

**SIXTY-THIRD DAY - APRIL 13, 2007**

**LEGISLATIVE JOURNAL**

**ONE HUNDREDTH LEGISLATURE  
FIRST SESSION**

**SIXTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, April 13, 2007

**PRAYER**

The prayer was offered by Pastor Greg Volzke, Christ Lutheran Church, Juniata.

**ROLL CALL**

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

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

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-second day was approved.

**COMMITTEE REPORT  
Health and Human Services**

**LEGISLATIVE BILL 369.** Placed on General File - Com AM944.  
(Amendment is printed separately and available in the Bill Room, Room 1104.)

(Signed) Joel Johnson, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 75.** Introduced by Wallman, 30.

WHEREAS, Casey Alan Behrends, Zack Karges, Kyle Robertson, and Patrick Campbell, of Troop 221, Beatrice, Nebraska, have completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to

advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout their scouting experience, Casey, Zack, Kyle, and Patrick have learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. Casey, Zack, Kyle, and Patrick, for their Eagle Scout community service projects, collectively contributed to the upkeep of city and church property in Gage County and surrounding communities in projects ranging from painting fire hydrants to landscaping church property; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Casey, Zack, Kyle, and Patrick, through their hard work and perseverance, will join other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Casey Alan Behrends, Zack Karges, Kyle Robertson, and Patrick Campbell on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Casey Alan Behrends, Zack Karges, Kyle Robertson, and Patrick Campbell.

Laid over.

### AMENDMENTS - Print in Journal

Senator Flood filed the following amendment to LB 701:  
AM999

(Amendments to E & R amendments, ER8070)

- 1 1. On page 1, lines 3 and 21, strike "Task Force" and
- 2 insert "Commission"; and in lines 4 and 5 and 19 strike "task
- 3 force" and insert "commission".
- 4 2. On page 2, lines 2, 4 and 5, 8, and 13 strike "task
- 5 force" and insert "commission"; and in line 7 strike "Task force"
- 6 and insert "Commission".

Senator Flood filed the following amendment to LB 701:  
AM998

(Amendments to E & R amendments, ER8070)

- 1 1. On page 8, lines 18 and 25; and page 9, lines 2 and
- 2 4, after "tax" insert "fee".
- 3 2. On page 9, lines 5, 7, and 11 strike "taxes" and
- 4 insert "tax fees".

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of April 12, 2007, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Crawford, Kristin Lawson  
Engineering Companies/Nebraska, American Council of  
(Withdrawn 04/11/2007)  
Kissel/E&S Associates, LLC

Hybl, Michael G. - Consortia Consulting  
Great Plains Communications

Keigher/Rasmussen & Associates, LLC  
AirBoat Association, Nebraska  
LensCrafters

Protexter, Bill  
Gretna Chamber of Commerce

**REPORTS**

The following reports were received by the Legislature:

**Investment Council**

2006 Series A, B, C, D, E and F Community Development Loan Notes  
(City of Lincoln Program-2006)  
Single Family Housing Revenue Bonds Series 2006 C and General  
Obligation Bonds Series 2006 G.O-21 Quarterly Report  
Single Family Housing Revenue Bonds Series 2006 D and General  
Obligation Bonds Series 2006 G.O-22 Quarterly Report  
Single Family Housing Revenue Bonds Series 2006 E Quarterly Report  
Single Family Housing Revenue Bonds Series 2006 FG Quarterly Report

**Revenue, Department of**

2003 Nebraska Tax Burden Study

**Roads, Department of**

Board of Public Roads Classifications and Standards Minutes for  
February 2007

**GENERAL FILE**

**LEGISLATIVE BILL 463.** Title read. Considered.

Committee AM302, found on page 515, was adopted with 34 ayes, 0 nays,

12 present and not voting, and 3 excused and not voting.

Senator Chambers requested the bill be read section by section, pursuant to Rule 6, Section 3(a).

The Chair sustained the request and asked the Clerk to begin reading the bill section by section.

Senator Chambers offered the following amendment:

FA69

In section 2, on page 15 line 23 strike beginning with the word "It" through the end of the section.

The Chambers amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

### **SENATOR LANGEMEIER PRESIDING**

Senator Chambers offered the following amendment:

FA70

Page 16, strike sec. 4

Senator Schimek offered the following amendment to the Chambers amendment:

FA71

Amend FA70 by striking "Section 4" and inserting "Subsection 1 of Section 4"

### **PRESIDENT SHEEHY PRESIDING**

Pending.

### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Nutzman, Terri - Office of Juvenile Services - Health and Human Services (rereferred)

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

### **AMENDMENTS - Print in Journal**

Senator Raikes filed the following amendment to LB 73:

AM1001

- 1 1. Insert the following new sections:
- 2 Sec. 2. This act becomes operative on July 1, 2007.

- 3 Sec. 4. Since an emergency exists, this act takes effect  
 4 when passed and approved according to law.  
 5 2. On page 2, line 3, strike "Legislature", show as  
 6 stricken, and insert "State Department of Education"; in line 6  
 7 after the first "school" insert "in the prior school year"; in line  
 8 7 after "program" insert "and shall submit information regarding  
 9 the number of breakfasts served in a manner prescribed by the  
 10 department"; and in lines 8 through 14 reinstate the stricken  
 11 matter.  
 12 3. Renumber the remaining section accordingly.

Senator Lathrop filed the following amendment to LB 588:  
 AM1003

(Amendments to Standing Committee amendments, AM862)

- 1 1. On page 11, after line 20, insert the following new  
 2 subsection:  
 3 "(10) The Diagnostic Related Group inpatient hospital  
 4 fee schedule shall not apply to a hospital affiliated with an  
 5 accredited school or college of medicine in Nebraska that is the  
 6 primary teaching and training hospital for the school's graduate  
 7 medical education program, as defined under section 71-1,107.01  
 8 having in excess of one hundred full-time physician residents or  
 9 fellows.".

Senator Langemeier filed the following amendment to LB 343:  
 AM1002

(Amendments to E & R amendments, ER8062)

- 1 1. On page 1, line 8, after "investment" insert "after  
 2 January 1, 2008, and"; and strike lines 11 through 20 and insert:  
 3 "(2) The credit provided in subsection (1) of this  
 4 section shall be equal to thirty percent of the amount invested  
 5 by the taxpayer in a biodiesel facility. The credit shall be  
 6 taken over at least four taxable years subject to the following  
 7 conditions:  
 8 (a) No more than ten percent of the credit provided for  
 9 in subsection (1) of this section shall be taken in each of the  
 10 first two taxable years the biodiesel facility produces B100 and no  
 11 more than fifty percent of the credit provided for in subsection  
 12 (1) of this section shall be taken in the third taxable year  
 13 the biodiesel facility produces B100. The credit allowed under  
 14 subsection (1) of this section shall not exceed fifty percent of  
 15 the taxpayer's liability in any tax year.".  
 16 2. On page 3, strike lines 1 through 5 and insert:  
 17 "(f) The credit shall be taken only if (i) the biodiesel  
 18 facility produces B100, (ii) the biodiesel facility in which the  
 19 investment was made produces at a rate of at least seventy percent  
 20 of its rated capacity continuously for at least one week during  
 21 the first taxable year the credit is taken and produces at a rate  
 22 of at least seventy percent of its rated capacity over a six-month

- 1 period during each of the next two taxable years the credit is  
 2 taken, (iii) all processing takes place at the biodiesel facility  
 3 in which the investment was made and which is located in Nebraska,  
 4 and (iv) at least fifty-one percent of the ownership interest of  
 5 the biodiesel facility is held by Nebraska resident individuals or  
 6 Nebraska entities; and".

Senator Synowiecki filed the following amendment to LB 351:  
 AM951

- 1 1. On page 23, strike beginning with the period in line  
 2 17 through line 22, show as stricken, and insert an underscored  
 3 semicolon.

### **UNANIMOUS CONSENT - Add Cointroducer**

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

### **VISITORS**

Visitors to the Chamber were 21 fourth-grade students and teachers from Wildewood Elementary, Ralston; 10 twelfth-grade students and teachers from Cody-Kilgore, Cody; 45 fourth-grade students from Blumfield Elementary, Omaha; and Senator Christensen's daughters, Ryelee and Brooklyn, from Imperial and nieces, Sarah and Anna Pelton, from Bertrand.

The Doctor of the Day was Dr. Kathy Bliese from Grand Island.

### **ADJOURNMENT**

At 12:02 p.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Monday, April 16, 2007.

Patrick J. O'Donnell  
 Clerk of the Legislature