

SIXTY-FOURTH DAY - APRIL 16, 2007

LEGISLATIVE JOURNAL

**ONE HUNDREDTH LEGISLATURE
FIRST SESSION**

SIXTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 16, 2007

PRAYER

The prayer was offered by Senator Kruse.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Langemeier presiding.

The roll was called and all members were present except Senators Ashford, Cornett, Pedersen, and White who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-third day was approved.

**COMMITTEE REPORTS
Enrollment and Review**

LEGISLATIVE BILL 701. Placed on Select File - ER8070.
(Amendment is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 701A. Placed on Select File.

(Signed) Amanda McGill, Chairperson

GENERAL FILE

LEGISLATIVE BILL 73. Title read. Considered.

SENATOR FRIEND PRESIDING

Senator Raikes renewed his amendment, AM1001, found on page 1178.

Senator Heidemann offered the following amendment to the Raikes

amendment:

FA72

Amend AM1001 1. On page 1, line 7, delete "prior" and insert "second preceding".

Senator Chambers requested a record vote on the Heidemann amendment.

Voting in the affirmative, 26:

| | | | | |
|-------------|---------|-----------|------------|------------|
| Adams | Erdman | Hansen | Langemeier | Synowiecki |
| Carlson | Fischer | Harms | Nantkes | Wightman |
| Christensen | Flood | Heidemann | Nelson | |
| Cornett | Friend | Janssen | Pankonin | |
| Dierks | Fulton | Johnson | Pirsch | |
| Engel | Gay | Kruse | Raikes | |

Voting in the negative, 15:

| | | | | |
|----------|---------|----------|----------|---------|
| Aguilar | Dubas | Karpisek | Pahls | Schimek |
| Avery | Howard | Kopplin | Preister | Wallman |
| Chambers | Hudkins | Lathrop | Rogert | White |

Present and not voting, 6:

| | | |
|---------|----------|----------|
| Ashford | McDonald | Mines |
| Burling | McGill | Stuthman |

Excused and not voting, 2:

| | |
|--------|----------|
| Louden | Pedersen |
|--------|----------|

The Heidemann amendment was adopted with 26 ayes, 15 nays, 6 present and not voting, and 2 excused and not voting.

The Raikes amendment, as amended, was adopted with 38 ayes, 5 nays, 3 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 45 ayes, 0 nays, 1 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 73A. Title read. Considered.

Senator McGill offered the following amendment:

FA73

1. Insert the following new section: Sec. 2. Since and emergency exists, this act takes effect when passed and approved according to law. 2. On page 2, line 1, strike "\$174,460" and insert "\$107,693"; and in line 2 strike "\$212,133" and insert "\$139,722".

The McGill amendment was adopted with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

AMENDMENT - Print in Journal

Senator Johnson filed the following amendment to LB 463:
AM1007

- 1 1. On page 16, strike beginning with "until" in line 16
- 2 through "law" in line 17; and strike beginning with "their" in line
- 3 23 through line 24 and insert "otherwise terminated by law.".

VISITORS

Visitors to the Chamber were 25 sixth-grade students, teacher, and sponsors from Edison Elementary, Omaha; fourth-grade students from 1-R School, Hall County; 37 fourth-grade students from St. Libory; 45 fourth-grade students from St. Wenceslaus Elementary, Wahoo; fourth-grade students from Chapman; Steve Lam from Philadelphia, Pennsylvania; 11 seventh- and eighth-grade students and teachers from St. Wenceslaus Catholic School, Dodge; and 47 fourth-grade students and teachers from Harrison Elementary, Omaha.

RECESS

At 11:54 a.m., on a motion by Speaker Flood, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Dierks, Heidemann, Kruse, McDonald, and Pedersen who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 551. Title read. Considered.

Committee AM662, found on page 809, was considered.

Senator Chambers requested a division of the question on the committee amendment.

The Chair sustained the division of the question.

The first committee amendment is as follows:

AM1022

- 1 1. On page 3, lines 7 and 8, strike beginning with
- 2 "collected" through "facilities", show the old matter as stricken,
- 3 and insert "collected by retailers and operators doing business at
- 4 such facilities, including primary and secondary box office sales,
- 5 merchandise sales, and contracted labor for which sales tax is
- 6 paid".
- 7 2. On page 8, lines 6, 7, and 19; and page 9, lines 12,
- 8 13, and 24 strike beginning with "collected" through "facilities"
- 9 and insert "collected by retailers and operators doing business at
- 10 such facilities, including primary and secondary box office sales,
- 11 merchandise sales, and contracted labor for which sales tax is
- 12 paid".

SENATOR ERDMAN PRESIDING

The first committee amendment was adopted with 29 ayes, 2 nays, 15 present and not voting, and 3 excused and not voting.

The second committee amendment is as follows:

AM1023

- 1 1. Insert the following new section:
- 2 Sec. 10. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

The second committee amendment was adopted with 30 ayes, 6 nays, 11 present and not voting, and 2 excused and not voting.

Pending.

COMMITTEE REPORT Enrollment and Review

LEGISLATIVE BILL 368. Placed on Select File - ER8071.
ER8071

- 1 1. In the Standing Committee amendments, AM717, on page
- 2 1, line 2, strike "this act" and insert "the Nebraska Limited
- 3 Cooperative Association Act".
- 4 2. On page 2, line 13, after "cooperative" insert
- 5 "association".
- 6 3. On page 3, line 2, strike "section"; and in line 21
- 7 strike "78 and 79" and insert "80 and 81".
- 8 4. On page 11, line 6, after "and" insert "an".
- 9 5. On page 18, line 1, strike "files" and insert "filed".
- 10 6. On page 27, line 4, strike "section 33 of this
- 11 act" and insert "this section"; and in line 7 after "as" insert

- 12 "otherwise" and strike "section 33 of this act" and insert "this
 13 section".
- 14 7. On page 34, line 8; page 62, lines 8 and 16; and page
 15 76, line 21, strike "An" and insert "A".
- 16 8. On page 35, line 7, after "by" insert "the".
- 17 9. On page 43, line 18, strike "committees" and insert "a
 18 committee".
- 19 10. On page 51, line 16, strike "subsection" and insert
 20 "section".
- 21 11. On page 54, line 6, strike "association" and insert
 22 "associations".
- 23 12. On page 63, line 3, strike "(a)" and insert "(1)".
- 1 13. On page 65, line 7; and page 67, line 19, after
 2 "cooperative" insert "association".
- 3 14. On page 69, line 9, strike the comma.
- 4 15. On page 73, line 14, strike "this section" and insert
 5 "the Nebraska Limited Cooperative Association Act"; and in line 20
 6 strike the first "or" and insert "of".
- 7 16. On page 74, line 16, after "section" insert an
 8 underscored comma.
- 9 17. On page 76, line 14, after "restatement" insert "of
 10 the"; and in line 25 strike "section 88" and insert "sections 88
 11 and 89".
- 12 18. On page 85, line 11, strike "quantum" and insert
 13 "quorum".
- 14 19. On page 86, line 5, strike "owing" and insert
 15 "owning".
- 16 20. On page 89, line 12, strike "consolidations" and
 17 insert "consolidation".

(Signed) Amanda McGill, Chairperson

AMENDMENTS - Print in Journal

Senator Janssen filed the following amendment to LB 367:
 AM1008

(Amendments to Standing Committee amendments, AM911)

- 1 1. On page 43, line 10, strike "and before January 1,
 2 2011,".

Senator Langemeier filed the following amendment to LB 367:
 AM1024

(Amendments to Standing Committee amendments, AM911)

- 1 1. Strike section 23.
- 2 2. On page 1, line 17; and page 3, line 7, strike
 3 "fifty million" and insert "one hundred nine million six hundred
 4 thousand".
- 5 3. On page 68, strike beginning with "and" in line 3
 6 through "are" in line 4 and insert "is".

- 7 4. Renumber the remaining sections and correct internal
- 8 references accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 76. Introduced by Preister, 5.

PURPOSE: The purpose of this study is to examine the rural economic development potential of wind energy development in Nebraska and legislation which may advance this goal.

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

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 77. Introduced by Preister, 5.

PURPOSE: The purpose of this study is to examine the issue of electronic waste recycling in Nebraska with the goal of adopting legislation to establish an electronic recycling waste program.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 78. Introduced by Preister, 5.

PURPOSE: The purpose of this study is to examine issues related to the Open Meetings Act.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 79. Introduced by Preister, 5.

PURPOSE: The purpose of this study is to examine net-metering and draft legislation which creates a net-metering program in Nebraska that encourages the establishment of individual renewable energy generation and does not create a net-burdening or net-billing system.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 80. Introduced by Preister, 5.

PURPOSE: The purpose of this study is to examine the need for cost-benefit analyses to be conducted on services contracts entered into by the State of Nebraska.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 551. Senator Chambers offered the following amendment:

FA74

P. 9, line 9, strike and show as stricken "seventy" and insert "sixty"; in line 23, strike and show as stricken "thirty" and insert "forty".

Pending.

COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 623. Placed on General File.

(Signed) Brad Ashford, Chairperson

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendments to LB 551:

FA75

Page 7, lines 16 and 17, reinstate, "In determining whether state assistance is in the best interest of the state, the board shall consider"; and in lines 19 and 20 reinstate, "the fiscal and economic capacity of the applicant to finance the local share of the eligible facility".

FA76

Page 7, line 15, strike and show as stricken "shall" and insert "may".

FA77

Page 5, line 20, strike "stadiums".

FA78

Page 5, line 19 after "any", insert, "enclosed".

FA79

Page 5, line 22 after "and", insert "on-site".

FA80

Page 9, line 22, strike and show as stricken "It is the intent of the Legislature that the", and insert "The"; in line 24 after "facilities" insert "shall"

FA81

Page 4, line 20, strike beginning with "located" through "accommodations" in line 23 and insert, "in which the public may for a consideration obtain sleeping accommodations, and which is located within two hundred yards of a convention and meeting center facility or a sports arena facility".

ANNOUNCEMENT

Senator Cornett announced the Business and Labor Committee will hold an executive session Tuesday, April 17, 2007, at 11:00 a.m., under the north balcony.

VISITORS

Visitors to the Chamber were 55 fourth-grade students, teachers, and sponsors from Belair School, Norfolk.

The Doctor of the Day was Dr. Ronald Morse from Verdigre.

ADJOURNMENT

At 4:29 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Tuesday, April 17, 2007.

Patrick J. O'Donnell
Clerk of the Legislature

