

THIRTIETH DAY - FEBRUARY 25, 2008**LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE
SECOND SESSION****THIRTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, February 25, 2008

PRAYER

The prayer was offered by Pastor Bud Leach, Church of the Nazarene, Falls City.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Nantkes, Schimek, and Stuthman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-ninth day was approved.

COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 371. Placed on General File with amendment.
AM1857 is available in the Bill Room.

LEGISLATIVE BILL 1147. Placed on General File with amendment.
AM1999 is available in the Bill Room.

LEGISLATIVE BILL 611. Indefinitely postponed.

LEGISLATIVE BILL 612. Indefinitely postponed.

LEGISLATIVE BILL 613. Indefinitely postponed.

LEGISLATIVE BILL 679. Indefinitely postponed.

LEGISLATIVE BILL 967. Indefinitely postponed.

(Signed) John Synowiecki, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 246. Introduced by Howard, 9; Adams, 24; Aguilar, 35; Ashford, 20; Avery, 28; Burling, 33; Carlson, 38; Chambers, 11; Christensen, 44; Cornett, 45; Dierks, 40; Engel, 17; Fischer, 43; Flood, 19; Friend, 10; Fulton, 29; Gay, 14; Hansen, 42; Harms, 48; Heidemann, 1; Hudkins, 21; Janssen, 15; Johnson, 37; Karpisek, 32; Kopplin, 3; Kruse, 13; Langemeier, 23; Lathrop, 12; Lautenbaugh, 18; Loudon, 49; McDonald, 41; McGill, 26; Nantkes, 46; Nelson, 6; Pahls, 31; Pankonin, 2; Pedersen, 39; Preister, 5; Raikes, 25; Rogert, 16; Schimek, 27; Synowiecki, 7; Wallman, 30; White, 8; Wightman, 36.

WHEREAS, each year social workers across the country celebrate their profession during March; and

WHEREAS, National Professional Social Work Month is observed in March and this year's theme is a central tenet of social work, building on strengths; and

WHEREAS, the foundation for growth and change in an individual, a family, and a community are their strengths; and

WHEREAS, all individuals, families, and communities have strengths. Understanding and utilizing these strengths are essential to improving emotional health and well-being; and

WHEREAS, more than six hundred thousand social workers are educated in the strengths perspective, which emphasizes working with client or community resources, capabilities, support systems, and motivations to meet current challenges; and

WHEREAS, the goals of National Professional Social Work Month in 2008 are to expand the public perception of the breadth and depth of social work, reach out to the media to promote the importance of social work services and social work professionals to society, promote a theme that resonates with and builds pride in social workers, and increase understanding of social workers' roles in working with families and communities.

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

1. That the Legislature recognizes March, 2008, as Professional Social Work Month in Nebraska.

2. That during this week communities are encouraged to participate in activities designed to increase public awareness about the contributions of professionals in the field of social work.

Laid over.

LEGISLATIVE RESOLUTION 247. Introduced by Christensen, 44.

WHEREAS, Ian Matthew Hunter of Troop 244, McCook, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Ian has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. Ian, for his Eagle Scout community service project, led a group of volunteers in refurbishing six computers with new software and hardware for donation to Hillcrest Nursing Home for its residents; and

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

WHEREAS, Ian, through his hard work and perseverance, will join other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Ian Matthew Hunter on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Ian Matthew Hunter.

Laid over.

ANNOUNCEMENT

Speaker Flood designates LBs 308, 734, 743, 746, 768, 781, 786, 806, 813, 819, 837, 877, 884, 894, 907, 911, 914, 939, 953, 956, 962, 1056, 1104, 1172, and LR229CA as Speaker priority bills and resolution.

ANNOUNCEMENT

The Chair announced today is Senator Kruse's birthday.

GENERAL FILE

LEGISLATIVE BILL 797. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, and 17 present and not voting.

LEGISLATIVE BILL 1014. Title read. Considered.

Committee AM2006, found on page 673, was considered.

SPEAKER FLOOD PRESIDING

PRESIDENT SHEEHY PRESIDING

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

The committee amendment was adopted with 26 ayes, 10 nays, 12 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 2 nays, 13 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

MESSAGE FROM THE GOVERNOR

February 25, 2008

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Mr. Speaker, and Members of the Legislature:

This letter is written to inform you that Patrick J. Thomas has resigned from the Nebraska Liquor Control Commission. Therefore, the request for confirmation of his appointment as a member of the Nebraska Liquor Control Commission is respectfully withdrawn.

Sincerely,
(Signed) Dave Heineman
Governor

MOTION - Suspend Rules

Senator McDonald offered the following motion:

To suspend Rule 3, Section 13 to permit cancellation of the appointment hearing of Patrick J. Thomas - Nebraska Liquor Control Commission.

The McDonald motion to suspend the rules prevailed with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 248. Introduced by Fulton, 29.

WHEREAS, Union College has provided exceptional postsecondary education in both professional and liberal arts degree programs in Lincoln, Nebraska, since 1891; and

WHEREAS, enrollment at Union College surpassed one thousand students in August of 2007 for the first time in twenty-four years; and

WHEREAS, Union College has received national acclamation as one of America's Best Colleges and is in the top tier of Midwestern baccalaureate institutions; and

WHEREAS, Union College was named to the 2007 President's Higher Education Community Service Honor Roll, the highest federal recognition a college can achieve for its commitment to service-learning and civic engagement; and

WHEREAS, President David Smith and the faculty and staff of Union College have undertaken great effort to recruit exemplary students nationally and globally; and

WHEREAS, the students, graduates, and faculty and staff of Union College provide an integral benefit to the intellectual and economic development of the State of Nebraska.

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

1. That the Legislature commends Union College on its recent achievements and encourages its continued progress.

2. That a copy of this resolution be delivered to Union College.

Laid over.

COMMITTEE REPORTS

Appropriations

LEGISLATIVE BILL 956. Placed on General File.

(Signed) Lavon Heidemann, Chairperson

Judiciary

LEGISLATIVE BILL 15. Indefinitely postponed.

LEGISLATIVE BILL 36. Indefinitely postponed.

LEGISLATIVE BILL 37. Indefinitely postponed.

LEGISLATIVE BILL 38. Indefinitely postponed.

LEGISLATIVE BILL 45. Indefinitely postponed.

LEGISLATIVE BILL 180. Indefinitely postponed.

LEGISLATIVE BILL 215. Indefinitely postponed.

LEGISLATIVE BILL 828. Indefinitely postponed.

LEGISLATIVE BILL 839. Indefinitely postponed.

LEGISLATIVE BILL 957. Indefinitely postponed.

(Signed) Brad Ashford, Chairperson

Revenue

LEGISLATIVE BILL 777. Placed on General File with amendment.
AM2002

- 1 1. Strike the original sections and insert the following
 2 new sections:
 3 Section 1. Section 77-1359, Revised Statutes Cumulative
 4 Supplement, 2006, is amended to read:
 5 77-1359 The Legislature finds and declares that
 6 agricultural land and horticultural land shall be a separate and
 7 distinct class of real property for purposes of assessment. The
 8 assessed value of agricultural land and horticultural land shall
 9 not be uniform and proportionate with all other real property, but
 10 the assessed value shall be uniform and proportionate within the
 11 class of agricultural land and horticultural land.
 12 For purposes of sections 77-1359 to 77-1363:
 13 (1) Agricultural land and horticultural land means a
 14 parcel of land, excluding any farm home site or farm site, which
 15 is primarily used for agricultural or horticultural purposes,
 16 including wasteland lying in or adjacent to and in common ownership
 17 or management with other agricultural land and horticultural land.
 18 Agricultural land and horticultural land does not include any land
 19 directly associated with any building or enclosed structure;
 20 (2) Agricultural or horticultural purposes means used for
 21 the commercial production of any plant or animal product in a
 22 raw or unprocessed state that is derived from the science and
 23 art of agriculture, aquaculture, or horticulture. Agricultural or
 1 horticultural purposes includes the following uses of land:
 2 (a) Land retained or protected for future agricultural or
 3 horticultural purposes under a conservation easement as provided
 4 in the Conservation and Preservation Easements Act except when the
 5 parcel or a portion thereof is being used for purposes other than
 6 agricultural or horticultural purposes; and
 7 (b) Land enrolled in a federal or state program in which
 8 payments are received for removing such land from agricultural or
 9 horticultural production;
 10 (3) Farm home site means not more than one acre of
 11 land contiguous to a farm site which includes an inhabitable
 12 residence and improvements used for residential purposes, and such
 13 improvements include utility connections, water and sewer systems,
 14 and improved access to a public road; and
 15 (4) Farm site means the portion of land contiguous to
 16 land actively devoted to agriculture which includes improvements
 17 that are agricultural or horticultural in nature, including any
 18 uninhabitable or unimproved farm home site.

- 19 Sec. 2. Original section 77-1359, Revised Statutes
 20 Cumulative Supplement, 2006, is repealed.
 21 Sec. 3. Since an emergency exists, this act takes effect
 22 when passed and approved according to law.

LEGISLATIVE BILL 888. Placed on General File with amendment.
 AM2003

- 1 1. On page 2, lines 8 and 10, strike "two" and insert
- 2 "one".

LEGISLATIVE BILL 916. Placed on General File with amendment.
 AM1932 is available in the Bill Room.

LEGISLATIVE BILL 1001. Placed on General File with amendment.
 AM2001 is available in the Bill Room.

(Signed) Ray Janssen, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 745. Placed on General File.

LEGISLATIVE BILL 858. Placed on General File.

LEGISLATIVE BILL 1067. Placed on General File.

LEGISLATIVE BILL 822. Placed on General File with amendment.
 AM1737

- 1 1. On page 10, line 3, after "system" insert "for
- 2 political subdivisions".

LEGISLATIVE BILL 838. Placed on General File with amendment.
 AM1788

- 1 1. On page 4, line 25, strike "(1)" and insert "(a)".
- 2 2. On page 5, line 1, strike "(2)" and insert "(b)"
- 3 and strike "live" and insert "reside"; in line 3 strike "(3)" and
- 4 insert "(c)"; and in line 5 strike "(4)" and insert "(d)".

LEGISLATIVE BILL 1030. Indefinitely postponed.

LEGISLATIVE RESOLUTION 225CA. Indefinitely postponed.

(Signed) Ray Aguilar, Chairperson

Natural Resources

LEGISLATIVE BILL 986. Placed on General File with amendment.
 AM1998

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Sections 1 to 11 of this act shall be known

4 and may be cited as the Electronics Recycling Act.

5 Sec. 2. The purpose of the Electronics Recycling Act is
6 to establish a comprehensive electronic device recycling system
7 that ensures the safe and environmentally sound management of
8 electronic devices and encourages the design of electronic devices
9 that are recyclable and less toxic.

10 Sec. 3. For purposes of the Electronics Recycling Act:

11 (1) Computer means a desktop, portable or laptop,
12 electronic, magnetic, optical, electrochemical, or other high-speed
13 data processing device which is capable of performing logical,
14 arithmetic, or storage functions, and includes, but is not limited
15 to, a computer central processing unit and a monitor. Computer
16 does not include an automated typewriter or typesetter, a portable
17 handheld calculator, a portable digital assistant, or other similar
18 device;

19 (2) Department means the Department of Environmental
20 Quality;

21 (3)(a) Electronic device means a computer, video display
22 device, or television; and

23 (b) Electronic device does not include:

1 (i) An electronic device that is a part of a motor
2 vehicle or any component part of a motor vehicle assembled by
3 or for a vehicle manufacturer or franchise dealer, including
4 replacement parts for use in a motor vehicle;

5 (ii) An electronic device that is functionally or
6 physically a part of a larger piece of equipment designed and
7 intended for use in an industrial, commercial, or medical setting,
8 including diagnostic, monitoring, or control equipment;

9 (iii) An electronic device that is contained within
10 a clothes washer, clothes dryer, refrigerator, refrigerator and
11 freezer, microwave oven, conventional oven or range, dishwasher,
12 room air conditioner, dehumidifier, or air purifier; or

13 (iv) A telephone of any type unless it contains a video
14 display area greater than nine inches measured diagonally;

15 (4) Manufacturer means a person who:

16 (a) Sells electronic devices under its own brand or label
17 for sale in the United States;

18 (b) Sells electronic devices in this state without
19 affixing a brand or label onto such device;

20 (c) Resells in this state under its own brand or label
21 electronic devices manufactured by another firm or entity, unless
22 the firm or entity which manufactured the electronic devices sold
23 under the brand or label of the reseller meets the registration
24 requirements of the act;

25 (d) Imports electronic devices into the United States. If
26 the company from whom an importer purchases the electronic device
27 has a presence or assets in the United States, that company shall
1 be deemed to be the manufacturer; or

2 (e) Manufactures electronic devices, supplies them to any

3 person within a distribution network that includes wholesalers or
4 retailers in this state, and benefits from the sale in this state
5 of such electronic devices through the distribution network;

6 (5) Monitor means a separate video display component of
7 a computer that does not contain a tuner, whether sold separately
8 or together with a computer central processing unit or computer
9 box, and includes a cathode ray tube, liquid crystal display,
10 gas plasma, digital light processing, or other image projection
11 technology greater than four inches when measured diagonally, and
12 its case, interior wires, and circuitry;

13 (6) Recycling means any process by which an electronic
14 device that would otherwise have become solid waste or hazardous
15 waste is collected, separated, and processed to be returned to
16 use in the form of raw materials or products or is refurbished or
17 donated for reuse;

18 (7) Television means a stand-alone display system
19 containing a cathode ray tube, liquid crystal display, gas plasma,
20 digital light processing, or other type of display primarily
21 intended to receive video programming via broadcast, having a
22 viewable area greater than four inches when measured diagonally,
23 able to adhere to standard consumer video requirements, and having
24 the capability of selecting different broadcast channels and
25 support sound capability; and

26 (8) Video display device means a device that has an
27 output surface having a viewable area greater than four inches
1 when measured diagonally that displays moving graphical images or
2 a visual representation of image sequences or pictures and shows a
3 number of quickly changing images on a screen in fast succession
4 to create the illusion of motion, including, but not limited to,
5 a device that is an integral part of the display that cannot be
6 easily removed from the display by the consumer and that produces
7 the moving image on the screen and includes technology using a
8 cathode ray tube, liquid crystal display, gas plasma, digital light
9 processing, or other image projection technology.

10 Sec. 4. Beginning July 1, 2009, no manufacturer shall
11 offer for sale in this state a new electronic device if the
12 manufacturer is not in compliance with the Electronics Recycling
13 Act.

14 Sec. 5. (1) On or before January 31, 2009, and each
15 January 31 thereafter, a manufacturer shall register and certify
16 with the department the number of electronic devices sold in this
17 state by the manufacturer in the previous calendar year.

18 (2) On or before January 31, 2010, and each January 31
19 thereafter, a manufacturer may certify the number of electronic
20 devices recycled from this state by the manufacturer in the
21 previous calendar year. The manufacturer or group of manufacturers
22 may recycle electronic devices from any manufacturer to meet the
23 fifty percent requirement in subsection (2) of section 6 of this
24 act.

25 Sec. 6. (1) On or before January 31, 2009, and each
26 January 31 thereafter, a manufacturer shall remit to the department
27 a recycling fee equal to two dollars per electronic device sold in
1 this state by the manufacturer in the previous calendar year and
2 the following registration fee based on the number of electronic
3 devices sold in this state by the manufacturer in the previous
4 calendar year:

5 (a) One thousand dollars for sales of five hundred to one
6 thousand electronic devices;

7 (b) Five thousand dollars for sales of more than one
8 thousand to two thousand five hundred electronic devices; or

9 (c) Seven thousand five hundred dollars for sales of more
10 than two thousand five hundred electronic devices.

11 (2) Beginning January 1, 2010, the recycling fee shall
12 be fifty percent of the required recycling fee prescribed in
13 subsection (1) of this section if the manufacturer or group of
14 manufacturers has certified that it has recycled a minimum of fifty
15 percent of the number of electronic devices sold in this state in
16 the previous calendar year as described in section 5 of this act.

17 Sec. 7. The department shall:

18 (1) Collect the fees as prescribed in section 6 of this
19 act and remit such fees to the State Treasurer for credit to the
20 Waste Reduction and Recycling Incentive Fund; and

21 (2) Exercise all powers necessary and appropriate to
22 carry out the Electronics Recycling Act.

23 Sec. 8. No manufacturer shall charge a fee for the
24 collection, transportation, or recycling of an electronic device at
25 the time and place of collection for recycling.

26 Sec. 9. It is the intent of the Legislature that the
27 Electronics Recycling Act cover all aspects of infrastructure
1 development and the collection, transportation, and recycling of
2 electronic devices. If a federal program is adopted to collect,
3 transport, and recycle electronic devices which is at least
4 as stringent as the Electronics Recycling Act, the Electronics
5 Recycling Act shall terminate.

6 Sec. 10. All fees remitted pursuant to the Electronics
7 Recycling Act, after deducting costs of program administration,
8 shall be used pursuant to subsection (6) of section 81-15,160 to
9 award grants for infrastructure development and the collection,
10 transportation, and recycling of electronic devices. Any unused
11 fees shall be carried over and available for grants in the
12 following year.

13 Sec. 11. The Environmental Quality Council may adopt
14 and promulgate rules and regulations to carry out the Electronics
15 Recycling Act.

16 Sec. 12. Section 81-15,160, Revised Statutes Supplement,
17 2007, is amended to read:

18 81-15,160 (1) The Waste Reduction and Recycling Incentive
19 Fund is created. The department shall deduct from the fund amounts

20 sufficient to reimburse itself for its costs of administration
 21 of the fund. The fund shall be administered by the Department
 22 of Environmental Quality. The fund shall consist of proceeds from
 23 the fees imposed pursuant to the Waste Reduction and Recycling
 24 Incentive Act.

25 (2) The fund may be used for purposes which include, but
 26 are not limited to:

27 (a) Technical and financial assistance to political
 1 subdivisions for creation of recycling systems and for modification
 2 of present recycling systems;

3 (b) Recycling and waste reduction projects, including
 4 public education, planning, and technical assistance;

5 (c) Market development for recyclable materials separated
 6 by generators, including public education, planning, and technical
 7 assistance;

8 (d) Capital assistance for establishing private and
 9 public intermediate processing facilities for recyclable materials
 10 and facilities using recyclable materials in new products;

11 (e) Programs which develop and implement composting of
 12 yard waste and composting with sewage sludge;

13 (f) Technical assistance for waste reduction and waste
 14 exchange for waste generators;

15 (g) Programs to assist communities and counties to
 16 develop and implement household hazardous waste management
 17 programs; and

18 (h) Capital assistance for establishing private and
 19 public facilities to manufacture combustible waste products and
 20 to incinerate combustible waste to generate and recover energy
 21 resources, except that no disbursements shall be made under this
 22 section for scrap tire processing related to tire-derived fuel.

23 ~~The State Treasurer shall transfer two million one~~
 24 ~~hundred thousand dollars from the Waste Reduction and Recycling~~
 25 ~~Incentive Fund to the General Fund within five days after August~~
 26 ~~16, 2002.~~

27 (3) Grants up to one million dollars annually shall be
 1 available until June 30, 2009, for new scrap tire projects only, if
 2 acceptable scrap tire project applications are received. Eligible
 3 categories of disbursement under section 81-15,161 may include, but
 4 are not limited to:

5 (a) Reimbursement for the purchase of crumb rubber
 6 generated and used in Nebraska, with disbursements not to exceed
 7 fifty percent of the cost of the crumb rubber;

8 (b) Reimbursement for the purchase of tire-derived
 9 product which utilizes a minimum of twenty-five percent recycled
 10 tire content, with disbursements not to exceed twenty-five percent
 11 of the product's retail cost; ~~except that persons who applied for~~
 12 ~~a grant between June 1, 1999, and May 31, 2001, for the purchase~~
 13 ~~of tire derived product which utilizes a minimum of twenty five~~
 14 ~~percent recycled tire content may apply for reimbursement on or~~

15 before July 1, 2002. Reimbursement shall not exceed twenty five
 16 percent of the product's retail cost and may be funded in fiscal
 17 years 2001-02 and 2002-03;

18 (c) Participation in the capital costs of building,
 19 equipment, and other capital improvement needs or startup costs
 20 for scrap tire processing or manufacturing of tire-derived product,
 21 with disbursements not to exceed fifty percent of such costs or
 22 five hundred thousand dollars, whichever is less;

23 (d) Participation in the capital costs of building,
 24 equipment, or other startup costs needed to establish collection
 25 sites or to collect and transport scrap tires, with disbursements
 26 not to exceed fifty percent of such costs;

27 (e) Cost-sharing for the manufacturing of tire-derived
 1 product, with disbursements not to exceed twenty dollars per ton
 2 or two hundred fifty thousand dollars, whichever is less, to any
 3 person annually;

4 (f) Cost-sharing for the processing of scrap tires, with
 5 disbursements not to exceed twenty dollars per ton or two hundred
 6 fifty thousand dollars, whichever is less, to any person annually;

7 (g) Cost-sharing for the use of scrap tires for civil
 8 engineering applications for specified projects, with disbursements
 9 not to exceed twenty dollars per ton or two hundred fifty thousand
 10 dollars, whichever is less, to any person annually; and

11 (h) Disbursement to a political subdivision up to one
 12 hundred percent of costs incurred in cleaning up scrap tire
 13 collection and disposal sites.

14 The director shall give preference to projects which
 15 utilize scrap tires generated and used in Nebraska.

16 (4) Priority for grants made under section 81-15,161
 17 shall be given to grant proposals demonstrating a formal
 18 public/private partnership except for grants awarded from fees
 19 collected under subsection (6) of section 13-2042.

20 (5) Grants awarded from fees collected under subsection
 21 (6) of section 13-2042 may be renewed for up to a five-year
 22 grant period. Such applications shall include an updated integrated
 23 solid waste management plan pursuant to section 13-2032. Annual
 24 disbursements are subject to available funds and the grantee
 25 meeting established grant conditions. Priority for such grants
 26 shall be given to grant proposals showing regional participation
 27 and programs which address the first integrated solid waste
 1 management hierarchy as stated in section 13-2018 which shall
 2 include toxicity reduction. Disbursements for any one year shall
 3 not exceed fifty percent of the total fees collected after rebates
 4 under subsection (6) of section 13-2042 during that year.

5 (6) Grants shall be awarded from fees collected under the
 6 Electronics Recycling Act.

7 ~~(6)-(7)~~ Any person who stores waste tires in violation
 8 of section 13-2033, which storage is the subject of abatement
 9 or cleanup, shall be liable to the State of Nebraska for the

10 reimbursement of expenses of such abatement or cleanup paid by the
11 Department of Environmental Quality.

12 ~~(7)~~(8) The Department of Environmental Quality may
13 receive gifts, bequests, and any other contributions for deposit
14 in the Waste Reduction and Recycling Incentive Fund. Any money in
15 the fund available for investment shall be invested by the state
16 investment officer pursuant to the Nebraska Capital Expansion Act
17 and the Nebraska State Funds Investment Act.

18 Sec. 13. If any section in this act or any part of any
19 section is declared invalid or unconstitutional, the declaration
20 shall not affect the validity or constitutionality of the remaining
21 portions.

22 Sec. 14. Original section 81-15,160, Revised Statutes
23 Supplement, 2007, is repealed.

LEGISLATIVE BILL 1065. Placed on General File with amendment.
AM1991

1 1. Insert the following new section:

2 Sec. 7. A local distribution utility shall file an annual
3 report with the Nebraska Power Review Board. The report shall
4 indicate the number of net metering systems within the local
5 distribution utility, the rated kilowatt hour capacity of each
6 system, the location of each qualified generation unit, and the
7 type of energy source used by such qualified generation unit.

8 2. On page 2, line 12; page 4, line 19; and page 8, line
9 8, strike "6" and insert "7".

10 3. On page 6, line 15, strike "less than" and insert
11 "rated at" and after "kilowatts" insert "or less"; and in line 18
12 strike "at or".

13 4. On page 8, line 13, after "adopted" insert "or has
14 initiated consideration of".

LEGISLATIVE BILL 1066. Placed on General File with amendment.
AM2020

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

3 Section 1. Section 70-1014.01, Reissue Revised Statutes
4 of Nebraska, is amended to read:

5 70-1014.01 (1) An application by a municipality, a
6 registered group of municipalities, a public power district, a
7 public power and irrigation district, an electric cooperative,
8 an electric membership association, or any other governmental
9 entity for a facility that will generate not more than ten
10 thousand kilowatts of electric energy at rated capacity and
11 will generate electricity using solar, wind, biomass, landfill
12 gas, methane gas, or hydropower generation technology or an
13 emerging generation technology, including, but not limited to,
14 fuel cells and micro-turbines, shall be deemed a special generation
15 application. Such application shall be approved by the board

16 if the board finds that ~~(1)-(a)~~ the application qualifies as
 17 a special generation application, ~~(2)-(b)~~ the application will
 18 provide public benefits sufficient to warrant approval of the
 19 application, although it may not constitute the most economically
 20 feasible generation option, and ~~(3)-(c)~~ the application under
 21 consideration represents a separate and distinct project from any
 22 previous special generation application the applicant may have
 23 filed.

1 (2) An application by a municipality, a registered
 2 group of municipalities, a public power district, a public power
 3 and irrigation district, an electric cooperative, an electric
 4 membership association, or any other governmental entity for a
 5 facility that will generate more than ten thousand kilowatts of
 6 electric energy at rated capacity and will generate electricity
 7 using renewable energy sources, such as solar, wind, biomass,
 8 landfill gas, methane gas, or hydropower generation technology,
 9 or an emerging technology, including, but not limited to, fuel
 10 cells and microturbines, may be filed with the board if (a) the
 11 total production from all such renewable projects, excluding sales
 12 from such projects to other electric-generating entities, does not
 13 exceed ten percent of total energy sales as shown in the Annual
 14 Electric Power Industry Report to the United States Department of
 15 Energy and (b) the power supplier's governing body conducts at
 16 least one advertised public hearing which affords the ratepayers of
 17 the producing entity a chance to review and comment on the subject
 18 of the application.

19 (3) The application shall be approved by the board if
 20 the board finds that (a) the applicant is using renewable energy
 21 sources referred to in subsection (2) of this section, (b) that the
 22 total production from all renewable projects of the power supplier
 23 does not exceed ten percent of the power supplier's total energy
 24 sales as described in subsection (1) of this section, and (c)
 25 the power supplier's governing body has conducted at least one
 26 advertised public hearing which affords its ratepayers a chance to
 27 review and comment on the subject of the application.

1 Sec. 2. Original section 70-1014.01, Reissue Revised
 2 Statutes of Nebraska, is repealed.

LEGISLATIVE BILL 1094. Placed on General File with amendment.
 AM2036

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

3 Section 1. The Legislature finds that water right holders
 4 who lease and forgo water use to assist in the management,
 5 protection, and conservation of the water resources of river
 6 basins must be paid. It is the intent of the Legislature to
 7 provide payment to such water right holders through the financial
 8 assistance provided in section 2 of this act. The Legislature
 9 further finds the financial assistance provided by the state

10 under such section shall be repaid through the authority granted
11 under Laws 2007, LB 701, or such other means as provided by the
12 Legislature once the litigation is resolved.

13 Sec. 2. (1) The Water Contingency Cash Fund is created.
14 The Department of Natural Resources shall administer the fund. Any
15 money in the fund available for investment shall be invested by the
16 state investment officer pursuant to the Nebraska Capital Expansion
17 Act and the Nebraska State Funds Investment Act.

18 (2) No later than five days after the effective date
19 of this act, a natural resources district with jurisdiction that
20 includes a river subject to an interstate compact among three or
21 more states and that also includes one or more irrigation districts
22 within the compact river basin, and such natural resources
23 district, using authority granted under Laws 2007, LB 701, enters
1 or has entered into agreements, shall submit a request in writing
2 to the department certifying the amount of financial assistance
3 necessary to meet its obligations under section 2-3226.04. Within
4 fifteen days after the effective date of this act, if such a
5 request has been received by the department, the department shall
6 expend from the Water Contingency Cash Fund the amount requested
7 to provide financial assistance to the submitting natural resources
8 district. The natural resources district shall use the financial
9 assistance provided by the state from the Water Contingency Cash
10 Fund to compensate water rights holders who agree or have agreed
11 to lease and forgo the use of water. Any financial assistance
12 provided under this section not used for such purpose by the
13 natural resources district within sixty days after it is received
14 by such district shall be returned to the department for credit in
15 the Water Contingency Cash Fund.

16 Sec. 3. Section 84-612, Revised Statutes Supplement,
17 2007, is amended to read:

18 84-612 (1) There is hereby created within the state
19 treasury a fund known as the Cash Reserve Fund which shall be under
20 the direction of the State Treasurer. The fund shall only be used
21 pursuant to this section.

22 (2) The State Treasurer shall transfer funds from the
23 Cash Reserve Fund to the General Fund upon certification by the
24 Director of Administrative Services that the current cash balance
25 in the General Fund is inadequate to meet current obligations. Such
26 certification shall include the dollar amount to be transferred.
27 Any transfers made pursuant to this subsection shall be reversed
1 upon notification by the Director of Administrative Services that
2 sufficient funds are available.

3 (3) The State Treasurer, at the direction of the
4 budget administrator of the budget division of the Department
5 of Administrative Services, shall transfer such amounts not to
6 exceed seven million seven hundred fifty-three thousand two hundred
7 sixty-three dollars in total from the Cash Reserve Fund to the
8 Nebraska Capital Construction Fund between July 1, 2003, and June

9 30, 2007.

10 (4) The State Treasurer, at the direction of the budget
11 administrator, shall transfer an amount equal to the total amount
12 transferred pursuant to subsection (3) of this section from the
13 General Fund to the Cash Reserve Fund on or before June 30, 2008.

14 (5) In addition to receiving transfers from other funds,
15 the Cash Reserve Fund shall receive federal funds received by the
16 State of Nebraska for undesignated general government purposes,
17 federal revenue sharing, or general fiscal relief of the state.

18 (6) On June 15, 2007, the State Treasurer shall transfer
19 fifteen million six hundred seventy-four thousand one hundred seven
20 dollars from the Cash Reserve Fund to the General Fund.

21 (7) On June 16, 2008, the State Treasurer shall transfer
22 seventeen million nine hundred thirty-one thousand thirty dollars
23 from the Cash Reserve Fund to the General Fund.

24 (8) On June 15, 2009, the State Treasurer shall transfer
25 four million nine hundred ninety thousand five hundred five dollars
26 from the Cash Reserve Fund to the General Fund.

27 (9) On or before June 16, 2008, the State Treasurer, at
1 the direction of the budget administrator, shall transfer fifty
2 million dollars from the Cash Reserve Fund to the General Fund.

3 (10) On or before June 16, 2009, the State Treasurer,
4 at the direction of the budget administrator, shall transfer fifty
5 million dollars from the Cash Reserve Fund to the General Fund.

6 (11) From the effective date of an endowment agreement
7 as defined in subdivision (3)(c) of section 79-1101 until June
8 30, 2007, forty million dollars of the Cash Reserve Fund shall be
9 deemed to constitute the Early Childhood Education Endowment Fund.
10 Such funds shall remain part of the Cash Reserve Fund for all
11 purposes, except that the interest earned on such forty million
12 dollars shall accrue as provided in section 84-613.

13 (12) The State Treasurer, at the direction of the budget
14 administrator, shall transfer such amounts, as certified by the
15 Director of Administrative Services, for employee health insurance
16 claims and expenses, not to exceed twelve million dollars in total
17 from the Cash Reserve Fund to the State Employees Insurance Fund
18 between May 1, 2007, and June 30, 2011.

19 (13) On July 9, 2007, the State Treasurer shall transfer
20 twelve million dollars from the Cash Reserve Fund to the Nebraska
21 Capital Construction Fund.

22 (14) On July 9, 2007, the State Treasurer shall transfer
23 five million dollars from the Cash Reserve Fund to the Job Training
24 Cash Fund. The State Treasurer shall transfer from the Job Training
25 Cash Fund to the Cash Reserve Fund such amounts as directed in
26 section 81-1201.21.

27 (15) On July 7, 2008, the State Treasurer shall transfer
1 five million dollars from the Cash Reserve Fund to the Job Training
2 Cash Fund. The State Treasurer shall transfer from the Job Training
3 Cash Fund to the Cash Reserve Fund such amounts as directed in

4 section 81-1201.21.

5 (16) On or before August 1, 2007, the State Treasurer,
6 at the direction of the budget administrator, shall transfer
7 seventy-five million dollars from the Cash Reserve Fund to the
8 Nebraska Capital Construction Fund.

9 (17) On or before June 30, 2009, the State Treasurer
10 shall transfer nine million five hundred ninety thousand dollars
11 from the Cash Reserve Fund to the Nebraska Capital Construction
12 Fund.

13 (18) The State Treasurer, at the direction of the budget
14 administrator, shall transfer an amount equal to the total amount
15 transferred pursuant to subsection (12) of this section from
16 the appropriate health insurance accounts of the State Employees
17 Insurance Fund in such amounts as certified by the Director of
18 Administrative Services to the Cash Reserve Fund on or before June
19 30, 2011.

20 (19) On July 9, 2007, the State Treasurer shall
21 transfer one million dollars from the Cash Reserve Fund to the
22 Microenterprise Development Cash Fund.

23 (20) On July 9, 2007, the State Treasurer shall transfer
24 two hundred fifty thousand dollars from the Cash Reserve Fund to
25 the Building Entrepreneurial Communities Cash Fund.

26 (21) On July 7, 2008, the State Treasurer shall
27 transfer one million dollars from the Cash Reserve Fund to the
1 Microenterprise Development Cash Fund.

2 (22) On July 7, 2008, the State Treasurer shall transfer
3 two hundred fifty thousand dollars from the Cash Reserve Fund to
4 the Building Entrepreneurial Communities Cash Fund.

5 (23) Within seven days after the effective date of this
6 act, the State Treasurer shall transfer nine million dollars from
7 the Cash Reserve Fund to the Water Contingency Cash Fund.

8 Sec. 4. Original section 84-612, Revised Statutes
9 Supplement, 2007, is repealed.

10 Sec. 5. Since an emergency exists, this act takes effect
11 when passed and approved according to law.

(Signed) LeRoy Louden, Chairperson

Business and Labor

The Business and Labor Committee desires to report upon the appointment(s) listed below. The motion before the body is: 'Shall Sam Jensen's appointment to the Commission of Industrial Relations be confirmed?'

The Business and Labor Committee recommends the Legislature reject the appointment of Sam Jensen to the Commission of Industrial Relations and suggests a record vote.

Sam Jensen - Commission of Industrial Relations

Aye: 0. Nay: 6 Senators Cornett, Lathrop, McGill, Rogert, Wallman, White.
Absent: 0. Present and not voting: 1 Senator Chambers.

(Signed) Abbie Cornett, Chairperson

Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Steven Virgil - State Emergency Response Commission
Gary Gandara - State Emergency Response Commission

Aye: 8 Senators Adams, Aguilar, Avery, Friend, Karpisek, Lautenbaugh, Pahls, Rogert. Nay: 0. Absent: 0.

(Signed) Ray Aguilar, Chairperson

AMENDMENTS - Print in Journal

Senator Langemeier filed the following amendment to LB1096:
FA179

Amend AM1911

On page 3, line 17 insert after annuities "that exceed one hundred fifty dollars"

Senator Langemeier filed the following amendment to LB1096:
FA180

Amend AM1911

Page 4, line 13, strike "or donations"

Senator Langemeier filed the following amendment to LB1096:
FA181

Amend AM1911

Page 4, line 13, after "donations" insert "that exceed one hundred fifty dollars"

MOTION - Print in Journal

Senator Christensen filed the following motion to LR233CA:
MO134

Withdraw.

UNANIMOUS CONSENT - Add Cointroducers

Senators Aguilar, Hudkins, Kopplin, McDonald, Pahls, and Schimek asked unanimous consent to add their names as cointroducers to LB786. No objections. So ordered.

VISITOR

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

ADJOURNMENT

At 12:05 p.m., on a motion by Senator Adams, the Legislature adjourned until 9:00 a.m., Tuesday, February 26, 2008.

Patrick J. O'Donnell
Clerk of the Legislature

