

SIXTY-FIRST DAY - APRIL 11, 2007**LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE
FIRST SESSION****SIXTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 11, 2007

PRAYER

The prayer was offered by Pastor Charlene Wozny, Zion United Church of Christ, Talmage.

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 Senators Cornett, Dierks, Fulton, Heidemann, Karpisek, Mines, Nantkes, Preister, and Raikes who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixtieth day was approved.

MESSAGE FROM THE GOVERNOR

April 11, 2007

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 537, 636, and 677e were received in my office on April 5, 2007.

I signed these bills and delivered them to the Secretary of State on April 11, 2007.

Sincerely,
(Signed) Dave Heineman
Governor

MOTIONS - Approve Appointments

Senator Johnson moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 926:

Rural Health Advisory Commission
 Crystal Johnson
 Rebecca Schroeder
 Michael Sitorius
 Roger Wells

Voting in the affirmative, 35:

Adams	Engel	Harms	Louden	Pirsch
Aguilar	Erdman	Heidemann	McDonald	Rogert
Burling	Fischer	Howard	McGill	Schimek
Carlson	Flood	Hudkins	Nelson	Stuthman
Chambers	Friend	Janssen	Pahls	Synowiecki
Dierks	Gay	Johnson	Pankonin	Wallman
Dubas	Hansen	Kopplin	Pedersen	Wightman

Voting in the negative, 0.

Present and not voting, 7:

Ashford	Christensen	Langemeier	White
Avery	Kruse	Lathrop	

Excused and not voting, 7:

Cornett	Karpisek	Nantkes	Raikes
Fulton	Mines	Preister	

The appointments were confirmed with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

SENATOR FRIEND PRESIDING

Senator Johnson moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 926:

Board of Emergency Medical Services
 Joel E. Cerny
 Robert K. Olson
 James E. Smith
 Jeffrey Strawn
 Scott C. Wiebe

Voting in the affirmative, 34:

Adams	Dierks	Harms	Louden	Pirsch
Aguilar	Engel	Heidemann	McDonald	Rogert
Ashford	Erdman	Howard	McGill	Stuthman
Avery	Fischer	Hudkins	Nelson	Synowiecki
Burling	Friend	Janssen	Pahls	Wallman
Chambers	Gay	Johnson	Pankonin	White
Christensen	Hansen	Kopplin	Pedersen	

Voting in the negative, 1:

Flood

Present and not voting, 8:

Carlson	Kruse	Lathrop	Schimek
Dubas	Langemeier	Raikes	Wightman

Excused and not voting, 6:

Cornett	Karpisek	Nantkes
Fulton	Mines	Preister

The appointments were confirmed with 34 ayes, 1 nay, 8 present and not voting, and 6 excused and not voting.

Senator Johnson moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 937:

Board of Emergency Medical Services
Linda L. Jensen
Leon Sykes

Voting in the affirmative, 34:

Aguilar	Dierks	Harms	Louden	Pirsch
Ashford	Engel	Heidemann	McDonald	Rogert
Avery	Erdman	Howard	McGill	Schimek
Burling	Fischer	Hudkins	Nantkes	Stuthman
Carlson	Flood	Janssen	Nelson	Wallman
Chambers	Friend	Johnson	Pahls	Wightman
Christensen	Gay	Kopplin	Pedersen	

Voting in the negative, 0.

Present and not voting, 10:

Adams	Hansen	Langemeier	Pankonin	Synowiecki
Dubas	Kruse	Lathrop	Raikes	White

Excused and not voting, 5:

Cornett	Fulton	Karpisek	Mines	Preister
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The appointments were confirmed with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Senator Johnson moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 938:

Rural Health Advisory Commission
 Donald Frey
 Kate Hesser

Voting in the affirmative, 38:

Adams	Dubas	Hansen	McDonald	Raikes
Aguilar	Engel	Heidemann	McGill	Rogert
Ashford	Erdman	Howard	Nantkes	Schimek
Avery	Fischer	Hudkins	Nelson	Stuthman
Burling	Flood	Janssen	Pahls	Wallman
Carlson	Friend	Johnson	Pankonin	White
Christensen	Fulton	Kopplin	Pedersen	
Dierks	Gay	Louden	Pirsch	

Voting in the negative, 0.

Present and not voting, 7:

Chambers	Kruse	Lathrop	Wightman
Harms	Langemeier	Synowiecki	

Excused and not voting, 4:

Cornett	Karpisek	Mines	Preister
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The appointments were confirmed with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Senator Loudon moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1099:

Nebraska Environmental Trust Board
 John Campbell
 Vincent Kramper
 Sherry Vinton

Voting in the affirmative, 32:

Adams	Dierks	Hansen	McDonald	Pirsch
Aguilar	Engel	Harms	McGill	Rogert
Ashford	Erdman	Heidemann	Nantkes	Stuthman
Avery	Fischer	Howard	Nelson	Wallman
Burling	Friend	Hudkins	Pahls	
Carlson	Fulton	Janssen	Pankonin	
Christensen	Gay	Louden	Pedersen	

Voting in the negative, 0.

Present and not voting, 13:

Chambers	Johnson	Langemeier	Schimek	Wightman
Dubas	Kopplin	Lathrop	Synowiecki	
Flood	Kruse	Raikes	White	

Excused and not voting, 4:

Cornett	Karpisek	Mines	Preister
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The appointments were confirmed with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 701. The second committee amendment, AM963, found on page 1129, was renewed.

Senator Chambers offered the following motion:
Reconsider the vote taken on FA65.

Senator Chambers asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

Senator Dubas withdrew her amendment, AM975, found on page 1142.

Senator Loudon offered the following amendment to the second committee amendment:

AM976

(Amendments to AM963)

1. On page 8, line 21, strike "one-half" and insert
- 2 "three-fifths".

The Loudon amendment was adopted with 30 ayes, 3 nays, 14 present and not voting, and 2 excused and not voting.

Senator Schimek offered the following amendment to the second committee amendment:

FA66

Amend AM963 Insert the following new section: "It is the intent of the Legislature that the Storm Water Management Plan Program receive an annual appropriation of no less than \$2,500,000 General Funds annually."

Senator Schimek withdrew her amendment.

The second committee amendment, as amended, was adopted with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

The third committee amendment is as follows:

(Amendment, AM964, is on file and available in the Clerk's Office, Room 2014.)

The third committee amendment was adopted with 35 ayes, 0 nays, and 14 present and not voting.

Pending.

COMMITTEE REPORT Nebraska Retirement Systems

LEGISLATIVE BILL 508. Placed on General File - Com AM968.
AM968

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 24-707, Revised Statutes Cumulative
- 4 Supplement, 2006, is amended to read:
- 5 24-707 (1) In the event of the death of a judge prior
- 6 to retirement, if such judge shall have had five or more years of
- 7 creditable service, the surviving spouse of such judge shall at
- 8 his or her option, exercised within twelve months after the date
- 9 of death, be immediately entitled to receive those benefits which
- 10 the surviving spouse would have been entitled to under subsection
- 11 (3) of section 24-710 had the judge elected to have the retirement
- 12 annuity paid as a joint and survivor annuity payable as long as
- 13 either the judge or the judge's surviving spouse should survive
- 14 and had the judge retired (a) on the date of death if his or her
- 15 age at death is sixty-five or more or (b) at age sixty-five if
- 16 his or her age at death is less than sixty-five. an annuity which
- 17 shall be equal to the amount that would have accrued to the member
- 18 had he or she elected to have the retirement annuity paid as a
- 19 one-hundred-percent joint and survivor annuity payable as long as
- 20 either the member or the member's spouse should survive and had
- 21 the member retired (a) on the date of death if his or her age at
- 22 death is sixty-five years or more or (b) at age sixty-five years

23 if his or her age at death is less than sixty-five years. If such
1 option is not exercised by such surviving spouse within ~~one hundred~~
2 ~~twenty days of twelve months after~~ the judge's death, if there is
3 no surviving spouse, or if the judge has not served for five years,
4 then the beneficiary, or the estate if the judge has not filed a
5 statement with the board naming a beneficiary, shall be paid a lump
6 sum equal to all contributions to the fund made by such judge plus
7 regular interest.

8 (2) Except as provided in subsection (1) of this section,
9 in the event of the death of a judge subsequent to retirement,
10 if such judge has not filed a statement of intent with the
11 board to elect to receive any other form of annuity which may be
12 provided for by section 24-710 or elected to make contributions
13 and receive benefits as provided in section 24-703.03, the amount
14 of annuities such judge has received under the provisions of the
15 Judges Retirement Act shall be computed and, if such amount shall
16 be less than the contributions to the fund made by such judge, plus
17 regular interest, the difference shall be paid to the beneficiary
18 or estate.

19 (3) Benefits to which the surviving spouse, beneficiary,
20 or estate of a judge shall be entitled shall commence immediately
21 upon the death of such judge.

22 Sec. 2. Section 79-956, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 79-956 (1) If a member dies before retirement, his
25 or her accumulated contributions shall be paid to his or her
26 estate, to an alternate payee pursuant to a qualified domestic
27 relations order as provided in section 42-1107, or to the
1 person he or she has nominated by designation duly executed
2 and filed with the retirement board. Except for payment to
3 an alternative payee pursuant to a qualified domestic relations
4 order, if no legal representative or beneficiary applies for such
5 accumulated contributions within five years following the date of
6 the deceased member's death, the contributions shall be distributed
7 in accordance with the Uniform Disposition of Unclaimed Property
8 Act.

9 (2) When the deceased member has not less than twenty
10 years of creditable service regardless of age or dies on or after
11 his or her sixty-fifth birthday and leaves a surviving spouse who
12 has been designated as beneficiary and who, as of the date of the
13 member's death, is the sole surviving primary beneficiary, such
14 beneficiary may elect, within ~~one hundred twenty days~~ twelve months
15 after the death of the member, to receive an annuity which shall
16 be equal to the amount that would have accrued to the member
17 had he or she elected to have the retirement annuity paid as a
18 one-hundred-percent joint and survivor annuity payable as long as
19 either the member or the member's spouse should survive and had the
20 member retired (a) on the date of death if his or her age at death
21 is sixty-five years or more or (b) at age sixty-five years if his

22 or her age at death is less than sixty-five years.

23 (3) When the deceased member who was a school employee on
 24 or after May 1, 2001, has not less than five years of creditable
 25 service and less than twenty years of creditable service and dies
 26 before his or her sixty-fifth birthday and leaves a surviving
 27 spouse who has been designated in writing as beneficiary and who,
 1 as of the date of the member's death, is the sole surviving primary
 2 beneficiary, such beneficiary may elect, within ~~one hundred twenty~~
 3 ~~days~~ twelve months after the death of the member, to receive
 4 (a) a refund of the member's contribution account balance with
 5 interest plus an additional one hundred one percent of the member's
 6 contribution account balance with interest or (b) an annuity
 7 payable monthly for the surviving spouse's lifetime which shall be
 8 equal to the benefit amount that had accrued to the member at the
 9 date of the member's death, commencing when the member would have
 10 reached age sixty, or the member's age at death if greater, reduced
 11 by three percent for each year payments commence before the member
 12 would have reached age sixty-five, and adjusted for payment in the
 13 form of a one-hundred-percent joint and survivor annuity.

14 (4) If the requirements of subsection (2) or (3) of
 15 this section are not met, then the beneficiary or the estate,
 16 if the member has not filed a statement with the board naming a
 17 beneficiary, shall be paid a lump sum equal to all contributions
 18 to the fund made by such member plus regular interest, except that
 19 commencing on January 1, 2006, an application for benefits under
 20 subsection (2) or (3) of this section shall be deemed to have
 21 been timely filed if the application is received by the retirement
 22 system within twelve months after the date of the death of the
 23 member.

24 (5) Benefits to which a surviving spouse, beneficiary, or
 25 estate of a member shall be entitled pursuant to this section shall
 26 commence immediately upon the death of such member.

27 Sec. 3. Original section 79-956, Reissue Revised Statutes
 1 of Nebraska, and section 24-707, Revised Statutes Cumulative
 2 Supplement, 2006, are repealed.

3 Sec. 4. Since an emergency exists, this act takes effect
 4 when passed and approved according to law.

(Signed) John Synowiecki, Chairperson

VISITORS

Visitors to the Chamber were Senator Christensen's wife, Kathy, from Imperial; 47 fourth-grade students from Sandoz Elementary, Lexington; 32 twelfth-grade students and teachers from Tri County High School, DeWitt; 26 fourth-grade students and teacher from Grant; 35 eighth-grade students from Lexington; members of Young Adult Transition Program from Papillion; and 33 fourth-grade students and teachers from Fire Ridge Elementary, Elkhorn.

RECESS

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

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senator Hudkins who was excused; and Senators Cornett, Dubas, Engel, Flood, Fulton, Harms, Heidemann, Kruse, Lathrop, Nantkes, Nelson, Synowiecki, White, and Wightman who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 701. The fourth committee amendment is as follows:
AM965

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following sections:
- 3 Section 1. The Riparian Vegetation Management Task Force
- 4 is created. The Governor shall appoint the members of the task
- 5 force. The members shall include one surface water project
- 6 representative from each river basin that has been determined
- 7 to be fully appropriated pursuant to section 46-714 or 46-720
- 8 or designated as overappropriated pursuant to section 46-713
- 9 by the Department of Natural Resources; one representative from
- 10 the Department of Agriculture, the Department of Environmental
- 11 Quality, the Department of Natural Resources, the office of the
- 12 Governor, the office of the State Forester, the Game and Parks
- 13 Commission, and the University of Nebraska; two representatives
- 14 nominated by the Nebraska Association of Resources Districts; two
- 15 representatives nominated by the Nebraska Weed Control Association;
- 16 and one riparian landowner from each of the state's congressional
- 17 districts. In addition to such members, any member of the
- 18 Legislature may serve as a member of the task force at his or
- 19 her option. This section terminates on June 30, 2009.
- 20 Sec. 2. The Riparian Vegetation Management Task Force, in
- 21 consultation with appropriate federal agencies, shall develop and
- 22 prioritize vegetation management goals and objectives and develop
- 23 plans and policies to achieve such goals and objectives. The
- 1 task force shall convene within thirty days after the appointment
- 2 of the members is complete to elect a chairperson and conduct
- 3 such other business as deemed necessary. The efforts of the task
- 4 force shall be initially directed toward river basins designated
- 5 by the Department of Natural Resources as fully appropriated or

6 overappropriated. Task force meetings shall be held in communities
7 within the Republican and Platte River basins. The task force
8 shall make preliminary recommendations to the Governor and the
9 Legislature regarding funding and legislation needed to achieve its
10 goals on or before December 15, 2007, and each year thereafter,
11 with a final report due prior to June 30, 2009. It is the
12 intent of the Legislature that expenses of the task force be paid
13 from funds appropriated for this legislative bill and shall not
14 exceed twenty-five thousand dollars per fiscal year. This section
15 terminates on June 30, 2009.

16 Sec. 3. Section 2-945.01, Revised Statutes Cumulative
17 Supplement, 2006, is amended to read:

18 2-945.01 Sections 2-945.01 to 2-966 and sections 1 and 2
19 of this act shall be known and may be cited as the Noxious Weed
20 Control Act.

21 Sec. 4. Section 2-958.02, Revised Statutes Cumulative
22 Supplement, 2006, is amended to read:

23 2-958.02 (1) From funds available in the Noxious Weed and
24 Invasive Plant Species Assistance Fund, the director may administer
25 a grant program to assist local control authorities and other weed
26 management entities in the cost of implementing and maintaining
27 noxious weed control programs and in addressing special weed
1 control problems as provided in this section.

2 (2) The director shall receive applications by local
3 control authorities and weed management entities for assistance
4 under this ~~subsection~~ section and, in consultation with the
5 advisory committee created under section 2-965.01, award grants
6 for any of the following eligible purposes:

7 (a) To conduct applied research to solve locally
8 significant weed management problems;

9 (b) To demonstrate innovative control methods or land
10 management practices which have the potential to reduce landowner
11 costs to control noxious weeds or improve the effectiveness of
12 noxious weed control;

13 (c) To encourage the formation of weed management
14 entities;

15 (d) To respond to introductions or infestations of
16 invasive plants that threaten or potentially threaten the
17 productivity of cropland and rangeland over a wide area;

18 (e) To respond to introductions and infestations of
19 invasive plant species that threaten or potentially threaten the
20 productivity and biodiversity of wildlife and fishery habitats on
21 public and private lands;

22 (f) To respond to special weed control problems involving
23 weeds not included in the list of noxious weeds promulgated by
24 rule and regulation of the director if the director has approved a
25 petition to bring such weeds under the county control program;

26 (g) To conduct monitoring or surveillance activities
27 to detect, map, or determine the distribution of invasive plant

1 species and to determine susceptible locations for the introduction
2 or spread of invasive plant species; and

3 (h) To conduct educational activities.

4 ~~(2)~~ (3) The director shall select and prioritize
5 applications for assistance under ~~this subsection~~ (2) of this
6 section based on the following considerations:

7 (a) The seriousness of the noxious weed or invasive plant
8 problem or potential problem addressed by the project;

9 (b) The ability of the project to provide timely
10 intervention to save current and future costs of control and
11 eradication;

12 (c) The likelihood that the project will prevent or
13 resolve the problem or increase knowledge about resolving similar
14 problems in the future;

15 (d) The extent to which the project will leverage federal
16 funds and other nonstate funds;

17 (e) The extent to which the applicant has made progress
18 in addressing noxious weed or invasive plant problems;

19 (f) The extent to which the project will provide a
20 comprehensive approach to the control or eradication of noxious
21 weeds;

22 (g) The extent to which the project will reduce the total
23 population or area of infestation of a noxious weed;

24 (h) The extent to which the project uses the principles
25 of integrated vegetation management and sound science; and

26 (i) Such other factors that the director determines to be
27 relevant.

1 (4) The director shall receive applications for grants
2 under this subsection and shall award grants to recipients and
3 programs eligible under this subsection. Priority shall be given
4 to grant applicants whose proposed programs are consistent with
5 the policy established in section 2 of this act. Beginning
6 in fiscal year 2007-08, it is the intent of the Legislature
7 to appropriate two million dollars annually for the management
8 of vegetation within the banks of a natural stream or within
9 one hundred feet of the banks of a channel of any natural
10 stream. Such funds shall only be used to pay for activities and
11 equipment as part of vegetation management programs that have
12 as their primary objective improving conveyance of streamflow
13 in natural streams. Grants from funds appropriated as provided
14 in this subsection shall be disbursed only to weed management
15 entities, including local weed control authorities and natural
16 resources districts, whose territory includes one or more fully
17 appropriated or overappropriated river basins as designated by the
18 Department of Natural Resources with priority for the first year
19 given to fully appropriated river basins that are the subject
20 of an interstate compact or decree. The Nebraska Game and Parks
21 Commission shall assist grant recipients in implementing grant
22 projects under this subsection, and interlocal agreements under the

23 Interlocal Cooperation Act or the Joint Public Agency Act shall be
24 utilized whenever possible in carrying out the grant projects. This
25 subsection terminates June 30, 2009.

26 ~~(3)-(5)~~ Nothing in this section shall be construed to
27 relieve control authorities of their duties and responsibilities
1 under the Noxious Weed Control Act or the duty of a person to
2 control the spread of noxious weeds on lands owned and controlled
3 by him or her.

4 ~~(4)-(6)~~ The Department of Agriculture may adopt and
5 promulgate necessary rules and regulations to carry out this
6 section.

7 Sec. 32. If any section in this act or any part of any
8 section is declared invalid or unconstitutional, the declaration
9 shall not affect the validity or constitutionality of the remaining
10 portions.

11 Sec. 33. Original sections 2-3231, 46-601.01, 46-609,
12 46-644, 46-707, 46-1212, and 66-1345.02, Reissue Revised Statutes
13 of Nebraska, and sections 2-945.01, 2-958.02, 2-3202, 2-3225,
14 13-808, 13-2530, 46-229.04, 46-602, 46-715, 61-210, 66-1345,
15 66-1345.01, and 77-3442, Revised Statutes Cumulative Supplement,
16 2006, are repealed.

17 Sec. 34. Since an emergency exists, this act takes effect
18 when passed and approved according to law.

Senator Preister renewed his amendment, AM966, found on page 1137, to the fourth committee amendment.

Senator Preister withdrew his amendment.

Senator Avery offered the following amendment to the fourth committee amendment:

FA67

Amend AM965 On page 1, line 16 strike "and"; in line 17 add "and one representative from the Environmental Trust Fund."

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

Senator Avery requested a roll call vote on his amendment.

Voting in the affirmative, 29:

Adams	Christensen	Hansen	McGill	Schimek
Aguilar	Dierks	Harms	Mines	Synowiecki
Ashford	Dubas	Howard	Pankonin	Wallman
Avery	Engel	Kopplin	Preister	White
Carlson	Flood	Kruse	Raikes	Wightman
Chambers	Gay	Lathrop	Rogert	

Voting in the negative, 8:

Erdman	Heidemann	Langemeier	Nantkes
Fischer	Karpisek	Louden	Stuthman

Present and not voting, 10:

Burling	Friend	Janssen	McDonald	Pahls
Cornett	Fulton	Johnson	Nelson	Pirsch

Excused and not voting, 2:

Hudkins	Pedersen
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The Avery amendment was adopted with 29 ayes, 8 nays, 10 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

The fourth committee amendment, as amended, was adopted with 39 ayes, 2 nays, 6 present and not voting, and 2 excused and not voting.

Senator Christensen withdrew his amendment, AM476, printed separately and referred to on page 675.

Senator Loudon withdrew his amendment, AM872, printed separately and referred to on page 988.

Senator Preister withdrew his amendment, AM914, found on page 1058.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 38:

Adams	Dierks	Gay	Kruse	Nelson
Aguilar	Dubas	Hansen	Langemeier	Pahls
Ashford	Engel	Harms	Lathrop	Pankonin
Avery	Erdman	Heidemann	Louden	Pirsch
Burling	Fischer	Howard	McDonald	Rogert
Carlson	Flood	Janssen	McGill	Wightman
Christensen	Friend	Karpisek	Mines	
Cornett	Fulton	Kopplin	Nantkes	

Voting in the negative, 1:

Chambers

Present and not voting, 8:

Johnson	Raikes	Stuthman	Wallman
Preister	Schimek	Synowiecki	White

Excused and not voting, 2:

Hudkins Pedersen

Advanced to E & R for review with 38 ayes, 1 nay, 8 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 701A. Title read. Considered.

Advanced to E & R for review with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 8. Placed on General File.

LEGISLATIVE BILL 107. Placed on General File.

LEGISLATIVE BILL 382. Placed on General File.

(Signed) Brad Ashford, Chairperson

AMENDMENT - Print in Journal

Senator Langemeier filed the following amendment to LB 343:
AM981

(Amendments to E & R amendments, ER8062)

- 1 1. On page 1, line 8, after "investment" insert "after
- 2 January 1, 2008, and "; and strike lines 11 through 20 and insert:
- 3 "(2) The credit provided in subsection (1) of this
- 4 section shall be equal to thirty percent of the amount invested
- 5 by the taxpayer in a biodiesel facility. The credit shall be
- 6 taken over at least four taxable years subject to the following
- 7 conditions:
- 8 (a) No more than ten percent of the credit provided for
- 9 in subsection (1) of this section shall be taken in each of the
- 10 first two taxable years the biodiesel facility produces B100 and no
- 11 more than fifty percent of the credit provided for in subsection
- 12 (1) of this section shall be taken in the third taxable year
- 13 the biodiesel facility produces B100. The credit allowed under
- 14 subsection (1) of this section shall not exceed fifty percent of
- 15 the taxpayer's liability in any tax year:".
- 16 2. On page 3, strike lines 1 through 5 and insert:
- 17 "(f) The credit shall be taken only if (i) the biodiesel
- 18 facility produces B100, (ii) the biodiesel facility in which the
- 19 investment was made produces at a rate of at least eighty percent
- 20 of its rated capacity continuously for at least one week during

21 the first taxable year the credit is taken and produces at a
 22 rate of at least eighty percent of its rated capacity over a
 1 six-month period during the next two taxable years the credit is
 2 taken, (iii) all processing takes place at the biodiesel facility
 3 in which the investment was made and which is located in Nebraska,
 4 and (iv) at least fifty-one percent of the ownership interest of
 5 the biodiesel facility is held by Nebraska resident individuals or
 6 Nebraska entities; and".

RESOLUTIONS

LEGISLATIVE RESOLUTION 70. Introduced by Erdman, 47.

WHEREAS, Nebraska native Constantine "Connie" Lapaseotes was born on October 5, 1936, in Bridgeport, Nebraska. Mr. Lapaseotes graduated from Bridgeport High School in 1954; and

WHEREAS, Mr. Lapaseotes married Chrysoula "Chris" Tzavaras of Platanos, Greece, in Bridgeport on December 1, 1957, and they had three children: Pete, Nick, and Helen; and

WHEREAS, Mr. Lapaseotes was an active supporter of Nebraska farm and ranch economy, was listed as a Top 10 Beet Grower, served as director of the Beetgrowers Association, served as director of Dinklage Feed Yards, Inc., was a former member of the Governor's Ag Council, was a former owner of the Nebraska Potato Shippers and Morrill County Implement in Bridgeport, was on the board of Panhandle Coop, and owned and operated, with his family, the historic Greenwood Ranch and Lapaseotes Feedyard; and

WHEREAS, Mr. Lapaseotes was a lifelong member of the Assumption Orthodox Church in Bayard, was a member of the Leadership 100 group, was on the Morrill County Community Hospital Foundation, was a member of the Oregon Trail Memorial Cemetery Board, was a director of Bridgeport Irrigation District, was a 33rd degree Mason, was a member of Camp Clarke Lodge #285, the Scottish Rite, the Panhandle Shrine Club, and the Tehema Shrine, served on the Nebraska Game and Parks Commission, was on the Board of Directors of Western Bank and National Bank of Commerce, was a former partner of the Bridgeport Inn, and was instrumental in building Prairie Winds Community Center; and

WHEREAS, Mr. Lapaseotes died on March 25, 2007, at the age of seventy.

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

1. That the Legislature extends its condolences to the family of Constantine "Connie" Lapaseotes.

2. That a copy of this resolution be sent to the family of Mr. Lapaseotes.

Laid over.

LEGISLATIVE RESOLUTION 71. Introduced by Erdman, 47.

WHEREAS, the Ogallala High School 2006 Boys' Cross Country Team has displayed remarkable ability and teamwork; and

WHEREAS, the Ogallala High School 2006 Boys' Cross Country 5K run team members Jessop Adams, Tanner Fruit, Tyler Tophoj, Nathan Towell, Luke Schmidt, and Rylan Commins achieved remarkable success this season; and

WHEREAS, the Ogallala High School Boys' Cross Country Team won the 2006 Class B Boys' State Cross Country 5K run championship.

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

1. That the Ogallala High School 2006 Boys' Cross Country 5K run team be congratulated for its success.

2. That a copy of this resolution be sent to Ogallala High School and Coach Shane Fruit.

Laid over.

LEGISLATIVE RESOLUTION 72. Introduced by Erdman, 47.

WHEREAS, Tyler Gifford is the winner of the 2007 Class D-1 State Wrestling Championship in the 125-pound division; and

WHEREAS, Tyler Gifford, a sophomore at Banner County High School in Harrisburg, Nebraska, defeated Jess Wells of Anselmo-Merna High School, 8-0 in the finals of the 2007 Class D-1 State Wrestling Championship in the 125-pound division held at the Qwest Center in Omaha; and

WHEREAS, Tyler Gifford's record as a sophomore wrestler at Banner County High School is 42-1; and

WHEREAS, Tyler Gifford's overall Banner County High School wrestling record is 80-3.

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

1. That Tyler Gifford be congratulated for this exemplary achievement at the 2007 Class D-1 State Wrestling Championship and that he be commended for his perseverance and dedication to the Banner County High School Wrestling Team.

2. That a copy of this resolution be sent to Tyler Gifford and Coach Gifford.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 368. Title read. Considered.

SPEAKER FLOOD PRESIDING

Pending.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 64, 65, 66, and 68 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 64, 65, 66, and 68.

GENERAL FILE

LEGISLATIVE BILL 368. Committee AM717, found on page 891, was considered.

SENATOR FRIEND PRESIDING

The committee amendment was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 38 ayes, 0 nays, 4 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT - Add Cointroducer

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB 368. No objections. So ordered.

VISITORS

Visitors to the Chamber were 43 fourth-grade students from Bryan Elementary, Lexington.

The Doctor of the Day was Dr. Dennis DeRoin from Louisville.

ADJOURNMENT

At 4:48 p.m., on a motion by Senator Janssen, the Legislature adjourned until 9:00 a.m., Thursday, April 12, 2007.

Patrick J. O'Donnell
Clerk of the Legislature

