

**FIFTY-FOURTH DAY - APRIL 7, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****FIFTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, April 7, 2008

**PRAYER**

The prayer was offered by Senator Kruse.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senator Synowiecki who was excused until he arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-third day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 710.** Placed on Final Reading.

**LEGISLATIVE BILL 727.** Placed on Final Reading.

**LEGISLATIVE BILL 764.** Placed on Final Reading.

**LEGISLATIVE BILL 789.** Placed on Final Reading.

**LEGISLATIVE BILL 798.** Placed on Final Reading.

**LEGISLATIVE BILL 821.** Placed on Final Reading.

**LEGISLATIVE BILL 838.** Placed on Final Reading.

**LEGISLATIVE BILL 845.** Placed on Final Reading.

ST9092

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

1. In the E & R amendments, ER8196, on page 1, line 4, the matter beginning with "8" through "comma" has been struck and "8 and 18, after '60-465' insert an underscored" inserted.

**LEGISLATIVE BILL 848.** Placed on Final Reading.

ST9088

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

1. In the Erdman amendment, AM2421, on page 13, line 24, an underscored comma has been inserted after "contract".

2. On page 1, lines 2 through 9 have been struck and "21-2903, 21-2910, 21-2922, 21-2929, 21-2930, 21-2935, 21-2939, 21-2945, 21-2949, 21-2950, 21-2951, 21-2952, 21-2953, 21-2955, 21-2956, 21-2959, 21-2960, 21-2978, 21-2980, 21-2982, 21-2992, 21-29,110, 21-29,117, 21-29,122, 21-29,123, 29-21,124, 21-29,125, 21-29,126, and 21-29,127, Revised Statutes Supplement, 2007; to change and eliminate provisions relating to the Nebraska Limited Cooperative Association Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 21-29,118, 21-29,119, 21-29,120, 21-29,121, and 21-29,128, Revised Statutes Supplement, 2007." inserted.

**LEGISLATIVE BILL 895.** Placed on Final Reading.

ST9090

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

1. In the E & R amendments, ER8219:

a. On page 38, line 26; and page 39, line 8, "section" has been struck and "sections 18-2720 and" inserted; and

b. On page 39, line 13, "to eliminate certain loan servicing requirements under the Local Option Municipal Economic Development Act;" has been inserted after the semicolon.

**LEGISLATIVE BILL 902.** Placed on Final Reading.

**LEGISLATIVE BILL 904.** Placed on Final Reading.

**LEGISLATIVE BILL 972.** Placed on Final Reading.

**LEGISLATIVE BILL 993.** Placed on Final Reading.

**LEGISLATIVE BILL 1011.** Placed on Final Reading.

**LEGISLATIVE BILL 1045.** Placed on Final Reading.

**LEGISLATIVE BILL 1048.** Placed on Final Reading.

**LEGISLATIVE BILL 1048A.** Placed on Final Reading.

**LEGISLATIVE BILL 1067.** Placed on Final Reading.

**LEGISLATIVE BILL 1103.** Placed on Final Reading.

**LEGISLATIVE BILL 1108.** Placed on Final Reading.

**LEGISLATIVE BILL 1145.** Placed on Final Reading.

**LEGISLATIVE BILL 1162.** Placed on Final Reading.

(Signed) Amanda McGill, Chairperson

**COMMITTEE REPORTS**  
Enrollment and Review

**LEGISLATIVE BILL 1153.** Placed on Select File with amendment. ER8234 is available in the Bill Room.

**LEGISLATIVE BILL 956.** Placed on Select File with amendment. ER8235

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 81-1201.21, Revised Statutes
- 4 Supplement, 2007, is amended to read:
- 5 81-1201.21 (1) There is hereby created the Job Training
- 6 Cash Fund. The fund shall be under the direction of the Department
- 7 of Economic Development. Money may be transferred to the fund
- 8 pursuant to subdivision (1)(b)(iv) of section 48-621 and from
- 9 the Cash Reserve Fund at the direction of the Legislature. The
- 10 department shall establish a subaccount for all money transferred
- 11 from the Cash Reserve Fund to the Job Training Cash Fund on or
- 12 after July 1, 2005. Any unexpended or unobligated balance remaining
- 13 within such subaccount on July 1, 2010, shall be transferred by the
- 14 State Treasurer to the Cash Reserve Fund no later than July 10,
- 15 2010. Any obligated amount not transferred from the subaccount that
- 16 remains unexpended on July 1, 2009, shall be transferred by the
- 17 State Treasurer to the Cash Reserve Fund no later than December 31,
- 18 2011.
- 19 (2) The department shall use the ~~fund~~ Job Training
- 20 Cash Fund to provide reimbursements for job training activities,
- 21 including employee assessment, preemployment training, on-the-job
- 22 training, training equipment costs, and other reasonable costs
- 23 related to helping industry and business locate or expand
- 1 in Nebraska, or to provide upgrade skills training of the
- 2 existing labor force necessary to adapt to new technology or the
- 3 introduction of new product lines.
- 4 (3) The department shall establish a subaccount within
- 5 the fund to provide job training grants targeted to small
- 6 employers, rural employers, and poverty area employers meeting
- 7 one of the following criteria: (a) Employ twenty-five or fewer
- 8 employees, (b) located in rural areas of Nebraska, or (c) located
- 9 in areas of high concentration of poverty within the corporate
- 10 limits of a city or village consisting of one or more contiguous
- 11 census tracts, as determined by the most recent federal decennial
- 12 census, which contain a percentage of persons below the poverty
- 13 line of greater than thirty percent, and all census tracts
- 14 contiguous to such tract or tracts, as determined by the most
- 15 recent federal decennial census. The department shall calculate the
- 16 amount of prior year investment income earnings accruing to the
- 17 fund and allocate such amount to the subaccount for small, rural,
- 18 or poverty area employer grants.

19 (4) Any money in the fund available for investment  
20 shall be invested by the state investment officer pursuant to  
21 the Nebraska Capital Expansion Act and the Nebraska State Funds  
22 Investment Act.

23 Sec. 2. Section 81-1202, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25 81-1202 For purposes of sections 81-1202 to 81-1210 and  
26 section 3 of this act, job training grant means a grant from the  
27 Job Training Cash Fund or any nonfederal funding source within the  
1 Department of Economic Development awarded by the department.

2 Sec. 3. Whenever practicable, the Department of Economic  
3 Development shall give priority consideration to training services  
4 offered by community college areas.

5 Sec. 4. Section 81-1205, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7 81-1205 A business which is awarded a job training  
8 grant shall provide annual performance reports to the Department  
9 of Economic Development and a final performance report upon the  
10 completion of the project. The department shall provide an annual  
11 report by December 1 of each year to the Appropriations Committee  
12 of the Legislature. The report shall include information on each  
13 active grant, including specific information regarding the number  
14 of positions to be trained, whether new or existing employees  
15 are to be trained, the length of time that the project has  
16 been active, the amount of funding committed to the project, the  
17 amount of funding paid out to date, and the projected completion  
18 date. The report shall also provide information on grants closed  
19 during the reporting year, including the total number of employees  
20 trained, whether new or existing employees were trained, total  
21 project expenditures, and the duration time of the project. The  
22 department shall also provide information summarizing the use of  
23 community college areas to provide training services and list  
24 specific projects where a community college area is providing  
25 all or a component of the training services. If private or  
26 inhouse training services are used, the department shall provide  
27 information regarding the name of the private or inhouse training  
1 service and the qualifications of the training service.

2 Sec. 5. Original sections 81-1202 and 81-1205, Reissue  
3 Revised Statutes of Nebraska, and section 81-1201.21, Revised  
4 Statutes Supplement, 2007, are repealed.

5 2. On page 1, line 4, strike "and rural" and insert "  
6 rural, or poverty area".

**LEGISLATIVE BILL 830A.** Placed on Select File.

**LEGISLATIVE BILL 1147A.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

**BILLS ON FINAL READING**

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 765.**

A BILL FOR AN ACT relating to health; to amend sections 71-5829.03 and 71-5829.06, Reissue Revised Statutes of Nebraska; to change provisions relating to certificates of need; 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	Heidemann	Lautenbaugh	Preister
Ashford	Engel	Howard	McDonald	Raikes
Avery	Erdman	Janssen	McGill	Rogert
Burling	Fischer	Johnson	Nantkes	Schimek
Carlson	Friend	Karpisek	Nelson	Stuthman
Chambers	Fulton	Kopplin	Pahls	Wallman
Christensen	Gay	Kruse	Pankonin	White
Cornett	Hansen	Langemeier	Pedersen	Wightman
Dierks	Harms	Lathrop	Pirsch	

Voting in the negative, 4:

Aguilar	Flood	Hudkins	Louden
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Excused and not voting, 1:

Synowiecki

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

**LEGISLATIVE BILL 766.**

A BILL FOR AN ACT relating to scrap metal; to regulate scrap metal recycling as prescribed; to define terms; to provide a penalty; and to provide an operative date.

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

Voting in the negative, 5:

Burling	Erdman	Hansen	Langemeier	Wallman
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Not voting, 0.

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

### ANNOUNCEMENT

The Chair announced today is Senator Erdman's birthday.

### MOTION - Return LB777 to Select File

Senator Raikes moved to return LB777 to Select File for the following specific amendment:

FA269

Strike the enacting clause.

Senator Raikes withdrew his motion to return.

### BILLS ON FINAL READING

The following bill was read and put upon final passage:

### LEGISLATIVE BILL 777.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1359, Revised Statutes Cumulative Supplement, 2006; to redefine agricultural land and horticultural land; to provide an operative date; 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, 25:

Carlson	Fischer	Heidemann	Kruse	Pedersen
Christensen	Flood	Hudkins	Langemeier	Pirsch
Cornett	Fulton	Janssen	Lautenbaugh	Preister
Dierks	Gay	Johnson	Louden	Stuthman
Erdman	Hansen	Karpisek	Nelson	Wallman

Voting in the negative, 15:

Adams	Burling	Engel	Lathrop	Nantkes
Aguilar	Chambers	Harms	McDonald	Raikes
Ashford	Dubas	Howard	McGill	Rogert

Present and not voting, 9:

Avery	Kopplin	Pankonin	Synowiecki	Wightman
Friend	Pahls	Schimek	White	

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 LB889 with 36 ayes, 5 nays, and 8 present and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 889.**

A BILL FOR AN ACT relating to political subdivisions; to amend sections 79-2001, 79-2002, 79-2003, 79-2004, 79-2005, 79-2006, 79-2007, 79-2008, 79-2009, 79-2010, 79-2011, 79-2012, and 79-2013, Reissue Revised Statutes of Nebraska; to transfer and rename the Nebraska Schools Construction Alternatives Act; to provide construction alternatives for political subdivisions; to provide and eliminate limitations on contracts; to repeal the original sections; and to outright repeal sections 79-2014 and 79-2015, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

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 952.**

A BILL FOR AN ACT relating to laws; to amend section 81-119, Reissue Revised Statutes of Nebraska, and section 86-2,112, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to investigatory powers of state administrative departments and investigatory and enforcement powers of the Attorney General and county attorneys; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

**LEGISLATIVE BILL 973.**

A BILL FOR AN ACT relating to the Community College Foundation and Equalization Aid Act; to amend sections 85-2205, 85-2212, 85-2221, 85-2223, 85-2224, 85-2225, 85-2227, and 85-2228, Revised Statutes Supplement, 2007; to change and eliminate definitions; to change provisions relating to calculation of aid; to harmonize provisions; to repeal the original sections; and to outright repeal sections 85-2214, 85-2219, and 85-2226, Revised Statutes Supplement, 2007.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Pedersen

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

**LEGISLATIVE BILL 1157.**

A BILL FOR AN ACT relating to education; to amend sections 79-758, 79-760.01, 79-760.02, 79-760.03, and 79-760.05, Revised Statutes Supplement, 2007; to change provisions relating to statewide assessment and reporting; 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, 33:

Adams	Christensen	Hansen	Langemeier	Raikes
Aguilar	Cornett	Harms	Lathrop	Rogert
Ashford	Dierks	Howard	Lautenbaugh	Schimek
Avery	Engel	Janssen	McDonald	Synowiecki
Burling	Flood	Johnson	Pahls	Wightman
Carlson	Friend	Kopplin	Pirsch	
Chambers	Fulton	Kruse	Preister	

Voting in the negative, 15:

Dubas	Gay	Karpisek	Nantkes	Pedersen
Erdman	Heidemann	Louden	Nelson	Stuthman
Fischer	Hudkins	McGill	Pankonin	Wallman

Present and not voting, 1:

White

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

#### **LEGISLATIVE BILL 1157A.**

A BILL FOR AN ACT relating to appropriations; to increase salary limits for the State Department of Education to aid in carrying out the provisions of Legislative Bill 1157, One Hundredth Legislature, Second Session, 2008.

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

Voting in the affirmative, 36:

Adams	Dierks	Harms	Lathrop	Rogert
Aguilar	Engel	Heidemann	Lautenbaugh	Schimek
Ashford	Fischer	Howard	McDonald	Synowiecki
Avery	Flood	Janssen	Nantkes	Wightman
Burling	Friend	Johnson	Pahls	
Carlson	Fulton	Kopplin	Pirsch	
Chambers	Gay	Kruse	Preister	
Cornett	Hansen	Langemeier	Raikes	

Voting in the negative, 9:

Dubas	Hudkins	Nelson	Pedersen	Wallman
Erdman	Karpisek	Pankonin	Stuthman	

Present and not voting, 4:

Christensen Louden McGill White

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

### RESOLUTION

**LEGISLATIVE RESOLUTION 379.** Introduced by Johnson, 37.

WHEREAS, the University of Nebraska at Kearney (UNK) wrestling team, under the leadership of head coach Marc Bauer and his staff, has represented the University and the State of Nebraska in an exemplary manner; and

WHEREAS, their competitive record includes seven consecutive conference championships in the Rocky Mountain Athletic Conference and seven consecutive NCAA Division II West Region titles; and

WHEREAS, the team has placed in the Top 10 at the national championship meet in eight of the last ten years, and has had two individual champions at the past three consecutive national meets; and

WHEREAS, at the 2008 NCAA Division II National Championships held in Cedar Rapids, Iowa, on March 14 and 15, the Lopers were crowned national champions by scoring one hundred eight and one-half points, which was one-half point better than the runner-up team; and

WHEREAS, this was UNK's first-ever national team title at the NCAA Division II level; and

WHEREAS, eight members of the team achieved All-American status and all nine athletes who qualified for the national meet won at least one match; and

WHEREAS, the team recorded Division II's second highest team grade point average (3.334) during the 2007-2008 academic year; and

WHEREAS, Coach Bauer was named the Division II Coach of the Year, a title he was also awarded in 2003.

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

1. That the Legislature congratulates head wrestling coach Marc Bauer, his assistant coaches, and the University of Nebraska at Kearney student athletes for the national recognition they have achieved, the sportsmanship they have exhibited, the advancement of intercollegiate athletics, and the honor they have bestowed on themselves and this state.

2. That a copy of this resolution be sent to Coach Marc Bauer.

Laid over.

### GENERAL FILE

**LEGISLATIVE BILL 1082.** Committee AM2252, found on page 886 and considered on pages 1115 and 1287, was renewed.

Senator Lautenbaugh renewed his amendment, FA239, found on page 1117 and considered on page 1287, to the committee amendment.

Pending.

### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 765, 766, 777, 889, 952, 973, 1157, and 1157A.

### **RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LRs 320 and 325 were adopted.

### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 320 and 325.

### **GENERAL FILE**

**LEGISLATIVE BILL 1082.** The Lautenbaugh amendment, FA239, found on page 1117 and considered on page 1287 and in this day's Journal, to the committee amendment, was renewed.

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

Senator Lathrop moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The motion to cease debate failed with 20 ayes, 9 nays, 16 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Lautenbaugh moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

The Lautenbaugh amendment lost with 22 ayes, 17 nays, 8 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Committee AM2252, found on page 886 and considered on pages 1115 and 1287 and in this day's Journal, as amended, was renewed.

Senator Cornett moved for a call of the house. The motion prevailed with 42

ayes, 0 nays, and 7 not voting.

Senator Cornett requested a roll call vote on the committee amendment, as amended.

Voting in the affirmative, 22:

Ashford	Dubas	Kopplin	Pedersen	Wallman
Avery	Howard	Kruse	Preister	White
Chambers	Janssen	Lathrop	Rogert	
Cornett	Johnson	McGill	Schimek	
Dierks	Karpisek	Nantkes	Synowiecki	

Voting in the negative, 26:

Adams	Erdman	Hansen	McDonald	Stuthman
Aguilar	Fischer	Harms	Nelson	Wightman
Burling	Flood	Heidemann	Pahls	
Carlson	Friend	Langemeier	Pankonin	
Christensen	Fulton	Lautenbaugh	Pirsch	
Engel	Gay	Louden	Raikes	

Excused and not voting, 1:

Hudkins

The committee amendment, as amended, lost with 22 ayes, 26 nays, and 1 excused and not voting.

The Chair declared the call raised.

Pending.

### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 7, 2008, at 10:20 a.m. were the following: LBs 765, 766, 777, 889, 952, 973, 1157, and 1157A.

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

### **AMENDMENT - Print in Journal**

Senators Johnson and Pankonin filed the following amendment to LB245: AM2680

(Amendments to E & R amendments, ER8231)

- 1 1. Strike section 1 and insert the following new section:
- 2 Section 1. Section 71-3305, Revised Statutes Supplement,
- 3 2007, is amended to read:

4 71-3305 (1) Except as otherwise provided in subsection  
 5 (2) of this section, any political subdivision as defined in  
 6 section 13 702, that provides the water supply of any city or  
 7 village for human consumption having a population of one thousand  
 8 or more inhabitants shall, no later than June 1, 2010, add fluoride  
 9 to such the water supply in the amount and manner prescribed by for  
 10 human consumption for such city or village as provided in the rules  
 11 and regulations of the Department of Health and Human Services  
 12 unless such water supply has sufficient amounts of naturally  
 13 occurring fluoride as provided in such rules and regulations.

14 (2) ~~Fluoride shall not be added to the water supply of~~  
 15 ~~any city or village in which the voters have, after September 2,~~  
 16 ~~1973, adopted an ordinance by initiative prohibiting the adding of~~  
 17 ~~fluoride to its water supply. The procedure for the adoption of~~  
 18 ~~any such ordinance shall be that provided in sections 18 2501 to~~  
 19 ~~18 2536. No such ordinance may be adopted in a city or village~~  
 20 ~~receiving, or which has contracted to receive, its water supply,~~  
 21 ~~or any part thereof, from another political subdivision, or public~~  
 22 ~~or private entity, which adds fluoride to its water supply in~~  
 1 ~~compliance with subsection (1) of this section, or section 71 3306,~~  
 2 ~~or which has available only purchased fluoridated water with which~~  
 3 ~~to supply such city or village. In any city or village which is~~  
 4 ~~required to add fluoride to its water supply under subsection (1)~~  
 5 ~~of this section and in which fluoride is not added to such water~~  
 6 ~~supply as of January 1, 2008, the voters of the city or village~~  
 7 ~~may adopt an ordinance, after the effective date of this act,~~  
 8 ~~but before June 1, 2010, to prohibit the addition of fluoride to~~  
 9 ~~such water supply. The ordinance may be placed on the ballot by a~~  
 10 ~~majority vote of the governing body of the city or village or by~~  
 11 ~~initiative pursuant to sections 18-2501 to 18-2538.~~

12 (3) Any rural water district organized under sections  
 13 46-1001 to 46-1020 that supplies water for human consumption to any  
 14 city or village which is required to add fluoride to such water  
 15 supply under this section shall not be responsible for any costs,  
 16 equipment, testing, or maintenance related to such fluoridation  
 17 unless such district has agreed with the city or village to assume  
 18 such responsibilities.

## COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 1116.** Placed on Select File with amendment.  
 ER8236

- 1 1. In the Standing Committee amendments, AM2629:
- 2 a. On page 4, line 18, after "act" insert an underscored
- 3 comma; and
- 4 b. On page 8, line 1, strike "200 some" and insert "two
- 5 hundred plus"; and in line 3 strike "(Legal Description XXX)".
- 6 2. On page 1, strike beginning with "agriculture" in

7 line 1 through line 4 and insert "the Nebraska State Fair;  
 8 to amend sections 2-101, 2-101.01, and 2-103, Revised Statutes  
 9 Cumulative Supplement, 2006, and sections 2-108 and 84-612, Revised  
 10 Statutes Supplement, 2007; to state intent to relocate the Nebraska  
 11 State Fair; to provide a fair relocation plan; to provide for  
 12 future use of the Nebraska State Fairgrounds; to change membership  
 13 provisions of the Nebraska State Fair Board; to create a fund; to  
 14 transfer funds; to harmonize provisions; and to repeal the original  
 15 sections.".

**LEGISLATIVE BILL 1116A.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 1082.** Senator Cornett withdrew her amendment, AM2514, found on page 1111.

Senator Cornett offered the following amendment:  
 AM2670

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following sections:
- 3 Section 1. Section 48-106, Revised Statutes Cumulative
- 4 Supplement, 2006, is amended to read:
- 5 48-106 (1) The Nebraska Workers' Compensation Act shall
- 6 apply to the State of Nebraska, to every governmental agency
- 7 created by the state, and, except as provided in this section,
- 8 to every resident employer in this state and nonresident employer
- 9 performing work in this state who employs one or more employees
- 10 in the regular trade, business, profession, or vocation of such
- 11 employer.
- 12 (2) The act shall not apply to:
- 13 (a) A railroad company engaged in interstate or foreign
- 14 commerce;
- 15 (b) Service performed by a worker who is a household
- 16 domestic servant in a private residence;
- 17 (c) Service performed by a worker when performed for an
- 18 employer who is engaged in an agricultural operation and employs
- 19 only related employees;
- 20 (d) Service performed by a worker when performed for
- 21 an employer who is engaged in an agricultural operation and
- 22 employs unrelated employees unless such service is performed for
- 23 an employer who during any calendar year employs ten or more
- 1 unrelated, full-time employees, whether in one or more locations,
- 2 on each working day for thirteen calendar weeks, whether or not
- 3 such weeks are consecutive. The act shall apply to an employer
- 4 thirty days after the thirteenth such week; ~~and~~
- 5 (e) Service performed by a person who is engaged in

6 an agricultural operation, or performed by his or her related  
7 employees, when the service performed is (i) occasional and (ii)  
8 for another person who is engaged in an agricultural operation who  
9 has provided or will provide reciprocal or similar service; and-

10 (f) Mental injuries and mental illness of a worker  
11 unaccompanied by physical injury when such injury is incurred  
12 during the time of employment.

13 (3) If the employer is the state or any governmental  
14 agency created by the state, the exemption from the act under  
15 subdivision (2)(d) of this section does not apply.

16 (4) If the act applies to an employer because the  
17 employer meets the requirements of subdivision (2)(d) of this  
18 section, all unrelated employees shall be covered under the act and  
19 such employees' wages shall be considered for premium purposes.

20 (5) If an employer to whom the act applies because the  
21 employer meets the requirements of subdivision (2)(d) of this  
22 section subsequently does not employ ten or more unrelated,  
23 full-time employees, such employer shall continue to provide  
24 workers' compensation insurance coverage for the employees for  
25 the remainder of the calendar year and for the next full  
26 calendar year. When the required coverage period has expired,  
27 such employer may elect to return to exempt status by (a) posting,  
1 continuously in a conspicuous place at the employment locations  
2 of the employees for a period of at least ninety days, a written  
3 or printed notice stating that the employer will no longer carry  
4 workers' compensation insurance for the employees and the date such  
5 insurance will cease and (b) thereafter no longer carrying a policy  
6 of workers' compensation insurance. Failure to provide notice in  
7 accordance with this subsection voids an employer's attempt to  
8 return to exempt status.

9 (6) An employer who is exempt from the act under  
10 subsection (2) of this section may elect to bring the employees of  
11 such employer under the act. Such election is made by the employer  
12 obtaining a policy of workers' compensation insurance covering  
13 such employees. Such policy shall be obtained from a corporation,  
14 association, or organization authorized and licensed to transact  
15 the business of workers' compensation insurance in this state. If  
16 such an exempt employer procures a policy of workers' compensation  
17 insurance which is in full force and effect at the time of an  
18 accident to an employee of such employer, such procurement is  
19 conclusive proof of the employer's and employee's election to be  
20 bound by the act. Such an exempt employer who has procured a policy  
21 of workers' compensation insurance may elect to return to exempt  
22 status by (a) posting, continuously in a conspicuous place at the  
23 employment locations of the employees for a period of at least  
24 ninety days, a written or printed notice stating that the employer  
25 will no longer carry workers' compensation insurance for the  
26 employees and the date such insurance will cease and (b) thereafter  
27 no longer carrying a policy of workers' compensation insurance.

1 Failure to provide notice in accordance with this subsection voids  
2 an employer's attempt to return to exempt status.

3 (7) Every employer exempted under subdivision (2)(d) of  
4 this section who does not elect to provide workers' compensation  
5 insurance under subsection (6) of this section shall give all  
6 unrelated employees at the time of hiring the following written  
7 notice which shall be signed by the unrelated employee and retained  
8 by the employer: "In this employment you will not be covered  
9 by the Nebraska Workers' Compensation Act and you will not be  
10 compensated under the act if you are injured on the job or suffer  
11 an occupational disease. You should plan accordingly." Failure to  
12 provide the notice required by this subsection subjects an employer  
13 to liability under and inclusion in the act for all unrelated  
14 employees on the basis of failure to give such notice.

15 (8) An exclusion from coverage in any health, accident,  
16 or other insurance policy covering a person employed by an employer  
17 who is exempt from the act under this section which provides that  
18 coverage under the health, accident, or other insurance policy  
19 does not apply if such person is entitled to workers' compensation  
20 coverage is void as to such person if such employer has not elected  
21 to bring the employees of such employer within the act as provided  
22 in subsection (6) of this section.

23 (9) For purposes of this section:

24 (a) Agricultural operation means (i) the cultivation of  
25 land for the production of agricultural crops, fruit, or other  
26 horticultural products or (ii) the ownership, keeping, or feeding  
27 of animals for the production of livestock or livestock products;

1 (b) Full-time employee means a person who is employed to  
2 work one-half or more of the regularly scheduled hours during each  
3 pay period; and

4 (c) Related employee means a spouse of an employer and  
5 an employee related to the employer within the third degree by  
6 blood or marriage. Relationship by blood or marriage within the  
7 third degree includes parents, grandparents, great grandparents,  
8 children, grandchildren, great grandchildren, brothers, sisters,  
9 uncles, aunts, nephews, nieces, and spouses of the same. If  
10 the employer is a partnership, limited liability company, or  
11 corporation in which all of the partners, members, or shareholders  
12 are related within the third degree by blood or marriage, then  
13 related employee means any employee related to any such partner,  
14 member, or shareholder within the third degree by blood or  
15 marriage.

16 Sec. 2. Original section 48-106, Revised Statutes  
17 Cumulative Supplement, 2006, is repealed.

Pending.

**UNANIMOUS CONSENT - Add Cointroducer**

Senator Fischer asked unanimous consent to add her name as cointroducer to LB895. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Roger Green from Scottsbluff; Senator Janssen's brother, Monte Janssen, from Gretna; Darrell Fisher from Curtis; members of Delta Sigma Theta Sorority, Inc. - Omaha Alumnae Chapter Gamma Xi and Delta Epsilon Omega Chapter of Alpha Kappa Alpha from Lincoln and Omaha; Anita Wisecup from Papillion and Jamie Anderson from Omaha; Roger and Brooke Foster from Crete; Senator Pedersen's family; and Chuck, Sierra, and Brittany Vestal from Omaha.

**RECESS**

At 11:58 a.m., on a motion by Senator Johnson, 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 Senator McDonald who was excused until she arrives.

**MOTION - Override Line-Item Veto on LB959**

Senator Heidemann, on behalf of the Appropriations Committee, renewed his motion, MO169, found on page 1301, that LB959 becomes law notwithstanding the line-item objections of the Governor.

**SENATOR SCHIMEK PRESIDING**

Senator Dierks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 10 nays, and 13 not voting.

Senator Heidemann moved for a call of the house. The motion prevailed with 44 ayes, 0 nays, and 5 not voting.

Senator Chambers requested a roll call vote on the motion to override the Governor's line-item veto.

Senator Heidemann requested the roll call vote be taken in reverse order.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 34:

Adams	Dierks	Heidemann	Louden	Rogert
Aguilar	Dubas	Hudkins	McDonald	Schimek
Avery	Engel	Janssen	Nantkes	Stuthman
Burling	Fischer	Johnson	Nelson	Synowiecki
Carlson	Flood	Karpisek	Pankonin	Wallman
Christensen	Hansen	Kruse	Pedersen	Wightman
Cornett	Harms	Langemeier	Raikes	

Voting in the negative, 15:

Ashford	Friend	Howard	Lautenbaugh	Pirsch
Chambers	Fulton	Kopplin	McGill	Preister
Erdman	Gay	Lathrop	Pahls	White

Not voting, 0.

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the line-item objections of the Governor.

## COMMITTEE REPORT

### Judiciary

**LEGISLATIVE BILL 810.** Placed on General File with amendment.  
AM2664

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. (1) A retail licensee shall, prior to allowing
- 4 an employee to sell or serve alcoholic liquor, train the employee
- 5 by electronic means. A retail licensee shall retain proof of
- 6 electronic training until the training under subsection (2) of this
- 7 section is complete.
- 8 (2) A retail licensee shall train its employees who sell
- 9 or serve alcoholic liquor within sixty days after the operative
- 10 date of this act for employees employed on the operative date
- 11 of this act or within sixty days after employment for employees
- 12 hired after the operative date of this act. The training shall be
- 13 provided pursuant to section 53-117.03. An employee shall receive a
- 14 certificate evidencing completion of the training. Employees shall
- 15 complete the training every three years.
- 16 (3) A retail licensee who violates this section shall be
- 17 subject to the same punishment provided for violation of section
- 18 53-180.
- 19 Sec. 2. Section 53-101, Revised Statutes Supplement,
- 20 2007, is amended to read:

21 53-101 Sections 53-101 to 53-1,122 and section 1 of this  
22 act shall be known and may be cited as the Nebraska Liquor Control  
23 Act.

1 Sec. 3. Section 53-1,104, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3 53-1,104 (1) Any licensee which sells or permits the  
4 sale of any alcoholic liquor not authorized under the terms of  
5 such license on the licensed premises or in connection with such  
6 licensee's business or otherwise shall be subject to suspension,  
7 cancellation, or revocation of such license by the commission.

8 (2) When an order suspending a license to sell alcoholic  
9 liquor becomes final, the licensee may elect to pay a cash penalty  
10 to the commission in lieu of suspending sales of alcoholic liquor  
11 for the designated period if such election is not prohibited  
12 by order of the commission. Except as otherwise provided in  
13 subsection (3) of this section, for the first such suspension for  
14 any licensee, the penalty shall be fifty dollars per day, and for  
15 a second or any subsequent suspension, the penalty shall be one  
16 hundred dollars per day.

17 (3)(a) For a second suspension for violation of section  
18 53-180 or 53-180.02 or section 1 of this act occurring within four  
19 years after the date of the first suspension, the commission, in  
20 its discretion, may order that the licensee be required to suspend  
21 sales of alcoholic liquor for a period of time not to exceed  
22 forty-eight hours and that the licensee may not elect to pay a  
23 cash penalty. The commission may use the required suspension of  
24 sales of alcoholic liquor penalty either alone or in conjunction  
25 with suspension periods for which the licensee may elect to pay a  
26 cash penalty. For purposes of this subsection, second suspension  
27 for violation of section 53-180 shall include suspension for a  
1 violation of section 53-180.02 following suspension for a violation  
2 of section 53-180 and second suspension for violation of section  
3 53-180.02 shall include suspension for a violation of section  
4 53-180 following suspension for a violation of section 53-180.02;

5 (b) For a third or subsequent suspension for violation  
6 of section 53-180 or 53-180.02 or section 1 of this act occurring  
7 within four years after the date of the first suspension, the  
8 commission, in its discretion, may order that the licensee be  
9 required to suspend sales of alcoholic liquor for a period of time  
10 not to exceed fifteen days and that the licensee may not elect to  
11 pay a cash penalty. The commission may use the required suspension  
12 of sales of alcoholic liquor penalty either alone or in conjunction  
13 with suspension periods for which the licensee may elect to pay a  
14 cash penalty. For purposes of this subsection, third or subsequent  
15 suspension for violation of section 53-180 shall include suspension  
16 for a violation of section 53-180.02 following suspension for a  
17 violation of section 53-180 and third or subsequent suspension  
18 for violation of section 53-180.02 shall include suspension for a  
19 violation of section 53-180 following suspension for a violation of

20 section 53-180.02; and

21 (c) For a first suspension based upon a finding that a  
 22 licensee or an employee or agent of the licensee has been convicted  
 23 of possession of a gambling device on a licensee's premises in  
 24 violation of sections 28-1107 to 28-1111, the commission, in its  
 25 discretion, may order that the licensee be required to suspend  
 26 sales of alcoholic liquor for thirty days and that the licensee  
 27 may not elect to pay a cash penalty. For a second or subsequent  
 1 suspension for such a violation of sections 28-1107 to 28-1111  
 2 occurring within four years after the date of the first suspension,  
 3 the commission shall order that the license be canceled.

4 (4) For any licensee which has no violation for a period  
 5 of four years consecutively, any suspension shall be treated as a  
 6 new first suspension.

7 (5) The election provided for in subsection (2) of  
 8 this section shall be filed with the commission in writing one  
 9 week before the suspension is ordered to commence and shall be  
 10 accompanied by payment in full of the sum required by this section.  
 11 If such election has not been received by the commission by the  
 12 close of business one week before the day such suspension is  
 13 ordered to commence, it shall be conclusively presumed that the  
 14 licensee has elected to close for the period of the suspension  
 15 and any election received later shall be absolutely void and the  
 16 payment made shall be returned to the licensee. The election shall  
 17 be made on a form prescribed by the commission. ~~All funds received~~  
 18 ~~under this section shall be remitted to the State Treasurer for~~  
 19 ~~credit to the temporary school fund. The commission shall remit~~  
 20 all funds collected under this section to the State Treasurer for  
 21 distribution in accordance with Article VII, section 5, of the  
 22 Constitution of Nebraska.

23 Sec. 4. This act becomes operative on January 1, 2009.

24 Sec. 5. Original section 51-1,104, Reissue Revised  
 25 Statutes of Nebraska, and section 53-101, Revised Statutes  
 26 Supplement, 2007, are repealed.

(Signed) Brad Ashford, Chairperson

### AMENDMENTS - Print in Journal

Senator Aguilar filed the following amendment to LB1072:  
 AM2688

(Amendments to E & R amendments, ER8228)

1 1. Insert the following new section:

2 Sec. 5. Since an emergency exists, this act takes effect  
 3 when passed and approved according to law.

4 2. On page 7, line 10, after "district" insert "or  
 5 to serve city-owned electric generating facilities located within  
 6 the boundaries of a city within which the jurisdictional utility

7 extending the transmission line provides natural gas service to  
 8 customers".

Senator Heidemann filed the following amendment to LB609A:  
 AM2684

(Amendments to Final Reading copy)

1 1. Strike the original section and insert the following  
 2 new sections:  
 3 Section 1. Laws 2007, LB 321, section 36, is amended to  
 4 read:

5 Sec. 36. AGENCY NO. 11 - ATTORNEY GENERAL  
 6 Program No. 508 - School Finance Litigation

	FY2007-08	FY2008-09
7 <u>GENERAL FUND</u>	2,500,000	-0-
8 <u>PROGRAM TOTAL</u>	2,500,000	-0-
9 <u>GENERAL FUND</u>	2,350,000	-0-
10 <u>PROGRAM TOTAL</u>	2,350,000	-0-

11 Total expenditures for permanent and temporary salaries  
 12 and per diems from funds appropriated in this section shall not  
 13 exceed \$89,806 for FY2007-08, ~~or \$91,603 for FY2008-09.~~

14 The unexpended General Fund appropriation balance  
 15 existing on June 30, 2007, is hereby reappropriated.

16 Any unexpended, unencumbered appropriations for Program  
 17 508 - School Finance Litigation remaining on June 30, 2008, shall  
 18 be lapsed to the General Fund.

19 Sec. 2. Legislative Bill 959, One Hundredth Legislature,  
 20 Second Session, 2008, section 14, is amended to read:

21 Sec. 14. AGENCY NO. 11 - ATTORNEY GENERAL

22 Program No. 507 - Interpretation and Application of Law

	FY2007-08	FY2008-09
1 <u>GENERAL FUND</u>	-0-	150,000
2 <u>CASH FUND</u>	17,500	75,108
3 <u>PROGRAM TOTAL</u>	17,500	75,108
4 <u>PROGRAM TOTAL</u>	17,500	225,108
5 <u>SALARY LIMIT</u>	11,750	49,350
6 <u>SALARY LIMIT</u>	11,750	140,953

7 Sec. 3. Original Laws 2007, LB 321, section 36, and  
 8 Legislative Bill 959, One Hundredth Legislature, Second Session,  
 9 2008, section 14, are repealed.

10 Sec. 4. The following section is outright repealed:  
 11 Legislative Bill 959, One Hundredth Legislature, Second Session,  
 12 2008, section 15.

13 Sec. 5. Since an emergency exists, this act takes effect  
 14 when passed and approved according to law.

15 2. On page 1, strike beginning with "appropriate" in line  
 16 1 through line 3 and insert "amend Laws 2007, LB 321, section  
 17 36, and Legislative Bill 959, One Hundredth Legislature, Second  
 18 Session, 2008, section 14; to change and eliminate appropriations;  
 19 to repeal the original sections; to outright repeal Legislative  
 20  
 21

22 Bill 959, One Hundredth Legislature, Second Session, 2008, section  
23 15; and to declare an emergency.".

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 380.** Introduced by Gay, 14.

WHEREAS, David Kluch has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest achievement rank in Scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks: Tenderfoot, Second Class, First Class, Star, Life, and Eagle. Throughout his Scouting experience, David Kluch has learned, been tested on, and been recognized for various Scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn twenty-one merit badges, twelve of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout.

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

1. That the Legislature congratulates David Kluch on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to David Kluch.

Laid over.

**LEGISLATIVE RESOLUTION 381.** Introduced by Gay, 14.

WHEREAS, Harry Stanley has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest achievement rank in Scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks: Tenderfoot, Second Class, First Class, Star, Life, and Eagle. Throughout his Scouting experience, Harry Stanley has learned, been tested on, and been recognized for various Scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn twenty-one merit badges, twelve of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout.

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

1. That the Legislature congratulates Harry Stanley on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Harry Stanley.

Laid over.

**LEGISLATIVE RESOLUTION 382.** Introduced by Gay, 14.

WHEREAS, George Townsend has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest achievement rank in Scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks: Tenderfoot, Second Class, First Class, Star, Life, and Eagle. Throughout his Scouting experience, George Townsend has learned, been tested on, and been recognized for various Scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn twenty-one merit badges, twelve of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout.

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

1. That the Legislature congratulates George Townsend on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to George Townsend.

Laid over.

**LEGISLATIVE RESOLUTION 383.** Introduced by Gay, 14.

WHEREAS, Ryan Guthrie has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest achievement rank in Scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks: Tenderfoot, Second Class, First Class, Star, Life, and Eagle. Throughout his Scouting experience, Ryan

Guthrie has learned, been tested on, and been recognized for various Scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn twenty-one merit badges, twelve of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only five percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout.

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

1. That the Legislature congratulates Ryan Guthrie on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Ryan Guthrie.

Laid over.

## **SPEAKER FLOOD PRESIDING**

### **COMMUNICATION**

April 7, 2008

The Honorable John Gale  
Secretary of State  
2300 State Capitol Building  
Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to provisions of 84-503, R.R.S., we are forwarding LB959e with a certificate attached thereto signed by the President of the Legislature, certifying the passage of certain line-item vetoes as set forth on the attached certificate, notwithstanding the objections of the Governor.

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

PJO:jk  
Enc.

### **CERTIFICATE**

Legislative Bill 959e, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes this 7th day of April as follows:

Sections 31 and 32, Agency 27, Department of Roads Program 569

(Construction) Cash Fund for FY 2008-09.

(Signed) Michael Flood  
President of the Legislature

### BILLS ON FINAL READING

The following bills were read and put upon final passage:

#### LEGISLATIVE BILL 171.

A BILL FOR AN ACT relating to food stamps; to amend section 68-1017.02, Revised Statutes Cumulative Supplement, 2006; to provide duties for the Department of Health and Human Services relating to options and waivers; to require reporting; to provide duties for the Health and Human Services Committee of the Legislature; to harmonize provisions; and to repeal the original section.

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

Voting in the affirmative, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

#### LEGISLATIVE BILL 171A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 171, One Hundredth Legislature, Second Session, 2008.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Johnson

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

**LEGISLATIVE BILL 179.**

A BILL FOR AN ACT relating to criminal procedure; to require electronic recording of custodial interrogations as prescribed; to define terms; to require jury instructions for failure to comply; to provide exceptions; and to address inaudible portions of recordings.

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

Voting in the affirmative, 47:

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

Voting in the negative, 1:

Pirsch

Present and not voting, 1:

Lautenbaugh

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

**LEGISLATIVE BILL 179A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 179, One Hundredth Legislature, Second Session, 2008.

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

Voting in the affirmative, 47:

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

Voting in the negative, 1:

Pirsch

Present and not voting, 1:

Dubas

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

**LEGISLATIVE BILL 467.**

A BILL FOR AN ACT relating to the Public Counsel; to amend sections 81-8,240 and 81-8,244, Reissue Revised Statutes of Nebraska; to grant authority relating to county or municipal correctional and jail facilities, mental health and veterans institutions, regional behavioral health authorities, and community-based behavioral health services providers; to provide for appointment of a deputy public counsel for institutions; 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	Harms	Lathrop	Pirsch
Ashford	Engel	Heidemann	Lautenbaugh	Preister
Avery	Erdman	Howard	Louden	Raikes
Burling	Fischer	Hudkins	McDonald	Rogert
Carlson	Flood	Janssen	McGill	Schimek
Chambers	Friend	Johnson	Nantkes	Synowiecki
Christensen	Fulton	Kopplin	Pahls	Wallman
Cornett	Gay	Kruse	Pankonin	White
Dierks	Hansen	Langemeier	Pedersen	

Voting in the negative, 0.

Present and not voting, 5:

Aguilar	Karpisek	Nelson	Stuthman	Wightman
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 467A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 467, One Hundredth Legislature, Second Session, 2008.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Present and not voting, 2:

Karpisek          Nelson

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

**LEGISLATIVE BILL 575.**

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.12, Revised Statutes Cumulative Supplement, 2006; to require nonprofit status for a sales and use tax exemption; to exempt assisted-living facilities from sales and use taxes; to provide an operative date; 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	Engel	Howard	Louden	Rogert
Ashford	Erdman	Hudkins	McDonald	Schimek
Avery	Fischer	Janssen	McGill	Stuthman
Burling	Flood	Johnson	Nantkes	Synowiecki
Carlson	Friend	Karpisek	Nelson	Wallman
Chambers	Fulton	Kopplin	Pahls	White
Christensen	Gay	Kruse	Pankonin	Wightman
Cornett	Hansen	Langemeier	Pedersen	
Dierks	Harms	Lathrop	Pirsch	
Dubas	Heidemann	Lautenbaugh	Preister	

Voting in the negative, 0.

Present and not voting, 2:

Aguilar          Raikes

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

**LEGISLATIVE BILL 888.**

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2734.02, Reissue Revised Statutes of Nebraska; to change corporate income tax calculations; to provide an operative date; 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, 48:

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

Voting in the negative, 0.

Present and not voting, 1:

Cornett

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

**LEGISLATIVE BILL 912.**

A BILL FOR AN ACT relating to the Convention Center Facility Financing Assistance Act; to amend section 13-2603, Revised Statutes Supplement, 2007; to redefine terms 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	Engel	Howard	McDonald	Rogert
Aguilar	Erdman	Hudkins	McGill	Schimek
Ashford	Fischer	Janssen	Nantkes	Stuthman
Avery	Flood	Johnson	Nelson	Synowiecki
Carlson	Friend	Karpisek	Pahls	Wallman
Chambers	Fulton	Kopplin	Pankonin	White
Christensen	Gay	Kruse	Pedersen	Wightman
Cornett	Hansen	Langemeier	Pirsch	
Dierks	Harms	Lathrop	Preister	
Dubas	Heidemann	Lautenbaugh	Raikes	

Voting in the negative, 0.

Present and not voting, 2:

Burling            Louden

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

**LEGISLATIVE BILL 1049.**

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 37-101, Reissue Revised Statutes of Nebraska; to change provisions relating to membership and terms; to harmonize provisions; to provide an operative date; 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, 40:

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

Voting in the negative, 2:

Pedersen            Raikes

Present and not voting, 7:

Ashford	Heidemann	Lathrop	White
Engel	Karpisek	McGill	

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

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 171, 171A, 179, 179A, 467, 467A, 575, 888, 912, and 1049.

**GENERAL FILE**

**LEGISLATIVE BILL 1082.** Senator Cornett renewed her amendment, AM2670, found in this day's Journal.

**PRESIDENT SHEEHY PRESIDING**

Senator Cornett withdrew her amendment.

Senator Cornett offered the following amendment:

AM2709

- 1 1. Strike the original sections and insert the following  
 2 new sections:  
 3 Section 1. (1) Personal injury includes mental injuries  
 4 and mental illness unaccompanied by physical injury for an employee  
 5 who is a first responder if such first responder:  
 6 (a) Establishes, by a preponderance of the evidence, that  
 7 the employee's employment conditions causing the mental injury or  
 8 mental illness were extraordinary and unusual in comparison to the  
 9 normal conditions of the particular employment; and  
 10 (b) Establishes, by a preponderance of the evidence, the  
 11 medical causation between the mental injury or mental illness and  
 12 the employment conditions by medical evidence.  
 13 (2) For purposes of this section, mental injuries and  
 14 mental illness arising out of and in the course of employment  
 15 unaccompanied by physical injury are not considered compensable if  
 16 they result from any event or series of events which are incidental  
 17 to normal employer and employee relations, including, but not  
 18 limited to, personnel actions by the employer such as disciplinary  
 19 actions, work evaluations, transfers, promotions, demotions, salary  
 20 reviews, or terminations.  
 21 (3) For purposes of this section, first responder means a  
 22 firefighter, a law enforcement officer, a crime scene investigator,  
 23 or an out-of-hospital emergency care provider as defined in section  
 1 38-1208.  
 2 Sec. 2. Section 48-151, Reissue Revised Statutes of  
 3 Nebraska, is amended to read:  
 4 48-151 Throughout the Nebraska Workers' Compensation Act,  
 5 the following words and phrases shall be considered to have  
 6 the following meaning, respectively, unless the context clearly  
 7 indicates a different meaning in the construction used:  
 8 (1) Physician means any person licensed to practice  
 9 medicine and surgery, osteopathic medicine, chiropractic, podiatry,  
 10 or dentistry in the State of Nebraska or in the state in which the  
 11 physician is practicing;  
 12 (2) Accident means an unexpected or unforeseen injury  
 13 happening suddenly and violently, with or without human fault, and  
 14 producing at the time objective symptoms of an injury. The claimant  
 15 has the burden of proof to establish by a preponderance of the  
 16 evidence that such unexpected or unforeseen injury was in fact  
 17 caused by the employment. There is no presumption from the mere  
 18 occurrence of such unexpected or unforeseen injury that the injury  
 19 was in fact caused by the employment;

20 (3) Occupational disease means only a disease which is  
21 due to causes and conditions which are characteristic of and  
22 peculiar to a particular trade, occupation, process, or employment  
23 and excludes all ordinary diseases of life to which the general  
24 public is exposed;

25 (4) Injury and personal injuries mean only violence to  
26 the physical structure of the body and such disease or infection  
27 as naturally results therefrom and personal injuries described in  
1 section 1 of this act. The terms include disablement resulting  
2 from occupational disease arising out of and in the course of  
3 the employment in which the employee was engaged and which was  
4 contracted in such employment. The terms include an aggravation  
5 of a preexisting occupational disease, the employer being liable  
6 only for the degree of aggravation of the preexisting occupational  
7 disease. The terms do not include disability or death due to  
8 natural causes but occurring while the employee is at work and do  
9 not include an injury, disability, or death that is the result of a  
10 natural progression of any preexisting condition;

11 (5) Death, when mentioned as a basis for the right to  
12 compensation, means only death resulting from such violence and its  
13 resultant effects or from occupational disease;

14 (6) Without otherwise affecting either the meaning or the  
15 interpretation of the abridged clause, personal injuries arising  
16 out of and in the course of employment, it is hereby declared  
17 not to cover workers except while engaged in, on, or about the  
18 premises where their duties are being performed or where their  
19 service requires their presence as a part of such service at the  
20 time of the injury and during the hours of service as such workers,  
21 and not to cover workers who on their own initiative leave their  
22 line of duty or hours of employment for purposes of their own.  
23 Property maintained by an employer is considered the premises of  
24 such employer for purposes of determining whether the injury arose  
25 out of employment;

26 (7) Willful negligence consists of (a) a deliberate act,  
27 (b) such conduct as evidences reckless indifference to safety, or  
1 (c) intoxication at the time of the injury, such intoxication being  
2 without the consent, knowledge, or acquiescence of the employer or  
3 the employer's agent;

4 (8) Intoxication includes, but is not limited to, being  
5 under the influence of a controlled substance not prescribed by a  
6 physician;

7 (9) Prospective loss costs means prospective loss costs  
8 as defined in section 44-7504 and prepared, filed, or distributed  
9 by an advisory organization which has been issued a certificate of  
10 authority pursuant to section 44-7518; and

11 (10) Whenever in the Nebraska Workers' Compensation Act  
12 the singular is used, the plural is considered included; when the  
13 masculine gender is used, the feminine is considered included.

14 Sec. 3. Section 48-1,110, Revised Statutes Supplement,

15 2007, is amended to read:

16 48-1,110 Sections 48-101 to 48-1,117 and sections 1 and  
 17 4 of this act shall be known and may be cited as the Nebraska  
 18 Workers' Compensation Act.

19 Sec. 4. The changes made by this legislative bill to the  
 20 Nebraska Workers' Compensation Act apply only to personal injuries  
 21 that occurred on or after the effective date of this act.

22 Sec. 5. Original section 48-151, Reissue Revised Statutes  
 23 of Nebraska, and section 48-1,110, Revised Statutes Supplement,  
 24 2007, are repealed.

Senator Engel raised a point of order on whether the Cornett amendment, AM2709, was a reconsideration of a previously considered amendment, and is therefore not in order.

The Chair ruled that the amendment is not a reconsideration under Rule 7, Sec. 7, because it presented a substantially different question than the amendments previously offered.

Senator Cornett moved for a call of the house. The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Senator Cornett requested a roll call vote, in reverse order, on her amendment.

Voting in the affirmative, 26:

Ashford	Flood	Kopplin	Pedersen	Wallman
Avery	Friend	Kruse	Pirsch	White
Cornett	Howard	Lathrop	Preister	
Dierks	Hudkins	Lautenbaugh	Rogert	
Dubas	Janssen	McGill	Schimek	
Fischer	Karpisek	Nantkes	Synowiecki	

Voting in the negative, 4:

Burling	Engel	Raikes	Stuthman
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Present and not voting, 15:

Adams	Chambers	Fulton	Johnson	Nelson
Aguilar	Christensen	Hansen	Louden	Pankonin
Carlson	Erdman	Harms	McDonald	Wightman

Excused and not voting, 4:

Gay	Heidemann	Langemeier	Pahls
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The Cornett amendment was adopted with 26 ayes, 4 nays, 15 present and

not voting, and 4 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 25 ayes, 7 nays, 14 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 1027.** Title read. Considered.

Due to computer network problems, all subsequent votes were taken by voice vote, unless a request for a roll call vote was made by a member.

Committee AM2295, found on page 960, was adopted.

**SPEAKER FLOOD PRESIDING**

Advanced to Enrollment and Review Initial.

**LEGISLATIVE BILL 1027A.** Title read. Considered.

Advanced to Enrollment and Review Initial.

**LEGISLATIVE BILL 720.** Title read. Considered.

Committee AM2044, found on page 705, was considered.

Senator Nelson 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:

AM2713

- 1 1. Strike original sections 3, 4, and 6 and insert the
- 2 following new sections:
- 3 Sec. 3. Section 86-247, Revised Statutes Cumulative
- 4 Supplement, 2006, is amended to read:
- 5 86-247 All telephone solicitation messages ~~delivered~~
- 6 transmitted by an automatic dialing-announcing device shall:
- 7 (1) At the beginning of the message, state clearly the
- 8 identity of the person making the call; and
- 9 (2) During or after the message, state clearly the
- 10 telephone number, other than that of the device which made the
- 11 call, or address of such person.
- 12 Sec. 5. Section 86-256, Revised Statutes Cumulative
- 13 Supplement, 2006, is amended to read:
- 14 86-256 (1) Any person using an automatic
- 15 dialing-announcing device other than for telephone solicitations
- 16 shall register the device with the commission pursuant to the

17 application process, without a fee, and shall include with the  
 18 application a detailed explanation of the use planned and the  
 19 ~~script message~~ to be used.

20 (2) All telephone messages transmitted by an automatic  
 21 dialing-announcing device other than telephone solicitations shall:

22 (a) At the beginning of the message, state clearly the  
 23 identity of the person on whose behalf the message is being  
 1 transmitted;

2 (b) During or after the message, state clearly the  
 3 telephone number, other than that of the device which made the  
 4 call, or address of the person operating the device; and

5 (c) Transmit messages only between the hours of 8 a.m.  
 6 and 9 p.m. at the location of the person receiving the message.

7 (3) This section does not apply to (a) a message from  
 8 any elementary, secondary, or postsecondary educational institution  
 9 to any of its students, parents, or employees, (b) a message to a  
 10 person with whom the person placing the call or the person on whose  
 11 behalf the message is being transmitted has an established business  
 12 or personal relationship, or (c) a message from an employer  
 13 advising any of its employees of work schedules.

14 2. On page 8, lines 5 and 6, strike "~~script~~" and insert  
 15 "message".

16 3. On page 9, line 4, strike "86-248,".

17 4. Renumber the remaining sections accordingly.

The second committee amendment is as follows:

AM2714

1 1. Insert the following new subsections:

2 "(4) A person contracting with a third party to connect  
 3 or operate an automatic dialing-announcing device for other  
 4 than telephone solicitations shall be jointly and severally  
 5 liable with the third party for connecting and operating the  
 6 automatic dialing-announcing device in violation of the Automatic  
 7 Dialing-Announcing Devices Act or the rules and regulations adopted  
 8 and promulgated under the act.

9 (5) A person contracting with a third party to connect  
 10 or operate an automatic dialing-announcing device for other  
 11 than telephone solicitations shall file with the commission the  
 12 message to be used within twenty-four hours after the message is  
 13 transmitted."

The first committee amendment, AM2713, found in this day's Journal, was renewed.

## SENATOR LANGEMEIER PRESIDING

The first committee amendment was adopted.

Pending.

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 7, 2008, at 4:05 p.m. were the following: LBs 171, 171A, 179, 179A, 467, 467A, 575, 888, 912, and 1049.

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

**RESOLUTION**

**LEGISLATIVE RESOLUTION 384.** Introduced by Wightman, 36.

WHEREAS, the Gothenburg High School Speech Team won first place in Class B at the 2008 Nebraska State Speech Tournament with the accumulated points of many individual medalists; and

WHEREAS, the Gothenburg High School Speech Team accumulated 156 points to pull ahead of the defending state champions from Gretna High School who had 142 points; and

WHEREAS, the Legislature is proud to recognize the team and individual successes of the youth of our state.

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

1. That Paul Dudley, Kayla Johnson, Kristen Block, Kayla Furrow, Zac Franzen, J.C. Meridith, Jordan France, Dylan France, Megan Frazho, Karina Kelly, Hilary Messersmith, Meredith Chesley, Chelsea Miller, and Trevor Franzen, the members of the Gothenburg High School Speech Team, be congratulated for their success.

2. That the Legislature congratulates head coach Dan Jensen and assistant coach Keri Dudley for their excellent season and guidance of their team.

3. That a copy of this resolution be sent to the Gothenburg High School Speech Team.

Laid over.

**AMENDMENT - Print in Journal**

Senator Ashford filed the following amendment to LB1130: AM2693 is available in the Bill Room.

**MOTION - Print in Journal**

Senator McGill filed the following motion to LB813: MO170

Unanimous consent to bracket until April 17, 2008.

**AMENDMENT - Print in Journal**

Senator Fischer filed the following amendment to LB846:  
AM2700

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 Sec. 20. Section 84-612, Revised Statutes Supplement,
- 3 2007, is amended to read:
- 4 84-612 (1) There is hereby created within the state
- 5 treasury a fund known as the Cash Reserve Fund which shall be under
- 6 the direction of the State Treasurer. The fund shall only be used
- 7 pursuant to this section.
- 8 (2) The State Treasurer shall transfer funds from the
- 9 Cash Reserve Fund to the General Fund upon certification by the
- 10 Director of Administrative Services that the current cash balance
- 11 in the General Fund is inadequate to meet current obligations. Such
- 12 certification shall include the dollar amount to be transferred.
- 13 Any transfers made pursuant to this subsection shall be reversed
- 14 upon notification by the Director of Administrative Services that
- 15 sufficient funds are available.
- 16 (3) The State Treasurer, at the direction of the
- 17 budget administrator of the budget division of the Department
- 18 of Administrative Services, shall transfer such amounts not to
- 19 exceed seven million seven hundred fifty-three thousand two hundred
- 20 sixty-three dollars in total from the Cash Reserve Fund to the
- 21 Nebraska Capital Construction Fund between July 1, 2003, and June
- 22 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 seven days after the operative date of this  
24 section, the State Treasurer shall transfer five million dollars  
25 from the Cash Reserve Fund to the Roads Operations Cash Fund. The  
26 Department of Roads shall use such funds to provide the required  
27 state match for federal funding made available to the state through  
1 congressional earmarks.

2 (24) On July 8, 2009, the State Treasurer shall transfer  
3 five million dollars from the Cash Reserve Fund to the Roads  
4 Operations Cash Fund. The Department of Roads shall use such  
5 funds to provide the required state match for federal funding made  
6 available to the state through congressional earmarks.

7 (25) On July 7, 2010, the State Treasurer shall transfer  
8 five million dollars from the Cash Reserve Fund to the Roads  
9 Operations Cash Fund. The Department of Roads shall use such  
10 funds to provide the required state match for federal funding made  
11 available to the state through congressional earmarks.

12 2. On page 1, line 6, strike "section 66-489" and insert  
13 "sections 66-489 and 84-612"; and in line 8 after the semicolon  
14 insert "to provide for transfers from the Cash Reserve Fund;".

15 3. On page 15, line 24; page 20, lines 6 and 8; and page  
16 23, lines 7 and 9, strike "January" and insert "July".

17 4. On page 20, line 17, strike "October 1, 2008" and  
18 insert "April 1, 2009".

19 5. On page 27, line 23, strike "January" and insert  
20 "July".

21 6. On page 28, line 4, strike "and"; and in line 7  
22 after the last comma insert "and section 84-612, Revised Statutes  
23 Supplement, 2007,".

24 7. Renumber the remaining sections and correct internal  
25 references accordingly.

## VISITORS

Visitors to the Chamber were Susan and Jake Kawamoto from Omaha; members of Family Career Community Leaders of America and Mollee Lunkwitz, Myria Knapp, Katie Fletcher, and Audrey Feeney from Maxwell; members of Sutherland Legislative Symposium from Sutherland; Dr. Terri Vrtiska from Rochester, Minnesota; and Patrick, Christian, and Kendal McClure from Lincoln.

The Doctor of the Day was Dr. Ronald Craig from Lincoln.

**ADJOURNMENT**

At 7:08 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Tuesday, April 8, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature