

TWENTY-FIFTH DAY - FEBRUARY 7, 2007**LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE
FIRST SESSION****TWENTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 7, 2007

PRAYER

The prayer was offered by Father Michael Christensen, St. Peter's Catholic School, Lincoln.

ROLL CALL

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

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

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fourth day was approved.

COMMITTEE REPORTS**Enrollment and Review**

LEGISLATIVE BILL 108. Placed on Select File - ER8022.
ER8022

- 1 1. On page 2, line 24, strike "7" and insert "6".
- 2 2. On page 4, line 8, reinstate the stricken comma.

LEGISLATIVE BILL 204A. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: LBs 35, 43, 63, 64, 74, 110, 111, 148, 150, 186, 206, 207, and 315.

ST9004

Enrollment and Review Change to LB 150

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 4, "and" has been inserted after the first semicolon; and the matter beginning with the second semicolon in line 4 through emergency" in line 5 has been struck.

(Signed) Amanda McGill, Chairperson

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 24 and 25 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 24 and 25.

MOTION - Approve Appointment

Senator Loudon moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 460:

Department of Natural Resources
Ann Bleed

Voting in the affirmative, 35:

Adams	Engel	Heidemann	Langemeier	Pankonin
Aguilar	Erdman	Hudkins	Louden	Pirsch
Avery	Fischer	Janssen	McDonald	Rogert
Burling	Flood	Johnson	McGill	Stuthman
Carlson	Fulton	Karpisek	Mines	Synowiecki
Dierks	Hansen	Kopplin	Nantkes	Wallman
Dubas	Harms	Kruse	Nelson	Wightman

Voting in the negative, 0.

Present and not voting, 10:

Ashford	Christensen	Gay	Lathrop	Preister
Chambers	Friend	Howard	Pahls	Schimek

Excused and not voting, 4:

Cornett	Pedersen	Raikes	White
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The appointment was confirmed with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 549A. Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 434. Title read. Considered.

Advanced to E & R for review with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 527. Title read. Considered.

Senator Aguilar moved for a call of the house. The motion prevailed with 28 ayes, 6 nays, and 15 not voting.

Senator Aguilar requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 25:

Adams	Chambers	Gay	McDonald	Raikes
Aguilar	Dierks	Hansen	Mines	Schimek
Ashford	Fischer	Johnson	Pahls	Stuthman
Avery	Flood	Kopplin	Pankonin	Synowiecki
Carlson	Friend	Kruse	Pirsch	Wightman

Voting in the negative, 19:

Christensen	Fulton	Hudkins	Louden	Preister
Dubas	Harms	Karpisek	McGill	Wallman
Engel	Heidemann	Langemeier	Nantkes	White
Erdman	Howard	Lathrop	Nelson	

Present and not voting, 3:

Burling	Janssen	Rogert
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Excused and not voting, 2:

Cornett	Pedersen
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Advanced to E & R for review with 25 ayes, 19 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE RESOLUTION 8CA. Read. Considered.

Senator Erdman offered the following amendment:

FA13

On page 1, line 15 strike the new language and reinstate the stricken language.

Pending.

COMMITTEE REPORTS **Transportation and Telecommunications**

LEGISLATIVE BILL 349. Placed on General File.

LEGISLATIVE BILL 466. Indefinitely postponed.

(Signed) Deb Fischer, Chairperson

Education

LEGISLATIVE BILL 205. Placed on General File.

LEGISLATIVE BILL 192. Placed on General File - Com AM240.
AM240

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 85-1412, Revised Statutes Cumulative
- 4 Supplement, 2006, is amended to read:
- 5 85-1412 The commission shall have the following
- 6 additional powers and duties:
- 7 (1) Conduct surveys and studies as may be necessary to
- 8 undertake the coordination function of the commission pursuant
- 9 to section 85-1403 and request information from governing
- 10 boards and appropriate administrators of public institutions and
- 11 other governmental agencies for research projects. All public
- 12 institutions and governmental agencies receiving state funds
- 13 shall comply with reasonable requests for information under this
- 14 subdivision. Public institutions may comply with such requests
- 15 pursuant to section 85-1417;
- 16 (2) Recommend to the Legislature and the Governor
- 17 legislation it deems necessary or appropriate to improve
- 18 postsecondary education in Nebraska and any other legislation it
- 19 deems appropriate to change the role and mission provisions in
- 20 sections 85-917 to 85-966.01;
- 21 (3) Establish any advisory committees as may be necessary
- 22 to undertake the coordination function of the commission pursuant
- 23 to section 85-1403 or to solicit input from affected parties
- 1 such as students, faculty, governing boards, administrators
- 2 of the public institutions, administrators of the private
- 3 nonprofit institutions of postsecondary education and proprietary
- 4 institutions in the state, and community and business leaders

- 5 regarding the coordination function of the commission;
- 6 (4) Participate in or designate an employee or employees
7 to participate in any committee which may be created to prepare
8 a coordinated plan for the delivery of educational programs and
9 services in Nebraska through the telecommunications system;
- 10 (5) Seek a close liaison with the State Board of
11 Education and the State Department of Education in recognition
12 of the need for close coordination of activities between elementary
13 and secondary education and postsecondary education;
- 14 (6) Administer the Integrated Postsecondary Education
15 Data System or other information system or systems to provide the
16 commission with timely, comprehensive, and meaningful information
17 pertinent to the exercise of its duties. The information system
18 shall be designed to provide comparable data on each public
19 institution. The commission shall also administer the uniform
20 information system prescribed in sections 85-1421 to 85-1427 known
21 as the Nebraska Educational Data System. Public institutions shall
22 supply the appropriate data for the information system or systems
23 required by the commission;
- 24 (7) Administer the ~~Community Scholarship Foundation~~
25 Access College Early Scholarship Program Act and the Nebraska
26 Scholarship Act;
- 27 (8) Accept and administer loans, grants, and programs
1 from the federal or state government and from other sources, public
2 and private, for carrying out any of its functions, including
3 the administration of privately endowed scholarship programs. Such
4 loans and grants shall not be expended for any other purposes than
5 those for which the loans and grants were provided. The commission
6 shall determine eligibility for such loans, grants, and programs,
7 and such loans and grants shall not be expended unless approved by
8 the Governor;
- 9 (9) Consistent with section 85-1620, approve, in a
10 timely manner, new baccalaureate degree programs to be offered
11 at private postsecondary career schools as defined in section
12 85-1603. The commission may charge a reasonable fee based on
13 its administrative costs for authorizations pursuant to this
14 subdivision and section 85-1620. The commission shall report such
15 action to the Commissioner of Education;
- 16 (10) Pursuant to sections 85-1101 to 85-1104, authorize
17 out-of-state institutions of higher or postsecondary education to
18 offer courses or degree programs in this state;
- 19 (11) Pursuant to sections 85-1105 to 85-1111, approve
20 or disapprove petitions to establish new private colleges in this
21 state;
- 22 (12) On or before December 1, 2000, and on or before
23 December 1 every two years thereafter, submit to the Legislature
24 and the Governor a report of its objectives and activities and
25 any new private colleges in Nebraska and the implementation of any
26 recommendations of the commission for the preceding two calendar

27 years;

1 (13) Provide staff support for interstate compacts on
2 postsecondary education; and

3 (14) Request inclusion of the commission in any existing
4 grant review process and information system.

5 Sec. 2. Sections 2 to 7 of this act shall be known and
6 may be cited as the Access College Early Scholarship Program Act.

7 Sec. 3. For purposes of the Access College Early
8 Scholarship Program Act:

9 (1) Commission means the Coordinating Commission for
10 Postsecondary Education;

11 (2) Extreme hardship means any event including fire,
12 illness, accident, or job loss that has recently resulted in a
13 significant financial difficulty for a student or the student's
14 parent or legal guardian;

15 (3) Postsecondary educational institution means a
16 two-year or four-year college or university in Nebraska which is a
17 member institution of an accrediting body recognized by the United
18 States Department of Education; and

19 (4) Student means a student attending a Nebraska high
20 school.

21 Sec. 4. The Access College Early Scholarship Program is
22 established. The purpose of the program is to provide financial
23 assistance to low-income students who are taking courses for credit
24 at a postsecondary educational institution while still enrolled in
25 high school. The program shall be administered by the commission.

26 Sec. 5. (1) A student is eligible for the Access College
27 Early Scholarship Program if such student or the student's parent
1 or legal guardian is eligible to receive:

2 (a) Supplemental Security Income;

3 (b) Food stamps;

4 (c) Free or reduced-price lunches under United States
5 Department of Agriculture child nutrition programs;

6 (d) Aid to families with dependent children; or

7 (e) Assistance under the Special Supplemental Nutrition
8 Program for Women, Infants, and Children; or

9 (2) The student or the student's parent or legal guardian
10 has experienced an extreme hardship as defined in section 3 of this
11 act.

12 Sec. 6. (1) An applicant for the Access College Early
13 Scholarship Program shall complete an application form developed
14 and provided by the commission and shall forward the form to his
15 or her guidance counselor. The guidance counselor shall verify the
16 student's eligibility under the Access College Early Scholarship
17 Program Act and shall forward the information to the commission
18 for review within fifteen days following receipt of the form from
19 the student. Notification of tuition and fees shall be provided
20 to the commission by the student, high school, or postsecondary
21 educational institution as determined by the commission.

22 (2) The commission shall review the application and
 23 verify the student's eligibility under the act. The commission
 24 shall notify the student and the student's guidance counselor of
 25 the estimated award amount in writing within thirty days following
 26 receipt of the form from the student's guidance counselor. The
 27 scholarship award shall equal the tuition and fees accrued by
 1 the student from the postsecondary educational institution. The
 2 commission shall forward such amount directly to the postsecondary
 3 educational institution as payment of such student's tuition and
 4 fees.

5 (3) The commission shall make such payments in the order
 6 the applications are received by the commission until funds are
 7 inadequate to fulfill any remaining scholarships.

8 (4) There is no limit on the number of scholarships a
 9 student may receive under the act.

10 Sec. 7. The commission may adopt and promulgate rules
 11 and regulations to carry out the Access College Early Scholarship
 12 Program Act.

13 Sec. 8. Original section 85-1412, Revised Statutes
 14 Cumulative Supplement, 2006, is repealed.

15 Sec. 9. The following sections are outright repealed:
 16 Sections 85-2001, 85-2002, 85-2003, 85-2004, 85-2005, 85-2006,
 17 85-2007, 85-2008, 85-2009, and 85-2010, Revised Statutes Cumulative
 18 Supplement, 2006.

(Signed) Ron Raikes, Chairperson

NOTICE OF COMMITTEE HEARINGS

Appropriations

Room 1524

LB 317	Tuesday, February 20, 2007	1:30 p.m.
LB 318	Tuesday, February 20, 2007	1:30 p.m.
LB 319	Tuesday, February 20, 2007	1:30 p.m.
LB 320	Tuesday, February 20, 2007	1:30 p.m.
LB 321	Tuesday, February 20, 2007	1:30 p.m.
LB 322	Tuesday, February 20, 2007	1:30 p.m.
LB 323	Tuesday, February 20, 2007	1:30 p.m.
LB 249	Tuesday, February 20, 2007	1:30 p.m.

Room 1003

Wednesday, February 21, 2007	1:30 p.m.
AGENCY 59 - Board of Geologists	
AGENCY 45 - Board of Barber Examiners	
AGENCY 74 - Power Review Board	
AGENCY 41 - State Real Estate Commission	
AGENCY 53 - Real Estate Appraiser Board	
AGENCY 63 - State Board of Public Accountancy	

AGENCY 32 - Board of Educational Lands and Funds
 AGENCY 62 - State Surveyor
 AGENCY 36 - State Racing Commission
 AGENCY 66 - Abstracters Board of Examiners
 AGENCY 73 - State Board of Landscape Architects
 AGENCY 35 - Liquor Control Commission

Thursday, February 22, 2007 1:30 p.m.

AGENCY 57 - Oil and Gas Conservation Commission
 AGENCY 18 - Department of Agriculture - Potato Board and Poultry/Egg
 AGENCY 39 - Brand Committee
 AGENCY 56 - Wheat Development, Utilization, and Marketing Board
 AGENCY 60 - Ethanol Board
 AGENCY 61 - Dairy Industry Development Board
 AGENCY 86 - Dry Bean Commission
 AGENCY 88 - Corn Development, Utilization, and Marketing Board
 AGENCY 92 - Grain Sorghum Development, Utilization, and Marketing
 Board

LB 33 Friday, February 23, 2007 1:30 p.m.

Friday, February 23, 2007 1:30 p.m.

AGENCY 16 - Department of Revenue
 AGENCY 93 - Tax Equalization and Review Commission
 AGENCY 96 - Department of Property Assessment and Taxation

(Signed) Lavon Heidemann, Chairperson

Judiciary
 Room 1113

LR 4CA Thursday, February 15, 2007 1:30 p.m.

LB 107 Thursday, February 15, 2007 1:30 p.m.

LB 142 Thursday, February 15, 2007 1:30 p.m.

LB 246 Thursday, February 15, 2007 1:30 p.m.

LB 467 Thursday, February 15, 2007 1:30 p.m.

LB 475 Thursday, February 15, 2007 1:30 p.m.

LB 639 Thursday, February 15, 2007 1:30 p.m.

LB 65 Wednesday, February 21, 2007 1:30 p.m.

LB 606 Wednesday, February 21, 2007 1:30 p.m.

LB 672 Wednesday, February 21, 2007 1:30 p.m.

LB 673 Wednesday, February 21, 2007 1:30 p.m.

LB 450 Wednesday, February 21, 2007 1:30 p.m.

LB 457 Wednesday, February 21, 2007 1:30 p.m.

LB 218 Thursday, February 22, 2007 1:30 p.m.

LB 260 Thursday, February 22, 2007 1:30 p.m.

LB 407 Thursday, February 22, 2007 1:30 p.m.

LB 424	Thursday, February 22, 2007	1:30 p.m.
LB 553	Thursday, February 22, 2007	1:30 p.m.
LB 573	Thursday, February 22, 2007	1:30 p.m.
LB 68	Friday, February 23, 2007	1:30 p.m.
LB 75	Friday, February 23, 2007	1:30 p.m.
LB 254	Friday, February 23, 2007	1:30 p.m.
LB 257	Friday, February 23, 2007	1:30 p.m.
LB 280	Friday, February 23, 2007	1:30 p.m.
LB 535	Friday, February 23, 2007	1:30 p.m.
LB 556	Friday, February 23, 2007	1:30 p.m.

(Signed) Brad Ashford, Chairperson

COMMITTEE REPORT
Education

The Education 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.

Larry Teahon - Board of Trustees of the Nebraska State Colleges

VOTE: Aye: Senators Adams, Ashford, Avery, Burling, Howard, Johnson, Kopplin, and Raikes. Nay: None. Absent: None.

(Signed) Ron Raikes, Chairperson

GENERAL FILE

LEGISLATIVE RESOLUTION 8CA. The Erdman amendment, FA13, found in this day's Journal, was renewed.

Senator Erdman withdrew his amendment.

Senator Nelson offered the following amendment:
AM258

- 1 1. On page 1, line 13, strike "four percent of the" and
- 2 show the old matter as stricken; in line 14 after "state" insert
- 3 "equal to at least ten percent of the number of votes cast for
- 4 Governor at the general election next preceding the filing of the
- 5 petition"; in lines 15 and 16 strike "fifteen percent of such" and
- 6 show the old matter as stricken; and in line 16 after the first
- 7 "voters" insert "of the state equal to at least fifteen percent of
- 8 the number of votes cast for Governor at the general election next
- 9 preceding the filing of the petition".

SENATOR LANGEMEIER PRESIDING

PRESIDENT SHEEHY PRESIDING

Pending.

AMENDMENTS - Print in Journal

Senator Johnson filed the following amendment to LB 296:
(Amendment, AM15, is printed separately and available in the Bill Room, Room 1104.)

Senator Hudkins filed the following amendment to LB 299:
AM245

- 1 1. On page 3, line 22, strike "fourth" through
- 2 "November", show as stricken, and insert "Wednesday immediately
- 3 preceding Thanksgiving Day".

COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 549. Placed on Select File - ER8024.
ER8024

- 1 1. On page 11, line 22, strike "twenty-one" and insert
- 2 "ten".
- 3 2. On page 13, line 3, strike "Operation of" and insert
- 4 "For a license to operate".

LEGISLATIVE BILL 549A. Placed on Select File.

LEGISLATIVE BILL 211. Placed on Select File - ER8023.
ER8023

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 48-806, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 48-806 As soon as ~~such compensation the same~~ may be
- 6 legally paid under the Constitution of Nebraska, ~~the compensation~~
- 7 ~~of judges each commissioner~~ of the Commission of Industrial
- 8 Relations shall be ~~two hundred fifty dollars paid~~ per day for
- 9 each day's time actually engaged in the performance of the duties
- 10 of ~~their~~ his or her office. The per diem rate shall be the daily
- 11 equivalent of a county judge's annual salary under section 24-513.
- 12 ~~Each judge-commissioner~~ shall also be paid his or her necessary
- 13 traveling expenses incurred while away from his or her place
- 14 of residence upon business of the commission in accordance with
- 15 sections 81-1174 to 81-1177.
- 16 Sec. 2. Original section 48-806, Reissue Revised Statutes
- 17 of Nebraska, is repealed.
- 18 Sec. 3. Since an emergency exists, this act takes effect
- 19 when passed and approved according to law.

20 2. On page 1, line 3, strike "judges", after
 21 "compensation" insert "of members of the commission", and strike
 22 "and"; in line 4 after "section" insert "; and to declare an
 23 emergency".

(Signed) Amanda McGill, Chairperson

COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 295. Placed on General File - Com AM190.
 (Amendment is printed separately and available in the Bill Room, Room 1104.)

(Signed) LeRoy Louden, Chairperson

General Affairs

The General 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.

David E. Gardels - Nebraska Arts Council

VOTE: Aye: McDonald, Karpisek, Dierks, Dubas, Erdman, Friend, Janssen, Preister. Nay: None. Absent: None.

(Signed) Vickie McDonald, Chairperson

NOTICE OF COMMITTEE HEARINGS
Natural Resources
 Room 1525

LB 458	Thursday, March 1, 2007 (cancel)	1:30 p.m.
LB 458	Wednesday, February 28, 2007 (reschedule)	1:30 p.m.
LB 594	Wednesday, March 7, 2007 (cancel)	1:30 p.m.
LB 594	Thursday, March 1, 2007 (reschedule)	1:30 p.m.

(Signed) LeRoy Louden, Chairperson

Nebraska Retirement Systems
 Room 1525

Wednesday, February 21, 2007 8:30 a.m.
 Phyllis G. Chambers - Public Employees Retirement Board
 Don Pederson - Public Employees Retirement Board

(Signed) John Synowiecki, Chairperson

MOTION - Print in Journal

Senator Erdman filed the following motion to LB 527:
Recommit LB 527 to the Government, Military and Veterans Affairs Committee.

WITHDRAW - Cointroducer

Senator Langemeier withdrew his name as cointroducer to LB 173.

VISITORS

Visitors to the Chamber were Mike Pittz from Lincoln; members of Leadership Scotts Bluff, Scottsbluff/Gering United Chamber, and Ogallala Chamber of Commerce from western Nebraska; 75 twelfth-grade students and teachers from Elkhorn; Katie Queen and Courtney Gray from Elkhorn; 41 fourth-grade students, teachers, and sponsors from Eagle; 35 twelfth-grade students and teachers from Hartington; Cathy Morrissey from Lincoln; members of the Nebraska Bankers Association; and Ron Kranz from Fremont.

The Doctor of the Day was Dr. Dave Ensz from Omaha.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator Karpisek, the Legislature adjourned until 9:00 a.m., Thursday, February 8, 2007.

Patrick J. O'Donnell
Clerk of the Legislature