

**FOURTEENTH DAY - JANUARY 23, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****FOURTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, January 23, 2007

**PRAYER**

The prayer was offered by Senator Wightman.

**ROLL CALL**

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

The roll was called and all members were present except Senators Heidemann and Raikes who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirteenth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB 629	Natural Resources (rereferred)
LB 695	Judiciary

Bleed, Ann - Department of Natural Resources - Natural Resources

Castillo, Carlos - Department of Administrative Services - Government, Military and Veterans Affairs

Falgione, John E. - State Fire Marshal - Government, Military and Veterans Affairs

Teahon, Larry - Board of Trustees of the Nebraska State Colleges - Education

Vrtiska, Floyd - Board of Trustees of the Nebraska State Colleges - Education

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

**NOTICE OF COMMITTEE HEARINGS**

**Education**  
Room 1525

LB 66	Tuesday, January 30, 2007	1:30 p.m.
LB 72	Tuesday, January 30, 2007	1:30 p.m.
LB 73	Tuesday, January 30, 2007	1:30 p.m.
LB 205	Tuesday, January 30, 2007	1:30 p.m.
LB 490	Tuesday, January 30, 2007	1:30 p.m.
LB 563	Tuesday, January 30, 2007	1:30 p.m.
LB 440	Monday, February 5, 2007	1:30 p.m.
LB 547	Monday, February 5, 2007	1:30 p.m.
LB 641	Monday, February 5, 2007	1:30 p.m.
LB 91	Tuesday, February 6, 2007	1:30 p.m.
LB 473	Tuesday, February 6, 2007	1:30 p.m.
LB 558	Tuesday, February 6, 2007	1:30 p.m.
LB 642	Tuesday, February 6, 2007	1:30 p.m.
LB 153	Monday, February 12, 2007	1:30 p.m.
LB 219	Monday, February 12, 2007	1:30 p.m.
LB 230	Monday, February 12, 2007	1:30 p.m.
LB 524	Monday, February 12, 2007	1:30 p.m.
LB 630	Monday, February 12, 2007	1:30 p.m.
LB 678	Monday, February 12, 2007	1:30 p.m.
LB 139	Tuesday, February 13, 2007	1:30 p.m.
LB 316	Tuesday, February 13, 2007	1:30 p.m.
LB 506	Tuesday, February 13, 2007	1:30 p.m.
LB 702	Tuesday, February 13, 2007	1:30 p.m.
Tuesday, February 13, 2007		1:30 p.m.
Tom Baker - Board of Educational Lands and Funds		
LB 30	Tuesday, February 20, 2007	1:30 p.m.
LB 234	Tuesday, February 20, 2007	1:30 p.m.
LB 357	Tuesday, February 20, 2007	1:30 p.m.
LB 658	Tuesday, February 20, 2007	1:30 p.m.
LB 521	Monday, February 26, 2007	1:30 p.m.
LB 643	Monday, February 26, 2007	1:30 p.m.
LB 644	Monday, February 26, 2007	1:30 p.m.
LB 649	Monday, February 26, 2007	1:30 p.m.
LB 691	Monday, February 26, 2007	1:30 p.m.

LB 455	Tuesday, February 27, 2007	1:30 p.m.
LB 492	Tuesday, February 27, 2007	1:30 p.m.
LB 498	Tuesday, February 27, 2007	1:30 p.m.
LB 595	Tuesday, February 27, 2007	1:30 p.m.
LB 614	Tuesday, February 27, 2007	1:30 p.m.
LB 655	Tuesday, February 27, 2007	1:30 p.m.
LB 193	Monday, March 5, 2007	1:30 p.m.
LB 353	Monday, March 5, 2007	1:30 p.m.
LB 529	Monday, March 5, 2007	1:30 p.m.
LB 615	Monday, March 5, 2007	1:30 p.m.
LB 653	Monday, March 5, 2007	1:30 p.m.
LB 520	Tuesday, March 6, 2007	1:30 p.m.
LB 650	Tuesday, March 6, 2007	1:30 p.m.
LB 651	Tuesday, March 6, 2007	1:30 p.m.
LB 654	Tuesday, March 6, 2007	1:30 p.m.
LR 12CA	Tuesday, March 6, 2007	1:30 p.m.
LB 375	Monday, March 12, 2007	1:30 p.m.
LB 393	Monday, March 12, 2007	1:30 p.m.
LB 509	Monday, March 12, 2007	1:30 p.m.
LB 656	Monday, March 12, 2007	1:30 p.m.
LB 657	Monday, March 12, 2007	1:30 p.m.
Monday, March 12, 2007		1:30 p.m.
Gary Bieganski - Board of Trustees of the Nebraska State Colleges		

(Signed) Ron Raikes, Chairperson

**Executive Board**

Room 2102

LB 34	Thursday, February 1, 2007	12:00 p.m.
LB 402	Thursday, February 1, 2007	12:00 p.m.

(Signed) L. Patrick Engel, Chairperson

**Revenue**

Room 1524

LB 331	Wednesday, January 31, 2007	1:30 p.m.
LB 325	Wednesday, January 31, 2007	1:30 p.m.
LB 338	Wednesday, January 31, 2007	1:30 p.m.
LB 436	Wednesday, January 31, 2007	1:30 p.m.
LB 10	Wednesday, January 31, 2007	1:30 p.m.
LB 282	Wednesday, January 31, 2007	1:30 p.m.

LB 334	Thursday, February 1, 2007	1:30 p.m.
LB 366	Thursday, February 1, 2007	1:30 p.m.
LB 430	Thursday, February 1, 2007	1:30 p.m.
LB 453	Thursday, February 1, 2007	1:30 p.m.
LB 684	Thursday, February 1, 2007	1:30 p.m.
LB 510	Thursday, February 1, 2007	1:30 p.m.
LB 511	Thursday, February 1, 2007	1:30 p.m.
LB 367	Friday, February 2, 2007	1:30 p.m.
LB 608	Friday, February 2, 2007	1:30 p.m.
LB 340	Friday, February 2, 2007	1:30 p.m.
LB 487	Friday, February 2, 2007	1:30 p.m.
LB 173	Friday, February 2, 2007	1:30 p.m.
LB 442	Wednesday, February 7, 2007	2:30 p.m.
LB 158	Wednesday, February 7, 2007	2:30 p.m.
LB 159	Wednesday, February 7, 2007	2:30 p.m.
LB 423	Wednesday, February 7, 2007	2:30 p.m.
LB 488	Thursday, February 8, 2007	1:30 p.m.
LB 648	Thursday, February 8, 2007	1:30 p.m.
LB 512	Thursday, February 8, 2007	1:30 p.m.
LB 514	Thursday, February 8, 2007	1:30 p.m.
LB 531	Thursday, February 8, 2007	1:30 p.m.
LB 343	Thursday, February 8, 2007	1:30 p.m.
LB 356	Wednesday, February 14, 2007	1:30 p.m.
LB 484	Wednesday, February 14, 2007	1:30 p.m.
LB 519	Wednesday, February 14, 2007	1:30 p.m.
LB 294	Wednesday, February 14, 2007	1:30 p.m.
LB 332	Wednesday, February 14, 2007	1:30 p.m.
LB 278	Thursday, February 15, 2007	1:30 p.m.
LB 443	Thursday, February 15, 2007	1:30 p.m.
LB 565	Thursday, February 15, 2007	1:30 p.m.
LB 697	Thursday, February 15, 2007	1:30 p.m.
LB 551	Thursday, February 15, 2007	1:30 p.m.
LB 235	Thursday, February 15, 2007	1:30 p.m.
LB 454	Wednesday, February 21, 2007	2:30 p.m.
LB 687	Wednesday, February 21, 2007	2:30 p.m.
LB 698	Wednesday, February 21, 2007	2:30 p.m.
LB 272	Thursday, February 22, 2007	1:30 p.m.
LB 362	Thursday, February 22, 2007	1:30 p.m.
LB 409	Thursday, February 22, 2007	1:30 p.m.
LB 569	Thursday, February 22, 2007	1:30 p.m.
LB 628	Thursday, February 22, 2007	1:30 p.m.
LB 485	Thursday, February 22, 2007	1:30 p.m.

LB 32	Friday, February 23, 2007	1:30 p.m.
LB 429	Friday, February 23, 2007	1:30 p.m.
LB 575	Friday, February 23, 2007	1:30 p.m.
LB 494	Friday, February 23, 2007	1:30 p.m.
LB 582	Friday, February 23, 2007	1:30 p.m.
LB 502	Wednesday, February 28, 2007	2:30 p.m.
LB 501	Wednesday, February 28, 2007	2:30 p.m.
LB 662	Wednesday, February 28, 2007	2:30 p.m.
LB 507	Wednesday, February 28, 2007	2:30 p.m.
LB 169	Thursday, March 1, 2007	1:30 p.m.
LB 183	Thursday, March 1, 2007	1:30 p.m.
LB 354	Thursday, March 1, 2007	1:30 p.m.
LB 416	Thursday, March 1, 2007	1:30 p.m.
LB 496	Thursday, March 1, 2007	1:30 p.m.
LB 170	Wednesday, March 7, 2007	2:30 p.m.
LB 604	Wednesday, March 7, 2007	2:30 p.m.
LB 605	Wednesday, March 7, 2007	2:30 p.m.
LB 640	Wednesday, March 7, 2007	2:30 p.m.
LB 355	Thursday, March 8, 2007	1:30 p.m.
LB 627	Thursday, March 8, 2007	1:30 p.m.
LB 688	Thursday, March 8, 2007	1:30 p.m.
LB 703	Thursday, March 8, 2007	1:30 p.m.
LB 431	Friday, March 9, 2007	1:30 p.m.
LB 557	Friday, March 9, 2007	1:30 p.m.
LB 683	Friday, March 9, 2007	1:30 p.m.

(Signed) Ray Janssen, Chairperson

**Agriculture**  
Room 1524

LB 516	Tuesday, February 6, 2007	1:30 p.m.
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(Signed) Philip Erdman, Chairperson

**COMMITTEE REPORTS**  
**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 115.** Placed on General File.

(Signed) Rich Pahls, Chairperson

**Revenue**

**LEGISLATIVE BILL 166.** Placed on General File - Com AM45.  
(Amendment is printed separately and available in the Bill Room, Room 1104.)

(Signed) Ray Janssen, Chairperson

**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 186.** Placed on General File - Com AM57.  
AM57

- 1 1. On page 10, strike line 24 and insert "thousand
- 2 dollars.".

(Signed) Rich Pahls, Chairperson

**COMMITTEE REPORTS**  
**Enrollment and Review**

**LEGISLATIVE BILL 26.** Placed on Select File.  
**LEGISLATIVE BILL 21.** Placed on Select File.  
**LEGISLATIVE BILL 24.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 19.** Introduced by Fischer, 43.

WHEREAS, Ryan Gass, a student at Valentine High School, has attained the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, for his Eagle Scout service project, Ryan rebuilt the base of the flagpole that had been damaged by lightning on the football field of Valentine High School and painted the bell that is rung to celebrate touchdowns by the football team. The bell is also rung on Independence Day for the "Ringing of the Bell Ceremony" sponsored by the American Legion and Auxiliary; and

WHEREAS, in order to accomplish this service project, Ryan sought donations from and the cooperation of local businesses and volunteers; and

WHEREAS, Ryan has worked many hours on other service projects and earned at least twenty-one merit badges over the years to achieve this highest honor of the Boy Scouts of America.

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

1. That Ryan Gass be congratulated for this exemplary achievement of earning the rank of Eagle Scout.

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

Laid over.

### **MOTION - Approve Appointment**

Senator Janssen moved the adoption of the Revenue Committee report for the confirmation of the following appointment(s) found on page 324:

State Tax Commissioner  
Doug Ewald

Voting in the affirmative, 42:

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

Voting in the negative, 0.

Present and not voting, 6:

Aguilar	Hansen	Preister
Chambers	Karpisek	Synowiecki

Excused and not voting, 1:

Heidemann

The appointment was confirmed with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

### **GENERAL FILE**

**LEGISLATIVE BILL 80.** Title read. Considered.

Committee AM30, found on page 323, was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 42 ayes, 0 nays, and 7 present and not voting.

**LEGISLATIVE BILL 94.** Title read. Considered.

Advanced to E & R for review with 37 ayes, 0 nays, and 12 present and not voting.

**LEGISLATIVE BILL 98.** Title read. Considered.

Advanced to E & R for review with 45 ayes, 0 nays, and 4 present and not voting.

**LEGISLATIVE BILL 167.** Title read. Considered.

Committee AM31, found on page 324, was adopted with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

Senator Janssen offered the following amendment:

AM67

- 1 1. Insert the following new section:
- 2 Sec. 14. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

The Janssen amendment was adopted with 40 ayes, 0 nays, 8 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

**LEGISLATIVE BILL 17.** Title read. Considered.

Senator Langemeier offered the following amendment:

AM71

- 1 1. On page 4, line 19, reinstate the stricken "(5)
- 2 Notwithstanding", after the stricken "through" insert "subsection",
- 3 and reinstate the stricken "(4) of this"; in line 20 reinstate
- 4 the stricken matter and after the reinstated "upon" insert
- 5 "the effective date of this act"; reinstate the stricken matter
- 6 beginning with "shall" in line 21 through "(6)" in line 23; and in
- 7 line 23 strike the new matter.

Senator Dubas moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 6 nays, and 11 not voting.

Senator Chambers requested a roll call vote on the Langemeier amendment.

The Langemeier amendment was adopted with 42 ayes, 1 nay, 4 present and not voting, and 2 excused and not voting.



Pending.

**MOTION - Print in Journal**

Senator Ashford filed the following motion to LB 215:  
Withdraw LB 215.

**COMMITTEE REPORTS**  
**Education**

**LEGISLATIVE BILL 95.** Placed on General File.

**LEGISLATIVE BILL 150.** Placed on General File.

(Signed) Ron Raikes, Chairperson

**General Affairs**

**LEGISLATIVE BILL 64.** Placed on General File.

(Signed) Vickie McDonald, Chairperson

**NOTICE OF COMMITTEE HEARINGS**

**Education**  
Room 1525

Tuesday, February 13, 2007 1:30 p.m.  
Richard B. Uhing - Coordinating Commission for Postsecondary Education

(Signed) Ron Raikes, Chairperson

**Nebraska Retirement Systems**  
Room 1525

LB 328	Thursday, February 1, 2007	12:15 p.m.
LB 329	Thursday, February 1, 2007	12:15 p.m.
LB 665	Thursday, February 1, 2007	12:15 p.m.
LB 370	Monday, February 5, 2007	12:15 p.m.
LB 371	Monday, February 5, 2007	12:15 p.m.
LB 372	Monday, February 5, 2007	12:15 p.m.
LB 468	Monday, February 12, 2007	12:15 p.m.
LB 612	Monday, February 12, 2007	12:15 p.m.
LB 613	Monday, February 12, 2007	12:15 p.m.
LB 303	Wednesday, February 14, 2007	12:15 p.m.
LB 324	Wednesday, February 14, 2007	12:15 p.m.
LB 611	Wednesday, February 14, 2007	12:15 p.m.

LB 499	Tuesday, February 20, 2007	12:15 p.m.
LB 508	Tuesday, February 20, 2007	12:15 p.m.
LB 596	Tuesday, February 20, 2007	12:15 p.m.
LB 365	Tuesday, February 27, 2007	12:15 p.m.
LB 679	Tuesday, February 27, 2007	12:15 p.m.

(Signed) John Synowiecki, Chairperson

**Urban Affairs**  
Room 1510

LB 309	Tuesday, January 30, 2007	1:30 p.m.
LB 347	Tuesday, January 30, 2007	1:30 p.m.
LB 517	Tuesday, January 30, 2007	1:30 p.m.
LR 6CA	Tuesday, January 30, 2007	1:30 p.m.

(Signed) Mike Friend, Chairperson

**AMENDMENT - Print in Journal**

Senator Preister filed the following amendment to LB 581:  
AM53

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. The Legislature finds that it is in the public
- 4 interest to:
- 5 (1) Encourage private investment in renewable energy
- 6 resources;
- 7 (2) Stimulate the economic growth of this state; and
- 8 (3) Enhance the continued diversification of the energy
- 9 resources used in this state.
- 10 Sec. 2. For purposes of sections 1 to 7 of this act:
- 11 (1) Customer-generator means an end-use electricity
- 12 customer that generates electricity on the customer's side of the
- 13 meter from a qualified facility;
- 14 (2) Electric supplier means any public power district,
- 15 electric cooperative, or municipal electric utility that is engaged
- 16 in the business of supplying electric energy to the ultimate
- 17 consumer thereof;
- 18 (3) Local distribution system means the equipment and
- 19 facilities used for the distribution of electric energy to the
- 20 ultimate consumer thereof, whether or not such system is owned or
- 21 operated by the electrical supplier;
- 22 (4) Local distribution utility means the owner or
- 23 operator of the local distribution system;
- 1 (5) Net metering means a system of metering electricity
- 2 in which an electric supplier;
- 3 (a) Credits a customer-generator at the full retail rate

4 for each kilowatt-hour from a qualified facility up to the total  
5 amount of electricity used by the customer-generator during an  
6 annualized period; and  
7 (b) Compensates the customer-generator at the end of the  
8 annualized period for any remaining credits, at a rate equal to the  
9 electric supplier's average hourly incremental cost of electricity  
10 supply over the most recent calendar year; and

11 (6) Qualified facility means a facility for the  
12 production of electrical energy that:

13 (a) Uses as its fuel either wind, solar, biomass, or  
14 hydropower resources;

15 (b) Is located on the premises owned, operated, leased,  
16 or otherwise controlled by the customer-generator;

17 (c) Connects with and operates in parallel with the local  
18 distribution system; and

19 (d) Is intended primarily to offset part or all of the  
20 customer-generator's requirements for electricity through the use  
21 of net metering.

22 Sec. 3. (1) All electric suppliers shall allow  
23 the customer-generator's retail electricity consumption to be  
24 offset by a qualified facility that is interconnected with the  
25 local distribution system. If the electricity generated by the  
26 customer-generator exceeds the customer-generator's consumption,  
27 the excess kilowatt-hours shall be carried forward from month  
1 to month and credited at a ratio of one to one against the  
2 customer-generator's retail kilowatt-hour consumption in subsequent  
3 months. Within sixty days after the end of each calendar year, or  
4 within sixty days after the date the customer-generator terminates  
5 its retail service, the electric supplier shall compensate the  
6 customer-generator for any accrued excess kilowatt-hour credits  
7 at the electric supplier's average hourly incremental cost of  
8 electricity supply over the most recent calendar year.

9 (2) An electric supplier shall provide net-metering  
10 service at nondiscriminatory rates to customers with a qualified  
11 facility. A customer-generator shall not be required to change  
12 the rate under which he, she, or it received retail service in  
13 order for the customer-generator to install a qualified facility.  
14 A customer-generator may be charged a minimum monthly fee that is  
15 the same as other non-customer-generators in the same rate class  
16 but shall not be charged any additional standby, capacity, demand,  
17 interconnection, or other fee or charge.

18 (3) An electric supplier shall not be required to provide  
19 local distribution service to additional customer-generators after  
20 the date during any calendar year on which the total generating  
21 capacity of all customer-generators with qualified facilities  
22 served by the local distribution utility is equal to or in excess  
23 of two percent of the capacity necessary to meet the electric  
24 supplier's average forecast aggregate customer peak demand for that  
25 calendar year.

26 Sec. 4. (1) An electric supplier shall offer to make  
27 available to each customer-generator that has installed a qualified  
1 facility metering equipment that can measure the flow of electric  
2 energy in both directions. The electric supplier shall utilize a  
3 single bi-directional meter with a single register that displays  
4 this net reading for billing purposes. The electric supplier may  
5 choose to meter additional information within this meter if the net  
6 reading can be easily and clearly read by the customer-generator.

7 (2) If the customer-generator's existing meter does not  
8 meet these requirements, the electric supplier shall install and  
9 maintain a single bi-directional meter for the customer-generator  
10 at the electric supplier's expense. Any subsequent revenue meter  
11 change necessitated by the customer-generator shall be paid for by  
12 the customer-generator.

13 (3) The electric supplier shall not require more than one  
14 meter per customer to comply with this section.

15 Sec. 5. (1) A qualified facility installed by a  
16 customer-generator shall meet all applicable safety and performance  
17 standards established in this section.

18 (2) Within ninety days after the effective date of  
19 this act, each electric supplier shall establish interconnection  
20 standards for the physical connection between local distribution  
21 systems and qualified facilities. Such standards shall not be  
22 unreasonably burdensome and shall be designed to encourage the use  
23 of qualified facilities and to insure the safety and reliability  
24 of such qualified facilities and the local distribution systems  
25 interconnected with such qualified facilities.

26 (3) The standards under this section shall establish  
27 measures for the safety and reliability of the affected equipment  
1 and local distribution systems as may be appropriate. Such  
2 standards shall:

3 (a) Be consistent with all applicable safety and  
4 performance standards established by the National Electrical Code,  
5 the Institute of Electrical and Electronics Engineers, Underwriters  
6 Laboratories, or the American National Standards Institute;

7 (b) Ensure that qualified facilities will automatically  
8 isolate themselves from the electrical system in the event of an  
9 electrical power outage; and

10 (c) Permit the owner or operator of the local  
11 distribution system to interrupt or reduce deliveries of available  
12 energy from the qualified facilities to the system when necessary  
13 in order to construct, install, maintain, repair, replace, remove,  
14 investigate, or inspect any of its equipment or part of its system  
15 if the local distribution system determines that curtailment,  
16 interruption, or reduction is necessary because of emergencies,  
17 forced outages, acts of nature, or compliance with prudent  
18 electrical practices.

19 (4) No electric supplier may require a customer-generator  
20 whose qualified facility meets the standards in this section to:

- 21 (a) Comply with additional safety or performance  
22 standards or pay additional charges for equipment or services for  
23 interconnection that are additional to those necessary to meet the  
24 standards established in this section;  
25 (b) Perform or pay for additional tests; or  
26 (c) Purchase additional liability insurance.  
27 Sec. 6. A customer-generator that is eligible for  
1 net metering owns the renewable and environmental 1 attributes of  
2 the electricity it generates, unless there is a contract with  
3 an express provision that assigns ownership of those renewable  
4 and environmental attributes. A customer-generator shall not be  
5 required to assign renewable and environmental attributes of the  
6 electricity it generates in order to receive net metering or  
7 interconnection.  
8 Sec. 7. Beginning March 1, 2009, and each March 1  
9 thereafter, each electric supplier shall produce an annual net  
10 metering report to be published on the electric supplier's web site  
11 that shall include the following information:  
12 (1) The total number of qualified facilities;  
13 (2) The total estimated rated generating capacity of  
14 qualified facilities;  
15 (3) The total estimated net kilowatt-hours received from  
16 customer-generators; and  
17 (4) The total estimated amount of energy produced by the  
18 customer-generators.  
19 Sec. 8. Section 70-1012, Reissue Revised Statutes of  
20 Nebraska, is amended to read:  
21 70-1012 Before any electric generation facilities or any  
22 transmission lines or related facilities carrying more than seven  
23 hundred volts are constructed or acquired by any supplier, an  
24 application, filed with the board and containing such information  
25 as the board shall prescribe, shall be approved by the board,  
26 except that such approval shall not be required (1) for the  
27 construction or acquisition of a transmission line extension or  
1 related facilities within a supplier's own service area or for the  
2 construction or acquisition of a line not exceeding one-half mile  
3 outside its own service area when all owners of electric lines  
4 located within one-half mile of the extension consent thereto in  
5 writing and such consents are filed with the board, (2) for any  
6 generation facility when the board finds that: (a) Such facility is  
7 being constructed or acquired to replace a generating plant owned  
8 by an individual municipality or registered group of municipalities  
9 with a capacity not greater than that of the plant being replaced,  
10 (b) such facility will generate less than twenty-five thousand  
11 kilowatts of electric energy at rated capacity, and (c) the  
12 applicant will not use the plant or transmission capacity to supply  
13 wholesale power to customers outside the applicant's existing  
14 retail service area or chartered territory, or (3) for acquisition  
15 of transmission lines or related facilities, within the state,

16 carrying one hundred fifteen thousand volts or less, if the current  
 17 owner of the transmission lines or related facilities notifies the  
 18 board of the lines or facilities involved in the transaction and  
 19 the parties to the transaction or (4) for the construction of a  
 20 qualified facility as defined in section 2 of this act.

21 Sec. 9. If any section in this act or any part of any  
 22 section is declared invalid or unconstitutional, the declaration  
 23 shall not affect the validity or constitutionality of the remaining  
 24 portions.

25 Sec. 10. Original section 70-1012, Reissue Revised  
 26 Statutes of Nebraska, is repealed.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 20.** Introduced by Flood, 19; Dierks, 40;  
 McDonald, 41; Rogert, 16; Stuthman, 22.

WHEREAS, northeast Nebraska was paralyzed by a damaging ice storm  
 that began on December 30, 2006; and

WHEREAS, the dangerous winter storm lasted three days and made travel  
 impossible, destroyed approximately 1,000 power poles, and knocked out  
 power to over 4,000 homes in the counties of Madison, Pierce, and Antelope  
 and portions of the counties of Holt, Boone, Stanton, Wheeler, and Platte;  
 and

WHEREAS, the ice storm is considered one of the most destructive winter  
 storms in Nebraska history; and

WHEREAS, the professional and hard working staff of Elkhorn Rural  
 Public Power worked night and day through the New Year's Day holiday  
 weekend to restore power to thousands of Nebraskans; and

WHEREAS, the efforts of the utility linemen of Elkhorn Rural Public  
 Power during this winter weather crisis illustrate the very spirit of Nebraska.

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

1. That the Elkhorn Rural Public Power District be recognized for the  
 excellent public power service provided to northeast Nebraska

2. That a copy of this resolution be sent to the Elkhorn Rural Public Power  
 District.

Laid over.

**LEGISLATIVE RESOLUTION 21.** Introduced by Flood, 19.

WHEREAS, the NEBRASKAland Foundation will present the  
 Distinguished Nebraskalander Award, along with the Wagonmaster,  
 Trailblazer, and Pioneer Awards, at the annual Statehood Day Dinner to be  
 held in the State Capitol on Saturday, March 3, 2007; and

WHEREAS, the Wagonmaster Award will be presented to The Honorable  
 Bill Barrett. Mr. Barrett, of Lexington, has a distinguished record of public

service. He served as Chairman of the Nebraska Republican Party, was a member of the Legislature from 1979 to 1990, including service as Speaker of the Legislature, and was a five-term United States Representative, representing the third congressional district; and

WHEREAS, the Pioneer Award will be presented to Ms. Carol Cope. Ms. Cope's commitment to the arts has been a lifelong endeavor. Her generosity has brought many improvements to the University of Nebraska at Kearney, the Merriman's Performing Arts Center, and many other entities. She has been the recipient of many awards, including the Sertoma Service to Mankind, the Nebraska Philanthropist of the Year, and the 2005 Governor's Art Award. She also has served on numerous boards; and

WHEREAS, the Pioneer Award will also be presented to Mr. Ken Morrison. Mr. Morrison, of Hastings, is the founder and managing partner of Morrison Enterprises. His company has agricultural operations in the United States, Canada, Central and South America, and Malaysia and includes livestock, frozen food processing, shrimp farming, and soybean production; and

WHEREAS, the Trailblazer Award will be presented to Mr. Bill Smith. Mr. Smith, of Lincoln, is the owner of Speedway Motors, the world's largest maker and distributor of auto products for the racing and street rod world, and the Museum of American Speed, the world's largest vintage collection of exotic racing engines and speed equipment. He has been inducted into eight industry halls of fame; and

WHEREAS, the Distinguished NEBRASKAlander Award is presented to Carl (Ky) and Jane Rohman. Carl (Ky) and Jane Rohman, of Lincoln, are active supporters of the arts statewide, including the Museum of Nebraska Art in Kearney, the Sheldon Art Gallery in Lincoln, the Meadowlark Music Festival in Lincoln, and many Brownville, Nebraska, projects.

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

1. That the Legislature extends its appreciation to the honorees for their service to the State of Nebraska.
2. That a copy of this resolution be given to each honoree.

Laid over.

### **UNANIMOUS CONSENT - Add Cointroducers**

Senator White asked unanimous consent to add his name as cointroducer to LB 173. No objections. So ordered.

Senator Cornett asked unanimous consent to add her name as cointroducer to LBs 264 and 700. No objections. So ordered.

Senator Burling asked unanimous consent to add his name as cointroducer to LB 308. No objections. So ordered.

Senator Stuthman asked unanimous consent to add his name as cointroducer to LBs 341 and 700. No objections. So ordered.

Senator Pedersen asked unanimous consent to add his name as cointroducer to LB 428. No objections. So ordered.

**WITHDRAW - Cointroducer**

Senator Harms withdrew his name as cointroducer to LB 182.

**MOTION - Print in Journal**

Senator Chambers filed the following motion to LB 17:  
Reconsider vote on amendment, AM71.

**VISITOR**

The Doctor of the Day was Dr. Marlon Weiss from Lincoln.

**ADJOURNMENT**

At 12:02 p.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Wednesday, January 24, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature