) All inspections made by a special inspector shall be
7 performed in accordance with the act, and a complete report of such
8 inspection shall be filed with the ~~division~~ department in the time,
9 manner, and form prescribed by the commissioner.

10 (5) The state boiler inspector may, at his or her
 11 discretion, inspect any boiler to which a special inspector
 12 commission applies.

13 (6) The commissioner may, for cause, suspend or revoke
 14 any special inspector commission.

15 (7) No authorized inspection agency shall perform
 16 inspections of boilers in the State of Nebraska unless
 17 the authorized inspection agency has insurance coverage for
 18 professional errors and omissions and comprehensive and general
 19 liability under a policy or policies written by an insurance
 20 company authorized to do business in this state in effect at the
 21 time of such inspection. Such insurance policy or policies shall
 22 be in an amount not less than the minimum amount per occurrence
 23 as established by the commissioner. Such minimum amount shall
 24 be established with due regard to the protection of the general
 25 public and the availability of insurance coverage, but such minimum
 26 insurance coverage shall not be less than one million dollars per
 27 occurrence for professional errors and omissions and one million
 1 dollars for comprehensive and general liability.

2 Sec. 5. Section 48-736, Reissue Revised Statutes of
 3 Nebraska, is amended to read:

4 48-736 Any person, persons, corporations, and the
 5 directors, managers, superintendents, and officers of such
 6 corporations violating the Boiler Inspection Act shall be guilty of
 7 a Class ~~V-III~~ misdemeanor.

8 Sec. 6. Original sections 48-720, 48-722, 48-730, 48-731,
 9 and 48-736, Reissue Revised Statutes of Nebraska, are repealed.

(Signed) Abbie Cornett, Chairperson

Revenue

LEGISLATIVE BILL 304. Placed on General File - Com AM277.
 AM277

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

3 Section 1. Section 77-6102, Revised Statutes Cumulative
 4 Supplement, 2006, is amended to read:

5 77-6102 For purposes of the Long-Term Care Savings Plan
 6 Act:

7 (1) Long-term care expense means the cost of long-term
 8 care in a long-term care facility and the cost of care provided in
 9 a person's home when the person receiving the care is unable to
 10 perform multiple basic life functions independently;

11 (2) Long-term care insurance premiums means premiums
 12 paid for a long-term care insurance policy issued pursuant to
 13 the Long-Term Care Insurance Act that offers coverage to the
 14 individual, ~~or the individual's spouse,~~ or another person for whom
 15 the taxpayer has an insurable interest;

16 (3) Participant means an individual who has entered
 17 into a participation agreement or established an account with
 18 a financial institution with which the State Treasurer has an
 19 agreement under subsection (1) of section 77-6103; and
 20 (4) Qualified individual means (a) a person who ~~turned~~
 21 ~~sixty five years of age or older during the taxable year who has~~
 22 ~~a medical necessity for long term care during the taxable year;~~
 23 ~~(b) a disabled person who has a medical necessity for long term~~
 1 ~~care incurred long-term care expenses during the taxable year; or~~
 2 ~~(c) or (b) a person who turned sixty two fifty years of age or~~
 3 older during the taxable year who made payments for long-term care
 4 insurance premiums during the taxable year.
 5 Sec. 2. Original section 77-6102, Revised Statutes
 6 Cumulative Supplement, 2006, is repealed.

LEGISLATIVE BILL 537. Placed on General File - Com AM282.
 AM282

1 1. On page 2, line 8, after "a" insert "Nebraska-based".

LEGISLATIVE BILL 22. Indefinitely postponed.
LEGISLATIVE BILL 240. Indefinitely postponed.
LEGISLATIVE BILL 403. Indefinitely postponed.
LEGISLATIVE BILL 423. Indefinitely postponed.
LEGISLATIVE BILL 442. Indefinitely postponed.

(Signed) Ray Janssen, Chairperson

Health and Human Services

LEGISLATIVE BILL 395. Placed on General File - Com AM276.
 AM276

1 1. Strike original sections 17 and 19 and insert the
 2 following new sections:
 3 Sec. 16. Tobacco retail outlet means a retail store that
 4 sells only tobacco and related products and in which the sale of
 5 other products is only incidental.
 6 Sec. 19. A proprietor shall post a no-smoking sign or the
 7 international no-smoking symbol clearly and conspicuously at every
 8 entrance to a place of employment or public place where smoking is
 9 prohibited under the Nebraska Clean Indoor Air Act and shall take
 10 other necessary and appropriate steps to ensure compliance with the
 11 act at such place.
 12 2. On page 4, line 15, after "who" insert "or which"; in
 13 line 22, strike "includes" and insert "means"; and strike line 25
 14 and insert "medical officer, (2) a local health officer, a health
 15 director".
 16 3. On page 5, line 1, after "of" insert "a" and strike
 17 "departments" and insert "department"; in line 3 strike "authorized
 18 representatives" and insert "an authorized representative"; strike

- 19 line 4 and insert "officer or a local health officer."; in line
 20 18 strike beginning with "A" through the second period; and strike
 21 beginning with "A" in line 24 through line 25.
 22 4. On page 6, line 12, strike "sections 16 and 17" and
 23 insert "(1) Private
 1 residences, except when used (a) as a place of employment for one
 2 or more employees who are not the occupants of such residence, (b)
 3 as a child care, adult day care, or health care facility, or (c)
 4 as a public place."; strike beginning with the period in line 20
 5 through "(3)" in line 23 and insert ";
 6 (3) Tobacco retail outlets; and
 7 (4).".
 8 5. On page 7, line 15, strike "(1)"; and strike lines 21
 9 through 23.
 10 6. On page 8, strike beginning with the second "and" in
 11 line 12 through "such" in line 13; in line 17 strike "punished in
 12 the same manner" and insert "subject to the same penalty"; and in
 13 line 20 strike "a continuing" and insert "an ongoing".
 14 7. On page 9, line 1, strike the third "and"; and in line
 15 2 strike "reasonable".
 16 8. Renumber the remaining sections and correct internal
 17 references accordingly.

(Signed) Joel Johnson, Chairperson

NOTICE OF COMMITTEE HEARINGS
Business and Labor
 Room 2102

LB 495	Monday, March 5, 2007 (cancel)	1:30 p.m.
LB 495	Monday, March 12, 2007 (reschedule)	1:30 p.m.
LB 609	Monday, March 12, 2007 (cancel)	1:30 p.m.
LB 609	Monday, March 5, 2007 (reschedule)	1:30 p.m.

(Signed) Abbie Cornett, Chairperson

MOTIONS - Print in Journal

Senator Erdman filed the following motion to LB 205:
 Indefinitely postpone.

Senator Erdman filed the following motion to LB 402:
 Recommit to the Executive Board.

AMENDMENT - Print in Journal

Senator Erdman filed the following amendment to LB 185:
AM230

(Amendments to Final Reading copy)

- 1 1. Strike section 50 and insert the following new
2 sections:
3 Section 1. Section 30-2483, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 30-2483 Unless notice has already been given under this
6 article and except when an appointment of a personal representative
7 is made pursuant to subdivision (4) of section 30-2408, the clerk
8 of the court upon the appointment of a personal representative
9 shall publish a notice once a week for three successive weeks
10 in a newspaper of general circulation in the county announcing
11 the appointment and the address of the personal representative,
12 and notifying creditors of the estate to present their claims
13 within two months after the date of the first publication of
14 the notice or be forever barred. The first publication shall
15 be made within thirty days after the appointment. The party
16 instituting or maintaining the proceeding or his or her attorney
17 is required to mail the published notice and give proof thereof
18 in accordance with section 25-520.01. For all decedents fifty-five
19 years of age or older or who resided in a medical institution
20 as defined in subsection (1) of section 68-919, not later than
21 fourteen days after appointment of a personal representative other
22 than a special administrator, the personal representative shall
1 give written notice of his or her appointment to the Department
2 of Health and Human Services Finance and Support. The notice
3 shall include the decedent's name and social security number
4 and, if available upon reasonable investigation, the name and
5 social security number of the decedent's spouse if such spouse is
6 deceased, but the notice need not include a copy of the decedent's
7 will.
8 Sec. 51. Sections 2, 51, 52, and 56 of this act become
9 operative on their effective date. Sections 6, 7, 8, 9, 10, 11, 12,
10 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29,
11 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 54, and 55 of
12 this act become operative on July 1, 2007. The other sections of
13 this act become operative three calendar months after adjournment
14 of this legislative session.
15 2. On page 1, line 2; and page 49, line 21, after
16 "sections" insert "30-2483".
17 3. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Room Change

Senator Cornett asked unanimous consent that the Business and Labor Committee conduct its hearing on Monday, February 12, 2007, in Room

1524 instead of Room 2102. No objections. So ordered.

VISITORS

Visitors to the Chamber were members of Aurora Leadership Tomorrow from Aurora.

The Doctor of the Day was Dr. Kevin Wycoff from Hastings.

ADJOURNMENT

At 11:51 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Monday, February 12, 2007.

Patrick J. O'Donnell
Clerk of the Legislature