

EIGHTH DAY - JANUARY 12, 2007**LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE
FIRST SESSION****EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, January 12, 2007

PRAYER

The prayer was offered by Senator Dierks.

ROLL CALL

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

The roll was called and all members were present except Senators Heidemann, Howard, Johnson, Loudon, Mines, and Preister who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventh day was approved.

NOTICE OF COMMITTEE HEARINGS**Banking, Commerce and Insurance**

Room 1507

LB 115	Monday, January 22, 2007	1:30 p.m.
LB 118	Monday, January 22, 2007	1:30 p.m.
LB 120	Monday, January 22, 2007	1:30 p.m.
LB 186	Monday, January 22, 2007	1:30 p.m.
LB 117	Tuesday, January 23, 2007	1:30 p.m.
LB 119	Tuesday, January 23, 2007	1:30 p.m.
LB 121	Tuesday, January 23, 2007	1:30 p.m.
LB 191	Tuesday, January 23, 2007	1:30 p.m.

(Signed) Rich Pahls, Chairperson

Revenue
Room 1524

LB 4	Friday, January 19, 2007	1:30 p.m.
LB 9	Friday, January 19, 2007	1:30 p.m.
LB 240	Friday, January 19, 2007	1:30 p.m.
LB 264	Friday, January 19, 2007	1:30 p.m.

(Signed) Ray Janssen, Chairperson

Agriculture
Room 1524

LB 74	Tuesday, January 23, 2007	1:30 p.m.
LB 110	Tuesday, January 23, 2007	1:30 p.m.
LB 111	Tuesday, January 23, 2007	1:30 p.m.

(Signed) Philip Erdman, Chairperson

Education
Room 1525

LB 95	Monday, January 22, 2007	1:30 p.m.
LB 101	Monday, January 22, 2007	1:30 p.m.
LB 150	Monday, January 22, 2007	1:30 p.m.
LB 231	Monday, January 22, 2007	1:30 p.m.
LB 241	Monday, January 22, 2007	1:30 p.m.

(Signed) Ron Raikes, Chairperson

Transportation and Telecommunications
Room 1113

LB 59	Monday, January 22, 2007	1:30 p.m.
LB 84	Monday, January 22, 2007	1:30 p.m.
LB 148	Monday, January 22, 2007	1:30 p.m.
LB 165	Monday, January 22, 2007	1:30 p.m.

(Signed) Deb Fischer, Chairperson

REPORTS

The following reports were received by the Legislature:

Child Support Commission

Proposed revisions to the Nebraska Child Support Guidelines
(Guidelines)

Southeast Community College

Financial Condition of the Center

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 11, 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

Bromm, Curt

Alliance for Cohesive and Coordinated K-12 Learning Communities
Home Caregivers Association, Nebraska

Campbell, Mary M./Campbell & Associates

Community Health Endowment of Lincoln

Cederberg, John E.

Peetz & Company

Courtney, Robert

AARP

Crawford, Derek

Kraft Foods North America, Inc. - Altria Corporate Services, Inc.
Philip Morris USA, Inc. - Altria Corporate Services, Inc.

Cutshall & Associates

Community Health Endowment of Lincoln

Evans, Eric A.

Advocacy Services, Inc., Nebraska

Hanson, John R.

Soybean Association, Nebraska

Jeffers, Thomas E.

Cooperative Council, Nebraska

Kamm, Richard D.

Adams Central Junior-Senior High
Northwest High School

Larsen, Carlin L.

Qwest Communications

Meurrens, Bradley A.

Advocacy Services, Inc., Nebraska

O'Hara, Lindsay & Associates, Inc.
 City of Omaha
 Qwest Center Omaha

Petz, Natalie, Petz & Company
 Pathologists, College of American
 Pathologists, Nebraska Association of

Plucker, Julia
 Credit Union League and Affiliates, Nebraska
 N.H. Wright & Assoc., LLC

Ruth Mueller Robak LLC
 Copic Companies

Schmit Industries, Inc.
 Ag Processing, Inc.
 Altra Inc.
 Chiropractic Physicians Association, Nebraska
 Husker Ag, LLC
 KAPPA Ethanol, LLC
 Mid-America Companies, LLC/Lundeen
 NEDAK Ethanol LLC
 Platte Valley Fuel Ethanol
 Southwest Energy

Sedlacek, Ronald J.
 MoneyGram International (MoneyGram Payment Systems, Inc.)

Sheard, James W., Jr.
 Nebraska Change to Win Coalition c/o Teamsters Local 554

Troutman, Gary
 City of Bellevue

COMMUNICATION

Received communication from the Nebraska Supreme Court regarding the January 8, 2007, meeting of the Judicial Resources Commission.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 343. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to biodiesel; to amend sections 77-2701, 77-2715.07, and 77-2734.03, Revised Statutes Cumulative Supplement,

2006; to create an investment tax credit for biodiesel facilities; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 344. Introduced by Burling, 33.

A BILL FOR AN ACT relating to the Tax Policy Reform Commission; to amend sections 77-6004 and 77-6007, Revised Statutes Cumulative Supplement, 2006; to change a termination date; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 345. Introduced by Burling, 33.

A BILL FOR AN ACT relating to the state song; to amend section 90-111, Reissue Revised Statutes of Nebraska; to change the state song; and to repeal the original section.

LEGISLATIVE BILL 346. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to liens; to amend sections 52-1301, 52-1302, 52-1307, 52-1308, 52-1313, 52-1314, 52-1315, 52-1317, 52-1318, and 52-1602, Reissue Revised Statutes of Nebraska, section 52-1312, Revised Statutes Cumulative Supplement, 2006, and sections 9-315, 9-320, 9-529, and 9-531, Uniform Commercial Code, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to farm product security interests; to define a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 347. Introduced by Mines, 18.

A BILL FOR AN ACT relating to bonds; to amend sections 11-104, 14-208, 14-551, 15-251, 15-307, 15-308, 15-317, 16-219, 16-304, and 17-604, Reissue Revised Statutes of Nebraska, and sections 16-318 and 17-541, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the giving of bonds by officials as prescribed; to provide for the acceptance of evidence of equivalent insurance; and to repeal the original sections.

MOTION - Adopt Permanent Rules

Senator Hudkins moved to adopt the permanent rules for the One Hundredth Legislature, First Session.

The Rules Committee renewed their proposed rules change found on page 83 and referred to on page 181, of the Schimek proposed rules change, to Rule 3, Sec. 4(e).

The Rules Committee proposed rules change was adopted with 39 ayes, 1 nay, 2 present and not voting, and 7 excused and not voting.

The Rules Committee renewed their proposed rules change found on pages 19 and 20 and referred to on page 181, of the Hudkins proposed rules change, to Rule 4, Sec. 3.

The Rules Committee proposed rules change was adopted with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

Senator Hudkins renewed her motion, found in this day's Journal, to adopt the permanent rules for the One Hundredth Legislature, First Session, as amended.

The Hudkins motion to adopt permanent rules, as amended, prevailed with 39 ayes, 2 nays, 3 present and not voting, and 5 excused and not voting.

SENATOR ERDMAN PRESIDING

BILLS ON FIRST READING

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

LEGISLATIVE BILL 348. Introduced by Burling, 33; McDonald, 41; Wallman, 30.

A BILL FOR AN ACT relating to county government; to amend sections 23-148, 23-151, 23-293, 23-294, 23-295, 23-296, 23-297, and 23-299, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to the discontinuance of township organization; to provide powers and duties; to harmonize provisions; to repeal the original sections; to outright repeal sections 23-287, 23-290, and 23-291, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 349. Introduced by Stuthman, 22; Langemeier, 23.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-301, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to trailers; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 350. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to insurance; to provide for the partial payment of the proceeds of an insurance policy by city or village ordinance as prescribed; and to provide powers and duties to cities, villages, and the Department of Insurance.

LEGISLATIVE BILL 351. Introduced by Stuthman, 22; Erdman, 47.

A BILL FOR AN ACT relating to the Welfare Reform Act; to amend sections 43-512, 68-1709, 68-1710, 68-1718, 68-1722, 68-1723, and

68-1724, Reissue Revised Statutes of Nebraska, and sections 68-915, 68-1713, and 68-1721, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to time limits and transition payments as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 352. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to shooting ranges; to amend sections 15-258 and 16-226, Reissue Revised Statutes of Nebraska, and section 14-102, Revised Statutes Cumulative Supplement, 2006; to adopt the Nebraska Shooting Range Protection Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 353. Introduced by Legislative Performance Audit Committee: Schimek, 27, Chairperson; Engel, 17; Flood, 19; Heidemann, 1; McDonald, 41; Stuthman, 22.

A BILL FOR AN ACT relating to the Quality Education Accountability Act; to amend section 79-760, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the statewide assessment system; and to repeal the original section.

LEGISLATIVE BILL 354. Introduced by Cornett, 45; Christensen, 44; Gay, 14; Nantkes, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Cumulative Supplement, 2006; to exclude military retirement benefits from income taxation; and to repeal the original section.

LEGISLATIVE BILL 355. Introduced by Cornett, 45; Gay, 14; Wallman, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1248, Reissue Revised Statutes of Nebraska; to change provisions relating to taxation of air carriers; and to repeal the original section.

LEGISLATIVE BILL 356. Introduced by Cornett, 45; Christensen, 44; Gay, 14; Wallman, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1344, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to special valuation of agricultural or horticultural land; and to repeal the original section.

LEGISLATIVE BILL 357. Introduced by Flood, 19.

A BILL FOR AN ACT relating to schools; to amend section 79-1003, Revised Statutes Cumulative Supplement, 2006, as affected by Referendum

2006, No. 422; to provide for community schools, operating councils, and elementary improvement grants; to prohibit closing certain elementary attendance centers as prescribed; to provide a duty for the Revisor of Statutes; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 358. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to interstate motor carriers; to amend section 75-390, Reissue Revised Statutes of Nebraska, and sections 60-3,137, 60-3,205, 66-1406.02, 75-307.01, 75-369.03, and 75-386, Revised Statutes Cumulative Supplement, 2006; to authorize participation in and enforcement of federal carrier registration provisions; to eliminate certain interstate motor carrier provisions; to change and provide penalties; to harmonize provisions; to provide operative dates; to repeal the original section; and to outright repeal sections 75-348, 75-349, 75-350, 75-351, 75-352, 75-353, 75-354, 75-355, 75-356, 75-357, and 75-358, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 359. Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 39-2520, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to use of certain sales tax proceeds; and to repeal the original section.

LEGISLATIVE BILL 360. Introduced by Pedersen, 39; Stuthman, 22.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-3,125, Revised Statutes Cumulative Supplement, 2006; to modify limitations on issuance of Purple Heart license plates; and to repeal the original section.

LEGISLATIVE BILL 361. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to public funds; to amend sections 13-501 and 49-14,101.02, Revised Statutes Cumulative Supplement, 2006; to prohibit the use of public funds for paying dues or membership fees to certain organizations; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 362. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3446, Reissue Revised Statutes of Nebraska, sections 13-520 and 84-304, Revised Statutes Cumulative Supplement, 2006, and section 79-1028, Revised Statutes Cumulative Supplement, 2006, as affected by Referendum 2006, No. 422; to change budget limitation provisions; to require audits of joint entities; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 363. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to public service attorneys; to amend section 29-3927, Revised Statutes Cumulative Supplement, 2006; to adopt the Legal Education for Public Service Loan Repayment Act; to create a fund; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 364. Introduced by Flood, 19.

A BILL FOR AN ACT relating to inheritance tax; to amend section 77-2014, Reissue Revised Statutes of Nebraska; to change the apportionment of tax revenue; and to repeal the original section.

LEGISLATIVE BILL 365. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to the Judges Retirement Act; to amend section 24-708, Revised Statutes Cumulative Supplement, 2006; to provide requirements for the reduction of payments for early retirement as prescribed; and to repeal the original section.

LEGISLATIVE BILL 366. Introduced by Janssen, 15; Cornett, 45; Dierks, 40; Fischer, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 18-2115, 77-3443, 77-3445, 77-3501, 77-3509.01, 77-3509.02, 77-3509.03, 77-3510, 77-3511, 77-3512, 77-3516, 77-3521, 77-3522, 77-3523, 77-3529, 85-933, 85-1418, 85-1511, 85-1515, 85-1526, 85-1535, and 85-1537, Reissue Revised Statutes of Nebraska, sections 13-503, 13-518, 13-519, 72-2302, 72-2303, 72-2304, 72-2306, 77-201, 77-1601.02, 77-3442, 77-3513, 77-3514, 77-5023, 85-1402, 85-1416, and 85-1503, Revised Statutes Cumulative Supplement, 2006, and section 79-1016, Revised Statutes Cumulative Supplement, 2006, as affected by Referendum 2006, No. 422; to provide for state funding of community colleges; to eliminate property tax levy authority of community colleges; to change valuation of agricultural land and horticultural land; to create a homestead exemption; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 85-1501.01, 85-1516, 85-1518, and 85-1536, Reissue Revised Statutes of Nebraska, and sections 85-1517 and 85-1536.01, Revised Statutes Cumulative Supplement, 2006.

LEGISLATIVE BILL 367. Introduced by Janssen, 15; Cornett, 45; Dierks, 40; Dubas, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.02, Reissue Revised Statutes of Nebraska, and sections 60-3,187, 77-2701.10, 77-2701.16, 77-2701.34, 77-2703, 77-2703.01, and 77-2704.55, Revised Statutes Cumulative Supplement, 2006; to change motor vehicle tax calculations and the sales tax rate; to eliminate taxation of construction

services; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 77-2701.45, Revised Statutes Cumulative Supplement, 2006.

LEGISLATIVE BILL 368. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to cooperative associations; to amend section 77-5509, Reissue Revised Statutes of Nebraska, and sections 77-2716, 77-27,187.01, 77-27,194, 77-5719, 77-5728, and 77-5903, Revised Statutes Cumulative Supplement, 2006; to adopt the Nebraska Limited Cooperative Association Act; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 369. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Uniform Licensing Law; to amend section 71-1,307, Reissue Revised Statutes of Nebraska; to redefine mental health practice; and to repeal the original section.

LEGISLATIVE BILL 370. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to retirement; to adopt the Law Enforcement Officers Retirement Survey Act; and to declare an emergency.

LEGISLATIVE BILL 371. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to retirement; to amend sections 16-1014 and 84-1511, Reissue Revised Statutes of Nebraska, and sections 84-1301 and 84-1503, Revised Statutes Cumulative Supplement, 2006; to adopt the Nebraska Peace Officer Retirement Act; to create funds; to provide duties for the Public Employees Retirement Board; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 372. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to retirement; to amend sections 16-1014 and 84-1511, Reissue Revised Statutes of Nebraska, and sections 84-1301 and 84-1503, Revised Statutes Cumulative Supplement, 2006; to adopt the Law Enforcement Officer Retirement Act; to create a fund; to provide duties for the Public Employees Retirement Board; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 373. Introduced by Schimek, 27; Adams, 24; Johnson, 37; Nelson, 6; Pedersen, 39; Wightman, 36.

A BILL FOR AN ACT relating to public health and welfare; to provide for inadmissibility of apologies regarding medical care as evidence; and to define terms.

LEGISLATIVE BILL 374. Introduced by Johnson, 37; Erdman, 47.

A BILL FOR AN ACT relating to the Rural Health Systems and Professional Incentive Act; to amend sections 71-5667, Reissue Revised Statutes of Nebraska, and section 71-5666, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to student loans; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 375. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-9,177, 85-9,178, 85-9,179, 85-9,180, 85-9,181, and 85-9,182, Revised Statutes Cumulative Supplement, 2006; to rename and change provisions relating to the Minority Scholarship Program Act; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 376. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-504, Reissue Revised Statutes of Nebraska; to change procedures relating to felony complaints; and to repeal the original section.

LEGISLATIVE BILL 377. Introduced by Ashford, 20.

A BILL FOR AN ACT relating to courts; to amend section 24-301.02, Revised Statutes Cumulative Supplement, 2006; to reallocate district court judgeships; to provide an operative date; to repeal the original section; and to declare an emergency.

NOTICE OF COMMITTEE HEARINGS

General Affairs

Room 1510

LB 64	Monday, January 22, 2007	1:30 p.m.
LB 181	Monday, January 22, 2007	1:30 p.m.
LB 251	Monday, January 22, 2007	1:30 p.m.

(Signed) Vickie McDonald, Chairperson

Natural Resources

Room 1525

LB 202	Friday, January 19, 2007	1:30 p.m.
LB 263	Friday, January 19, 2007	1:30 p.m.

(Signed) LeRoy Loudon, Chairperson

Judiciary
Room 1113

LB 227	Friday, January 19, 2007	1:30 p.m.
LB 176	Friday, January 19, 2007	1:30 p.m.
LB 180	Friday, January 19, 2007	1:30 p.m.
LB 216	Friday, January 19, 2007	1:30 p.m.
LB 217	Friday, January 19, 2007	1:30 p.m.

(Signed) Brad Ashford, Chairperson

Business and Labor
Room 2102

LB 204	Monday, January 22, 2007	1:30 p.m.
LB 211	Monday, January 22, 2007	1:30 p.m.
LB 226	Monday, January 22, 2007	1:30 p.m.
LB 209	Monday, January 22, 2007	1:30 p.m.

(Signed) Kent Rogert, Vice Chairperson

ANNOUNCEMENT

The Building Maintenance Committee elected Senator Fulton as Vice Chairperson.

UNANIMOUS CONSENT - Add Cointroducers

Senator Nelson asked unanimous consent to add his name as cointroducer to LB 6. No objections. So ordered.

Senator Hansen asked unanimous consent to add his name as cointroducer to LB 62. No objections. So ordered.

Senators Christensen and Gay asked unanimous consent to add their names as cointroducers to LB 169. No objections. So ordered.

Senators Gay, Rogert, and Wallman asked unanimous consent to add their names as cointroducers to LB 235. No objections. So ordered.

Senator Mines asked unanimous consent to add his name as cointroducer to LB 330. No objections. So ordered.

Senator Burling asked unanimous consent to add his name as cointroducer to LB 331. No objections. So ordered.

VISITOR

The Doctor of the Day was Dr. James Shelton from Omaha.

ADJOURNMENT

At 10:18 a.m., on a motion by Senator Schimek, the Legislature adjourned until 11:00 a.m., Tuesday, January 16, 2007.

Patrick J. O'Donnell
Clerk of the Legislature

