

THIRD DAY - JANUARY 5, 2007**LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE
FIRST SESSION****THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, January 5, 2007

PRAYER

The prayer was offered by Senator Langemeier.

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.

CORRECTIONS FOR THE JOURNAL

The Journal for the second day was approved.

REPORTS

The following reports were received by the Legislature:

Education Committee, Legislative

Comprehensive Statewide Plan for Postsecondary Education

Educational Lands and Funds, Board of

65th Biennial Report

Health and Human Services System

2006 Nebraska Medicaid Report of Implementation of Rules and Regulations, Plan Amendments, and Waivers

Roads, Department of

One-Year and Five-Year Plan of Anticipated Design, Construction and Improvement for Recreation Roads

MESSAGE FROM THE GOVERNOR

December 11, 2006

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

Dear Mr. President, Speaker Brashear and Senators:

Contingent upon your approval, the following individual is appointed as Chief Administrative Officer for the Health and Human Services System:

Christine Peterson, 5916 Branford Place, Lincoln NE 68512

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and application are attached for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

COMMUNICATION

Pursuant to 84-104.05 R.R.S of Nebraska Governor Dave Heineman issued a proclamation declaring January 5, 2007, as George W. Norris Day.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 57. Introduced by Preister, 5; Cornett, 45; Howard, 9; Kopplin, 3; Kruse, 13; Lathrop, 12; McGill, 26; Pedersen, 39; Schimek, 27.

A BILL FOR AN ACT relating to labor; to amend section 48-217, Reissue Revised Statutes of Nebraska; to provide for a fair share representation contribution by employees who are not members of certain labor organizations for representation provided by the labor organization; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 58. Introduced by Harms, 48.

A BILL FOR AN ACT relating to community colleges; to amend section 85-1534, Reissue Revised Statutes of Nebraska; to increase the probationary period of teaching staff as prescribed; and to repeal the original section.

LEGISLATIVE BILL 59. Introduced by Engel, 17.

A BILL FOR AN ACT relating to motor vehicle industry licensing; to amend sections 60-1403, 60-1403.01, 60-1407, 60-1411.01, and 60-1438.01, Reissue Revised Statutes of Nebraska, and sections 25-2602.01 and 60-1401.02, Revised Statutes Cumulative Supplement, 2006; to require completion of an education program for dealers, agents, and salespersons as prescribed; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 60. Introduced by Avery, 28.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Revised Statutes Cumulative Supplement, 2006; to exempt sales of clothing, school supplies, and computers from sales and use tax as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 61. Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1401, Revised Statutes Cumulative Supplement, 2006; to prohibit certain gifts and contributions; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 62. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to insurance; to amend section 44-354, Reissue Revised Statutes of Nebraska; to authorize insurance producers to charge incidental fees as prescribed; and to repeal the original section.

LEGISLATIVE BILL 63. Introduced by Schimek, 27; Hudkins, 21; McDonald, 41.

A BILL FOR AN ACT relating to insurance; to amend section 44-784, Reissue Revised Statutes of Nebraska; to change a provision relating to coverage for childhood immunizations; and to repeal the original section.

LEGISLATIVE BILL 64. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to gaming; to eliminate a fee and tax on certain gaming activity adopted by Initiative 419; and to outright repeal sections 9-901, 9-902, 9-903, and 9-904, Revised Statutes Cumulative Supplement, 2006.

COMMITTEE ON COMMITTEES FINAL REPORT

Senator Pedersen moved to approve the following final Committee on Committees report:

Agriculture - Erdman (C)

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| Chambers | Dierks | Dubas | Karpisek |
| McDonald | Preister | Wallman | |

Appropriations - Heidemann (C)

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| Engel | Fulton | Harms | Kruse |
| Nantkes | Nelson | Synowiecki | Wightman |

Banking, Commerce and Insurance - Pahls (C)

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| Carlson | Christensen | Gay | Hansen |
| Langemeier | Pankonin | Pirsch | |

Business and Labor - Cornett (C)

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| Chambers | Lathrop | McGill | Rogert |
| Wallman | White | | |

Education - Raikes (C)

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| Adams | Ashford | Avery | Burling |
| Howard | Johnson | Kopplin | |

General Affairs - McDonald (C)

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| Dierks | Dubas | Erdman | Friend |
| Janssen | Karpisek | Preister | |

Government, Military and Veterans Affairs - Aguilar (C)

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| Adams | Avery | Friend | Karpisek |
| Mines | Pahls | Rogert | |

Health and Human Services - Johnson (C)

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| Erdman | Gay | Hansen | Howard |
| Pankonin | Stuthman | | |

Judiciary - Ashford (C)

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| Chambers | Lathrop | McDonald | McGill |
| Pedersen | Pirsch | Schimek | |

Natural Resources - Louden (C)

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| Carlson Hudkins | Christensen Kopplin | Dubas Wallman | Fischer |
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Nebraska Retirement Systems - Synowiecki (C)

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| Erdman White | Heidemann | Karpisek | Louden |
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Revenue - Jansen (C)

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| Burling Preister | Cornett Raikes | Dierks White | Langemeier |
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Transportation and Telecommunications - Fischer (C)

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| Aguilar Pedersen | Hudkins Schimek | Louden Stuthman | Mines |
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Urban Affairs - Friend (C)

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| Cornett Rogert | Jansen White | Lathrop | McGill |
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Committee on Committees - Pedersen (C)

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| Adams Cornett Preister | Aguilar Dierks Raikes | Ashford Engel Schimek | Burling Karpisek White |
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Enrollment and Review - McGill (C)

Reference - Engel (C)

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| Chambers Jansen Stuthman | Erdman Kopplin | Flood McDonald | Heidemann Preister |
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Rules - Hudkins (C)

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| Dubas White | Erdman | Flood | Lathrop |
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Executive Board - Engel (C)

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| Chambers Jansen Stuthman | Erdman Kopplin | Flood McDonald | Heidemann Preister |
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Intergovernmental Cooperation - Kruse (C)

Aguilar
Rogert

Flood
Lt. Gov. Sheehy

Langemeier

Pirsch

The Committee on Committees report was approved with 43 ayes, 1 nay, and 5 present and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 65. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to the Nebraska Hospital-Medical Liability Act; to amend section 44-2828, Reissue Revised Statutes of Nebraska; to change the statute of repose as prescribed; and to repeal the original section.

LEGISLATIVE BILL 66. Introduced by Stuthman, 22; Janssen, 15; Loudon, 49.

A BILL FOR AN ACT relating to schools; to require a driver safety course as prescribed; and to provide an operative date.

LEGISLATIVE BILL 67. Introduced by Stuthman, 22; Gay, 14; Hudkins, 21.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1629.04, Reissue Revised Statutes of Nebraska; to provide for service of juror summons by first-class mail; and to repeal the original section.

LEGISLATIVE BILL 68. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to juveniles; to create the Office of Guardian ad Litem Services; to provide for local guardian ad litem programs; to provide powers and duties to the State Court Administrator; and to define a term.

LEGISLATIVE BILL 69. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-5415, 2-5416, 2-5417, and 2-5418, Revised Statutes Cumulative Supplement, 2006; to modify provisions of the Agricultural Opportunities and Value-Added Partnerships Act; to authorize grants for specialty crops; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 70. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to all-terrain vehicles; to amend section 60-6,356, Reissue Revised Statutes of Nebraska; to permit operation of all-terrain vehicles within municipalities by municipal employees; and to repeal the original section.

LEGISLATIVE BILL 71. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for a child advocacy center.

LEGISLATIVE BILL 72. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to schools; to prohibit starting a school year before Labor Day as prescribed; to provide for exceptions; and to provide duties for the State Department of Education.

LEGISLATIVE BILL 73. Introduced by McGill, 26.

A BILL FOR AN ACT relating to schools; to amend section 79-10,138, Reissue Revised Statutes of Nebraska; to change provisions relating to school breakfasts; and to repeal the original section.

LEGISLATIVE BILL 74. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to food regulation; to amend sections 81-2,244.01, 81-2,257, 81-2,263, 81-2,272.10, 81-2,272.17, 81-2,272.24, and 81-2,272.25, Reissue Revised Statutes of Nebraska, and sections 81-2,239 and 81-2,270, Revised Statutes Cumulative Supplement, 2006; to change and eliminate provisions relating to the Nebraska Pure Food Act; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 81-2,272.03, 81-2,272.04, 81-2,272.05, 81-2,272.06, 81-2,272.14, 81-2,272.15, 81-2,272.16, 81-2,272.19, 81-2,272.20, 81-2,272.21, 81-2,272.22, 81-2,272.23, 81-2,272.26, 81-2,272.28, 81-2,272.29, 81-2,272.30, 81-2,272.33, 81-2,272.35, and 81-2,272.37, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 75. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-254 and 43-283.01, Reissue Revised Statutes of Nebraska, and section 43-247, Revised Statutes Cumulative Supplement, 2006; to provide powers and duties to the juvenile court regarding the placement and custody of juveniles as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 76. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to custody; to amend section 42-364,

Revised Statutes Cumulative Supplement, 2006; to provide for legal and physical custody arrangements of a minor child as prescribed; to provide powers and duties to the court; and to repeal the original section.

LEGISLATIVE BILL 77. Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to the Nebraska Workers' Compensation Act; to amend section 48-121, Reissue Revised Statutes of Nebraska; to change disability compensation provisions; and to repeal the original section.

LEGISLATIVE BILL 78. Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to the Political Subdivisions Tort Claims Act; to amend sections 13-922 and 13-926, Reissue Revised Statutes of Nebraska; to change amounts recoverable as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 79. Introduced by Natural Resources Committee: Louden, 49, Chairperson; Carlson, 38; Christensen, 44; Dubas, 34; Fischer, 43; Hudkins, 21; Kopplin, 3; Wallman, 30.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-1553, Reissue Revised Statutes of Nebraska, and section 81-1504.01, Revised Statutes Cumulative Supplement, 2006; to modify reporting requirements under the Nebraska Litter Reduction and Recycling Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 80. Introduced by Natural Resources Committee: Louden, 49, Chairperson; Carlson, 38; Christensen, 44; Dubas, 34; Fischer, 43; Hudkins, 21; Kopplin, 3; Wallman, 30.

A BILL FOR AN ACT relating to drinking water; to amend sections 71-5318, 71-5321, and 71-5322, Reissue Revised Statutes of Nebraska; to authorize the transfer of funds, rules and regulations, financial assistance for certain political subdivisions with financial hardships, and emergency funding; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 81. Introduced by Schimek, 27; Howard, 9; McGill, 26; Nantkes, 46; Pahls, 31.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2006; to create the offense of school trespass; to provide for detention, arrest, and immunity; to require providers of goods and services to schools to prohibit registered sex offenders employed by such providers from being on or in school property or at school-related events; to provide penalties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 82. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to the Welfare Reform Act; to amend section 68-1724, Reissue Revised Statutes of Nebraska; to change provisions relating to family size; and to repeal the original section.

LEGISLATIVE BILL 83. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to incarceration work camps; to amend sections 83-4,144 and 83-4,145, Reissue Revised Statutes of Nebraska, and sections 83-4,142, 83-4,143, and 83-4,146, Revised Statutes Cumulative Supplement, 2006; to provide for recommendations by the Board of Parole; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 84. Introduced by Howard, 9; Aguilar, 35; Cornett, 45; Flood, 19; Lathrop, 12.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-601, Revised Statutes Cumulative Supplement, 2006; to regulate the movement of traffic approaching or passing a stopped authorized emergency vehicle; to provide penalties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 85. Introduced by Howard, 9.

A BILL FOR AN ACT relating to insurance; to create the Nebraska Health Insurance Policy Coalition.

LEGISLATIVE BILL 86. Introduced by Howard, 9; Aguilar, 35; Flood, 19; Kruse, 13; Nantkes, 46; Preister, 5; Schimek, 27.

A BILL FOR AN ACT relating to the Health Care Facility Licensure Act; to amend section 71-401, Revised Statutes Cumulative Supplement, 2006; to provide a notification requirement for applicants for licensure of certain health care facilities as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 87. Introduced by Howard, 9.

A BILL FOR AN ACT relating to state service contracts; to provide a requirement that all state service contracts be performed in the United States and awarded to United States companies as prescribed; to provide a preference for Nebraska-based companies as prescribed; and to state intent.

LEGISLATIVE BILL 88. Introduced by Business and Labor Committee: Cornett, 45, Chairperson; Chambers, 11; Lathrop, 12; McGill, 26; Rogert, 16; Wallman, 30; White, 8.

A BILL FOR AN ACT relating to claims against the state; to appropriate

funds for the payment of certain claims; to provide for payment of the claims; and to declare an emergency.

LEGISLATIVE BILL 89. Introduced by Business and Labor Committee: Cornett, 45, Chairperson; Chambers, 11; Lathrop, 12; McGill, 26; Rogert, 16; Wallman, 30; White, 8.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

LEGISLATIVE BILL 90. Introduced by Howard, 9; Nantkes, 46.

A BILL FOR AN ACT relating to the Welfare Reform Act; to amend section 68-1726, Reissue Revised Statutes of Nebraska, and section 68-1713, Revised Statutes Cumulative Supplement, 2006; to change the earned income disregard as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 91. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to schools; to amend sections 79-2102 and 79-2107, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to formation of certain learning communities; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 92. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to foreign national minors; to amend sections 43-3801, 43-3802, 43-3803, 43-3804, 43-3805, 43-3806, 43-3807, 48-3808, 43-3809, and 43-3810, Revised Statutes Cumulative Supplement, 2006; to change references to dual citizenship; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 93. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to state government; to amend sections 81-5,151 and 81-5,157, Reissue Revised Statutes of Nebraska, and sections 60-301, 60-393, 60-395, 60-396, 60-3,104, and 60-3,118, Revised Statutes Cumulative Supplement, 2006; to provide for firefighter plates; to change provisions relating to personalized message license plates; to provide for training for certain emergency personnel; to eliminate obsolete language; to create a fund; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 94. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-27,144, Reissue Revised Statutes of Nebraska, and section 77-2711, Revised Statutes Cumulative Supplement, 2006; to authorize municipalities to receive information as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 95. Introduced by Flood, 19.

A BILL FOR AN ACT relating to education; to amend section 79-862, Reissue Revised Statutes of Nebraska; to clarify a reference to reimbursement for expenses of the Professional Practices Commission; and to repeal the original section.

LEGISLATIVE BILL 96. Introduced by Flood, 19.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2246, Revised Statutes Cumulative Supplement, 2006; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 97. Introduced by Flood, 19.

A BILL FOR AN ACT relating to courts; to repeal provisions related to settlement escrow funds that terminated July 1, 2004; and to outright repeal sections 25-2922, 25-2923, 25-2924, 25-2925, 25-2926, 25-2927, 25-2928, and 25-2929, Revised Statutes Cumulative Supplement, 2006.

LEGISLATIVE BILL 98. Introduced by Flood, 19.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-5601, Revised Statutes Cumulative Supplement, 2006; to eliminate references to a fund that terminated July 1, 2006; and to repeal the original section.

LEGISLATIVE BILL 99. Introduced by Wightman, 36; Nelson, 6.

A BILL FOR AN ACT relating to receivers; to amend section 25-1081, Reissue Revised Statutes of Nebraska; to change provisions relating to the appointment of receivers; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 100. Introduced by Erdman, 47; Friend, 10.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend section 84-304, Revised Statutes Cumulative Supplement, 2006; to provide duties; and to repeal the original section.

LEGISLATIVE BILL 101. Introduced by Erdman, 47; Harms, 48.

A BILL FOR AN ACT relating to private, denominational, or parochial schools; to amend section 79-1601, Reissue Revised Statutes of Nebraska; to clarify provisions related to a parent or guardian and schools that have elected not to meet state accreditation or approval requirements; and to repeal the original section.

LEGISLATIVE BILL 102. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Nebraska Probate Code; to amend section 30-2483, Reissue Revised Statutes of Nebraska; to provide for notice of appointment of a personal representative as prescribed; and to repeal the original section.

LEGISLATIVE BILL 103. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to emergency medical services; to amend sections 71-5185, 71-8249, and 71-8252, Reissue Revised Statutes of Nebraska; to authorize the release of patient information as prescribed; to change provisions relating to regional trauma advisory boards; and to repeal the original sections.

LEGISLATIVE BILL 104. Introduced by Erdman, 47; Flood, 19; Friend, 10; Pedersen, 39.

A BILL FOR AN ACT relating to age of majority; to amend sections 9-255.09, 9-334, 9-633, 20-403, 21-1724, 21-1781, 29-401, 29-2270, 30-2412, 32-602, 43-104.09, 43-117, 43-245, 43-289, 43-290, 43-294, 43-412, 43-504, 43-2101, 43-2903, 43-3703, 44-5238, 48-122.01, 48-124, 49-801, 68-1723, 68-1724, 71-1,281, 71-1,348, 71-20,120, 79-296, 81-885.13, 81-1916, 81-1917, 81-1936, and 81-2036, Reissue Revised Statutes of Nebraska, and sections 9-255.06, 23-1824, 25-1601, 25-1628, 25-21,271, 28-318, 28-319, 28-320.01, 28-457, 30-2209, 30-3402, 30-3502, 42-371.01, 43-247, 64-101, 71-6039.01, 76-2229.01, 76-2230, 76-2231.01, 76-2232, 79-267, and 81-2026, Revised Statutes Cumulative Supplement, 2006; to change the age of majority from nineteen to eighteen years of age as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 105. Introduced by Loudon, 49; Adams, 24; Carlson, 38; Christensen, 44; Dierks, 40; Fischer, 43; Harms, 48; Hudkins, 21; Kopplin, 3; McDonald, 41; Preister, 5.

A BILL FOR AN ACT relating to appropriations; to state intent; to appropriate funds to the Board of Regents of the University of Nebraska for the Nebraska Forest Service.

LEGISLATIVE BILL 106. Introduced by Engel, 17.

A BILL FOR AN ACT relating to the Tobacco Products Tax Act; to amend sections 77-4001, 77-4002, 77-4007, 77-4008, 77-4014, and 77-4017, Reissue Revised Statutes of Nebraska; to change the tax on snuff; to define a term; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 107. Introduced by Pedersen, 39; Aguilar, 35;

Ashford, 20; Chambers, 11; Engel, 17; Flood, 19; Janssen, 15; Johnson, 37; Lathrop, 12; Nantkes, 46; Raikes, 25; Schimek, 27; White, 8.

A BILL FOR AN ACT relating to the Public Counsel; to amend section 81-8,244, Reissue Revised Statutes of Nebraska; to authorize a deputy public counsel to assist the Public Counsel; to define the deputy's scope of authority; to harmonize provisions; and to repeal the original section.

RESOLUTIONS

LEGISLATIVE RESOLUTION 4CA. Introduced by Avery, 28.

THE MEMBERS OF THE ONE HUNDREDTH LEGISLATURE OF NEBRASKA, FIRST 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 IV, section 5:

IV-5 ~~All civil officers~~ A civil officer of this state shall be liable to impeachment for any misdemeanor in office or for any misdemeanor related to the election by which such officer was elected to the office.

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 provide that misdemeanors related to election to office are grounds for impeachment of civil officers.

For

Against.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 5CA. Introduced by Friend, 10.

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

Section 1. At the primary election in May 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 (1) 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~~ subsection 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~~ this 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.

(2) Notwithstanding any other provision in this Constitution, the Legislature may also authorize any county, city, or village to acquire, own, develop, and lease or finance real and personal property, other than property used or to be used for sectarian instruction or study or as a place for devotional activities or religious worship, to be used, during the term of any revenue bonds issued, only by nonprofit enterprises 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 and such governmental subdivision shall have no authority to impose taxes for the payment of such bonds. Notwithstanding the provisions of Article VIII, section 2, of this Constitution, the acquisition, ownership, development, use, or financing of any real or personal property pursuant to the provisions of this subsection shall not affect the imposition of any taxes or the exemption therefrom by the Legislature pursuant to this Constitution. The acquiring, owning, developing, and leasing or financing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property for the purposes specified in this subsection 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.

(3) Notwithstanding any other provision in ~~the~~ this 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 authorize the use of revenue bonds to develop and lease property for use by nonprofit enterprises as determined by law.

For

Against.

Referred to the Reference Committee.

ANNOUNCEMENTS

The Revenue Committee elected Senator Dierks as Vice Chairperson.

The Government, Military and Veterans Affairs Committee elected Senator Mines as Vice Chairperson.

Senator Cornett announced the Business and Labor Committee will meet January 8, 2007, at 11:00 a.m., under the north balcony.

UNANIMOUS CONSENT - Add Cointroducers

Senators Pedersen, Rogert, Schimek, and Stuthman asked unanimous consent to add their names as cointroducers to LB 32. No objections. So ordered.

Senator Wightman asked unanimous consent to add his name as cointroducer to LB 58. No objections. So ordered.

Senators Cornett and Synowiecki asked unanimous consent to add their names as cointroducers to LB 86. No objections. So ordered.

VISITORS

Visitors to the Chamber were Senator Louden's daughter and son-in-law, DaLene Louden and Leonard Salazar, from Scottsbluff.

The Doctor of the Day was Dr. Dorothy Zink from Omaha.

ADJOURNMENT

At 11:22 a.m., on a motion by Senator Kopplin, the Legislature adjourned until 11:00 a.m., Monday, January 8, 2007.

Patrick J. O'Donnell
Clerk of the Legislature

