

SEVENTY-EIGHTH DAY - MAY 9, 2007**LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE
FIRST SESSION****SEVENTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 9, 2007

PRAYER

The prayer was offered by Senator Hansen.

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 Senators Adams, Ashford, Cornett, Mines, Raikes, and Rogert who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-seventh day was approved.

BILL ON FIRST READING

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

LEGISLATIVE BILL 482A. Introduced by Johnson, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 482, One Hundredth Legislature, First Session, 2007; and to declare an emergency.

SELECT FILE

LEGISLATIVE BILL 316. ER8075, found on page 1243, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 316A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 373. Advanced to E & R for engrossment.

LEGISLATIVE BILL 629. ER8098, found on page 1370, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 629A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 405. Corrected ER8059, found on page 1012, was adopted.

Senator Schimek asked unanimous consent to withdraw her amendment, AM849, found on page 1170, and replace it with her substitute amendment, AM1070, found on page 1227. No objections. So ordered.

Senator Schimek withdrew her amendment.

Senator Friend asked unanimous consent to bracket LB 405 until May 31, 2007. No objections. So ordered.

LEGISLATIVE BILL 274. Senator McDonald withdrew the McDonald-Lathrop amendment, AM1139, found on page 1334.

Senator McDonald renewed the McDonald-Lathrop amendment, AM1263, found on page 1460.

The McDonald-Lathrop amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 540. ER8104, found on page 1431, was adopted.

Senator Synowiecki renewed his amendment, AM1253, found on page 1460.

The Synowiecki amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 540A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 334. ER8068, found on page 1105, was adopted.

Senator Hudkins renewed her amendment, AM1198, found on page 1382.

Senator Hudkins withdrew her amendment.

Senator Hudkins withdrew her amendment, AM1197, found on page 1385.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 588. ER8094, printed separately and referred to on page 1369, was adopted.

Senator Cornett renewed her amendment, AM1278, printed separately and referred to on page 1472.

Senator Cornett renewed her amendment, AM1279, found on page 1472, to her amendment.

The Cornett amendment was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

The Cornett amendment, AM1278, as amended, was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 578. ER8052, found on page 899, was adopted.

Senator McDonald renewed her amendment, AM892, found on page 1100.

The McDonald amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Senator Kruse renewed his amendment, AM759, found on page 910.

Senator Kruse withdrew his amendment.

Senator Kruse renewed his amendment, AM779, found on page 1041.

The Kruse amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

AMENDMENTS - Print in Journal

Senators Mines and Lathrop filed the following amendment to LB 674:
AM1281

(Amendments to Final Reading copy)

- 1 1. Strike section 7 and insert the following new section:
- 2 Sec. 7. (1) A security freeze shall remain in place,
- 3 subject to being put on hold or temporarily lifted as otherwise
- 4 provided in this section, until the earlier of the date that the
- 5 consumer reporting agency receives a request from the consumer to

6 remove the freeze under section 8 of this act or seven years after
 7 the date the security freeze was put in place.

8 (2) A consumer reporting agency may place a hold on a
 9 file due to a material misrepresentation of fact by the consumer.
 10 When a consumer reporting agency intends to release a hold on a
 11 file, the consumer reporting agency shall notify the consumer in
 12 writing three business days prior to releasing the hold on the
 13 file.

14 (3) A consumer reporting agency shall temporarily lift a
 15 security freeze only upon request by the consumer under section 6
 16 of this act.

17 (4) A consumer reporting agency shall remove a security
 18 freeze upon the earlier of the date that the consumer reporting
 19 agency receives a request from the consumer to remove the freeze
 20 under section 8 of this act or seven years after the date the
 21 security freeze was put in place.

22 2. On page 3, after line 22 insert the following new
 1 subsection:

2 "(3) The written confirmation required under subsection
 3 (2) of this section shall include a warning which shall read as
 4 follows: WARNING TO PERSONS SEEKING A CREDIT FREEZE AS PERMITTED
 5 BY THE CREDIT REPORT PROTECTION ACT: YOU MAY BE DENIED CREDIT AS A
 6 RESULT OF A FREEZE PLACED ON YOUR CREDIT.".

7 3. On page 7, strike line 11 and insert "of fifteen
 8 dollars for placing a".

9 4. On page 13, lines 2 and 6, strike "individual's"
 10 and insert "employee's"; and in lines 7, 10, and 15, strike
 11 "individual" and insert "employee".

Senator Mines filed the following amendment to LB 504:
 AM1180

(Amendments to Final Reading copy)

1 1. On page 2, line 23; and page 3, line 3, strike
 2 "seventy-five dollars" and insert "two hundred fifty dollars for
 3 a first offense and not less than five hundred dollars for each
 4 subsequent offense".

RESOLUTIONS

LEGISLATIVE RESOLUTION 127. Introduced by Synowiecki, 7.

PURPOSE: To review the state funds under the responsibility of the state investment officer in order to determine whether these funds are being invested in accordance with law and whether the statutory provisions governing the investment of these funds should be updated in order to reflect modern investment principles. In order to carry out the purpose of this resolution, the Nebraska Retirement Systems Committee shall consider input from the Nebraska Investment Council, the State Treasurer, and other interested parties as the committee deems necessary and beneficial.

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

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 128. Introduced by Aguilar, 35.

PURPOSE: (1) Under current Nebraska law, even though there is no definition of mother, it has been determined that a woman delivering a child is the mother of that child. The presumption would follow then that the delivering woman's husband is the father of the child. The paternity issue can be resolved administratively by completing the process set out in Neb. Rev. Stat. section 71-640.01. However, there is no administrative process to allow for maternity to be established by someone other than the woman delivering the child, such as the case in which a surrogate mother is the woman delivering the child. Currently, the Office of Vital Records of the Nebraska Health and Human Services System requires these individuals to obtain a court order to enter a person, other than the gestational surrogate, as the mother on such birth certificates. Nebraska law currently provides no specific authority for the Office of Vital Records to enter the name of someone other than the mother, the woman delivering the baby, on the birth certificate absent an adoption proceeding.

(2) In addition, a biological parent or parents should not have to go through an adoption proceeding to adopt his or her own biological child. There is no specific court filing to bring this type of action and any resulting order is under the equitable power of the court. As a result, inconsistent findings across the state could occur. A court in one jurisdiction may believe that it has equitable power to enter the order while another may not.

(3) The purpose of this study is to examine administrative processes and laws which would permit the establishment of a parent and child relationship in the event of a gestational surrogacy. Specifically, this study shall include, but not be limited to, the following relating to gestational surrogacy:

- (1) Examination of all relevant laws, rules, and regulations of other states;
- (2) Examination of all current administrative processes, policies, and rules and regulations in the Office of Vital Records of the Nebraska Health and Human Services System;
- (3) Examination of all relevant Nebraska court cases;
- (4) Examination of all relevant administrative processes, policies, and rules and regulations used in other states; and
- (5) Examination of all relevant court cases from other states.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 129. Introduced by Avery, 28.

PURPOSE: The Base Realignment and Closure process periodically recommends and effectuates closure and realignment of United States Department of Defense installations. Nebraska is the home to a number of such installations. The Legislature should study the Base Realignment and Closure process to gain an understanding of the process and assess any response required by the state to the process.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 516. Title read. Considered.

Committee AM1132, found on page 1306, was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 516A. Title read. Considered.

Advanced to E & R for review with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 157. Committee AM250, found on page 689 and considered on page 799, was renewed.

Senator Chambers renewed his motion, found on page 811, to recommit to Judiciary Committee.

Senator Chambers withdrew his motion to recommit.

Senator Ashford withdrew his amendment, AM674, found on page 813.

Senator Stuthman renewed his amendment, AM844, found on page 1245, to the committee amendment.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 130. Introduced by Synowiecki, 7; Aguilar, 35; Engel, 17; Harms, 48; Johnson, 37; Kruse, 13; Lathrop, 12; Mines, 18; Nantkes, 46; Nelson, 6; Stuthman, 22; White, 8; Wightman, 36.

PURPOSE: The purposes of this interim study include examining the resources and other requirements necessary to implement an effective statewide comprehensive tobacco prevention and cessation program, examining the state appropriations necessary to effectively impact tobacco use, and assessing past and current state tobacco appropriations and revenue streams.

The issues addressed by this interim study include, but are not limited to:

(1) Review of current activities and effectiveness of Nebraska's Tobacco Control Program, Program 30, of the Department of Health and Human Services.

(2) Issues related to the distribution of Master Settlement Agreement funds in Nebraska for tobacco control programs and recommended levels of funding by the Centers for Disease Control.

(3) How such funding could be expanded and the effectiveness of potential expansions, including reduction of the number of adults and youth using tobacco products and related reduction in public health care expenditures.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Add Cointroducers

Senator Mines asked unanimous consent to add his name as cointroducer to LB 551. No objections. So ordered.

Senator Fischer asked unanimous consent to add her name as cointroducer to LB 564. No objections. So ordered.

VISITORS

Visitors to the Chamber were 40 fourth-grade students and sponsors from Abraham Lincoln Elementary, Hastings; 50 fourth-grade students and sponsors from Manchester Elementary, Omaha; Charlie and Mark Dwyer from Omaha; and 75 fourth-grade students, teachers, and sponsors from Castelara Elementary, Omaha.

RECESS

At 11:59 a.m., on a motion by Senator Schimek, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Flood presiding.

ROLL CALL

The roll was called and all members were present except Senators Dierks, Dubas, Kruse, McDonald, and Rogert who were excused until they arrive.

COMMITTEE REPORTS **Enrollment and Review**

Correctly Engrossed

The following bills were correctly engrossed: LBs 88, 317, 318, 319, 320, 321, 322, 323, and 339.

ST9036

Enrollment and Review Change to LB 88

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

1. On page 1, line 3, "to authorize agencies to write off certain claims;" has been inserted after the semicolon.
2. On page 3, line 23, "appropriation" has been struck and "appropriations" inserted.
3. On page 5, line 7, "Workers" has been struck and "Nebraska Workers"" inserted.

ST9033

Enrollment and Review Change to LB 317

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

1. In the Standing Committee amendments, AM726:
 - a. On page 5, line 6, the first comma has been struck; and
 - b. On page 6, line 15, "Investment" has been struck and "Investments" inserted.

ST9035

Enrollment and Review Change to LB 320

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

1. In the Standing Committee amendments, AM727:
 - a. On page 9, line 11, a comma has been inserted after "Nebraska";
 - b. On page 21, line 27; and page 26, line 12, "the act" has been struck and "LB 605" inserted;
 - c. On page 29, line 2, "Capitol" has been struck and "Capital" inserted;
 - d. On page 35, line 23, "\$6,676,033" has been struck and "\$8,676,033" inserted; and in line 25 "\$10,261,013" has been struck and "\$8,261,013" inserted; and
 - e. On page 39, line 13, "Special" has been struck and "Species Land" inserted.

ST9034

Enrollment and Review Change to LB 321

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

1. In the Stuthman amendment, AM1265, on page 1, lines 9 and 12, "4,104,452" has been struck and "4,104,456" inserted.

(Signed) Amanda McGill, Chairperson

GENERAL FILE

LEGISLATIVE BILL 641. Title read. Considered.

SENATOR LANGEMEIER PRESIDING

Committee AM1141, printed separately and referred to on page 1396, was considered.

Senator Raikes withdrew his amendments, AM1211 and AM1212, found on page 1392.

Senator Adams renewed the Adams et al. amendment, AM1258, printed

separately and referred to on page 1472, to the committee amendment.

SENATOR ERDMAN PRESIDING

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 131. Introduced by Preister, 5.

WHEREAS, Johnny Goodman was born and raised in the packing house district of South Omaha; and

WHEREAS, he was orphaned at age 14 and worked to support his younger siblings while finishing high school by attending night classes; and

WHEREAS, Johnny Goodman overcame these obstacles to become one of the nation's eleven greatest golfers of all time to win both the U.S. Amateur Championship and the U.S. Open Championship, joining Arnold Palmer, Jack Nicklaus, Tiger Woods, Bobby Jones, Gene Littler, Jerry Pate, Chick Evans, Francis Ouimet, Jerome De Travers, and Lawson Little; and

WHEREAS, he won sixty golf tournaments in his career, including the Nebraska City Championship at age 16, the 1927, 1931, and 1935 Trans-Mississippi Tournaments, the 1929 Nebraska State Amateur Tournament, the 1933 U.S. Open Championship, where he set a course record, and was the last amateur to win that championship, the 1936 and 1937 Mexican Amateur Championship, and the 1937 U.S. Amateur Championship; and

WHEREAS, his other achievements include becoming the lowest-scoring amateur in the 1932, 1935, and 1937 U.S. Open Championships, representing the United States by playing on three consecutive Walker Cup teams in 1934, 1936, and 1938, and becoming a finalist in the 1934 U.S. Amateur Championship; and

WHEREAS, the 2007 U.S. Amateur Championship marks the seventieth anniversary of Johnny Goodman's 1937 win of the championship.

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

That the Legislature salutes Johnny Goodman the week of August 20-26, 2007, as one of Nebraska's greatest golfers and as the winner of several prestigious national championships.

Laid over.

LEGISLATIVE RESOLUTION 132. Introduced by Kruse, 13.

PURPOSE: To study the funding and distribution of transit aid related to the local operating subsidy of transit vehicles as directed by sections 13-1202 and 13-1209.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 133. Introduced by Agriculture Committee: Erdman, 47, Chairperson; Chambers, 11; Dierks, 40; Dubas, 34; Karpisek, 32; McDonald, 41; Preister, 5; Wallman, 30.

PURPOSE: The purpose of this resolution is to provide an opportunity for the Agriculture Committee of the Legislature to investigate and review matters arising during the interim that relate to issues within the jurisdiction of the committee and which may be the subject of legislation prepared for introduction in the 2008 legislative session. This interim study is intended to provide a forum to facilitate the committee's review and consideration as may be appropriate of potential policy response to changes in federal law, judicial decisions, and other developments that may occur during the interim.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 134. Introduced by Erdman, 47.

PURPOSE: The purpose of this study is to examine agricultural development as an element of economic development. The study shall specifically review means of enhancing the agricultural development functions of the Department of Agriculture, including, but not limited to, enhancing coordination with rural development programs administered by the United States Department of Agriculture.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 135. Introduced by Erdman, 47; Harms, 48.

PURPOSE: The purpose of this resolution is to catalog programs of agricultural research and public sources of funding for agricultural research and to examine critical research priorities in order to resolve societal, resource, and other constraints to the optimization of economic opportunities for production agriculture in this state. The study shall further examine existing means of identifying prioritization of public agricultural research investment in this state and to identify potential funding sources to match unmet agricultural research needs.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 136. Introduced by Erdman, 47; Dierks, 40.

PURPOSE: The purpose of this study is to examine means of stimulating expansion of the biodiesel fuel industry in Nebraska. The study shall specifically examine the potential for utilization of production incentives for that purpose as proposed in LB 626, One Hundredth Legislature, First Session. The study shall also examine means by which the State of Nebraska may encourage and facilitate technology transfer and commercialization of innovative biodiesel conversion technologies and systems that increase the conversion efficiency and net energy balance of biodiesel production and enable the utilization of feedstocks that offer renewable energy solutions with minimal impact to food security.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 137. Introduced by Erdman, 47.

PURPOSE: The purpose of this study is to examine the feasibility and desirability of redesigning the livestock friendly county program to serve as

a delivery vehicle for providing assistance for county identified livestock development goals and to implement other recommendations contained within the LR 320 staff report to the Agriculture Committee of the Legislature.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 138. Introduced by Erdman, 47.

PURPOSE: The purpose of this study is to examine means of fully cash funding the duties of the Department of Agriculture under the Noxious Weed Control Act. It shall also be a purpose of this study to examine the utilization and accomplishments of the Noxious Weed and Invasive Plant Species Assistance Fund, to examine the need for continuation of the grant program under the act, and to identify sources of funding to carry out the purposes of the program. This study shall not include an examination of the purposes and the utilizations of such fund authorized and funded through Laws 2007, LB 701.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 139. Introduced by Erdman, 47.

PURPOSE: The purpose of this study is to examine and identify constraints to expanded deployment of systems for the recovery of energy and other useful byproducts from animal wastes associated with confined livestock operations. The study shall seek to identify means by which the State of Nebraska may encourage and enable greater utilization of such systems by Nebraska livestock producers, including, but not limited to, enhancing coordination of state programs with and enhancing Nebraska producers' competitiveness in accessing United States Department of Agriculture programs and other available federal assistance programs for such purpose.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 140. Introduced by Erdman, 47.

PURPOSE: The purpose of this study is to examine activities and staffing of the Department of Agriculture and the Bureau of Animal Industry funded wholly or in part through federal grant funds under homeland security, livestock disease emergency response, animal identification, or other initiatives of the federal government. It is a goal of this study to identify the need for and feasibility of continuing such activities and staffing if federal funding sources are not continued.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 141. Introduced by Erdman, 47.

PURPOSE: The purpose of this study is to examine means of minimizing interstate commercial distortions and burdens to Nebraska agricultural equipment dealers from the inability to serve consumer demand for certain tractor models not permitted for sale in Nebraska. The study shall specifically seek to:

(1) Quantify and qualify the number and value of current tractor models not permitted for sale in Nebraska purchased by Nebraska tractor consumers from out-of-state equipment dealerships;

(2) Quantify and qualify the Nebraska tractor market in terms of agricultural and nonagricultural applications, power ranges, and trends in tractor sales;

(3) Identify any disincentives to tractor manufacturers meeting the Nebraska tractor permit requirements and identify means by which such barriers may be reduced or incentives enhanced to encourage manufacturers to submit to the Nebraska permitting requirements; and

(4) Monitor and report on the progress of any efforts to apply a system of third-party performance verification testing identical to or substantially similar to Nebraska's tractor permitting requirements as a condition to marketing tractor models in the United States.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MESSAGE FROM THE GOVERNOR

May 8, 2007

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

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being reappointed to the Nebraska Racing Commission:

Dennis P. Lee, 4610 So. 133rd St, Ste 103, Omaha NE 68137

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

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Lee, Dennis P. - Nebraska Racing Commission - General Affairs

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

GENERAL FILE

LEGISLATIVE BILL 641. The Adams et al. amendment, AM1258, printed separately and referred to on page 1472 and considered in this day's Journal, to the committee amendment, was renewed.

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

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

The motion to cease debate prevailed with 27 ayes, 4 nays, 15 present and not voting, and 3 excused and not voting.

The Adams et al. amendment was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORTS **Enrollment and Review**

Correctly Engrossed

The following bills were correctly engrossed: LBs 274, 316, 316A, 373, 540, 540A, 629, and 629A.

ST9040

Enrollment and Review Change to LB 540

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

1. On page 1, line 2, "; and to declare an emergency" has been inserted after "Act".

ST9037

Enrollment and Review Change to LB 629

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

1. In the E & R amendments, ER8098, on page 1, line 2, "to provide severability;" has been inserted after the semicolon.

(Signed) Amanda McGill, Chairperson

AMENDMENT - Print in Journal

Senator Dierks filed the following amendment to LB 334:

AM1297

(Amendments to AM775)

- 1 1. On page 39, line 3, before "and" insert
- 2 "appropriations, encumbrances,".

RESOLUTIONS

LEGISLATIVE RESOLUTION 142. Introduced by Friend, 10.

PURPOSE: The purpose of this study is to undertake a review and investigation of the Nebraska Industrial Development Corporation Act and the issues raised by LB 51, introduced in the 2007 legislative session. Most particularly, the study would examine the experience of Omaha and those counties that have exercised the authority granted by the act in its current form, the implications of extending such authority to other cities and villages, and a determination of whether further changes to the extent or nature of the authority granted by the act are warranted or desirable.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 143. Introduced by Friend, 10; Rogert, 16.

PURPOSE: This study shall review issues raised by LR2CA, One Hundredth Legislature, First Session, 2007, (the proposed constitutional amendment to broaden and refine authority for cities and counties to use tax-increment financing). The study shall address issues raised with regard to the provisions of LR2CA during the resolution's public hearing before the Urban Affairs Committee of the Legislature and at the time of its initial consideration by the full Legislature. Based upon the study, the committee shall propose and recommend changes to the current language of the resolution to better address municipal and citizen concerns.

The study shall include a review of current municipal practices regarding tax-increment financing, the extent to which it is being used, the purposes to which it is devoted, and the impact on general government finances in areas where the authority is exercised.

One goal of the study is to review tax-increment financing statutes in other states and, using their experience and the data developed during the course of the study, to draft legislation that would serve as model enabling legislation under the proposed constitutional amendment should it be adopted by the voters in 2008.

As an alternative, the study shall review and develop possible changes to the current Community Development Law required or justified by the study

(should the Legislature or the voters fail to adopt LR2CA or a related proposal).

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 641. Committee AM1141, printed separately and referred to on page 1396 and considered in this day's Journal, as amended, was renewed.

SENATOR AGUILAR PRESIDING

Senator Ashford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

The committee amendment, as amended, was adopted with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

AMENDMENT - Print in Journal

Senator Schimek filed the following amendment to LB 39:
AM1071

(Amendments to Standing Committee amendments, AM116)

- 1 1. Strike section 2 and insert the following new
- 2 sections:
- 3 Section 1. Section 32-628, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 32-628 (1) All petitions prepared or filed pursuant to
- 6 the Election Act or any petition which requires the election
- 7 commissioner or county clerk to verify signatures by utilizing the
- 8 voter registration register shall provide a space at least two and
- 9 one-half inches long for written signatures, a space at least two
- 10 inches long for printed names, and sufficient space for date of
- 11 birth and street name and number, city or village, and zip code.
- 12 Lines on each petition shall not be less than one-fourth inch
- 13 apart. Petitions may be designed in such a manner that lines for
- 14 signatures and other information run the length of the page rather

15 than the width. Petitions shall provide for no more than twenty
16 signatures per page.

17 (2) For the purpose of preventing fraud, deception,
18 and misrepresentation, every sheet of every petition containing
19 signatures shall have upon it, above the signatures, the statements
20 contained in this subsection, except that a petition for recall
21 of an elected official shall also have the additional information
22 specified in subsection (2) of section 32-1304. The statements
1 shall be printed in boldface type in substantially the following
2 form:

3 WARNING TO PETITION SIGNERS--VIOLATION OF ANY OF THE
4 FOLLOWING PROVISIONS OF LAW MAY RESULT IN THE FILING OF CRIMINAL
5 CHARGES: Any person who signs any name other than his or her own to
6 any petition or who is not qualified to sign the petition shall be
7 guilty of a Class I misdemeanor. Any person who falsely swears to
8 a circulator's affidavit on a petition, who accepts money or other
9 things of value for signing a petition, or who offers money or
10 other things of value in exchange for a signature upon any petition
11 shall be guilty of a Class IV felony.

12 (3) Every sheet of a petition which contains signatures
13 shall have upon it, below the signatures, an affidavit as provided
14 in this subsection, except that the affidavit for a petition for
15 recall of an elected official shall also include the additional
16 language specified in subsection (3) of section 32-1304. The
17 affidavit shall be in substantially the following form:

18 STATE OF NEBRASKA)
19) ss.

20 COUNTY OF)

21, (name of circulator) being
22 first duly sworn, deposes and says that he or she is the circulator
23 of this petition containing signatures, that he or she
24 is an elector of the State of Nebraska, that each person whose
25 name appears on the petition personally signed the petition in
26 the presence of the affiant, that the date to the left of each
27 signature is the correct date on which the signature was affixed
1 to the petition and that the date was personally affixed by the
2 person signing such petition, that the affiant believes that each
3 signer has written his or her name, street and number or voting
4 precinct, and city, village, or post office address correctly, that
5 the affiant believes that each signer was qualified to sign the
6 petition, and that the affiant stated to each signer the object of
7 the petition as printed on the petition before he or she affixed
8 his or her signature to the petition.

9 Circulator
10 Address

11 Subscribed and sworn to before me, a notary public, this
12 day of 20.... at, Nebraska.

13 Notary Public

14 (4) Each sheet of a petition shall have upon its face
15 and in plain view of persons who sign the petition a statement in
16 letters not smaller than sixteen-point type in red print on the
17 petition. If the petition is circulated by a paid circulator, the
18 statement shall be as follows: This petition is circulated by a
19 paid circulator. If the petition is circulated by a circulator who
20 is not being paid, the statement shall be as follows: This petition
21 is circulated by a volunteer circulator.

22 Sec. 2. Section 32-629, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 32-629 (1) Except as otherwise provided in section
25 32-1404 for initiative and referendum petitions, only a registered
26 voter of the State of Nebraska shall qualify as a valid signer of a
27 petition and may sign petitions under the Election Act.

1 (2) Only an elector of the State of Nebraska shall
2 qualify as a valid circulator of a petition and may circulate
3 petitions under the Election Act.

4 Sec. 4. Section 32-1303, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 32-1303 (1) A petition demanding that the question of
7 removing an elected official or member of a governing body listed
8 in section 32-1302 be submitted to the registered voters shall be
9 signed by registered voters equal in number to at least thirty-five
10 percent of the total vote cast for that office in the last general
11 election, except that (a) for an office for which more than one
12 candidate is chosen, the petition shall be signed by registered
13 voters equal in number to at least thirty-five percent of the
14 number of votes cast for the person receiving the most votes for
15 such office in the last general election, (b) for a member of a
16 board of a Class I school district, the petition shall be signed
17 by registered voters of the school district equal in number to at
18 least twenty-five percent of the total number of registered voters
19 residing in the district on the date that the recall petitions
20 are first checked out from the filing clerk by the principal
21 circulator, and (c) for a member of a governing body of a village,
22 the petition shall be signed by registered voters equal in number
23 to at least forty-five percent of the total vote cast for the
24 person receiving the most votes for that office in the last general
25 election. The signatures shall be affixed to petition papers and
26 shall be considered part of the petition.

27 (2) Petition circulators shall conform to the
1 requirements of ~~section~~ sections 32-629 and 32-630.

2 (3) The petition papers shall be procured from the
3 filing clerk. Prior to the issuance of such petition papers, an
4 affidavit shall be signed and filed with the filing clerk by
5 at least one registered voter. Such voter or voters shall be
6 deemed to be the principal circulator or circulators of the recall
7 petition. The affidavit shall state the name and office of the
8 official sought to be removed, shall include in typewritten form

9 in concise language of sixty words or less the reason or reasons
10 for which recall is sought, and shall request that the filing
11 clerk issue initial petition papers to the principal circulator
12 for circulation. The filing clerk shall notify the official sought
13 to be removed by any method specified in section 25-505.01 or,
14 if notification cannot be made with reasonable diligence by any
15 of the methods specified in section 25-505.01, by leaving a copy
16 of the affidavit at the official's usual place of residence and
17 mailing a copy by first-class mail to the official's last-known
18 address. If the official chooses, he or she may submit a defense
19 statement in typewritten form in concise language of sixty words
20 or less for inclusion on the petition. Any such defense statement
21 shall be submitted to the filing clerk within twenty days after the
22 official receives the copy of the affidavit. The filing clerk shall
23 notify the principal circulator or circulators that the necessary
24 signatures must be gathered within thirty days from the date of
25 issuing the petitions.

26 (4) The filing clerk, upon issuing the initial petition
27 papers or any subsequent petition papers, shall enter in a record,
1 to be kept in his or her office, the name of the principal
2 circulator or circulators to whom the papers were issued, the date
3 of issuance, and the number of papers issued. The filing clerk
4 shall certify on the papers the name of the principal circulator
5 or circulators to whom the papers were issued and the date they
6 were issued. No petition paper shall be accepted as part of the
7 petition unless it bears such certificate. The principal circulator
8 or circulators who check out petitions from the filing clerk may
9 distribute such petitions to persons who may act as circulators of
10 such petitions.

11 (5) Petition signers shall conform to the requirements
12 of sections 32-629 and 32-630. Each signer of a recall petition
13 shall be a registered voter and qualified by his or her place of
14 residence to vote for the office in question.

15 Sec. 5. Section 32-1404, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 32-1404 A signer of an initiative and referendum petition
18 shall be a registered voter of the State of Nebraska on or
19 before the date on which the petition is required to be filed
20 with the Secretary of State and shall meet the requirements of
21 section 32-630. A person who circulates initiative and referendum
22 petitions ~~need not be a registered voter but~~ shall comply with the
23 requirements of section 32-629 and subsection (2) of section 32-630
24 and with the prohibitions contained in subdivisions (3)(a), (d),
25 ~~and (f), and (g)~~ of section 32-630.

26 2. On page 7, line 26, strike "32-630" and insert
27 "32-628, 32-629, 32-630, 32-1303".

1 3. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were 57 fourth-grade students, teachers, and sponsors from Bennington; 29 sixth-grade students and teachers from Superior; 49 fourth-grade students from West Lawn Elementary, Grand Island; and 66 fourth-grade students from Dudley Elementary, Gothenburg.

The Doctor of the Day was Dr. Jay Matzke from Gothenburg.

MOTION - Adjournment

Speaker Flood moved to adjourn. The motion prevailed with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting, and at 6:46 p.m., the Legislature adjourned until 9:00 a.m., Thursday, May 10, 2007.

Patrick J. O'Donnell
Clerk of the Legislature