

TWENTY-EIGHTH DAY - FEBRUARY 13, 2007

LEGISLATIVE JOURNAL

**ONE HUNDREDTH LEGISLATURE
FIRST SESSION**

TWENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 13, 2007

PRAYER

The prayer was offered by Senator Burling.

ROLL CALL

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

The roll was called and all members were present except Senator Wallman who was excused; and Senators Chambers, Pedersen, Preister, Raikes, and Synowiecki who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-seventh day was approved.

**COMMITTEE REPORT
Enrollment and Review**

LEGISLATIVE BILL 231. Placed on Select File.

(Signed) Amanda McGill, Chairperson

**NOTICE OF COMMITTEE HEARING
Health and Human Services
Room 1510**

LB 513 Wednesday, February 21, 2007

1:30 p.m.

(Signed) Joel Johnson, Chairperson

AMENDMENTS - Print in Journal

Senator Burling filed the following amendment to LB 204:
AM273

- 1 1. On page 3, lines 1 through 5, strike the new matter
- 2 and reinstate the stricken matter.

Senator Erdman filed the following amendment to LB 205:
AM337

- 1 1. Strike original section 1.
- 2 2. On page 2, line 24, after the comma insert "at a
- 3 designated school bus stop"; in line 26 after the last comma
- 4 insert "bullying"; and in line 27 after the first "a" insert
- 5 "physical, verbal, or electronic".
- 6 3. On page 3, lines 25, 26, and 27; and page 4, lines 13
- 7 and 16, strike the new matter and reinstate the stricken matter.
- 8 4. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 395. Title read. Considered.

Committee AM276, found on page 511, was considered.

Senator Fischer requested a division of the question on the committee amendment.

The Chair sustained the division of the question.

The first committee amendment is as follows:

FA15

- 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.
- 22 4. On page 6, line 12, strike "sections 16 and 17" and
- 23 insert "section 16"; strike lines 13 and 14 and 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)".

Senator Howard offered the following amendment to the first committee amendment:

AM333

(Amendments to Standing Committee amendments, AM276)

- 1 On page 2, line 3, after the second comma insert "a
- 2 foster care home licensed under section 71-1902.".

SPEAKER FLOOD PRESIDING

SENATOR LANGEMEIER PRESIDING

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

Senator Stuthman moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Senator Stuthman requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 28:

Aguilar	Erdman	Harms	Lathrop	Pirsch
Ashford	Flood	Heidemann	Louden	Raikes
Avery	Friend	Hudkins	McDonald	Stuthman
Burling	Fulton	Janssen	McGill	Wightman
Carlson	Gay	Johnson	Nelson	
Cornett	Hansen	Kruse	Pankonin	

Voting in the negative, 14:

Adams	Dierks	Howard	Mines	Rogert
Chambers	Dubas	Karpisek	Nantkes	White
Christensen	Engel	Langemeier	Pahls	

Present and not voting, 4:

Fischer	Kopplin	Schimek	Synowiecki
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Excused and not voting, 3:

Pedersen	Preister	Wallman
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The motion to cease debate prevailed with 28 ayes, 14 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Howard moved for a call of the house. The motion prevailed with 42 ayes, 0 nays, and 7 not voting.

Senator Howard requested a roll call vote on her amendment.

Voting in the affirmative, 19:

Adams	Cornett	Harms	Kruse	Raikes
Ashford	Dierks	Howard	Lathrop	Schimek
Avery	Dubas	Janssen	Louden	Wightman
Chambers	Flood	Kopplin	McGill	

Voting in the negative, 17:

Burling	Friend	Heidemann	Mines	Rogert
Carlson	Fulton	Hudkins	Nelson	
Christensen	Gay	Karpisek	Pahls	
Erdman	Hansen	Langemeier	Pankonin	

Present and not voting, 10:

Aguilar	Fischer	McDonald	Pirsch	Synowiecki
Engel	Johnson	Nantkes	Stuthman	White

Excused and not voting, 3:

Pedersen	Preister	Wallman
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The Howard amendment lost with 19 ayes, 17 nays, 10 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORTS **Banking, Commerce and Insurance**

LEGISLATIVE BILL 124. Placed on General File - Com AM299.
(Amendment is printed separately and available in the Bill Room, Room 1104.)

(Signed) Rich Pahls, Chairperson

Education

LEGISLATIVE BILL 230. Indefinitely postponed.
LEGISLATIVE BILL 630. Indefinitely postponed.

(Signed) Ron Raikes, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR **Committee**
LR 28 Transportation and Telecommunications

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

AMENDMENT - Print in Journal

Senator Burling filed the following amendment to LB 204:
AM346

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 48-2103, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 48-2103 For purposes of the Contractor Registration Act:
- 5 (1) Commissioner ~~shall mean~~ means the Commissioner of
- 6 Labor;
- 7 (2) Construction ~~shall mean~~ means work on real property
- 8 and annexations, including new work, additions, alterations,
- 9 reconstruction, installations, and repairs performed at one or more
- 10 different sites which may be dispersed geographically;
- 11 (3) Contractor ~~shall mean~~ means a person who engages
- 12 in the business of construction and ~~shall include~~ includes a
- 13 subcontractor, a general contractor, and any other person arranging
- 14 for the performance of construction. A person who earns less than
- 15 ~~one two~~ thousand dollars annually or who performs work or has work
- 16 performed on ~~the person's his or her~~ own property is not ~~shall not~~
- 17 ~~be a contractor; for purposes of the act;~~
- 18 (4) Department ~~shall mean~~ means the Department of Labor;
- 19 and
- 20 (5) Working days ~~shall mean~~ means Mondays through Fridays
- 21 but ~~shall does~~ not include Saturdays, Sundays, or federal or state
- 22 holidays. In computing fifteen working days, the day of receipt of
- 23 any notice ~~shall not be~~ is not included and the last day of the
- 1 fifteen working days ~~shall be~~ is included.
- 2 2. On page 4, line 11, after "48-2102," insert
- 3 "48-2103,".
- 4 3. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 395. Senator Erdman offered the following amendment to the first committee amendment:

FA19

On page 2, line 3 strike the new matter on line 3 and insert "as a licensed child care facility, licensed adult day care facility, or licensed health care facility, or (c)"

Senator Erdman withdrew his amendment.

Senator Johnson offered the following amendment to the first committee amendment:

FA21

On page 2, strike beginning with the comma in line 1 through "place" in line 4.

SPEAKER FLOOD PRESIDING

Pending.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 27 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 27.

GENERAL FILE

LEGISLATIVE BILL 395. The Johnson amendment, FA21, found in this day's Journal, to the first committee amendment, was renewed.

SENATOR LANGEMEIER PRESIDING

Pending.

NOTICE OF COMMITTEE HEARINGS**Appropriations**
Room 1524

Monday, February 26, 2007

1:30 p.m.

AGENCY 5 - Supreme Court and State Court Administrator

AGENCY 11 - Attorney General

AGENCY 15 - Board of Pardons and Board of Parole

AGENCY 94 - Commission on Public Advocacy

LB 55	Tuesday, February 27, 2007	1:30 p.m.
LB 56	Tuesday, February 27, 2007	1:30 p.m.
LB 71	Tuesday, February 27, 2007	1:30 p.m.
LB 229	Tuesday, February 27, 2007	1:30 p.m.
LB 281	Tuesday, February 27, 2007	1:30 p.m.
LB 327	Tuesday, February 27, 2007	1:30 p.m.

Tuesday, February 27, 2007 1:30 p.m.

AGENCY 20 - Department of Health and Human Services Regulation and Licensure

AGENCY 25 - Department of Health and Human Services

AGENCY 26 - Department of Health and Human Services Finance and Support

Room 1003

LB 452	Wednesday, February 28, 2007	1:30 p.m.
LB 587	Wednesday, February 28, 2007	1:30 p.m.

Wednesday, February 28, 2007 1:30 p.m.

AGENCY 21 - State Fire Marshal

AGENCY 30 - State Electrical Division

AGENCY 64 - State Patrol

AGENCY 78 - Commission on Law Enforcement and Criminal Justice

AGENCY 46 - Department of Correctional Services

Thursday, March 1, 2007 1:30 p.m.

AGENCY 81 - Commission for the Blind and Visually Impaired

AGENCY 38 - Commission on the Status of Women

AGENCY 68 - Commission on Mexican-Americans

AGENCY 70 - State Foster Care Review Board

AGENCY 76 - Commission on Indian Affairs

AGENCY 82 - Commission for the Deaf and Hard of Hearing

(Signed) Lavon Heidemann, Chairperson

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB 296:
AM251

- 1 1. In the Standing Committee amendment, AM74:
- 2 a. On page 1, lines 4, 6, and 13; and page 2, lines 2,
- 3 3, and 11, strike "System";
- 4 b. On page 1, lines 16 and 20; page 2, line 4; and page
- 5 5, line 9, strike "system" and insert "department";
- 6 c. On page 1, lines 13 and 14; and page 2, lines 2 and
- 7 11, before "Health" insert "Department of";
- 8 d. On page 1, lines 14 and 16; page 2, line 4; and page
- 9 3, line 14, strike "departments" and insert "divisions";

- 10 e. On page 2, lines 20 and 22, strike "department" and
 11 insert "division"; and
- 12 f. On page 2, lines 5, 6, 7, and 8; page 3, lines 17
 13 and 21; page 4, lines 1, 5, 9, 14, and 24; and page 5, lines 17,
 14 18, 19, 21, 22, and 23, strike all occurrences of "Department" and
 15 insert "Division".
- 16 2. On page 5, line 21; page 6, line 10; page 8, line 6;
 17 page 10, lines 1, 7, and 12; page 11, lines 1, 24, and 25; page 12,
 18 lines 10, 16, 23, and 24; page 13, lines 4, 14, 15, 21, and 25;
 19 page 18, line 15; page 19, line 4; page 20, line 6; and page 22,
 20 line 12, strike "System".
- 21 3. On page 5, line 20; page 8, line 5; page 10, line 11;
 22 page 11, lines 1 and 24; page 12, lines 10 and 23; page 13, lines
 23 3, 13, and 20; page 19, line 4; page 20, line 6; and page 22, line
 1 12, before "Health" insert "Department of".
- 2 4. On page 5, line 24; page 6, lines 1, 12, 14, 15,
 3 and 26; page 7, lines 1, 5, 7, 14, 18, and 24; page 8, lines 3
 4 and 8; page 11, lines 3, 5, 10, 13, and 17; page 12, line 17;
 5 page 13, line 15; and page 14, line 6, strike "system" and insert
 6 "department".
- 7 5. On page 5, line 27; page 6, lines 14 and 15; page 7,
 8 lines 1 and 12; page 8, lines 1 and 9; and page 9, line 20, strike
 9 "department" and insert "division".
- 10 6. On page 8, lines 8, 9, 12, and 14; and page 9, lines
 11 16 and 22, strike "departments" and insert "divisions".
- 12 7. On page 12, line 25, strike "system" and insert
 13 "Department of Health and Human Services".
- 14 8. On page 20, strike beginning with "of" in line 5
 15 through the first "System" in line 6.
- 16 9. In ER8012, on page 1, line 8, strike "System"; and in
 17 line 10 strike the new matter and insert "Department of Health and
 18 "Human Services".

Senator Johnson filed the following amendment to LB 395:
 AM345

(Amendments to Standing Committee amendments, AM276)

- 1 1. On page 1, line 19, after the semicolon insert
 2 "in line 6 after the first comma insert 'a' and strike
 3 'floor-to-ceiling'; in line 8 after 'windows' insert 'and that has
 4 'less than twenty percent of the total wall area permanently open to
 5 'the outdoors. For walls in excess of eight feet in height, only the
 6 'first eight feet shall be used in determining such percentage';".

Senator Johnson filed the following amendment to LB 395:
 FA14

Amend committee amendment (AM276)

On page 2, strike from "in" in line 12 through line 13 and insert "strike
 beginning with '(1)' in line 19 through '(2)' in line 25."

Senator Nantkes filed the following amendment to LB 395:
AM340

- 1 1. Strike section 26.
- 2 2. Renumber the remaining section accordingly.

Senator Rogert filed the following amendment to LB 395:
AM349

- 1 1. On page 6, line 5, before the period insert "within
- 2 the incorporated boundaries of cities of the metropolitan, primary,
- 3 and first classes".

Senator Erdman filed the following amendment to LB 395:
FA22

On page 2, lines 15-18 strike the new matter beginning with "nothing" in line 15. Strike Section 24.

ANNOUNCEMENT

Senator Cornett announced the Business and Labor Committee will hold an executive session Wednesday, February 14, 2007, at 10:00 a.m., in Room 2102.

VISITORS

Visitors to the Chamber were Dalan Hiatt and Wendall Gaston from Sidney; and NSEA retired educators from across the state.

The Doctor of the Day was Dr. Derrick Anderson from Lincoln.

ADJOURNMENT

At 11:58 a.m., on a motion by Senator McGill, the Legislature adjourned until 9:00 a.m., Wednesday, February 14, 2007.

Patrick J. O'Donnell
Clerk of the Legislature

