

FIFTY-SIXTH DAY - APRIL 2, 2007**LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE
FIRST SESSION****FIFTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, April 2, 2007

PRAYER

The prayer was offered by Pastor Peggy Michael-Rush, First United Church of Gibbon, Gibbon.

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 Cornett and White who were excused; and Senators Aguilar, Ashford, Flood, Friend, Lathrop, Loudon, McDonald, McGill, Pedersen, Pirsch, Raikes, and Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fifth day was approved.

**COMMITTEE REPORTS
Enrollment and Review**

LEGISLATIVE BILL 232. Placed on Select File - ER8060.
ER8060

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 81-12,126, Revised Statutes Cumulative
- 4 Supplement, 2006, is amended to read:
- 5 81-12,126 The purpose of the Building Entrepreneurial
- 6 Communities Act is to support economically depressed rural areas
- 7 of Nebraska in building entrepreneurial communities through grants
- 8 that will create community capacity to build and sustain programs
- 9 to generate and retain wealth in the community and region.
- 10 Specifically, the act will:
- 11 (1) Provide education and technical assistance to
- 12 energize small business development and entrepreneurship;
- 13 (2) Provide technical assistance to facilitate small

14 business transfer;

15 (3) Build community business capacity and leadership
16 programs;

17 (4) Generate opportunities that will attract and retain
18 young people and families;

19 (5) Provide education about philanthropy and
20 intergenerational transfer of wealth; ~~and~~

21 (6) Build community endowments to support these
22 activities; ~~and -~~

23 (7) Establish community initiatives to attract new
1 residents.

2 Sec. 2. Section 81-12,127, Revised Statutes Cumulative
3 Supplement, 2006, is amended to read:

4 81-12,127 (1) The Department of Economic Development,
5 with assistance provided by the Rural Development Commission, shall
6 establish and administer a grant process to provide grants to
7 ~~two or more municipalities, counties, unincorporated areas within~~
8 ~~a county, local units of government~~ or census tracts that are
9 collaborating on a project related to the purpose of the Building
10 Entrepreneurial Communities Act with priority given to projects
11 that best alleviate chronic economic distress. At least one of the
12 collaborating ~~municipalities, counties, unincorporated areas within~~
13 ~~a county, local units of government~~ or census tracts shall have
14 chronic economic distress as indicated by:

15 (a) An unemployment rate which exceeds the statewide
16 average unemployment rate;

17 (b) A per capita income below the statewide average per
18 capita income; or

19 (c) A population loss between the two most recent federal
20 decennial censuses.

21 (2) Grants shall not exceed seventy-five thousand dollars
22 per collaborative project. Grant recipients shall have two years
23 to expend the grant funds. ~~No municipality or county local unit of~~
24 ~~government shall receive funding for more than one project. Grant~~
25 ~~recipients shall provide fifty cents of matching funds in cash for~~
26 ~~each dollar of grant funds, except that in limited resource areas~~
27 ~~the cash match requirement is twenty-five percent of grant funds.~~

1 ~~a dollar for dollar match in money for grant funds.~~ Grants shall
2 be awarded directly to one of the ~~municipalities or counties local~~
3 ~~units of government~~ representing the collaborative project. The
4 department shall act as the fiduciary agent for the grants.

5 (3) Planning grants may be awarded to limited resource
6 areas in amounts not exceeding five thousand dollars for the
7 purpose of establishing collaborations and developing proposals for
8 submission under this section. There is no match requirement for
9 planning grants.

10 (4) For purposes of this section, limited resource areas
11 means areas that meet at least one of the following criteria:

12 (a) A per capita income below the statewide average per

13 capita income by at least twenty percent; or
 14 (b) A population loss in the previous twenty years of at
 15 least twenty percent.
 16 Sec. 3. Original sections 81-12,126 and 81-12,127,
 17 Revised Statutes Cumulative Supplement, 2006, are repealed.
 18 2. On page 1, line 3, after the semicolon insert "to
 19 provide for community initiatives to attract new residents and
 20 for planning grants;"; and in line 4 after the first "to" insert
 21 "recipients of grants and".

LEGISLATIVE BILL 502. Placed on Select File - ER8061.
 ER8061

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 Section 1. Section 77-2004, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 77-2004 In the case of a father, mother, grandfather,
 6 grandmother, brother, sister, son, daughter, child or children
 7 legally adopted as such in conformity with the laws of the state
 8 where adopted, any lineal descendant, any lineal descendant legally
 9 adopted as such in conformity with the laws of the state where
 10 adopted, any person to whom the deceased for not less than ten
 11 years prior to death stood in the acknowledged relation of a
 12 parent, or the spouse or surviving spouse of any such persons, the
 13 rate of tax shall be one percent of the clear market value of the
 14 property in excess of ~~ten-forty~~ thousand dollars received by each
 15 person. Any interest in property, including any interest acquired
 16 in the manner set forth in section 77-2002, which may be valued at
 17 a sum less than ~~ten-forty~~ thousand dollars shall not be subject
 18 to tax. In addition the homestead allowance, exempt property, and
 19 family maintenance allowance shall not be subject to tax. Interests
 20 passing to the surviving spouse by will, in the manner set forth
 21 in section 77-2002, or in any other manner shall not be subject to
 22 tax.

23 Sec. 2. Section 77-2005, Reissue Revised Statutes of
 1 Nebraska, is amended to read:
 2 77-2005 In the case of an uncle, aunt, niece, or nephew
 3 related to the deceased by blood or legal adoption, or other lineal
 4 descendant of the same, or the spouse or surviving spouse of any
 5 of such persons, the rate of tax shall be ~~six-thirteen~~ percent of
 6 the clear market value of the property received by each person in
 7 excess of ~~two-fifteen~~ thousand dollars. If the clear market value
 8 of the beneficial interest is fifteen thousand dollars or less,
 9 it shall not be subject to tax, and not exceeding sixty thousand
 10 dollars; and on all the excess over sixty thousand dollars, the
 11 rate of tax shall be nine percent.

12 Sec. 3. Section 77-2006, Reissue Revised Statutes of
 13 Nebraska, is amended to read:
 14 77-2006 In all other cases the rate of tax shall be

15 eighteen percent on the clear market value of the beneficial
 16 interests in excess of ten thousand dollars. shall be as follows:
 17 ~~(1) For any amount not exceeding five thousand dollars, six~~
 18 ~~percent; (2) on all the excess of beneficial interests over five~~
 19 ~~thousand dollars and not exceeding ten thousand dollars, nine~~
 20 ~~percent; (3) on all the excess of beneficial interests over ten~~
 21 ~~thousand dollars and not exceeding twenty thousand dollars, twelve~~
 22 ~~percent; (4) on all the excess of beneficial interests over twenty~~
 23 ~~thousand dollars and not exceeding fifty thousand dollars, fifteen~~
 24 ~~percent; and (5) on all the excess of beneficial interests over~~
 25 ~~fifty thousand dollars, eighteen percent.~~ Such rates of tax shall
 26 be applied to the clear market value of the beneficial interests
 27 in excess of ~~five hundred ten thousand~~ dollars received by each
 1 person. If the clear market value of the beneficial interest is
 2 ~~five hundred ten thousand~~ dollars or less, it shall not be subject
 3 to any tax.

4 Sec. 4. Section 77-2010, Reissue Revised Statutes of
 5 Nebraska, is amended to read:

6 77-2010 All taxes imposed by sections 77-2001 to 77-2037,
 7 unless otherwise herein provided for, shall be due and payable
 8 twelve months after the date of the death of the decedent, and
 9 interest at the rate specified in section 45-104.01, as such rate
 10 may from time to time be adjusted by the Legislature, shall be
 11 charged and collected on any unpaid taxes due from the date the
 12 same became payable, and in all cases where in which the personal
 13 representatives or trustees do not pay such tax within twelve
 14 months from the death of the decedent, they shall be required to
 15 give bond in the form and to the effect prescribed in section
 16 77-2009 for the payment of the tax together with interest. In
 17 addition, for failure to file an appropriate proceeding for the
 18 determination of the tax within twelve months after the date of
 19 the death of the decedent there shall be added to the amount due
 20 a penalty of five percent per month, up to a maximum penalty of
 21 twenty-five percent of the unpaid taxes due.

22 Sec. 5. Section 77-2040, Reissue Revised Statutes of
 23 Nebraska, is amended to read:

24 77-2040 Sections 77-2002 to 77-2004 and 77-2102 shall
 25 become operative on December 31, 1982, and shall apply to all
 26 property which passes from a decedent dying after such date.
 27 Sections 77-2001, 77-2032, and 77-2106 shall become operative on
 1 July 17, 1982. The changes made in sections 77-2004 to 77-2006 by
 2 this legislative bill apply to all property which passes from a
 3 decedent dying on or after January 1, 2008. The changes made to
 4 section 77-2010 by this legislative bill apply to decedents dying
 5 on or after January 1, 2008.

6 Sec. 6. Original sections 77-2004, 77-2005, 77-2006,
 7 77-2010, and 77-2040, Reissue Revised Statutes of Nebraska, are
 8 repealed.

9 2. On page 1, line 2, after the third comma insert
10 "77-2010,"; and in line 3 strike "rates" and insert "provisions".

LEGISLATIVE BILL 343. Placed on Select File - ER8062.
ER8062

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 77-2701, Revised Statutes Cumulative
- 4 Supplement, 2006, is amended to read:
- 5 77-2701 Sections 77-2701 to 77-27,135.01, 77-27,222, and
- 6 77-27,228 to 77-27,235 and section 2 of this act shall be known and
- 7 may be cited as the Nebraska Revenue Act of 1967.
- 8 Sec. 2. (1) A taxpayer who makes an investment prior
- 9 to January 1, 2015, in a biodiesel facility shall receive a
- 10 nonrefundable income tax credit as provided in this section.
- 11 (2) The credit provided in subsection (1) of this section
- 12 is thirty percent of the amount invested by the taxpayer in
- 13 a biodiesel facility during the first taxable year in which
- 14 the biodiesel facility produces B100 subject to the following
- 15 conditions:
- 16 (a) A taxpayer may claim no more than fifty percent
- 17 of the credit attributable to qualified investments in a single
- 18 taxable year, and the amount of the credit allowed under this
- 19 section for any taxable year may not exceed fifty percent of the
- 20 taxpayer's tax liability;
- 21 (b) Any amount of credit not allowed because of the
- 22 limitations in this section may be carried forward for up
- 23 to fifteen taxable years after the taxable year in which the
- 1 investment was made. The aggregate maximum income tax credit a
- 2 taxpayer may obtain is two hundred fifty thousand dollars;
- 3 (c) The investment shall be at risk in the biodiesel
- 4 facility. The investment shall be in the form of a purchase of an
- 5 ownership interest or the right to receive payment of dividends
- 6 from the biodiesel facility and shall remain in the business for at
- 7 least three years. The Tax Commissioner may recapture any credits
- 8 used if the investment does not remain invested for the three-year
- 9 period. An investment placed in escrow does not qualify under this
- 10 subdivision;
- 11 (d) The entire amount of the investment shall be expended
- 12 by the biodiesel facility for plant, equipment, research and
- 13 development, marketing and sales activity, or working capital;
- 14 (e) A partnership, a subchapter S corporation, a limited
- 15 liability company that for tax purposes is treated like a
- 16 partnership, a cooperative, including a cooperative exempt under
- 17 section 521 of the Internal Revenue Code of 1986, as amended,
- 18 or any other pass-through entity that invests in a biodiesel
- 19 facility shall be considered to be the taxpayer for purposes
- 20 of the credit limitations. Except for the limitation under
- 21 subdivision (2)(a) of this section, the amount of the credit

22 allowed to a pass-through entity shall be determined at the
 23 partnership, corporate, cooperative, or other organizational level.
 24 The amount of the credit determined at the partnership, corporate,
 25 cooperative, or other organizational level shall be allowed to
 26 the partners, members, or other owners in proportion to their
 27 respective ownership interests in the pass-through entity;

1 (f) The credit shall be given only if the biodiesel
 2 facility produces B100, all processing takes place at a biodiesel
 3 facility in Nebraska, and at least fifty-one percent of the
 4 ownership interest of the biodiesel facility is held by Nebraska
 5 individuals or entities; and

6 (g) The biodiesel facility shall provide the Department
 7 of Revenue written evidence substantiating that the biodiesel
 8 facility has received the requisite authority from the Department
 9 of Environmental Quality and from the United States Department
 10 of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives.
 11 The biodiesel facility shall annually provide an analysis to the
 12 Department of Revenue of samples of the product collected according
 13 to procedures specified by the department. The analysis shall be
 14 prepared by an independent laboratory meeting standards of the
 15 International Organization for Standardization. Prior to collecting
 16 the samples, the biodiesel facility shall notify the department
 17 which may observe the sampling procedures utilized by the biodiesel
 18 facility to obtain the samples to be submitted for independent
 19 analysis.

20 (3) Any biodiesel facility for which credits are granted
 21 shall, whenever possible, employ workers who are residents of the
 22 State of Nebraska.

23 (4) Trade secrets, academic and scientific research work,
 24 and other proprietary or commercial information which may be
 25 filed with the Tax Commissioner shall not be considered to be
 26 public records as defined in section 84-712.01 if the release
 27 of such trade secrets, work, or information would give advantage
 1 to business competitors and serve no public purpose. Any person
 2 seeking release of the trade secrets, work, or information as
 3 a public record shall demonstrate to the satisfaction of the
 4 department that the release would not violate this section.

5 (5) For purposes of this section:

6 (a) Biodiesel facility means a plant or facility related
 7 to the processing, marketing, or distribution of biodiesel; and

8 (b) B100 means pure biodiesel containing mono-alkyl
 9 esters of long chain fatty acids derived from vegetable oils
 10 or animal fats, designated as B100, and meeting the American
 11 Society for Testing and Materials standard, ASTM D6751.

12 Sec. 3. Section 77-2715.07, Revised Statutes Cumulative
 13 Supplement, 2006, is amended to read:

14 77-2715.07 (1) There shall be allowed to qualified
 15 resident individuals as a nonrefundable credit against the income
 16 tax imposed by the Nebraska Revenue Act of 1967:

17 (a) A credit equal to the federal credit allowed under
18 section 22 of the Internal Revenue Code; and

19 (b) A credit for taxes paid to another state as provided
20 in section 77-2730.

21 (2) There shall be allowed to qualified resident
22 individuals against the income tax imposed by the Nebraska Revenue
23 Act of 1967:

24 (a) For returns filed reporting federal adjusted
25 gross incomes of greater than twenty-nine thousand dollars, a
26 nonrefundable credit equal to twenty-five percent of the federal
27 credit allowed under section 21 of the Internal Revenue Code of
1 1986, as amended;

2 (b) For returns filed reporting federal adjusted gross
3 income of twenty-nine thousand dollars or less, a refundable credit
4 equal to a percentage of the federal credit allowable under section
5 21 of the Internal Revenue Code of 1986, as amended, whether or
6 not the federal credit was limited by the federal tax liability.
7 The percentage of the federal credit shall be one hundred percent
8 for incomes not greater than twenty-two thousand dollars, and
9 the percentage shall be reduced by ten percent for each one
10 thousand dollars, or fraction thereof, by which the reported
11 federal adjusted gross income exceeds twenty-two thousand dollars;

12 (c) A refundable credit for individuals who qualify for
13 an income tax credit as an owner of agricultural assets under the
14 Beginning Farmer Tax Credit Act for all taxable years beginning or
15 deemed to begin on or after January 1, 2001, under the Internal
16 Revenue Code of 1986, as amended; and a refundable credit as
17 provided in section 77-5209.01 for individuals who qualify for an
18 income tax credit as a qualified beginning farmer or livestock
19 producer under the Beginning Farmer Tax Credit Act for all taxable
20 years beginning or deemed to begin on or after January 1, 2006,
21 under the Internal Revenue Code of 1986, as amended;

22 (d) A refundable credit for individuals who qualify for
23 an income tax credit under the Nebraska Advantage Microenterprise
24 Tax Credit Act or the Nebraska Advantage Research and Development
25 Act; and

26 (e) A refundable credit equal to eight percent of the
27 federal credit allowed under section 32 of the Internal Revenue
1 Code of 1986, as amended.

2 (3) There shall be allowed to all individuals as a
3 nonrefundable credit against the income tax imposed by the Nebraska
4 Revenue Act of 1967:

5 (a) A credit for personal exemptions allowed under
6 section 77-2716.01; ~~and~~

7 (b) A credit for contributions to certified community
8 betterment programs as provided in the Community Development
9 Assistance Act. Each partner, each shareholder of an electing
10 subchapter S corporation, each beneficiary of an estate or trust,
11 or each member of a limited liability company shall report his or

12 her share of the credit in the same manner and proportion as he
 13 or she reports the partnership, subchapter S corporation, estate,
 14 trust, or limited liability company income; and -

15 (c) A credit for investment in a biodiesel facility as
 16 provided in section 2 of this act.

17 (4) There shall be allowed as a credit against the income
 18 tax imposed by the Nebraska Revenue Act of 1967:

19 (a) A credit to all resident estates and trusts for taxes
 20 paid to another state as provided in section 77-2730; and

21 (b) A credit to all estates and trusts for contributions
 22 to certified community betterment programs as provided in the
 23 Community Development Assistance Act.

24 (5) There shall be allowed to all business firms as a
 25 credit against the income tax imposed by the Nebraska Revenue Act
 26 of 1967 a credit as provided in section 77-27,222.

27 Sec. 4. Section 77-2734.03, Revised Statutes Cumulative
 1 Supplement, 2006, is amended to read:

2 77-2734.03 (1)(a) For taxable years commencing prior to
 3 January 1, 1997, any (i) insurer paying a tax on premiums and
 4 assessments pursuant to section 77-908 or 81-523, (ii) electric
 5 cooperative organized under the Joint Public Power Authority Act,
 6 or (iii) credit union shall be credited, in the computation of
 7 the tax due under the Nebraska Revenue Act of 1967, with the
 8 amount paid during the taxable year as taxes on such premiums and
 9 assessments and taxes in lieu of intangible tax.

10 (b) For taxable years commencing on or after January 1,
 11 1997, any insurer paying a tax on premiums and assessments pursuant
 12 to section 77-908 or 81-523, any electric cooperative organized
 13 under the Joint Public Power Authority Act, or any credit union
 14 shall be credited, in the computation of the tax due under the
 15 Nebraska Revenue Act of 1967, with the amount paid during the
 16 taxable year as (i) taxes on such premiums and assessments included
 17 as Nebraska premiums and assessments under section 77-2734.05 and
 18 (ii) taxes in lieu of intangible tax.

19 (c) For taxable years commencing or deemed to commence
 20 prior to, on, or after January 1, 1998, any insurer paying a tax on
 21 premiums and assessments pursuant to section 77-908 or 81-523 shall
 22 be credited, in the computation of the tax due under the Nebraska
 23 Revenue Act of 1967, with the amount paid during the taxable year
 24 as assessments allowed as an offset against premium and related
 25 retaliatory tax liability pursuant to section 44-4233.

26 (2) There shall be allowed to corporate taxpayers a
 27 tax credit for contributions to community betterment programs as
 1 provided in the Community Development Assistance Act.

2 (3) There shall be allowed to corporate taxpayers a
 3 refundable income tax credit under the Beginning Farmer Tax Credit
 4 Act for all taxable years beginning or deemed to begin on or
 5 after January 1, 2001, under the Internal Revenue Code of 1986, as
 6 amended.

7 (4) There shall be allowed to corporate taxpayers a tax
8 credit as provided in section 77-27,222.

9 (5) The changes made to this section by Laws 2004, LB
10 983, apply to motor fuels purchased during any tax year ending
11 or deemed to end on or after January 1, 2005, under the Internal
12 Revenue Code of 1986, as amended.

13 (6) There shall be allowed to corporate taxpayers
14 refundable income tax credits under the Nebraska Advantage
15 Microenterprise Tax Credit Act and the Nebraska Advantage Research
16 and Development Act.

17 (7) There shall be allowed to corporate taxpayers a
18 nonrefundable income tax credit for investment in a biodiesel
19 facility as provided in section 2 of this act.

20 Sec. 5. This act becomes operative for taxable years
21 beginning or deemed to begin on or after January 1, 2007, under the
22 Internal Revenue Code of 1986, as amended.

23 Sec. 6. Original sections 77-2701, 77-2715.07, and
24 77-2734.03, Revised Statutes Cumulative Supplement, 2006, are
25 repealed.

LEGISLATIVE BILL 343A. Placed on Select File.

(Signed) Amanda McGill, Chairperson

COMMITTEE REPORT Agriculture

LEGISLATIVE BILL 435. Placed on General File - Com AM854.
AM854

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 2-108, Revised Statutes Cumulative
4 Supplement, 2006, is amended to read:

5 2-108 The Nebraska State Fair Support and Improvement
6 Cash Fund is created. The fund shall be maintained in the state
7 accounting system as a cash fund. The State Treasurer shall
8 credit to the fund the disbursement of state lottery proceeds
9 designated for the ~~state fair~~ Nebraska State Fair and matching
10 funds from the most populous city within the county in which
11 the state fair is located. The balance of any fund that is
12 administratively created to receive lottery proceeds designated
13 for the Nebraska State Fair and matching fund revenue prior to
14 May 25, 2005, shall be transferred to the Nebraska State Fair
15 Support and Improvement Cash Fund on such date. The Nebraska
16 State Fair Support and Improvement Cash Fund shall be expended
17 by the Nebraska State Fair Board to provide support for operating
18 expenses and capital facility enhancements, including conducting
19 or providing financial support for studies of facility conditions
20 of the Nebraska State Fairgrounds and needs as well as other

21 facility planning activities. Expenditures from the fund shall not
 22 be limited to the amount appropriated. Any money in the fund
 23 available for investment shall be invested by the state investment
 1 officer pursuant to the Nebraska Capital Expansion Act and the
 2 Nebraska State Funds Investment Act.

3 Sec. 2. Section 2-111, Revised Statutes Cumulative
 4 Supplement, 2006, is amended to read:

5 2-111 (1) The Nebraska State Fair Board shall, no later
 6 than November 1 of each year, provide an annual report to the
 7 Governor and the Legislature regarding the use of the Nebraska
 8 State Fair Support and Improvement Cash Fund. The report shall
 9 include ~~(1)-(a)~~ a detailed listing of how the proceeds of the
 10 fund were expended in the prior fiscal year and ~~(2)-(b)~~ any
 11 distributions from the fund that remain unexpended and on deposit
 12 in Nebraska State Fair accounts.

13 (2) The Nebraska State Fair Board shall cooperate with a
 14 study by the Agriculture Committee of the Legislature of capital
 15 facilities and infrastructure requirements to serve the purposes
 16 and goals of the Nebraska State Fair and other uses of the Nebraska
 17 State Fairgrounds as a year-round multipurpose facility sufficient
 18 to host and accommodate events and attractions of local, state, and
 19 regional interest and attendance. The Nebraska State Fair Board may
 20 utilize available funds, not to exceed one hundred fifty thousand
 21 dollars, including funds disbursed from the Nebraska State Fair
 22 Support and Improvement Cash Fund and other resources, to assist in
 23 completion of such study. This subsection terminates on January 1,
 24 2008.

25 Sec. 3. (1) The Agriculture Committee of the Legislature,
 26 with the assistance of the state building division of the
 27 Department of Administrative Services, shall conduct a study of
 1 the Nebraska State Fair consisting of the following components and
 2 any other information deemed relevant:

3 (a)(i) What capital facilities and infrastructure does
 4 the Nebraska State Fairgrounds require at its present location
 5 to serve the fifteen-year program needs of the State of Nebraska
 6 as a state fair site and as a year-round multipurpose facility
 7 sufficient to attract a local, state, and regional audience;

8 (ii) What is the projected fifteen-year revenue and
 9 cash flow analysis, including capital construction, operation and
 10 maintenance, repair, and code compliance, necessary to meet the
 11 program needs identified in subdivision (a)(i) of this section;

12 (b)(i) What would a new state fairgrounds at a new
 13 undetermined and nonspecific site need to include to serve
 14 a comparable fifteen-year program for a state fairgrounds and
 15 year-round multipurpose facility sufficient to attract a local,
 16 state, and regional audience; and

17 (ii) What is the projected fifteen-year revenue and
 18 cash flow analysis, including capital construction, operation
 19 and maintenance, repair, and code compliance, necessary to meet

20 the program needs of the Nebraska State Fair as identified in
 21 subdivision (b)(i) of this section at a new state fairgrounds
 22 location.
 23 (2) The Department of Administrative Services, in
 24 consultation with the Agriculture Committee of the Legislature
 25 and the Executive Board of the Legislative Council, shall
 26 commission an independent, neutral consultant to provide analysis
 27 and recommendations relevant to the purposes of the study. The
 1 Department of Administrative Services shall utilize funds provided
 2 from nongeneral fund contributions received from any source, public
 3 or private, to defray the costs of such independent consultant
 4 commissioned to perform analysis contemplated under this section.
 5 Copies of the report of the analysis and recommendations of such
 6 consultant shall be delivered to the chairperson of the Agriculture
 7 Committee of the Legislature, the Nebraska State Fair Board, the
 8 Clerk of the Legislature, and the Governor on or before November
 9 15, 2007.

10 (3) The Agriculture Committee of the Legislature shall
 11 provide a report of its findings and recommendations arising from
 12 the study pursuant to this section on or before December 15, 2007.
 13 The committee shall conduct at least one public hearing subsequent
 14 to the receipt of the report of the analysis and recommendations of
 15 any independent consultant commissioned pursuant to subsection (2)
 16 of this section.

17 (4) This section terminates on January 1, 2008.

18 Sec. 3. Original sections 2-108 and 2-111, Revised
 19 Statutes Cumulative Supplement, 2006, are repealed.

20 Sec. 4. Since an emergency exists, this act takes effect
 21 when passed and approved according to law.

(Signed) Philip Erdman, Chairperson

MOTION - Approve Appointment

Senator Janssen moved the adoption of the Revenue Committee report for the confirmation of the following appointment(s) found on page 927:

Tax Equalization and Review Commission
 Ruth Sorensen

Voting in the affirmative, 31:

Adams	Erdman	Howard	Mines	Synowiecki
Burling	Fischer	Hudkins	Nantkes	Wallman
Carlson	Fulton	Janssen	Nelson	Wightman
Christensen	Gay	Johnson	Pahls	
Dierks	Hansen	Karpisek	Pankonin	
Dubas	Harms	Kopplin	Rogert	
Engel	Heidemann	Langemeier	Stuthman	

Voting in the negative, 0.

Present and not voting, 4:

Avery	Chambers	Kruse	Preister
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Excused and not voting, 14:

Aguilar	Flood	Louden	Pedersen	Schimek
Ashford	Friend	McDonald	Pirsch	White
Cornett	Lathrop	McGill	Raikes	

The appointment was confirmed with 31 ayes, 0 nays, 4 present and not voting, and 14 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 328A. Senator Synowiecki renewed his amendment, AM894, found on page 1024.

The Synowiecki amendment was adopted with 30 ayes, 0 nays, 6 present and not voting, and 13 excused and not voting.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 218. Title read. Considered.

Senator Burling renewed his amendment, AM73, found on page 934.

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

Advanced to E & R for review with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 236. Title read. Considered.

Committee AM670, found on page 858, was considered.

Senator Johnson withdrew his amendment, AM807, found on page 934.

Senator Johnson renewed his amendment, AM848, found on page 1014, to the committee amendment.

Senator Erdman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

The Johnson amendment was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 461. Title read. Considered.

Committee AM651, found on page 872, was considered.

Pending.

COMMITTEE REPORT **Appropriations**

LEGISLATIVE BILL 420. Placed on General File - Com AM890.
AM890

- 1 1. Strike the original sections and insert the following
2 new sections:
3 Section 1. (1) The Storm Water Management Plan Program
4 Cash Fund is created. The fund shall be administered by the
5 Department of Environmental Quality. Any money in the fund
6 available for investment shall be invested by the state investment
7 officer pursuant to the Nebraska Capital Expansion Act and the
8 Nebraska State Funds Investment Act.
9 (2) The State Treasurer shall credit to the fund money
10 (a) received pursuant to section 77-2602, (b) paid to the state as
11 fees, deposits, payments, and repayments relating to the fund, both
12 principal and interest, (c) donated as gifts, bequests, or other
13 contributions to such fund from public or private entities, and (d)
14 made available by any department or agency of the United States if
15 so directed by such department or agency.
16 (3) The fund shall be used by the department for the
17 purpose of carrying out the Storm Water Management Plan Program.
18 The fund may be used to defray department administrative expenses
19 and for the grant program administered by the department under the
20 provisions of the Storm Water Management Plan Program.
21 Sec. 2. (1) The Water Resources Cash Fund is created. The
22 fund shall be administered by the Department of Natural Resources.
23 Any money in the fund available for investment shall be invested
1 by the state investment officer pursuant to the Nebraska Capital
2 Expansion Act and the Nebraska State Funds Investment Act.
3 (2) The State Treasurer shall credit to the fund money
4 (a) received pursuant to section 77-2602, (b) paid to the state as
5 fees, deposits, payments, and repayments relating to the fund, both

6 principal and interest, (c) donated as gifts, bequests, or other
 7 contributions to such fund from public or private entities, and (d)
 8 made available by any department or agency of the United States if
 9 so directed by such department or agency.

10 (3) The fund shall be expended by the department to aid
 11 compliance efforts regarding the reduction of consumptive uses of
 12 water in regards to programs dealing with those natural resources
 13 districts which are deemed overappropriated by the department
 14 pursuant to section 46-713 or are bound by an interstate compact
 15 or decree. The fund shall not be used to pay for administrative
 16 expenses or any salaries for the department or any political
 17 subdivision.

18 Sec. 3. (1) The Agricultural Research Cash Fund is
 19 created. The fund shall be administered by the Department of
 20 Agriculture. Any money in the fund available for investment
 21 shall be invested by the state investment officer pursuant to
 22 the Nebraska Capital Expansion Act and the Nebraska State Funds
 23 Investment Act.

24 (2) The State Treasurer shall credit to the fund money
 25 (a) received pursuant to section 77-2602, (b) paid to the state as
 26 fees, deposits, payments, and repayments relating to the fund, both
 27 principal and interest, (c) donated as gifts, bequests, or other
 1 contributions to such fund from public or private entities, and (d)
 2 made available by any department or agency of the United States if
 3 so directed by such department or agency.

4 (3) The fund shall be used by the department for the
 5 purpose of funding agricultural research projects and facilities
 6 across Nebraska. The department shall allocate money from the
 7 fund for use by the department, by any state agency, board,
 8 or commission, or by any political subdivision of the state,
 9 by agreement, or by private organizations or firms as may be
 10 contracted with by the department for the purposes described in
 11 this section.

12 Sec. 4. Section 77-2602, Revised Statutes Cumulative
 13 Supplement, 2006, is amended to read:

14 77-2602 (1) Every person engaged in distributing or
 15 selling cigarettes at wholesale in this state shall pay to the
 16 Tax Commissioner of this state a special privilege tax. This shall
 17 be in addition to all other taxes. It shall be paid prior to or
 18 at the time of the sale, gift, or delivery to the retail dealer
 19 in the several amounts as follows: On each package of cigarettes
 20 containing not more than twenty cigarettes, ~~sixty four~~ seventy
 21 cents per package; and on packages containing more than twenty
 22 cigarettes, the same tax as provided on packages containing not
 23 more than twenty cigarettes for the first twenty cigarettes in each
 24 package and a tax of one-twentieth of the tax on the first twenty
 25 cigarettes on each cigarette in excess of twenty cigarettes in each
 26 package.

27 (2) Commencing July 1, 1994, and continuing until October

1 1, 2004, the State Treasurer shall place the equivalent of
2 twenty-one cents of such tax in the General Fund. Commencing
3 October 1, 2004, the State Treasurer shall place the equivalent
4 of forty-nine cents of such tax in the General Fund. The State
5 Treasurer shall reduce the amount placed in the General Fund under
6 this subsection by the amount prescribed in subdivision (3)(d) of
7 this section. For purposes of this section, the equivalent of a
8 specified number of cents of the tax shall mean that portion of the
9 proceeds of the tax equal to the specified number divided by the
10 tax rate per package of cigarettes containing not more than twenty
11 cigarettes.

12 (3) The State Treasurer shall distribute the remaining
13 proceeds of such tax in the following order:

14 (a) First, beginning July 1, 1980, the State Treasurer
15 shall place the equivalent of one cent of such tax in the
16 Nebraska Outdoor Recreation Development Cash Fund. For fiscal year
17 distributions occurring after FY1998-99, the distribution under
18 this subdivision shall not be less than the amount distributed
19 under this subdivision for FY1997-98. Any money needed to increase
20 the amount distributed under this subdivision to the FY1997-98
21 amount shall reduce the distribution to the General Fund;

22 (b) Second, beginning July 1, 1993, the State Treasurer
23 shall place the equivalent of three cents of such tax in the
24 Department of Health and Human Services Finance and Support Cash
25 Fund to carry out sections 81-637 to 81-640. For fiscal year
26 distributions occurring after FY1998-99, the distribution under
27 this subdivision shall not be less than the amount distributed
1 under this subdivision for FY1997-98. Any money needed to increase
2 the amount distributed under this subdivision to the FY1997-98
3 amount shall reduce the distribution to the General Fund;

4 (c) Third, beginning July 1, 2001, and continuing until
5 October 1, 2002, the State Treasurer shall place the equivalent of
6 five cents of such tax in the Building Renewal Allocation Fund.
7 Beginning October 1, 2002, and continuing until all the purposes of
8 the Deferred Building Renewal Act have been fulfilled, the State
9 Treasurer shall place the equivalent of seven cents of such tax
10 in the Building Renewal Allocation Fund. The Legislature shall
11 appropriate each fiscal year all sums inuring to the fund, plus
12 interest earnings, for the Task Force for Building Renewal to be
13 used to carry out its duties and to fulfill the purposes of the
14 Deferred Building Renewal Act. Unexpended balances existing at the
15 end of each fiscal year shall be, and are hereby, reappropriated.
16 The distribution under this subdivision shall not be less than the
17 amount distributed under this subdivision for FY1997-98. Any money
18 needed to increase the amount distributed under this subdivision to
19 the FY1997-98 amount shall reduce the distribution to the General
20 Fund;

21 (d) Fourth, until July 1, 2009, the State Treasurer
22 shall place in the Municipal Infrastructure Redevelopment Fund

23 the sum of five hundred twenty thousand dollars each fiscal year
 24 to carry out the Municipal Infrastructure Redevelopment Fund Act.
 25 The Legislature shall appropriate the sum of five hundred twenty
 26 thousand dollars each year for fiscal year 2003-04 through fiscal
 27 year 2008-09;

1 (e) Fifth, beginning July 1, 2001, the State Treasurer
 2 shall place the equivalent of two cents of such tax in the
 3 Information Technology Infrastructure Fund;

4 (f) Sixth, beginning July 1, 2001, and continuing until
 5 June 30, 2016, the State Treasurer shall place one million dollars
 6 each fiscal year in the City of the Primary Class Development Fund.
 7 If necessary, the State Treasurer shall reduce the distribution of
 8 tax proceeds to the General Fund pursuant to subsection (2) of this
 9 section by such amount required to fulfill the one million dollars
 10 to be distributed pursuant to this subdivision;

11 (g) Seventh, beginning July 1, 2001, and continuing
 12 until June 30, 2016, the State Treasurer shall place one million
 13 five hundred thousand dollars each fiscal year in the City of
 14 the Metropolitan Class Development Fund. If necessary, the State
 15 Treasurer shall reduce the distribution of tax proceeds to the
 16 General Fund pursuant to subsection (2) of this section by such
 17 amount required to fulfill the one million five hundred thousand
 18 dollars to be distributed pursuant to this subdivision; ~~and~~

19 (h) Eighth, beginning October 1, 2002, and continuing
 20 until October 1, 2004, the State Treasurer shall place the
 21 equivalent of twenty-eight cents of such tax in the Cash Reserve
 22 Fund; ~~and~~ -

23 (i) Ninth, beginning July 1, 2007, the State Treasurer
 24 shall place the equivalent of three cents of such tax in the Water
 25 Resources Cash Fund;

26 (j) Tenth, beginning July 1, 2007, the State Treasurer
 27 shall place the equivalent of two cents of such tax in the Storm
 1 Water Management Plan Program Cash Fund; and

2 (k) Eleventh, beginning July 1, 2007, the State Treasurer
 3 shall place the equivalent of one cent of such tax in the
 4 Agricultural Research Cash Fund.

5 (4) If, after distributing the proceeds of such tax
 6 pursuant to subsections (2) and (3) of this section, any proceeds
 7 of such tax remain, the State Treasurer shall place such remainder
 8 in the Nebraska Capital Construction Fund.

9 (5) The Legislature hereby finds and determines that the
 10 projects funded from the Municipal Infrastructure Redevelopment
 11 Fund and the Building Renewal Allocation Fund are of critical
 12 importance to the State of Nebraska. It is the intent of the
 13 Legislature that the allocations and appropriations made by the
 14 Legislature to such funds or, in the case of allocations for
 15 the Municipal Infrastructure Redevelopment Fund, to the particular
 16 municipality's account not be reduced until all contracts and
 17 securities relating to the construction and financing of the

18 projects or portions of the projects funded from such funds or
 19 accounts of such funds are completed or paid or, in the case
 20 of the Municipal Infrastructure Redevelopment Fund, the earlier
 21 of such date or July 1, 2009, and that until such time any
 22 reductions in the cigarette tax rate made by the Legislature
 23 shall be simultaneously accompanied by equivalent reductions in
 24 the amount dedicated to the General Fund from cigarette tax
 25 revenue. Any provision made by the Legislature for distribution
 26 of the proceeds of the cigarette tax for projects or programs
 27 other than those to (a) the General Fund, (b) the Nebraska
 1 Outdoor Recreation Development Cash Fund, (c) the Department
 2 of Health and Human Services Finance and Support Cash Fund,
 3 (d) the Municipal Infrastructure Redevelopment Fund, (e) the
 4 Building Renewal Allocation Fund, (f) the Information Technology
 5 Infrastructure Fund, (g) the City of the Primary Class Development
 6 Fund, (h) the City of the Metropolitan Class Development Fund, ~~and~~
 7 (i) the Water Resources Cash Fund, (j) the Storm Water Management
 8 Plan Program Cash Fund, (k) the Agricultural Research Cash Fund,
 9 and (l) the Cash Reserve Fund shall not be made a higher priority
 10 than or an equal priority to any of the programs or projects
 11 specified in subdivisions (a) through ~~(i)-(l)~~ of this subsection.

12 Sec. 5. This act becomes operative on July 1, 2007.

13 Sec. 6. Original section 77-2602, Revised Statutes
 14 Cumulative Supplement, 2006, is repealed.

15 Sec. 7. Since an emergency exists, this act takes effect
 16 when passed and approved according to law.

(Signed) Lavon Heidemann, Chairperson

AMENDMENT - Print in Journal

Senator Kruse filed the following amendment to LB 578:
 AM779

(Amendments to Standing Committee amendments, AM573)

1 1. Strike section 3 and insert the following new
 2 sections:
 3 Sec. 3. Section 60-6,197.03, Revised Statutes Cumulative
 4 Supplement, 2006, is amended to read:
 5 60-6,197.03 Any person convicted of a violation of
 6 section 60-6,196 or 60-6,197 shall be punished as follows:
 7 (1) Except as provided in subdivision (2) of this
 8 section, if such person has not had a prior conviction, such
 9 person shall be guilty of a Class W misdemeanor, and the court
 10 shall, as part of the judgment of conviction, order that the
 11 operator's license of such person be revoked or impounded for a
 12 period of six months from the date ordered by the court. Such
 13 revocation or impoundment shall be administered upon sentencing,
 14 upon final judgment of any appeal or review, or upon the date that
 15 any probation is revoked.

16 If the court places such person on probation or suspends
17 the sentence for any reason, the court shall, as one of the
18 conditions of probation or sentence suspension, order that the
19 operator's license of such person be revoked or impounded for
20 a period of sixty days from the date ordered by the court
21 unless otherwise authorized by an order issued pursuant to section
22 60-6,211.05, and such order of probation or sentence suspension
1 shall also include, as one of its conditions, the payment of a
2 four-hundred-dollar fine;

3 (2) If such person has not had a prior conviction
4 and, as part of the current violation, had a concentration of
5 fifteen-hundredths of one gram or more by weight of alcohol per
6 one hundred milliliters of his or her blood or fifteen-hundredths
7 of one gram or more by weight of alcohol per two hundred ten
8 liters of his or her breath, such person shall be guilty of
9 a Class W misdemeanor, and the court shall, as part of the
10 judgment of conviction, revoke the operator's license of such
11 person for a period of one year from the date ordered by the
12 court. Such revocation shall be administered upon sentencing, upon
13 final judgment of any appeal or review, or upon the date that any
14 probation is revoked.

15 If the court places such person on probation or suspends
16 the sentence for any reason, the court shall, as one of the
17 conditions of probation or sentence suspension, order that the
18 operator's license of such person be revoked or impounded for
19 a period of one year from the date ordered by the court
20 unless otherwise authorized by an order issued pursuant to
21 section 60-6,211.05, and such order of probation or sentence
22 suspension shall also include, as conditions, the payment of a
23 five-hundred-dollar fine and either confinement in the city or
24 county jail for two days or the imposition of not less than one
25 hundred twenty hours of community service;

26 (3) Except as provided in subdivision (5) of this
27 section, if such person has had one prior conviction, such person
1 shall be guilty of a Class W misdemeanor, and the court shall,
2 as part of the judgment of conviction, order that the operator's
3 license of such person be revoked for a period of one year from
4 the date ordered by the court and shall issue an order pursuant
5 to section 60-6,197.01. Such orders shall be administered upon
6 sentencing, upon final judgment of any appeal or review, or upon
7 the date that any probation is revoked.

8 If the court places such person on probation or
9 suspends the sentence for any reason, the court shall, as
10 one of the conditions of probation or sentence suspension,
11 order that the operator's license of such person be revoked or
12 impounded for a period of one year from the date ordered by the
13 court unless otherwise authorized by an order issued pursuant
14 to section 60-6,211.05 and shall issue an order pursuant to
15 section 60-6,197.01, and such order of probation or sentence

16 suspension shall also include, as conditions, the payment of a
17 five-hundred-dollar fine and either confinement in the city or
18 county jail for ten days or the imposition of not less than two
19 hundred forty hours of community service;

20 (4) Except as provided in subdivision (6) of this
21 section, if such person has had two prior convictions, such person
22 shall be guilty of a Class W misdemeanor, and the court shall,
23 as part of the judgment of conviction, order that the operator's
24 license of such person be revoked for a period of fifteen years
25 from the date ordered by the court and shall issue an order
26 pursuant to section 60-6,197.01. Such orders shall be administered
27 upon sentencing, upon final judgment of any appeal or review, or
1 upon the date that any probation is revoked.

2 If the court places such person on probation or suspends
3 the sentence for any reason, the court shall, as one of the
4 conditions of probation or sentence suspension, order that the
5 operator's license of such person be revoked for a period of at
6 least two years but not more than fifteen years from the date
7 ordered by the court unless otherwise authorized by an order issued
8 pursuant to section 60-6,211.05 and shall issue an order pursuant
9 to section 60-6,197.01, and such order of probation or sentence
10 suspension shall also include, as conditions, the payment of a
11 six-hundred-dollar fine and confinement in the city or county jail
12 for thirty days;

13 (5) If such person has had one prior conviction
14 and, as part of the current violation, had a concentration of
15 fifteen-hundredths of one gram or more by weight of alcohol per
16 one hundred milliliters of his or her blood or fifteen-hundredths
17 of one gram or more by weight of alcohol per two hundred ten
18 liters of his or her breath or refused to submit to a test as
19 required under section 60-6,197, such person shall be guilty of a
20 Class I misdemeanor, and the court shall, as part of the judgment
21 of conviction, revoke the operator's license of such person for
22 a period of at least one year but not more than fifteen years
23 from the date ordered by the court and shall issue an order
24 pursuant to section 60-6,197.01. Such revocation and order shall be
25 administered upon sentencing, upon final judgment of any appeal or
26 review, or upon the date that any probation is revoked. The court
27 shall also sentence such person to serve at least ninety days'
1 imprisonment in the city or county jail or an adult correctional
2 facility.

3 If the court places such person on probation or suspends
4 the sentence for any reason, the court shall, as one of the
5 conditions of probation or sentence suspension, order that the
6 operator's license of such person be revoked or impounded for a
7 period of at least one year but not more than fifteen years from
8 the date ordered by the court unless otherwise authorized by an
9 order issued pursuant to section 60-6,211.05 and shall issue an
10 order pursuant to section 60-6,197.01, and such order of probation

11 or sentence suspension shall also include, as conditions, the
12 payment of a one-thousand-dollar fine and confinement in the city
13 or county jail for thirty days;

14 (6) If such person has had two prior convictions
15 and, as part of the current violation, had a concentration of
16 fifteen-hundredths of one gram or more by weight of alcohol per one
17 hundred milliliters of his or her blood or fifteen-hundredths of
18 one gram or more by weight of alcohol per two hundred ten liters
19 of his or her breath or refused to submit to a test as required
20 under section 60-6,197, such person shall be guilty of a Class IIIA
21 felony, and the court shall, as part of the judgment of conviction,
22 revoke the operator's license of such person for a period of
23 fifteen years from the date ordered by the court and shall issue
24 an order pursuant to section 60-6,197.01. Such revocation and order
25 shall be administered upon sentencing, upon final judgment of any
26 appeal or review, or upon the date that any probation is revoked.
27 The court shall also sentence such person to serve at least one
1 hundred eighty days' imprisonment in the city or county jail or an
2 adult correctional facility.

3 If the court places such person on probation or suspends
4 the sentence for any reason, the court shall, as one of the
5 conditions of probation or sentence suspension, order that the
6 operator's license of such person be revoked for a period of at
7 least five years but not more than fifteen years from the date
8 ordered by the court unless otherwise authorized by an order issued
9 pursuant to section 60-6,211.05 and shall issue an order pursuant
10 to section 60-6,197.01, and such order of probation or sentence
11 suspension shall also include, as conditions, the payment of a
12 one-thousand-dollar fine and confinement in the city or county jail
13 for sixty days;

14 (7) Except as provided in subdivision (8) of this
15 section, if such person has had three prior convictions, such
16 person shall be guilty of a Class IIIA felony, and the court shall,
17 as part of the judgment of conviction, order that the operator's
18 license of such person be revoked for a period of fifteen years
19 from the date ordered by the court and shall issue an order
20 pursuant to section 60-6,197.01. Such orders shall be administered
21 upon sentencing, upon final judgment of any appeal or review, or
22 upon the date that any probation is revoked. The court shall also
23 sentence such person to serve at least one hundred eighty days'
24 imprisonment in the city or county jail or an adult correctional
25 facility.

26 If the court places such person on probation or suspends
27 the sentence for any reason, the court shall, as one of the
1 conditions of probation or sentence suspension, order that the
2 operator's license of such person be revoked for a period of
3 fifteen years from the date ordered by the court unless otherwise
4 authorized by an order issued pursuant to section 60-6,211.05 and
5 shall issue an order pursuant to section 60-6,197.01, and such

6 order of probation or sentence suspension shall also include,
7 as conditions, the payment of a one-thousand-dollar fine and
8 confinement in the city or county jail for ninety days;

9 (8) If such person has had three prior convictions
10 and, as part of the current violation, had a concentration of
11 fifteen-hundredths of one gram or more by weight of alcohol per one
12 hundred milliliters of his or her blood or fifteen-hundredths of
13 one gram or more by weight of alcohol per two hundred ten liters
14 of his or her breath or refused to submit to a test as required
15 under section 60-6,197, such person shall be guilty of a Class III
16 felony, and the court shall, as part of the judgment of conviction,
17 revoke the operator's license of such person for a period of
18 fifteen years from the date ordered by the court and shall issue
19 an order pursuant to section 60-6,197.01. Such revocation and order
20 shall be administered upon sentencing, upon final judgment of any
21 appeal or review, or upon the date that any probation is revoked.

22 If the court places such person on probation or suspends
23 the sentence for any reason, the court shall, as one of the
24 conditions of probation or sentence suspension, order that the
25 operator's license of such person be revoked for a period of
26 fifteen years from the date ordered by the court unless otherwise
27 authorized by an order issued pursuant to section 60-6,211.05 and
1 shall issue an order pursuant to section 60-6,197.01, and such
2 order of probation or sentence suspension shall also include,
3 as conditions, the payment of a one-thousand-dollar fine and
4 confinement in the city or county jail for one hundred twenty days;

5 (9) Except as provided in subdivision (10) of this
6 section, if such person has had four or more prior convictions,
7 such person shall be guilty of a Class III felony, and the court
8 shall, as part of the judgment of conviction, order that the
9 operator's license of such person be revoked for a period of
10 fifteen years from the date ordered by the court and shall issue
11 an order pursuant to section 60-6,197.01. Such orders shall be
12 administered upon sentencing, upon final judgment of any appeal or
13 review, or upon the date that any probation is revoked.

14 If the court places such person on probation or suspends
15 the sentence for any reason, the court shall, as one of the
16 conditions of probation or sentence suspension, order that the
17 operator's license of such person be revoked for a period of
18 fifteen years from the date ordered by the court unless otherwise
19 authorized by an order issued pursuant to section 60-6,211.05 and
20 shall issue an order pursuant to section 60-6,197.01, and such
21 order of probation or sentence suspension shall also include,
22 as conditions, the payment of a one-thousand-dollar fine and
23 confinement in the city or county jail for one hundred eighty days;
24 and

25 (10) If such person has had four or more prior
26 convictions and, as part of the current violation, had a
27 concentration of fifteen-hundredths of one gram or more by weight

1 of alcohol per one hundred milliliters of his or her blood or
 2 fifteen-hundredths of one gram or more by weight of alcohol per
 3 two hundred ten liters of his or her breath or refused to submit
 4 to a test as required under section 60-6,197, such person shall
 5 be guilty of a Class II felony and the court shall, as part of
 6 the judgment of conviction, revoke the operator's license of such
 7 person for a period of fifteen years from the date ordered by the
 8 court and shall issue an order pursuant to section 60-6,197.01.
 9 Such revocation and order shall be administered upon sentencing,
 10 upon final judgment of any appeal or review, or upon the date that
 11 any probation is revoked.

12 If the court places such person on probation or suspends
 13 the sentence for any reason, the court shall, as one of the
 14 conditions of probation or sentence suspension, order that the
 15 operator's license of such person be revoked for a period of
 16 fifteen years from the date ordered by the court unless otherwise
 17 authorized by an order issued pursuant to section 60-6,211.05 and
 18 shall issue an order pursuant to section 60-6,197.01, and such
 19 order of probation or sentence suspension shall also include,
 20 as conditions, the payment of a one-thousand-dollar fine and
 21 confinement in the city or county jail for one hundred eighty days.

22 Sec. 4. Original sections 53-101 and 60-6,197.03, Revised
 23 Statutes Cumulative Supplement, 2006, are repealed.

BILL ON FIRST READING

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

LEGISLATIVE BILL 316A. Introduced by Friend, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 316, One Hundredth Legislature, First Session, 2007; and to declare an emergency.

VISITORS

Visitors to the Chamber were Darrell Fisher from Moorefield; 6 eleventh- and twelfth-grade students and teachers from Papillion-La Vista, Papillion; Elizabeth Hatting from Omaha; 50 fifth-grade students, teachers, and sponsors from Milliken Park, Fremont; members of Monday Morning Handcraft Group from Seward; and 78 third-grade students and teachers from Meadow Lane School, Lincoln.

RECESS

At 12:03 p.m., on a motion by Senator Pankonin, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Langemeier presiding.

ROLL CALL

The roll was called and all members were present except Senators Cornett and White who were excused; and Senators Engel, Heidemann, and Raikes who were excused until they arrive.

AMENDMENT - Print in Journal

Senator Hansen filed the following amendment to LB 457:
AM898

- 1 1. Strike the original sections and insert the following
2 new sections:
3 Section 1. (1) The court shall provide a caregiver
4 information form to the foster parent, preadoptive parent,
5 guardian, or relative providing care for the child when giving
6 notice of a court review described in section 43-1314. The form is
7 to be dated and signed by the caregiver and shall, at a minimum,
8 request the following:
9 (a) The child's name, age, and date of birth;
10 (b) The name of the caregiver, his or her phone number
11 and address, and whether the caregiver is a foster parent,
12 preadoptive parent, guardian, or relative;
13 (c) How long the child has been in the caregiver's care;
14 (d) A current picture of the child;
15 (e) The current status of the child's medical, dental,
16 and general physical condition;
17 (f) The current status of the child's emotional
18 condition;
19 (g) The current status of the child's education;
20 (h) Whether or not the child is a special education
21 student and the date of the last individualized educational plan;
22 (i) A brief description of the child's social skills and
23 peer relationships;
1 (j) A brief description of the child's special interests
2 and activities;
3 (k) A brief description of the child's reactions before,
4 during, and after visits;
5 (l) Whether or not the child is receiving all necessary
6 services;
7 (m) The date and place of each visit by the caseworker
8 with the child;
9 (n) A description of the method by which the guardian ad
10 litem has acquired information about the child; and
11 (o) Whether or not the caregiver can make a permanent
12 commitment to the child if the child does not return home.

13 (2) A caregiver information form shall be developed by
 14 the Supreme Court. Such form shall be made a part of the record in
 15 each court that reviews the child's foster care proceedings.
 16 Sec. 2. Section 43-1318, Reissue Revised Statutes of
 17 Nebraska, is amended to read:
 18 43-1318 Sections 43-1301 to 43-1318 and section 1 of this
 19 act shall be known and may be cited as the Foster Care Review Act.
 20 Sec. 3. Original section 43-1318, Reissue Revised
 21 Statutes of Nebraska, is repealed.

GENERAL FILE

LEGISLATIVE BILL 461. Committee AM651, found on page 872 and considered in this day's Journal, was renewed.

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

The committee amendment was adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 32 ayes, 2 nays, and 15 not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Ashford	Dubas	Gay	Kruse	Pankonin
Burling	Engel	Hansen	Lathrop	Pirsch
Carlson	Erdman	Howard	McDonald	Preister
Christensen	Fischer	Hudkins	McGill	Schimek
Dierks	Flood	Karpisek	Nelson	Stuthman

Voting in the negative, 3:

Adams	Chambers	Mines
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Present and not voting, 19:

Aguilar	Harms	Kopplin	Pahls	Synowiecki
Avery	Heidemann	Langemeier	Pedersen	Wallman
Friend	Janssen	Louden	Raikes	Wightman
Fulton	Johnson	Nantkes	Rogert	

Excused and not voting, 2:

Cornett	White
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Advanced to E & R for review with 25 ayes, 3 nays, 19 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 334. Title read. Considered.

Committee AM775, printed separately and referred to on page 922, was considered.

Senator Janssen renewed the Janssen et al. amendment, AM886, found on page 1020, to the committee amendment.

The Janssen et al. amendment was adopted with 26 ayes, 3 nays, 15 present and not voting, and 5 excused and not voting.

Senator Wightman offered the following amendment to the committee amendment:

AM907

(Amendments to Standing Committee amendments, AM775)

- 1 1. Strike section 68 and insert the following new
- 2 section:
- 3 Sec. 105. The following section is outright repealed:
- 4 Section 77-1340, Revised Statutes Cumulative Supplement, 2006.
- 5 2. Renumber the remaining sections and correct internal
- 6 references accordingly.

SENATOR FRIEND PRESIDING

Senator Wightman withdrew his amendment.

Pending.

MESSAGE FROM THE GOVERNOR

April 2, 2007

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 255e and 389e were received in my office on March 30, 2007.

I signed these bills and delivered them to the Secretary of State on April 2, 2007.

Sincerely,
 (Signed) Dave Heineman
 Governor

COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: LB 328A.

(Signed) Amanda McGill, Chairperson

AMENDMENT - Print in Journal

Senator Wallman filed the following amendment to LB 488:
 AM864

(Amendments to Standing Committee amendments, AM825)

- 1 1. On page 4, line 19, strike "fifteen" and insert
- 2 "twenty-five"; in line 20 strike "two" and insert "one"; and
- 3 in line 24 strike "two-hundred fifty-thousand-dollar" and insert
- 4 "one-hundred-fifty-thousand-dollar".

BILL ON FIRST READING

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

LEGISLATIVE BILL 235A. Introduced by Nantkes, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 235, One Hundredth Legislature, First Session, 2007; and to provide for transfers.

COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 367. Placed on General File - Com AM911.
 (Amendment is printed separately and available in the Bill Room, Room 1104.)

(Signed) Ray Janssen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 334. Senator Adams offered the following amendment to the committee amendment:
 AM908

(Amendments to AM886)

- 1 1. On page 6, strike beginning with "The" in line 1
- 2 through line 4 and insert "The county assessor shall determine the
- 3 portion to be inspected and reviewed each year to assure that all
- 4 parcels of real property in the county have been inspected and
- 5 reviewed no less frequently than every six years.".

The Adams amendment was adopted with 34 ayes, 1 nay, 8 present and not voting, and 6 excused and not voting.

Committee AM775, printed separately and referred to on page 922 and considered in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 219. Title read. Considered.

Committee AM357, found on page 595, was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 622. Title read. Considered.

Committee AM259, found on page 811, was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Senator Langemeier moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator Langemeier requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 22:

Adams	Flood	Karpisek	McDonald	Pirsch
Ashford	Friend	Kopplin	McGill	Rogert
Avery	Fulton	Kruse	Mines	
Christensen	Hudkins	Langemeier	Nelson	
Dubas	Johnson	Lathrop	Pahls	

Voting in the negative, 16:

Burling	Erdman	Harms	Pankonin
Carlson	Fischer	Howard	Schimek
Chambers	Gay	Janssen	Stuthman
Engel	Hansen	Nantkes	Wallman

Present and not voting, 4:

Aguilar	Raikes	Synowiecki	Wightman
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Excused and not voting, 7:

Cornett	Heidemann	Pedersen	White
Dierks	Louden	Preister	

Failed to advance to E & R for review with 22 ayes, 16 nays, 4 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Add Cointroducers

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB 236. No objections. So ordered.

Senator Howard asked unanimous consent to add her name as cointroducer to LB 367. No objections. So ordered.

Senator Pedersen asked unanimous consent to add his name as cointroducer to LB 565. No objections. So ordered.

Senator Gay asked unanimous consent to add his name as cointroducer to LR 6CA. No objections. So ordered.

VISITORS

Visitors to the Chamber were 40 fifth-grade students and teachers from West Park Elementary, Columbus; Grant Jorgensen from Curtis; Roger Foster from Crete; 6 seventh- through eleventh-grade students and teacher from Thedford; and 6 ninth- through twelfth-grade students and teacher from Burwell.

The Doctor of the Day was Dr. Stuart Embury from Holdrege.

ADJOURNMENT

At 5:13 p.m., on a motion by Senator Lathrop, the Legislature adjourned until 9:00 a.m., Tuesday, April 3, 2007.

Patrick J. O'Donnell
Clerk of the Legislature