

**TENTH DAY - JANUARY 23, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****TENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 23, 2008

**PRAYER**

The prayer was offered by Pastor Todd Burpo, Crossroads Wesleyan Church, Imperial.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Langemeier presiding.

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

**CORRECTIONS FOR THE JOURNAL**

The Journal for the ninth day was approved.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB1047	Government, Military and Veterans Affairs
LB1055	Judiciary

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

**COMMITTEE REPORT**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 715.** Placed on General File.

(Signed) Rich Pahls, Chairperson

**NOTICE OF COMMITTEE HEARINGS**

Revenue

Room 1524

Wednesday, January 30, 2008 1:30 p.m.

LB758  
LB846  
LB881  
LB946  
LB1040

(Signed) Ray Janssen, Chairperson

Government, Military and Veterans Affairs

Room 1507

Wednesday, January 30, 2008 1:30 p.m.

LB720  
LB817  
LB870  
LB981

(Signed) Ray Aguilar, Chairperson

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 1091.** Introduced by Gay, 14; Cornett, 45; Kopplin, 3; Pankonin, 2.

A BILL FOR AN ACT relating to highways and roads; to amend section 39-1333, Reissue Revised Statutes of Nebraska; to provide for private entrances and exits and approach roads on expressways; and to repeal the original section.

**LEGISLATIVE BILL 1092.** Introduced by Harms, 48.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-6,266 and 79-609, Reissue Revised Statutes of Nebraska, and section 60-6,265, Revised Statutes Supplement, 2007; to change provisions relating to occupant protection systems; to require occupant protection systems for school buses as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1093.** Introduced by Harms, 48.

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

**LEGISLATIVE BILL 1094.** Introduced by Carlson, 38; Christensen, 44.

A BILL FOR AN ACT relating to the Nebraska Resources Development Fund; to amend sections 2-1586 and 2-1589, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to allocations from the fund; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1095.** Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to the State Natural Gas Regulation Act; to amend section 66-1852, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the extension of natural gas mains and services; and to repeal the original section.

**LEGISLATIVE BILL 1096.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to volunteer fire and rescue departments; to amend section 35-901, Reissue Revised Statutes of Nebraska; to provide for the hiring of a fire chief in a city of the first class as prescribed; to change provisions relating to the use of a volunteer department trust fund; and to repeal the original section.

**LEGISLATIVE BILL 1097.** Introduced by Pahls, 31.

A BILL FOR AN ACT relating to law enforcement; to amend sections 60-3,135 and 60-480.01, Revised Statutes Supplement, 2007; to authorize the issuance of undercover license plates and undercover drivers' licenses to federal law enforcement agencies; and to repeal the original sections.

**LEGISLATIVE BILL 1098.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 35-508, 35-514.02, and 77-3443, Reissue Revised Statutes of Nebraska, and sections 35-509, 77-3442, and 77-3444, Revised Statutes Supplement, 2007; to change levy provisions for rural and suburban fire protection districts; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 1099.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to electricity; to amend sections 18-2441, 70-306, 70-1002.03, 70-1018, 70-1504, and 75-719, Reissue Revised Statutes of Nebraska, and section 75-109.01, Revised Statutes Cumulative Supplement, 2006; to adopt the Electrical Power Plant Siting Act and the Electric Transmission Line Siting Act; to change and eliminate certain

powers and duties of the Nebraska Power Review Board and the Public Service Commission; to harmonize provisions; to repeal the original sections; and to outright repeal sections 70-1012, 70-1012.01, 70-1013, 70-1014, 70-1014.01, 70-1015, 75-702, 75-703, 75-704, 75-705, 75-706, 75-707, 75-715, and 75-718, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 1100.** Introduced by Adams, 24; Ashford, 20.

A BILL FOR AN ACT relating to teachers; to amend section 79-1035, Reissue Revised Statutes of Nebraska, and sections 9-812, 77-27,132, 79-1003, 79-1018.01, 79-1028, 84-612, and 84-613, Revised Statutes Supplement, 2007; to adopt the Quality Education Trust Act; to create the Professional Teacher Compensation Program and a fund; to provide for appropriations; to create the Professional Teacher Knowledge and Skills Compensation Pilot Program; to provide for grants; to change provisions relating to the Education Innovation Fund, allocation of certain sales and use tax proceeds as prescribed, and the apportionment of school funds; to change provisions relating to funding under the Tax Equity and Educational Opportunities Support Act; to provide for transfers from the Cash Reserve Fund; to harmonize provisions; and to repeal the original sections.

### GENERAL FILE

**LEGISLATIVE BILL 465.** Title read. Considered.

Committee AM485, found on page 691, First Session, 2007, was considered.

### SENATOR FRIEND PRESIDING

Senator Stuthman moved the previous question. The question is, "Shall the debate now close?"

Senator Stuthman moved for a call of the house. The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

The motion to cease debate failed with 19 ayes, 9 nays, 19 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

The committee amendment was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 5 nays, 10 present and not voting, and 2 excused and not voting.

**BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 1101.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to the Community Development Law; to amend section 18-2101, Revised Statutes Supplement, 2007; to provide financing information requirements for redevelopment plans as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1102.** Introduced by Friend, 10.

A BILL FOR AN ACT relating to the State Natural Gas Regulation Act; to amend section 66-1802, Reissue Revised Statutes of Nebraska, and section 66-1801, Revised Statutes Cumulative Supplement, 2006; to define terms; to provide requirements for infrastructure system replacement mechanisms as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1103.** Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to farm wineries; to amend section 53-123.13, Reissue Revised Statutes of Nebraska, section 53-123.11, Revised Statutes Cumulative Supplement, 2006, and section 53-103, Revised Statutes Supplement, 2007; to redefine a term; to change requirements for sale and purchase of wines as prescribed; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1104.** Introduced by Fulton, 29.

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend sections 38-2001 and 38-2037, Revised Statutes Supplement, 2007; to provide for unlawful billing practices as prescribed; to change disciplinary action provisions relating to unprofessional conduct; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 1105.** Introduced by Fulton, 29.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-1,110, Revised Statutes Supplement, 2007; to provide that compensation court documents and information are confidential; to provide exceptions; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1106.** Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1310, Revised Statutes Cumulative Supplement, 2006; to create the offense of intimidation by electronic communication device; to provide a penalty; and to repeal the original section.

**LEGISLATIVE BILL 1107.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to courts; to amend sections 24-1301 and 24-1302, Revised Statutes Cumulative Supplement, 2006; to provide for problem solving court programs; to state intent; and to repeal the original sections.

**LEGISLATIVE BILL 1108.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to mental health practitioners; to amend sections 38-2112 and 38-2124, Revised Statutes Supplement, 2007; to redefine a term; to change licensure requirements; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 1109.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 18-2604, 37-351, 77-2610, 85-1,114, and 85-327, Reissue Revised Statutes of Nebraska, and sections 77-2602 and 81-638, Revised Statutes Supplement, 2007; to change provisions relating to cigarette tax revenue; to provide for appropriations; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1110.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1775.01 and 77-3523, Reissue Revised Statutes of Nebraska, sections 13-509, 18-2147, 77-1315, 77-1315.01, 77-1338, 77-1345.01, 77-1363, 77-1502, 77-1504.01, 77-1507, 77-1510, 77-1510.01, 77-1606, 77-1608, 77-1610, 77-3519, and 77-3520, Revised Statutes Cumulative Supplement, 2006, and sections 25-1901, 49-506, 49-617, 60-3,188, 60-3,189, 77-202.04, 77-202.12, 77-422, 77-612, 77-684, 77-701, 77-702, 77-802.02, 77-1233.06, 77-1249, 77-1311, 77-1327, 77-1330, 77-1344, 77-1347.01, 77-1504, 77-1507.01, 77-1514, 77-1775, and 79-1016, Revised Statutes Supplement, 2007; to adopt the Property Tax Review Court Act; to create the Property Tax Review Court; to repeal the Tax Equalization and Review Commission Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 77-5002, 77-5006, 77-5007.01, 77-5010, 77-5021, 77-5030, and 77-5031, Reissue Revised Statutes of Nebraska, sections 77-5001, 77-5005, 77-5009, 77-5013, 77-5015, 77-5016.01, 77-5016.02, 77-5016.03, 77-5016.04, 77-5016.05, 77-5016.06, 77-5016.07, 77-5016.08, 77-5016.09, 77-5019, 77-5022, 77-5024.01, 77-5027, 77-5029, and 84-912.03, Revised Statutes Cumulative Supplement, 2006, and sections 77-5003, 77-5004, 77-5007, 77-5008, 77-5011, 77-5016, 77-5017, 77-5018, 77-5020, 77-5023, 77-5026, and 77-5028, Revised Statutes Supplement, 2007.

**LEGISLATIVE BILL 1111.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Tax Equalization and Review Commission; to amend sections 77-5003 and 77-5004, Revised Statutes Supplement, 2007; to change membership of the commission; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1112.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 49-1402, 49-1403, 49-1415, 49-1455, 49-1456, 49-1457, 49-1459, 49-1461, 49-1465, 49-1470, 49-1478, 49-14,122, 49-14,129, and 49-14,141, Reissue Revised Statutes of Nebraska, sections 49-1446, 49-1446.04, 49-1447, 49-1463, 49-1463.01, 49-1467, 49-1469, 49-1479.01, 49-14,124, 49-14,124.01, and 49-14,125, Revised Statutes Cumulative Supplement, 2006, and sections 28-915.01, 49-1401, 49-1458, 49-1478.01, 49-1479.02, 49-14,123, 49-14,124.02, 49-14,126, 49-14,133, and 49-14,140, Revised Statutes Supplement, 2007; to provide limitations on certain campaign contributions; to change provisions relating to filing campaign statements and reports; to repeal the Campaign Finance Limitation Act; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 32-1605, 32-1608.02, 32-1609, 32-1610, 32-1611, 32-1613, and 77-27,119.04, Reissue Revised Statutes of Nebraska, and sections 32-1601, 32-1602, 32-1603, 32-1604, 32-1604.01, 32-1606, 32-1606.01, 32-1607, 32-1608, 32-1608.01, 32-1608.03, and 32-1612, Revised Statutes Cumulative Supplement, 2006.

**LEGISLATIVE BILL 1113.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to agriculture; to create and provide duties for the Family Farm Policy Advisory Council; to create a fund; and to declare an emergency.

**LEGISLATIVE BILL 1114.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to agriculture; to amend section 13-809, Reissue Revised Statutes of Nebraska, section 13-2531, Revised Statutes Cumulative Supplement, 2006, and sections 13-808 and 13-2530, Revised Statutes Supplement, 2007; to require a vote for county fairground bonds; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1115.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to agriculture; to amend section 2-103, Revised Statutes Cumulative Supplement, 2006; to change Nebraska State Fair Board membership; and to repeal the original section.

**LEGISLATIVE BILL 1116.** Introduced by Erdman, 47.

A BILL FOR AN ACT relating to agriculture; to amend section 2-101, Revised Statutes Cumulative Supplement, 2006; to change state fair and

Nebraska State Fairgrounds provisions; and to repeal the original section.

**LEGISLATIVE BILL 1117.** Introduced by Pedersen, 39.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-727.03, Reissue Revised Statutes of Nebraska; to change requirements regarding homeowners' associations; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1118.** Introduced by Pedersen, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 13-508, Revised Statutes Cumulative Supplement, 2006; to require political subdivisions to file additional budget and tax levy information; and to repeal the original section.

**LEGISLATIVE BILL 1119.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services.

**LEGISLATIVE BILL 1120.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to the Nebraska Health Care Certificate of Need Act; to amend section 71-5830.01, Reissue Revised Statutes of Nebraska; to change provisions relating to exemptions; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 1121.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Medicaid Insurance for Workers with Disabilities Act.

**LEGISLATIVE BILL 1122.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to the medical assistance program; to amend section 68-911, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to coverage of dental services; and to repeal the original section.

**LEGISLATIVE BILL 1123.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to infants; to amend section 43-4001, Revised Statutes Supplement, 2007; to change provisions relating to membership on the Children's Behavioral Health Task Force; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 1124.** Introduced by Engel, 17.

A BILL FOR AN ACT relating to mobile home parks; to amend sections 71-4629, 71-4631, 71-4632, and 71-4634, Reissue Revised Statutes of Nebraska; to provide for health and safety standards; to provide for inspections and fees; to provide for enforcement; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1125.** Introduced by Adams, 24.

A BILL FOR AN ACT relating to early childhood education endowments; to amend sections 79-1104.01 and 79-1104.02, Revised Statutes Cumulative Supplement, 2006, and section 79-1104.04, Revised Statutes Supplement, 2007; to change provisions relating to funds; to eliminate references to educational service units; to change provisions relating to membership on a board of trustees; and to repeal the original sections.

**LEGISLATIVE BILL 1126.** Introduced by White, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Revised Statutes Supplement, 2007; to exempt depositions, bills of exceptions, and transcripts prepared by a court reporter and copies of medical records from sales and use taxes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 1127.** Introduced by Christensen, 44; Carlson, 38.

A BILL FOR AN ACT relating to the Water Resources Cash Fund; to amend section 61-218, Revised Statutes Supplement, 2007; to change permitted uses of the fund; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 1128.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to the Nebraska Housing Agency Act; to amend section 71-15,139, Reissue Revised Statutes of Nebraska; to change provisions relating to the termination of tenancy as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 1129.** Introduced by Flood, 19; Adams, 24; Cornett, 45; Dubas, 34; Erdman, 47; Heidemann, 1; Janssen, 15; Johnson, 37; Langemeier, 23; Pankonin, 2; Rogert, 16; Stuthman, 22.

A BILL FOR AN ACT relating to highways and roads; to amend section 39-1365.01, Reissue Revised Statutes of Nebraska; to change provisions relating to highway planning; and to repeal the original section.

**LEGISLATIVE BILL 1130.** Introduced by Synowiecki, 7; Pedersen, 39.

A BILL FOR AN ACT relating to probation and parole; to amend sections 29-2249, 29-2251, 29-2253, 29-2260, 29-2262.03, 29-2262.04, 29-2262.05,

29-2265, 29-2270, 33-154, 43-250, 43-253, 43-260, 43-260.05, 43-274, 43-286, 43-294, 43-2,108, 43-707, 43-3505, 43-3507, 47-628, 47-629, 83-170, 83-171, 83-188, 83-195, 83-197, 83-1,101, 83-1,116, 83-1,119, 83-1,120, 83-1,128, and 83-932, Reissue Revised Statutes of Nebraska, sections 20-150, 20-151, 24-205, 24-227.01, 25-2407, 28-322, 28-929, 28-930, 28-931, 28-931.01, 29-2246, 29-2248, 29-2250, 29-2252, 29-2252.01, 29-2254, 29-2257, 29-2258, 29-2259, 29-2259.01, 29-2259.02, 29-2260.01, 29-2262, 29-2262.06, 29-2262.07, 29-2263, 29-2266, 29-2272, 29-2935, 29-4009, 29-4019, 43-271, 43-3001, 47-624, 47-627, 60-6,211.05, 60-6,211.09, 81-1848, 83-174.03, 83-174.04, 83-174.05, 83-1,100, 83-1,102, 83-1,103, 83-1,103.01, 83-1,103.02, 83-1,103.03, 83-1,103.04, 83-1,107, 83-1,107.01, 83-1,107.02, and 83-933, Revised Statutes Cumulative Supplement, 2006, and sections 29-2261, 43-2,113, 43-2411, 47-623, 68-1732, 71-961, 81-1401, and 83-901, Revised Statutes Supplement, 2007; to adopt the Office of Adult Probation and Parole Services Act and the Court Services Act; to provide for merger of adult probation and parole services as prescribed; to harmonize provisions; to eliminate the Probation and Parole Services Study Act; to provide operative dates; to repeal the original sections; and to outright repeal sections 29-2249.04, 29-2255, 29-2256, 83-1,100.01, and 83-1,104, Reissue Revised Statutes of Nebraska, section 71-1228, Revised Statutes Cumulative Supplement, 2006, and sections 47-635, 47-636, 47-637, 47-638, and 47-639, Revised Statutes Supplement, 2007.

**LEGISLATIVE BILL 1131.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3226.05, Revised Statutes Supplement, 2007; to provide for a collection fee; and to repeal the original section.

**LEGISLATIVE BILL 1132.** Introduced by Christensen, 44.

A BILL FOR AN ACT relating to natural resources; to amend section 2-3226.05, Revised Statutes Supplement, 2007; to change provisions relating to river-flow enhancement bonds; and to repeal the original section.

**LEGISLATIVE BILL 1133.** Introduced by Karpisek, 32; Synowiecki, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Public Employees Retirement Board.

**LEGISLATIVE BILL 1134.** Introduced by Langemeier, 23; Stuthman, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.46, Reissue Revised Statutes of Nebraska; to redefine animal life for sales tax purposes; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 1135.** Introduced by Rogert, 16.

A BILL FOR AN ACT relating to schools; to prohibit certain regulatory actions against student-athletes as prescribed.

**LEGISLATIVE BILL 1136.** Introduced by Rogert, 16.

A BILL FOR AN ACT relating to counties; to amend section 23-1114.01, Reissue Revised Statutes of Nebraska; to change the requirement of and purpose for county classification; and to repeal the original section.

**LEGISLATIVE BILL 1137.** Introduced by Preister, 5; Dierks, 40; Pankonin, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 70-1903, 70-1904, 70-1905, 70-1907, and 77-2704.57, Revised Statutes Supplement, 2007; to change a sales tax exemption related to new wind energy projects; and to repeal the original sections.

**LEGISLATIVE BILL 1138.** Introduced by Dierks, 40; Dubas, 34; Preister, 5.

A BILL FOR AN ACT relating to public power; to amend section 70-1014, Reissue Revised Statutes of Nebraska; to change provisions relating to approval of applications for electric generation facilities; and to repeal the original section.

**LEGISLATIVE BILL 1139.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to highways and roads; to amend section 84-612, Revised Statutes Supplement, 2007; to transfer money from the Cash Reserve Fund for specific road construction purposes; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 1140.** Introduced by Pedersen, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 2007; to exempt social security benefits and government employee retirement benefits from state income taxation; to provide an operative date; and to repeal the original section.

**LEGISLATIVE BILL 1141.** Introduced by Schimek, 27.

A BILL FOR AN ACT relating to schools; to amend section 79-1601, Reissue Revised Statutes of Nebraska; to provide for evaluation of students in schools which elect not to meet state accreditation or approval requirements; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1142.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to child support; to provide for postsecondary education subsidy orders; and to provide a duty for the Revisor of Statutes.

**LEGISLATIVE BILL 1143.** Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to the Nebraska Investment Council; to state intent; to provide duties to the council; and to state intent to appropriate funds to the State Investment Officer.

**LEGISLATIVE BILL 1144.** Introduced by McGill, 26.

A BILL FOR AN ACT relating to the Delayed Deposit Services Licensing Act; to amend sections 45-901, 45-906, 45-915, 45-919, and 45-925, Revised Statutes Cumulative Supplement, 2006; to provide for certain prohibited acts; to provide fees; to provide penalties; to create a data base; to provide powers and duties for the Director of Banking and Finance; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1145.** Introduced by Louden, 49.

A BILL FOR AN ACT relating to the Petroleum Release Remedial Action Act; to amend sections 66-1519, 66-1523, 66-1525, and 66-1529.02, Revised Statutes Cumulative Supplement, 2006; to change dates relating to expenditure of a cash fund; and to repeal the original sections.

**LEGISLATIVE BILL 1146.** Introduced by Nebraska Retirement Systems Committee: Synowiecki, 7, Chairperson; Erdman, 47; Karpisek, 32; White, 8.

A BILL FOR AN ACT relating to the School Employees Retirement Act; to amend section 79-902, Revised Statutes Cumulative Supplement, 2006; to redefine compensation as prescribed; and to repeal the original section.

**LEGISLATIVE BILL 1147.** Introduced by Nebraska Retirement Systems Committee: Synowiecki, 7, Chairperson; Erdman, 47; Karpisek, 32; White, 8.

A BILL FOR AN ACT relating to retirement; to amend sections 79-947.04 and 81-2027.06, Reissue Revised Statutes of Nebraska, sections 24-710.07, 24-710.10, and 81-2027.03, Revised Statutes Cumulative Supplement, 2006, and section 79-947.01, Revised Statutes Supplement, 2007; to change benefit adjustment provisions relating to the Judges Retirement Act, the School Employees Retirement Act, and the Nebraska State Patrol Retirement Act; and to repeal the original sections.

**LEGISLATIVE BILL 1148.** Introduced by Schimek, 27; Chambers, 11.

A BILL FOR AN ACT relating to agriculture; to amend section 28-101,

Revised Statutes Supplement, 2007; to prohibit confinement of a pig as prescribed; to provide a penalty; to harmonize provisions; to provide for severability; and to repeal the original section.

**LEGISLATIVE BILL 1149.** Introduced by Johnson, 37.

A BILL FOR AN ACT relating to behavioral health funding; to amend sections 77-2602, 84-612, and 84-613, Revised Statutes Supplement, 2007; to adopt the Behavioral Health Workforce Development Act; to change the cigarette tax and provide for a portion of the proceeds to be used for behavioral health funding; to provide for a portion of the Cash Reserve Fund to be used as an endowment for funding behavioral health workforce development; to change provisions relating to the allocation of interest on the Cash Reserve Fund; to repeal the original sections; and to declare an emergency.

**LEGISLATIVE BILL 1150.** Introduced by Langemeier, 23; Heidemann, 1; Nantkes, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Natural Resources.

**LEGISLATIVE BILL 1151.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to education; to amend sections 79-1028, 79-1336, and 79-1337, Revised Statutes Supplement, 2007; to provide for an exemption to applicable allowable growth rate for distance education and telecommunications expenditures under the Tax Equity and Educational Opportunities Support Act as prescribed; to change provisions relating to distance education reimbursements and incentives; and to repeal the original sections.

**LEGISLATIVE BILL 1152.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to special education; to amend sections 79-1110, 79-1115, 79-1119, and 79-1140, Reissue Revised Statutes of Nebraska, and sections 79-1001, 79-1003, and 79-1007.02, Revised Statutes Supplement, 2007; to provide for a special education allowance within the Tax Equity and Educational Opportunities Support Act; to redefine terms; to provide duties for the State Department of Education relating to rates; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1153.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to schools; to amend sections 79-8,133, 79-8,134, 79-8,135, 79-8,136, 79-8,137, 79-8,139, 79-8,140, 79-1110, and 79-1157, Reissue Revised Statutes of Nebraska, and section 79-215, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to payment for special education services; to provide duties for the

State Board of Education and the State Department of Education; to change provisions relating to the Attracting Excellence to Teaching Program Act and the Special Education Act; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1154.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to learning communities; to amend section 13-508, Revised Statutes Cumulative Supplement, 2006, and sections 32-546.01, 32-604, 79-611, 79-769, 79-1028, 79-1073, 79-2102, 79-2102.01, 79-2104, 79-2107, 79-2110, 79-2111, 79-2113, 79-2115, 79-2117, and 79-2118, Revised Statutes Supplement, 2007; to change provisions relating to coordinating councils, diversity plans, and open enrollment; to provide for nonvoting learning community coordinating council members as prescribed; to provide for an advisory council; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1155.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to teacher certification; to amend section 79-808, Reissue Revised Statutes of Nebraska, and section 79-810, Revised Statutes Supplement, 2007; to change provisions relating to employment experience in other states; to harmonize provisions; and to repeal the original sections.

**LEGISLATIVE BILL 1156.** Introduced by Synowiecki, 7; Ashford, 20; Howard, 9; Preister, 5.

A BILL FOR AN ACT relating to appropriations; to amend section 84-612, Revised Statutes Supplement, 2007; to adopt the Nebraska Sports Tourism Advantage Act; to transfer money from the Cash Reserve Fund; to repeal the original section; and to declare an emergency.

**LEGISLATIVE BILL 1157.** Introduced by Raikes, 25.

A BILL FOR AN ACT relating to education; to amend section 79-760.03, Revised Statutes Supplement, 2007; to change provisions relating to statewide assessment and reporting; and to repeal the original section.

**LEGISLATIVE BILL 1158.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to economic development; to provide grants for private, nonprofit organizations in high-poverty areas as prescribed; and to state intent to appropriate funds.

**LEGISLATIVE BILL 1159.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to truancy; to amend sections 43-272.01, 43-1311, 43-1312, 79-209, and 79-210, Reissue Revised Statutes of

Nebraska, sections 43-2404.02, 43-3001, and 79-215, Revised Statutes Cumulative Supplement, 2006, and sections 42-364, 43-2923, and 43-2929, Revised Statutes Supplement, 2007; to change provisions relating to parenting plans and compulsory attendance; to provide and change penalties; to provide for admissibility of certified copies of school records as prescribed; to provide for grants as prescribed; to provide for mediation; and to repeal the original sections.

**LEGISLATIVE BILL 1160.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to courts; to amend sections 29-1816 and 43-276, Reissue Revised Statutes of Nebraska, and sections 43-247 and 43-2,129, Revised Statutes Cumulative Supplement, 2006; to change and provide provisions relating to juvenile court jurisdiction, facilitated conferencing, and determination of criminal charge versus juvenile code adjudication; to eliminate duplicative and conflicting provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 43-261, Reissue Revised Statutes of Nebraska.

**LEGISLATIVE BILL 1161.** Introduced by Karpisek, 32.

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

**LEGISLATIVE BILL 1162.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-448, 37-451, 37-458, 37-462, 37-463, 37-465, 37-478, 37-479, 37-483, 37-484, 37-497, 37-4,104, 37-4,105, 37-4,106, and 37-4,108, Reissue Revised Statutes of Nebraska, sections 37-415 and 37-438, Revised Statutes Cumulative Supplement, 2006, and section 37-426, Revised Statutes Supplement, 2007; to remove certain statutory minimum fees; and to repeal the original sections.

## GENERAL FILE

**LEGISLATIVE BILL 586.** Title read. Considered.

Committee AM402, found on page 693, First Session, 2007, was considered.

Senator Dierks withdrew his amendment, AM1575, found on page 259.

The committee amendment was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 619.** Title read. Considered.

Committee AM360, found on page 693, First Session, 2007, was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Senator Pirsch offered the following amendment:

AM1610

- 1 1. On page 3, line 23, strike "Treasury Management Cash"
- 2 and insert "General".

The Pirsch amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Senator Pirsch renewed his amendment, AM1576, found on page 269.

The Pirsch amendment was adopted with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 620.** Title read. Considered.

Committee AM361, found on page 693, First Session, 2007, was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 196.** Title read. Considered.

Committee AM506, found on page 695, First Session, 2007, was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

### **BILLS ON FIRST READING**

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

**LEGISLATIVE BILL 1163.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to tanning facilities; to define terms; to require posted and signed warnings; and to provide penalties.

**LEGISLATIVE BILL 1164.** Introduced by Lautenbaugh, 18.

A BILL FOR AN ACT relating to agriculture; to adopt the Wildlife Damage Act.

**LEGISLATIVE BILL 1165.** Introduced by Nelson, 6; Kruse, 13.

A BILL FOR AN ACT relating to appropriations; to state intent regarding an appropriation to the Nebraska Cultural Preservation Endowment Fund.

**LEGISLATIVE BILL 1166.** Introduced by Nelson, 6.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-117, Revised Statutes Cumulative Supplement, 2006; to provide for the extension of corporate limits into an adjoining county; and to repeal the original section.

**LEGISLATIVE BILL 1167.** Introduced by Pedersen, 39; Ashford, 20.

A BILL FOR AN ACT relating to the Office of Probation Administration; to amend section 60-6,197.03, Revised Statutes Supplement, 2007; to create and provide for participation in the statewide 24/7 sobriety program; to create a fund; to provide duties for the office; to provide for rules and regulations; to change provisions relating to sentencing as prescribed; to harmonize provisions; and to repeal the original section.

**LEGISLATIVE BILL 1168.** Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to appropriations; to direct the use of certain funds previously appropriated to the Department of Health and Human Services.

**LEGISLATIVE BILL 1169.** Introduced by White, 8.

A BILL FOR AN ACT relating to veterans; to authorize health care assistance for certain Nebraska veterans of Operation Enduring Freedom and Operation Iraqi Freedom.

**LEGISLATIVE BILL 1170.** Introduced by White, 8.

A BILL FOR AN ACT relating to labor; to provide a cause of action against employers of illegal immigrants.

**LEGISLATIVE BILL 1171.** Introduced by Dierks, 40.

A BILL FOR AN ACT relating to ethanol; to adopt the Agricultural Commodities Protection Act.

**LEGISLATIVE BILL 1172.** Introduced by Dierks, 40; Dubas, 34;

McDonald, 41.

A BILL FOR AN ACT relating to agriculture; to adopt the Food Supply Animal Veterinary Incentive Program Act; and to state funding intent.

**LEGISLATIVE BILL 1173.** Introduced by Dierks, 40; Langemeier, 23.

A BILL FOR AN ACT relating to animals; to amend sections 38-3301, 38-3302, 38-3314, 38-3326, and 38-3329, Revised Statutes Supplement, 2007; to provide for certification of animal therapists; to change provisions relating to supervision of licensed veterinary technicians and unlicensed assistants; to harmonize provisions; to provide an operative date; and to repeal the original sections.

**LEGISLATIVE BILL 1174.** Introduced by Dierks, 40; Chambers, 11; Dubas, 34; Karpisek, 32; Preister, 5; Wallman, 30.

A BILL FOR AN ACT relating to agriculture; to amend sections 67-409, 76-1520, 76-1521, 76-1523, and 76-1524, Reissue Revised Statutes of Nebraska, and sections 21-2602 and 77-5203, Revised Statutes Cumulative Supplement, 2006; to state intent; to define terms; to restrict entity ownership of agricultural land and farm or ranch operations; to harmonize provisions; to provide for severability; and to repeal the original sections.

**LEGISLATIVE BILL 1175.** Introduced by White, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3104, 77-3105, and 77-3106, Reissue Revised Statutes of Nebraska, and sections 77-2753 and 77-3102, Revised Statutes Supplement, 2007; to change provisions relating to income tax withholding; to harmonize provisions; and to repeal the original sections.

### GENERAL FILE

**LEGISLATIVE BILL 632.** Title read. Considered.

Committee AM527, found on page 697, First Session, 2007, was considered.

Pending.

### BILL ON FIRST READING

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

**LEGISLATIVE BILL 1176.** Introduced by Dubas, 34; Schimek, 27.

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend sections 68-909 and 68-912, Revised Statutes Cumulative Supplement,

2006; to change provisions relating to departmental reports and medicaid benefits; and to repeal the original sections.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 231CA.** Introduced by Erdman, 47.

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

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

To amend Article IV, section 28, and Article V, section 1:

~~IV-28 By January 1, 1997, there shall be a Tax Equalization and Review Commission. The members of the commission shall be appointed by the Governor as provided by law. The commission shall have power to review and equalize assessments of property for taxation within the state and shall have such other powers and perform such other duties as the Legislature may provide. The terms of office and compensation of members of the commission shall be as provided by law.~~

A Tax Commissioner shall be appointed by the Governor with the approval of the Legislature. The Tax Commissioner may have jurisdiction over the administration of the revenue laws of the state and such other duties and powers as provided by law. The Tax Commissioner shall serve at the pleasure of the Governor.

V-1 The judicial power of the state shall be vested in a Supreme Court, an appellate court, a property tax appellate court, district courts, county courts, in and for each county, with one or more judges for each county or with one judge for two or more counties, as the Legislature shall provide, and such other courts inferior to the Supreme Court as may be created by law. In accordance with rules established by the Supreme Court and not in conflict with other provisions of this Constitution and laws governing such matters, general administrative authority over all courts in this state shall be vested in the Supreme Court and shall be exercised by the Chief Justice. The Chief Justice shall be the executive head of the courts and may appoint an administrative director thereof.

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

A constitutional amendment to eliminate the Tax Equalization and Review Commission and to establish a property tax appellate court.

For

Against.

Referred to the Reference Committee.

**LEGISLATIVE RESOLUTION 232.** Introduced by Flood, 19; Adams, 24; Cornett, 45; Dubas, 34; Erdman, 47; Heidemann, 1; Janssen, 15; Johnson, 37; Langemeier, 23; Pankonin, 2; Rogert, 16; Stuthman, 22.

WHEREAS, in 1988 the Legislature, with LB 1041, identified the importance of a system of expressways in Nebraska; and

WHEREAS, the expressways were to connect cities with 15,000 inhabitants or more to the Interstate highways; and

WHEREAS, 421 miles of the expressway plan have been completed and 179 miles are awaiting construction; and

WHEREAS, the use of traffic volume, the top priority recognized by the Department of Roads, is a valid planning tool for upgrading the state highway system in general; and

WHEREAS, expressway completion affects the economic health of our rural areas and the cities which they connect; and

WHEREAS, highway construction costs are increasing and federal highway funding is uncertain.

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

1. That the Transportation and Telecommunications Committee of the Legislature hold a public hearing or hearings to address the importance of prioritizing the uncompleted segments of the 1988 expressway plan, to request that the Department of Roads advise the committee of its plans to prioritize these uncompleted segments, and to address the importance of economic development as a factor more urgent than traffic volume in the completion of the 1988 expressway plan.

2. That the Transportation and Telecommunications Committee submit to the One Hundredth Legislature, Second Session, any legislation needed to effectuate the purposes of this resolution.

### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR232 was referred to the Reference Committee.

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 233CA.** Introduced by Christensen, 44.

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

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

To add a new section 30 to Article I:

I-30 (1) The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.

(2) This section shall apply only to action taken after the effective date of this section.

(3) Nothing in this section prohibits bona fide qualifications based on sex that are reasonably necessary to the normal operation of public employment, public education, or public contracting.

(4) Nothing in this section shall invalidate any court order or consent decree that is in force as of the effective date of this section.

(5) Nothing in this section prohibits action that must be taken to establish or maintain eligibility for any federal program if ineligibility would result in a loss of federal funds to the state.

(6) For purposes of this section, state shall include, but not be limited to, (a) the State of Nebraska, (b) any agency, department, office, board, commission, committee, division, unit, branch, bureau, council, or subunit of the state, (c) any public institution of higher education, (d) any political subdivision of or within the state, and (e) any government institution or instrumentality of or within the state.

(7) The remedies available for violations of this section shall be the same, regardless of the injured party's race, sex, color, ethnicity, or national origin, as are otherwise available for violations of Nebraska's antidiscrimination law.

(8) This section shall be self-executing. If any part or parts of this section are found to be in conflict with federal law or the Constitution of the United States, this section shall be implemented to the maximum extent that federal law and the Constitution of the United States permit. Any provision held invalid shall be severable from the remaining portions of this section.

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

A constitutional amendment to prohibit discrimination and preferential treatment on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting by the state or any of its agencies, institutions, or political subdivisions.

For

Against.

Referred to the Reference Committee.

## COMMITTEE REPORTS

### Enrollment and Review

**LEGISLATIVE BILL 467.** Placed on Select File with amendment.  
ER8136

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 81-8,240, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 81-8,240 As used in sections 81-8,240 to 81-8,254, unless
- 6 the context otherwise requires:
- 7 (1) Administrative agency shall mean any department,
- 8 board, commission, or other governmental unit, any official, any
- 9 employee of the State of Nebraska acting or purporting to act

10 by reason of connection with the State of Nebraska, ~~or~~ any  
 11 corporation, partnership, business, firm, governmental entity, or  
 12 person who is providing health and human services to individuals  
 13 under contract with the State of Nebraska and who is subject  
 14 to the jurisdiction of the office of Public Counsel as required  
 15 by section 73-401, and any county or municipal correctional or  
 16 jail facility and employee thereof acting or purporting to act  
 17 by reason of connection with the county or municipal correctional  
 18 or jail facility; but shall not include (a) any court, (b)  
 19 any member or employee of the Legislature or the Legislative  
 20 Council, (c) the Governor or his or her personal staff, (d)  
 21 any political subdivision or entity thereof except a county or  
 22 municipal correctional or jail facility, (e) any instrumentality  
 23 formed pursuant to an interstate compact and answerable to more

1 than one state, or (f) any entity of the federal government; and  
 2 (2) Administrative act shall include every action, rule,  
 3 regulation, order, omission, decision, recommendation, practice, or  
 4 procedure of an administrative agency.

5 Sec. 2. Section 81-8,244, Reissue Revised Statutes of  
 6 Nebraska, is amended to read:

7 81-8,244 The Public Counsel may select, appoint, and  
 8 compensate as he or she sees fit, within the amount available by  
 9 appropriation, such assistants and employees as he or she deems  
 10 necessary to discharge the responsibilities under sections 81-8,240  
 11 to 81-8,254. He or she shall appoint and designate one assistant  
 12 to be a deputy public counsel, one assistant to be a deputy  
 13 public counsel for corrections, one assistant to be a deputy public  
 14 counsel for institutions, and one assistant to be a deputy public  
 15 counsel for welfare services.

16 Such deputy public counsels shall be subject to the  
 17 control and supervision of the Public Counsel.

18 The authority of the deputy public counsel for  
 19 corrections shall extend to all facilities and parts of facilities,  
 20 offices, houses of confinement, and institutions which are operated  
 21 by the Department of Correctional Services and all county or  
 22 municipal correctional or jail facilities.

23 The authority of the deputy public counsel for  
 24 institutions shall extend to all mental health and veterans  
 25 institutions and facilities operated by the Department of Health  
 26 and Human Services or by any community-based mental health services  
 27 provider that contracts with any behavioral health region to  
 1 provide services for any individual that was a patient of a  
 2 state-owned and state-operated regional center within the prior  
 3 twelve months and to all complaints pertaining to administrative  
 4 acts of the department when those acts are concerned with  
 5 the rights and interests of individuals placed within those  
 6 institutions and facilities.

7 The authority of the deputy public counsel for  
 8 welfare services shall extend to all complaints pertaining to

9 administrative acts of administrative agencies when those acts are  
 10 concerned with the rights and interests of individuals involved in  
 11 the welfare services system of the State of Nebraska.

12 The Public Counsel may delegate to members of the  
 13 staff any authority or duty under sections 81-8,240 to 81-8,254  
 14 except the power of delegation and the duty of formally making  
 15 recommendations to administrative agencies or reports to the  
 16 Governor or the Legislature.

17 Sec. 3. Original sections 81-8,240 and 81-8,244, Reissue  
 18 Revised Statutes of Nebraska, are repealed.

19 2. On page 1, line 3, after "county" insert "or  
 20 municipal"; and in line 4 after "facilities" insert "and mental  
 21 health and veterans institutions; to provide for appointment of a  
 22 deputy public counsel for institutions".

**LEGISLATIVE BILL 467A.** Placed on Select File with amendment.  
 ER8137

1 1. On page 1, line 3; and page 2, line 5, strike "First  
 2 Session, 2007" and insert "Second Session, 2008".

3 2. On page 2, lines 2 and 8, strike "FY2007-08" and  
 4 insert "FY2008-09"; and in lines 3 and 8 strike "FY2008-09" and  
 5 insert "FY2009-10".

**LEGISLATIVE BILL 575.** Placed on Select File with amendment.  
 ER8138

1 1. On page 1, line 2, after the semicolon insert "to  
 2 require nonprofit status for a sales and use tax exemption;"; and  
 3 in line 4 after the semicolon insert "to provide an operative  
 4 date;".

**LEGISLATIVE BILL 706.** Placed on Select File.

**LEGISLATIVE BILL 707.** Placed on Select File.

**LEGISLATIVE BILL 235.** Placed on Select File with amendment.  
 ER8140

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

3 Section 1. Sections 1 to 5 of this act shall be known and  
 4 may be cited as the Nebraska Advantage Film Production Incentive  
 5 Act.

6 Sec. 2. For purposes of the Nebraska Advantage Film  
 7 Production Incentive Act:

8 (1) Crew means any person who works on preproduction,  
 9 principal photography, and postproduction, except producers,  
 10 principal cast, and the director;

11 (2) Film means a professional single media or multimedia  
 12 program or feature, which is not child pornography or obscene  
 13 material, including, but not limited to, national advertising  
 14 messages that are broadcast on a national affiliate or cable

15 network, fixed on film or digital video, which can be viewed  
 16 or reproduced and which is exhibited in theaters, licensed for  
 17 exhibition by individual television stations, groups of stations,  
 18 networks, cable television stations, or other means, or licensed  
 19 for home viewing markets;

20 (3) Production company means a person or company that  
 21 produces film for exhibition; and

22 (4) Production cost means:

23 (a) Wages or salaries of persons who are residents of  
 1 this state and who have earned income from working on a film in  
 2 this state, including payments to personal services corporations  
 3 with respect to the services of qualified performing artists, as  
 4 determined under section 62(a)(2)(B) of the Internal Revenue Code  
 5 of 1986, as amended;

6 (b) The cost of construction and operations, wardrobe,  
 7 and accessories;

8 (c) The cost of photography, sound, and lighting;

9 (d) The cost of editing;

10 (e) Rental of facilities, locations, and equipment; and

11 (f) Wages and salaries of persons who are defined and  
 12 registered as Nebraska expatriates by the Film Office of the  
 13 Department of Economic Development, not to exceed ten percent of  
 14 total production cost eligible for the credit.

15 Sec. 3. (1) A rebate as provided in this section in the  
 16 amount of up to twenty-five percent of documented production costs  
 17 incurred in Nebraska for production of a film in this state shall  
 18 be paid to the production company responsible for the production  
 19 if the Film Office of the Department of Economic Development  
 20 determines that the proposed project has a reasonable chance of  
 21 economic success.

22 (2)(a) The amount of rebate paid to a production company  
 23 with a minimum budget for a film of less than thirty million  
 24 dollars shall be:

25 (i) Twenty-five percent if fifty percent or more of the  
 26 crew are residents of Nebraska and are employed in this state;

27 (ii) Fifteen percent if twenty-five percent up to but not  
 1 including fifty percent of the crew are residents of Nebraska and  
 2 are employed in this state; and

3 (iii) Ten percent if less than twenty-five percent of the  
 4 crew are residents of Nebraska and are employed in this state.

5 (b) The amount of rebate paid to a production company  
 6 with a minimum budget for a film of thirty million dollars or more  
 7 shall be twenty-five percent.

8 (3) The rebate program shall be administered by the Film  
 9 Office.

10 (4) To be eligible for a rebate payment:

11 (a) The production company responsible for a film shall  
 12 submit documentation to the Film Office of the amount of wages or  
 13 salaries paid to residents of this state directly relating to the

14 production and the amount of other production costs incurred in  
15 this state directly relating to the production;

16 (b) The production company shall file a Nebraska income  
17 tax return;

18 (c) Except for major studio productions, the production  
19 company shall provide to the Film Office the name of the completion  
20 guarantor and a copy of the bond guaranteeing the completion of  
21 the project or, if a film has not secured a completion bond, the  
22 production company shall provide evidence to the office that all  
23 Nebraska crew and local vendors have been paid and there are no  
24 liens against the production company pending in this state;

25 (d) The minimum budget for the film shall be two million  
26 dollars of which not less than one million two hundred fifty  
27 thousand dollars of the production costs are incurred in this  
1 state. The minimum budget requirements of this subdivision shall be  
2 met by any production company that produces multiple film projects  
3 within one year if each project meets a minimum budget of three  
4 hundred thousand dollars and the total budget of all projects  
5 in one year is not less than two million dollars of which not  
6 less than one million two hundred fifty thousand dollars of the  
7 production costs are incurred in this state;

8 (e) The production company shall provide evidence to the  
9 Film Office of complete financing for production prior to the  
10 receipt of any rebate under this section; and

11 (f) The production company shall provide evidence to the  
12 Film Office of a certificate of general liability insurance with a  
13 minimum coverage of one million dollars and a workers' compensation  
14 policy pursuant to state law which shall include coverage of  
15 employer's liability prior to the receipt of any rebate under this  
16 section.

17 (5) The Film Office shall approve or disapprove all  
18 claims for rebate and shall notify the State Treasurer of such  
19 approval or disapproval. The State Treasurer shall issue payment  
20 for all approved claims from funds in the Film Enhancement Rebate  
21 Program Fund. The amount of rebates paid from the fund in any  
22 single fiscal year shall not exceed five million dollars. If the  
23 amount of approved rebates exceeds the amount specified in this  
24 subsection in a fiscal year, rebate payments shall be made in  
25 the order in which the rebates are approved by the office. If an  
26 approved rebate is not paid, in whole or in part, the unpaid rebate  
27 or unpaid portion may be paid in the following fiscal year subject  
1 to the limitations specified in this subsection.

2 Sec. 4. The Film Enhancement Rebate Program Fund is  
3 created. The fund shall consist of appropriations to the fund and  
4 any public or private donations, contributions, and gifts received  
5 for the benefit of the fund. Any money in the fund available  
6 for investment shall be invested by the state investment officer  
7 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
8 State Funds Investment Act.

- 9     Sec. 5. The Film Office is created within the Department  
 10 of Economic Development. The office shall be responsible for  
 11 administration of the Nebraska Advantage Film Production Incentive  
 12 Act and shall have such other duties as assigned by the department.  
 13 The department may develop forms and adopt and promulgate rules and  
 14 regulations to carry out the act.  
 15     2. On page 1, strike beginning with "revenue" in line  
 16 1 through line 8 and insert "economic development; to adopt the  
 17 Nebraska Advantage Film Production Incentive Act."

**LEGISLATIVE BILL 235A.** Placed on Select File with amendment.  
 ER8141

- 1     1. On page 1, line 3, strike "First Session, 2007" and  
 2 insert "Second Session, 2008".  
 3     2. On page 2, line 3, strike "2007" and insert "2008";  
 4 in line 5 strike "2008" and insert "2009"; in lines 8, 14, and 20  
 5 strike "FY2007-08" and insert "FY2008-09"; in lines 10, 16, and 20  
 6 strike "FY2008-09" and insert "FY2009-10"; and in line 12 strike  
 7 "First Session, 2007" and insert "Second Session, 2008".

**LEGISLATIVE BILL 202.** Placed on Select File with amendment.  
 ER8139

- 1     1. On page 1, line 3, strike "prohibit" and insert  
 2 "provide restrictions on the imposition of".

(Signed) Amanda McGill, Chairperson

**NOTICE OF COMMITTEE HEARINGS**  
 Natural Resources

Room 1525

Wednesday, January 30, 2008   1:30 p.m.

LB743  
 LB865  
 LB805

Lynn Berggren - Nebraska Game and Parks Commission

(Signed) LeRoy Loudon, Chairperson

Revenue

Room 1524

Thursday, January 31, 2008   1:30 p.m.

LB737

LB757  
LB783  
LB891  
LB974  
LB1012

(Signed) Ray Janssen, Chairperson

Judiciary

Room 1113

Wednesday, January 30, 2008 1:30 p.m.

LB930  
LB957  
LB735  
LB902  
LB840

(Signed) Brad Ashford, Chairperson

Health and Human Services

Room 1510

Wednesday, January 30, 2008 1:30 p.m.

LB759  
LB830  
LB866  
LB882  
LB885

Michael Buscher - Board of Emergency Medical Services  
Kathy Boswell - Rural Health Advisory Commission  
Ann Fiala - Board of Emergency Medical Services  
Robert Dunn - Board of Emergency Medical Services  
Martin L. Fattig - Nebraska Rural Health Advisory Commission  
Sharon Vandegrift - Nebraska Rural Health Advisory Commission

Thursday, January 31, 2008 1:30 p.m.

LB753  
LB807  
LB818  
LB835

Larry Brown - Foster Care Review Board

Douglas A. Dilly - Nebraska Rural Health Advisory Commission

Friday, February 01, 2008 1:30 p.m.

LB749

LB892

(Signed) Joel Johnson, Chairperson

Appropriations

Room 1003

Thursday, January 31, 2008 1:30 p.m.

LB859

LB956

LB998

LB1052

(Signed) Lavon Heidemann, Chairperson

**AMENDMENT - Print in Journal**

Senator Loudon filed the following amendment to LB534:  
AM1579

- 1 1. On page 6, strike beginning with the second "and"
- 2 in line 17 through "practices" in line 18 and insert ". A
- 3 system of credits shall be established for storm water best
- 4 management practices. The city or village shall develop a program
- 5 for pollution prevention and good housekeeping for municipal
- 6 operations, and consideration shall be given to use of appropriate
- 7 storm water best management practices to minimize contamination of
- 8 storm water discharges".
- 9 2. On page 11, strike beginning with the second "and"
- 10 in line 11 through "practices" in line 12 and insert ". A
- 11 system of credits shall be established for storm water best
- 12 management practices. The city or village shall develop a program
- 13 for pollution prevention and good housekeeping for municipal
- 14 operations, and consideration shall be given to use of appropriate
- 15 storm water best management practices to minimize contamination of
- 16 storm water discharges".
- 17 3. On page 13, strike beginning with the first "and"
- 18 in line 4 through "practices" in line 5 and insert ". A
- 19 system of credits shall be established for storm water best
- 20 management practices. The county shall develop a program for
- 21 pollution prevention and good housekeeping for county operations,
- 22 and consideration shall be given to use of appropriate storm water

23 best management practices to minimize contamination of storm water  
1 discharges".

### **MOTION - Print in Journal**

Senator Erdman filed the following motion to LB1141:  
MO111  
Indefinitely postpone.

### **UNANIMOUS CONSENT - Add Cointroducers**

Senator McDonald asked unanimous consent to add her name as cointroducer to LB51. No objections. So ordered.

Senator Pedersen asked unanimous consent to add his name as cointroducer to LB844. No objections. So ordered.

Senator Schimek asked unanimous consent to add her name as cointroducer to LB983. No objections. So ordered.

Senators Burling and Fulton asked unanimous consent to add their names as cointroducers to LB1010. No objections. So ordered.

Senator Aguilar asked unanimous consent to add his name as cointroducer to LB1116. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were Jared Matzke from Gothenburg; Tuscan and Bryan Fairfield from Elkhorn; and Dennis and Kathy Utter from Hastings.

The Doctor of the Day was Dr. Jay Matzke from Gothenburg.

### **ADJOURNMENT**

At 12:02 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Thursday, January 24, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature

