

EIGHTH DAY - JANUARY 18, 2008**LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE
SECOND SESSION****EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, January 18, 2008

PRAYER

The prayer was offered by Beth Llewellyn, Mission Integration - Alegant Health, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Harms and Johnson who were excused; and Senators Ashford, Chambers, Cornett, Heidemann, Langemeier, and Lathrop who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventh day was approved.

PROPOSED RULES CHANGES

The Rules Committee offered the following proposed rules changes:

1. Amend Rule 3 Sec. 4

Add new subsection (h)

(i) The Redistricting Committee of the Legislature shall be established as a special committee of the Legislature in January of each year ending in one. The committee is authorized to introduce and exercise jurisdiction over legislative bills and resolutions relating to redistricting and hold hearings regarding such legislation.

(ii) The committee shall be comprised of nine members of the Legislature, three from each congressional district existing on January 1 of each year ending in zero. The Executive Board shall appoint the members of the committee in January of each year ending in one. No more than five

members appointed to the committee shall be affiliated with the same political party. A vacancy on the committee shall be filled by the Executive Board as soon as possible after the vacancy occurs.

(iii) At the first meeting of the committee, the members shall select from among themselves by majority vote one member to serve as chairperson of the committee and one member to serve as vice-chairperson of the committee. The chair and vice chair shall not be a member of the same political party.

(iv) The committee shall continue in existence until all bills containing redistricting plans for which the Legislature has responsibility are passed and signed by the Governor. In the event of a successful legal challenge to any part of a redistricting plan, the committee shall be reconstituted for purposes of reformulating the challenged redistricting plan.

(v) The committee shall receive staff support from the office of the director of Legislative Research.

(vi) The committee shall, after reviewing previous redistricting guidelines used by the Legislature, adopt substantive and procedural guidelines that will guide the Legislature's redistricting process. During the legislative session of each year ending in one, the substantive guidelines adopted by the committee shall be presented to the Legislature for approval.

(vii) The committee shall at the earliest feasible time make available to the public the substantive guidelines prepared by the committee.

(viii) The committee shall introduce legislative bills pertaining to redistricting congressional districts and other districts during the legislative session of each year ending in one.

(ix) Based upon the information received from the United States Department of Commerce, Bureau of the Census, the committee shall formulate redistricting plans for congressional districts and other districts. The statistics and redistricting plans shall be made available to the Legislature and the public.

(x) After the statistics and redistricting plans are made available to the Legislature and the public, the committee shall schedule and conduct, as expeditiously as reasonably possible, at least one public hearing in each congressional district for the purposes of soliciting input on the proposed redistricting plans. Video and other methods may be used in addition to the procedures outlined for public hearings but not in substitution for such procedures.

(xi) In addition to the above procedures, legislation introduced for the purpose of complying with the decennial redistricting process in years

ending in one, shall follow the normal procedures for any legislation introduced in the Nebraska Legislature.

COMMITTEE REPORT
Nebraska Retirement Systems

The Nebraska Retirement Systems Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Elaine Stuhr - Public Employees Retirement Board

Aye: 6 Senators Erdman, Heidemann, Karpisek, Loudon, Synowiecki, White. Nay: 0. Absent: 0.

(Signed) John Synowiecki, Chairperson

AMENDMENT - Print in Journal

Senator Louden filed the following amendment to LB579:
AM1591

- 1 1. Strike the original sections and insert the following
2 new sections:
3 Section 1. The Legislature finds that it is in the
4 interest of the state to:
5 (1) Facilitate investment in customer-owned renewable
6 energy resources;
7 (2) Stimulate the economic growth of the state;
8 (3) Enhance the continued diversification of the energy
9 resources used in this state as long as diversification does not
10 shift fixed costs to other distribution system customers; and
11 (4) Ensure that electric consumers throughout the state
12 are treated equitably when providing incentives for renewable
13 energy development that benefits the state.
14 Sec. 2. For purposes of sections 1 to 6 of this act:
15 (1) Customer-generator means the end-use customer that is
16 the owner or operator of a qualified generation unit;
17 (2) Facility charges means the local distribution
18 system's costs associated with providing electric service for the
19 customer-generator that are not avoidable by the local distribution
20 utility as a result of the operation of a qualified generation unit
21 rated above ten kilowatts;
22 (3) Local distribution system means any system utilized
23 for the distribution of electric energy to the end-use consumer.
1 Transmission facilities rated higher than sixty-nine kilovolts
2 shall not be considered a component of the local distribution
3 system;
4 (4) Local distribution utility means a public power
5 district, public power and irrigation district, individual

6 municipality, or nonprofit electric cooperative corporation which
7 is the owner or operator of the local distribution system to which
8 the customer-generator is interconnected;

9 (5) Qualified generation unit means a facility for the
10 generation of electricity which:

11 (a) Uses as its energy source solar, wind, biomass, or
12 hydropower resources;

13 (b) Is located on premises that are owned, operated,
14 leased, or otherwise controlled by the customer-generator;

15 (c) Operates parallel with the local distribution system;

16 (d) Is intended primarily to offset part of or all of the
17 customer-generator's requirements for electric energy at the same
18 location;

19 (e) Is not intended to offset or provide credits for
20 electric consumption at another location owned, operated, leased,
21 or otherwise controlled by the customer-generator or for any other
22 customer; and

23 (f) Meets all applicable safety, performance, and
24 reliability standards established by the National Electrical Code
25 filed with the Secretary of State and adopted by the State
26 Electrical Board under subdivision (5) of section 81-2104, the
27 National Electrical Safety Code, the Institute of Electrical and
1 Electronics Engineers, Underwriters Laboratories, Inc., and the
2 American National Standards Institute and meets the interconnection
3 standards adopted by the local distribution utility;

4 (6) Customer-generator rate class means a rate class for
5 customers that interconnect qualified generation units rated above
6 ten kilowatts to the local distribution system;

7 (7) Excess generation means the energy generated which
8 exceeds the customer-generator's requirements for electric energy
9 at the same location; and

10 (8) Net metering means billing the customer-generator
11 according to the difference between the amount of electricity
12 supplied by the local distribution utility in a billing period and
13 the amount of electricity generated from the customer side of the
14 meter using a qualified generation unit.

15 Sec. 3. (1) A local distribution utility
16 shall interconnect the qualified generation unit of any
17 customer-generator that the local distribution utility serves if
18 the customer-generator pays for any costs incurred by a local
19 distribution utility for equipment or services required for safety
20 or performance necessary to meet the standards referred to in
21 sections 1 to 6 of this act.

22 (2) A local distribution utility shall provide at
23 no additional cost to any customer-generator with a qualified
24 generation unit a meter that is capable of measuring the flow of
25 electricity in both directions at the same rate. Such measurement
26 for a qualified generation unit rated ten kilowatts or less may
27 be accomplished through use of a single, bidirectional electric

1 revenue meter that has only a single register for billing purposes.

2 (3) A local distribution utility may, at its own expense,
3 install additional monitoring equipment to separately monitor the
4 flow of electricity in each direction.

5 (4) A local distribution utility may create a
6 customer-generator rate class or classes for qualified generation
7 units rated above ten kilowatts. Rate classes shall be based on a
8 cost of service study, may be designated according to the size of
9 a qualified generation unit, shall be nondiscriminatory, and may
10 allow for facility charges to cover the use of the distribution
11 system. In addition, rates shall be developed for purchases or
12 deliveries of electricity by the customer-generator for qualified
13 generation units rated above ten kilowatts. Such rates shall
14 not be less than the wholesale power supply costs of the local
15 distribution utility and shall provide monetary credits to the
16 customer-generator for its excess generation deliveries. Monetary
17 credits shall be applied to monthly bills of the customer-generator
18 for the preceding monthly period and shall offset the cost of
19 energy owed by the customer-generator. If the energy portion of
20 the customer-generator's bill is less than zero in any month,
21 monetary credits shall be carried over to future bills of the
22 customer-generator until the balance is zero. At the end of the
23 calendar year, any excess monetary credits shall be paid out to
24 coincide with the final bill of each calendar year.

25 (5) A local distribution utility shall provide net
26 metering service to any customer-generator with a qualified
27 generation unit rated at ten kilowatts or less. Excess generation
1 shall be compensated as a monetary credit not less than the
2 average wholesale cost per kilowatt hour for the distribution
3 utility for the month of generation. Monetary credits shall
4 be applied to monthly bills of the customer-generator for the
5 preceding monthly period and shall offset the cost of energy
6 owed by the customer-generator. If the energy portion of the
7 customer-generator's bill is less than zero in any month,
8 monetary credits shall be carried over to future bills of the
9 customer-generator until the balance is zero. At the end of the
10 calendar year, any excess monetary credits shall be paid out to
11 coincide with the final bill of each calendar year. Facilities
12 charges shall not be applied to customer-generators having
13 qualified generation units less than ten kilowatts. Nothing in this
14 section shall prevent a local distribution utility from providing
15 net metering services to customer-generators having qualified
16 generation units at or above ten kilowatts with the approval of
17 the governing board.

18 (6) A local distribution utility shall not be required
19 to provide net metering service to additional customer-generators
20 regardless of size after the date during a calendar year on which
21 the total generating capacity of all customer-generators using net
22 metering served by such local distribution utility is equal to

23 or in excess of one percent of the capacity necessary to meet
24 the local distribution utility's average aggregate customer monthly
25 peak demand forecast for that calendar year.

26 (7) A local distribution utility shall not be liable
27 directly or indirectly for permitting the interconnection of
1 a qualified generation unit or for acts or omissions of the
2 customer-generator that cause property damage or injury, including
3 death, to any third party, to the local distribution utility, or to
4 the customer-generator. The distribution utility may require proof
5 of liability insurance coverage.

6 Sec. 4. (1) A customer-generator shall, at its own
7 expense, provide lockable switching equipment capable of isolating
8 the qualified generation unit from the local distribution system.
9 The equipment shall be approved by the local distribution utility
10 and shall be accessible by the local distribution utility at all
11 times.

12 (2) A customer-generator shall request an inspection
13 from the State Electrical Division pursuant to subsection (1)
14 of section 81-2124 or subsection (1) of section 81-2125 and
15 shall provide documentation of the completed inspection to the
16 local distribution utility prior to interconnection with the local
17 distribution system.

18 (3) A customer-generator is responsible for notifying the
19 local distribution utility of its intent to install a qualified
20 generation unit at least sixty days prior to its installation
21 and is responsible for all costs associated with the qualified
22 generation unit, including all costs related to any modifications
23 to the qualified generation unit or the local distribution system
24 that may be required for the purpose of safety and reliability.

25 (4) A customer-generator owns the renewable energy
26 credits of the electricity it generates.

27 Sec. 5. No local distribution utility may require a
1 customer-generator whose qualified generation unit meets the
2 standards of sections 1 to 6 of this act to comply with additional
3 safety, performance, or reliability standards or to perform or pay
4 for additional tests.

5 Sec. 6. Sections 3 to 5 of this act do not apply
6 to any local distribution utility that, prior to the effective
7 date of this act, has properly adopted a net metering standard
8 utilizing the public process set forth in the federal Public
9 Utility Regulatory Policies Act of 1978, 16 U.S.C. 2601 et seq., as
10 such act existed on the effective date of this act.

11 Sec. 7. Section 70-1012, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 70-1012 Before any electric generation facilities or any
14 transmission lines or related facilities carrying more than seven
15 hundred volts are constructed or acquired by any supplier, an
16 application, filed with the board and containing such information
17 as the board shall prescribe, shall be approved by the board,

18 except that such approval shall not be required (1) for the
19 construction or acquisition of a transmission line extension or
20 related facilities within a supplier's own service area or for the
21 construction or acquisition of a line not exceeding one-half mile
22 outside its own service area when all owners of electric lines
23 located within one-half mile of the extension consent thereto in
24 writing and such consents are filed with the board, (2) for any
25 generation facility when the board finds that: (a) Such facility is
26 being constructed or acquired to replace a generating plant owned
27 by an individual municipality or registered group of municipalities
1 with a capacity not greater than that of the plant being replaced,
2 (b) such facility will generate less than twenty-five thousand
3 kilowatts of electric energy at rated capacity, and (c) the
4 applicant will not use the plant or transmission capacity to supply
5 wholesale power to customers outside the applicant's existing
6 retail service area or chartered territory, ~~or~~ (3) for acquisition
7 of transmission lines or related facilities, within the state,
8 carrying one hundred fifteen thousand volts or less, if the current
9 owner of the transmission lines or related facilities notifies the
10 board of the lines or facilities involved in the transaction and
11 the parties to the transaction, or (4) for the construction of a
12 new, or the interconnection of an existing, qualified generation
13 unit as defined in section 2 of this act.

14 Sec. 8. Original section 70-1012, Reissue Revised
15 Statutes of Nebraska, is repealed.

NOTICE OF COMMITTEE HEARING
Transportation and Telecommunications

Room 1113

Monday, January 28, 2008 1:30 p.m.

LB827
LB756
LB834
LB910
LB709

(Signed) Deb Fischer, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 17, 2008, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Amack, Angela K.

Electrical Workers, International Brotherhood of
Grand Island Public Schools

American Communications Group, Inc.

Empyrean Brewing Company

Berryman, Scott

American Civil Rights Coalition
Swimming Pool Foundation, National

Bunger, Charles K.

Slusky Public Affairs

Burhan, Charles H.

Liberty Mutual Insurance

Kelley & Lehan, P.C.

Elevator Industry Work Preservation

Larsen, Carlin L.

Qwest Communications

Mines, Mick

American Civil Rights Coalition
Gateway Development Corp.
League of Nebraska Municipalities
Swimming Pool Foundation, National

O'Hara, Lindsay & Associates, Inc.

Nebraskans for the Arts

Plucker, Julia

Bennington Public Schools
Community Alliance, Inc.
Credit Union League and Affiliates, Nebraska
Moylan, James
Nebraska School Activities Association

Slusky Public Affairs LLC

Floodway Project Group, Inc.

Vickers, Tom

Postsecondary Career Schools, Nebraska Council of Private

Wesely, Don

After Trading Corporation

REPORTS

The following reports were received by the Legislature:

Investment Finance Authority, Nebraska (NIFA)

Drinking Water State Revolving Fund Revenue Bonds Series 2007 A,
Quarterly Reports

Roads, Department of

Board of Public Roads Classifications and Standards Minutes for
November 2007

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1043. Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to security services; to amend sections 81-1423 and 81-1425, Revised Statutes Cumulative Supplement, 2006; to adopt the Security Services Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1044. Introduced by Raikes, 25; Avery, 28; Fulton, 29; Hudkins, 21; McGill, 26; Nantkes, 46; Preister, 5; Schimek, 27; Wallman, 30.

A BILL FOR AN ACT relating to the state fair; to amend sections 2-101 and 2-104, Revised Statutes Cumulative Supplement, 2006; to create the State Fair Future Commission and provide powers and duties; to provide for relocation; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1045. Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to insurance; to change provisions relating to coverage changes in property and casualty and automobile liability policies; and to provide a duty for the Revisor of Statutes.

GENERAL FILE

LEGISLATIVE BILL 706. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 707. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 235. Title read. Considered.

Committee AM818, found on page 940, First Session, 2007, was considered.

Senator Nantkes offered the following amendment to the committee amendment:

AM1588

(Amendments to Standing Committee amendments, AM818)

- 1 1. Insert the following new section:
- 2 Section 1. Sections 1 to 5 of this act shall be known and
- 3 may be cited as the Nebraska Advantage Film Production Incentive
- 4 Act.
- 5 2. On page 1, line 3, strike "sections 1 to 4 of this
- 6 act" and insert "the Nebraska Advantage Film Production Incentive
- 7 Act".
- 8 3. On page 2, lines 8 and 9 and 15; and page 5, lines 4
- 9 and 5, strike "Game and Parks Commission" and insert "Department of
- 10 Economic Development".
- 11 4. On page 5, line 6, strike "sections 1 to 3 of this
- 12 act" and insert "the Nebraska Advantage Film Production Incentive
- 13 Act"; in line 7 strike each occurrence of "commission" and insert
- 14 "department"; and in line 9 strike "such sections" and insert "the
- 15 act".
- 16 5. Renumber the remaining sections accordingly.

PRESIDENT SHEEHY PRESIDING

The Nantkes amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

The committee amendment, as amended, was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 2 nays, 17 present and not voting, and 5 excused and not voting.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB1012	Revenue
LB1013	Education
LB1014	Judiciary
LB1015	Judiciary

LB1016 Business and Labor
LB1017 Revenue
LB1018 Appropriations
LB1019 Business and Labor
LB1020 Business and Labor
LB1021 Education
LB1022 Health and Human Services
LB1023 Education
LB1024 Judiciary
LB1025 Judiciary
LB1026 Revenue
LB1027 Agriculture
LB1028 Banking, Commerce and Insurance
LB1029 Health and Human Services
LB1030 Government, Military and Veterans Affairs
LB1031 Health and Human Services
LB1032 Judiciary
LB1033 Revenue
LB1034 Transportation and Telecommunications
LB1035 Appropriations
LB1036 Education
LB1037 Revenue
LB1038 Revenue
LB1039 Revenue
LB1040 Revenue
LB1041 Natural Resources
LB1042 Judiciary

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

NOTICE OF COMMITTEE HEARINGS

Natural Resources

Room 1525

Friday, January 25, 2008 1:30 p.m.

LB880
LB945

Kent Forney - Nebraska Game and Parks Commission
Donald Williams - Environmental Quality Council

(Signed) LeRoy Louden, Chairperson

General Affairs

Room 1510

Monday, January 28, 2008 1:30 p.m.

LB723

LB760

LB995

John F. Hiller - State Electrical Board

(Signed) Vickie McDonald, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1046. Introduced by Burling, 33.

A BILL FOR AN ACT relating to the Nebraska Advantage Rural Development Act; to amend section 77-27,187.02, Revised Statutes Supplement, 2007; to change application provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1047. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to government; to amend section 81-1174, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to reimbursement of travel expenses as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1048. Introduced by Nantkes, 46; Engel, 17; Fulton, 29.

A BILL FOR AN ACT relating to birth certificates; to amend section 71-601, Revised Statutes Cumulative Supplement, 2006; to provide for birth certificates for stillbirths; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1049. Introduced by Erdman, 47; Christensen, 44; Dubas, 34; Wallman, 30.

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; and to repeal the original section.

LEGISLATIVE BILL 1050. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend sections 37-101, 37-103, 37-104, 37-105, 37-106, 37-107, 37-108, 37-109, 37-110, 37-312, 37-314, 37-321, 37-323, 37-325, 37-327.01, 37-448, 37-463, 37-493, 37-494, 37-512, 37-562, 37-613, 37-624, 37-705, 37-721, 37-805, 37-806, 37-807, 37-808, 37-809, 37-1219, 37-1220, 60-677, 60-6,190, 66-1701, 72-223, 72-269, and 72-2007, Reissue Revised Statutes of Nebraska, section 2-5003, Revised Statutes Cumulative Supplement, 2006, and sections 37-406, 37-431, 49-617, 81-101, 81-102, 81-15,170, and 86-570, Revised Statutes Supplement, 2007; to change provisions relating to the Game and Parks Commission; to create the Game and Parks Commission Advisory Board; to eliminate obsolete provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 81-8,307 and 81-8,308, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1051. Introduced by Heidemann, 1.

A BILL FOR AN ACT relating to maintenance of county roads; to amend sections 39-1811 and 39-1812, Reissue Revised Statutes of Nebraska; to change provisions regarding the mowing of weeds and the trimming of trees; and to repeal the original sections.

LEGISLATIVE BILL 1052. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Economic Development; and to declare an emergency.

LEGISLATIVE BILL 1053. Introduced by Erdman, 47; Dierks, 40; Dubas, 34.

A BILL FOR AN ACT relating to agriculture; to create a production incentive for biodiesel; and to create a fund.

LEGISLATIVE BILL 1054. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-111, 28-115, 28-311, 28-318, 28-319, 28-319.01, 28-320.01, 28-320.02, 28-707, 29-110, 29-119, 29-1926, 29-2028, 29-2221, 29-2290, 29-2923, 29-4003, 29-4103, 42-1203, 71-6908, 79-267, 81-1850, and 83-174.02, Revised Statutes Cumulative Supplement, 2006, and sections 28-101, 43-2933, and 83-4,143, Revised Statutes Supplement, 2007; to create the offense of unlawful sexual intercourse; to provide penalties; to provide an affirmative defense; to harmonize provisions; and to repeal the original sections.

GENERAL FILE

LEGISLATIVE BILL 235A. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 202. Title read. Considered.

Committee AM13, found on page 677, First Session, 2007, lost with 4 ayes, 16 nays, 25 present and not voting, and 4 excused and not voting.

Senator Louden renewed his amendment, AM1540, found on page 147.

The Louden amendment was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Senator Langemeier withdrew his motion, MO108, found on page 278, to indefinitely postpone.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 639. Title read. Considered.

Committee AM483, found on page 685, First Session, 2007, was considered.

Senator Kopplin renewed his amendment, AM729, found on page 885, First Session, 2007, to the committee amendment.

Pending.

NOTICE OF COMMITTEE HEARINGS

Judiciary

Room 1113

Friday, January 25, 2008 1:30 p.m.

LB929
LB934
LB958
LB826
LB950
LB872

(Signed) Brad Ashford, Chairperson

Education

Room 1525

Monday, January 28, 2008 1:30 p.m.

LB987

Riko Bishop - Coordinating Commission for Postsecondary Education

(Signed) Ron Raikes, Chairperson

Agriculture

Room 1524

Tuesday, January 29, 2008 1:30 p.m.

LB875

LB1027

LB789

Melvin Valasek - Beginning Farmer Board

Todd Reed - Beginning Farmer Board

Darrell Mark - Beginning Farmer Board

Mark Graff - Beginning Farmer Board

Donald Anthony - Beginning Farmer Board

(Signed) Philip Erdman, Chairperson

GENERAL FILE

LEGISLATIVE BILL 639. The Kopplin amendment, AM729, found on page 885, First Session, 2007, and considered in this day's Journal, to the committee amendment, was renewed.

Senator Ashford offered the following motion:

MO109

Bracket until April 15, 2008.

Senator Ashford moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Ashford motion to bracket prevailed with 25 ayes, 5 nays, 12 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1055. Introduced by McDonald, 41.

A BILL FOR AN ACT relating to dogs; to amend sections 54-608, 54-610, 54-611, 54-613, 54-614, 54-615, 54-616, 54-617, 54-618, 54-619, 54-620, 54-623, and 54-624, Reissue Revised Statutes of Nebraska; to change provisions relating to dogs running at large and dangerous dogs; to provide penalties; to provide powers and duties to counties; to harmonize provisions; to repeal the original sections; to outright repeal sections 54-607 and 54-609, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 1056. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to cities of the first class; to adopt the First-Class City Merger Act.

LEGISLATIVE BILL 1057. Introduced by Howard, 9; Raikes, 25.

A BILL FOR AN ACT relating to schools; to amend sections 79-598, 79-1035, and 79-1035.02, Reissue Revised Statutes of Nebraska, and section 79-1018.01, Revised Statutes Supplement, 2007; to adopt the Common Schools Facilities Equalization Aid Act; to eliminate a prohibition on receiving the state apportionment; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 1058. Introduced by McDonald, 41; Pankonin, 2.

A BILL FOR AN ACT relating to gambling; to amend sections 71-816 and 71-817, Revised Statutes Cumulative Supplement, 2006, and section 9-812, Revised Statutes Supplement, 2007; to change provisions relating to the distribution of the State Lottery Operation Trust Fund and the use of the Compulsive Gamblers Assistance Fund; to state intent; to rename and change powers and duties of the State Advisory Committee on Problem Gambling and Addiction Services; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1059. Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to deer; to amend section 37-448, Reissue Revised Statutes of Nebraska, and sections 37-201 and 37-447, Revised Statutes Supplement, 2007; to change fees for permits to hunt deer; to change provisions relating to special deer depredation seasons; to provide for donation of deer to food banks; to create a fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1060. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the University of Nebraska.

RESOLUTION

LEGISLATIVE RESOLUTION 229CA. Introduced by McDonald, 41.

THE MEMBERS OF THE ONE HUNDREDTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2008 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article XIII, section 2:

XIII-2 Notwithstanding any other provision in the Constitution, the Legislature may authorize any county or incorporated city or village, including cities operating under home rule charters, to acquire, own, develop, and lease real and personal property suitable for use by manufacturing or industrial enterprises and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing such property by construction, purchase, or otherwise. The Legislature may also authorize such county, city, or village to acquire, own, develop, and lease real and personal property suitable for use by enterprises as determined by law if such property is located in blighted areas as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued. Any real or personal property acquired, owned, developed, or used by any such county, city, or village pursuant to this section shall be subject to taxation to the same extent as private property during the time it is leased to or held by private interests, notwithstanding the provisions of Article VIII, section 2, of the Constitution. The acquiring, owning, developing, and leasing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof.

Notwithstanding any other provision in the Constitution, the Legislature may also authorize any incorporated city or village, including cities operating under home rule charters, to appropriate ~~from local sources of revenue~~ such funds as may be deemed necessary for an economic or industrial development project or program subject to approval by a vote of a majority of the registered voters of such city or village voting upon the question. ~~For purposes of this provision, funds from local sources of revenue shall mean funds raised from general taxes levied by the city or village and~~

~~shall not include any funds received by the city or village which are derived from state or federal sources.~~

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

A constitutional amendment to change the powers of municipalities relating to fund sources for economic or industrial development.

For

Against.

Referred to the Reference Committee.

UNANIMOUS CONSENT - Add Cointroducers

Senator Howard asked unanimous consent to add her name as cointroducer to LB807. No objections. So ordered.

Senator Pahls asked unanimous consent to add his name as cointroducer to LB895 and LB987. No objections. So ordered.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 205. Placed on Select File with amendment. ER8129

- 1 1. In lieu of the Gay amendment, FA154, on page 2, line
- 2 10, strike "at a designated school bus stop.".

LEGISLATIVE BILL 210. Placed on Select File.

LEGISLATIVE BILL 312. Placed on Select File.

LEGISLATIVE BILL 379. Placed on Select File.

(Signed) Amanda McGill, Chairperson

NOTICE OF COMMITTEE HEARING

Education

Room 1525

Monday, January 28, 2008 1:30 p.m.

Carol Zink - Coordinating Commission for Postsecondary Education

(Signed) Ron Raikes, Chairperson

VISITOR

The Doctor of the Day was Dr. Roger Meyer from Utica.

ADJOURNMENT

At 11:44 a.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Tuesday, January 22, 2008.

Patrick J. O'Donnell
Clerk of the Legislature

