

THIRTY-FIRST DAY - FEBRUARY 20, 2007**LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE
FIRST SESSION****THIRTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 20, 2007

PRAYER

The prayer was offered by Senator Kruse.

ROLL CALL

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

The roll was called and all members were present except Senators Gay and Pedersen who were excused; and Senators Engel, Fischer, and Heidemann who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirtieth day was approved.

COMMITTEE REPORTS**Enrollment and Review****Correctly Engrossed**

The following bills were correctly engrossed: LBs 99, 191, 213, 237, 263, 298, 311, 313, and 333.

(Signed) Amanda McGill, Chairperson

COMMITTEE REPORTS**Urban Affairs**

LEGISLATIVE RESOLUTION 13. Reported to the Legislature for further consideration.

LEGISLATIVE RESOLUTION 6CA. Placed on General File.

LEGISLATIVE RESOLUTION 2CA. Placed on General File - Com AM371.

- 1 1. On page 2, line 8, strike "fifteen", show as stricken,
 2 and insert "twenty"; and in lines 15 and 23 strike "fifteen" and
 3 insert "twenty".
 4 2. On page 3, line 12, after the comma insert "to change
 5 the term of such special tax treatment to twenty years,"; and in
 6 lines 13 and 14 strike "from fifteen" and insert "to up".

LEGISLATIVE BILL 517. Indefinitely postponed.

LEGISLATIVE BILL 607. Indefinitely postponed.

(Signed) Mike Friend, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 15, 2007, at 12:12 p.m. were the following: LBs 283 and 283A.

(Signed) Jamie Kruse
 Clerk of the Legislature's Office

NOTICE OF COMMITTEE HEARINGS

Transportation and Telecommunications

Room 1113

LB 162	Monday, March 5, 2007	1:30 p.m.
LB 667	Monday, March 5, 2007	1:30 p.m.
LB 415	Monday, March 5, 2007	1:30 p.m.
LB 285	Monday, March 5, 2007	1:30 p.m.

Monday, March 5, 2007	1:30 p.m.
Richard Pierce - Board of Public Roads Classifications and Standards	

(Signed) Deb Fischer, Chairperson

Nebraska Retirement Systems

Room 1525

Tuesday, March 27, 2007	12:15 p.m.
Annual Report - Nebraska Investment Council	
Annual Report - Nebraska Public Employees Retirement Systems	

(Signed) John Synowiecki, Chairperson

SELECT FILE

LEGISLATIVE BILL 307. Senator White renewed his amendment, AM267, found on page 594.

Senator Christensen offered the following amendment to the White

amendment:

FA26

1. On page 1, line 2, strike "carry proof of" and insert "have"; and in line 4 after "comma" insert "; and in line 19 after the period insert "The person operating the all-terrain vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such a request.' "

The Christensen amendment was adopted with 33 ayes, 1 nay, 10 present and not voting, and 5 excused and not voting.

The White amendment, as amended, was adopted with 31 ayes, 2 nays, 10 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 291. ER8015, found on page 445, was adopted.

Senator Preister renewed his amendment, AM398, found on page 596.

SENATOR LANGEMEIER PRESIDING

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

Senator Louden moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Senator Louden requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 23:

Aguilar	Engel	Hansen	Langemeier	Stuthman
Ashford	Erdman	Harms	Louden	Wallman
Burling	Fischer	Heidemann	Nelson	Wightman
Carlson	Flood	Hudkins	Pirsch	
Dierks	Fulton	Kruse	Rogert	

Voting in the negative, 22:

Adams	Dubas	Lathrop	Pahls	Synowiecki
Avery	Howard	McDonald	Pankonin	White
Chambers	Janssen	McGill	Preister	
Christensen	Karpisek	Mines	Raikes	
Cornett	Kopplin	Nantkes	Schimek	

Present and not voting, 2:

Friend	Johnson
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Excused and not voting, 2:

Gay Pedersen

The motion to cease debate failed with 23 ayes, 22 nays, 2 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 67, 108, 117, 290, 422, 434, 472, 549, and 549A.

ST9006

Enrollment and Review Change to LB 117

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

1. In the E & R Amendments, ER8020, on page 1, the matter beginning with "strike" in line 20 through "in" in line 21 has been struck.

(Signed) Amanda McGill, Chairperson

COMMITTEE REPORT
Urban Affairs

LEGISLATIVE RESOLUTION 5CA. Placed on General File.

(Signed) Mike Friend, Chairperson

NOTICE OF COMMITTEE HEARING
Natural Resources
Room 1525

Wednesday, February 28, 2007

1:30 p.m.

Mark Graham - Nebraska Power Review Board
Ronald H. Stave - Game and Parks Commission

(Signed) LeRoy Louden, Chairperson

AMENDMENTS - Print in Journal

Senator Cornett filed the following amendment to LB 211:
AM423

(Amendments to E & R amendments, ER8023)

1 1. On page 1, lines 6 and 7, reinstate "the compensation
2 of"; in line 8 strike "paid" and insert "four hundred seventy-five
3 dollars"; and strike beginning with "The" in line 10 through
4 line 11 and insert "Beginning June 30, 2008, and each June 30
5 thereafter, the compensation shall be increased by multiplying the
6 current daily rate by the lesser of (1) the cumulative change
7 in the Consumer Price Index for Urban Wage Earners and Clerical
8 Workers published by the Bureau of Labor Statistics, or comparable
9 successor index, of the United States Department of Labor from the
10 previous year or (2) three percent.".

Senator Erdman filed the following amendment to LB 527:
AM404

1 1. On page 3, strike lines 19 through 24 and insert
2 "(3) The registration of each committee may be renewed by
3 the payment of an annual registration fee of one hundred dollars
4 to the commission on or before January 30 of each year and shall
5 terminate on such date unless renewed. The registration of any
6 committee in existence as of the effective date of this act shall
7 continue without the payment of a registration fee until January 30
8 following the effective date of this act and may be renewed under
9 this subsection.".
10 2. On page 4, strike lines 3 through 6; and in line 7
11 strike "(6)" and insert "(5)".

Senator Erdman filed the following amendment to LB 185:
AM405

(Amendments to Final Reading copy)

1 1. Strike section 50 and insert the following new
2 sections:
3 Section 1. Section 30-2483, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 30-2483 Unless notice has already been given under this
6 article and except when an appointment of a personal representative
7 is made pursuant to subdivision (4) of section 30-2408, the clerk
8 of the court upon the appointment of a personal representative
9 shall publish a notice once a week for three successive weeks
10 in a newspaper of general circulation in the county announcing
11 the appointment and the address of the personal representative,
12 and notifying creditors of the estate to present their claims
13 within two months after the date of the first publication of the
14 notice or be forever barred. The first publication shall be made
15 within thirty days after the appointment. The party instituting
16 or maintaining the proceeding or his or her attorney is required

17 to mail the published notice and give proof thereof in accordance
 18 with section 25-520.01. If the decedent was fifty-five years of
 19 age or older or resided in a medical institution as defined in
 20 subsection (1) of section 68-919, the notice shall also be mailed
 21 to the Department of Health and Human Services Finance and Support
 22 with the decedent's social security number and, if available upon
 1 reasonable investigation, the name and social security number of
 2 the decedent's spouse if such spouse is deceased.

3 Sec. 51. Sections 2, 51, 52, and 56 of this act become
 4 operative on their effective date. Sections 6, 7, 8, 9, 10, 11, 12,
 5 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29,
 6 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 54, and 55 of
 7 this act become operative on July 1, 2007. The other sections of
 8 this act become operative three calendar months after adjournment
 9 of this legislative session.

10 2. On page 1, line 2; and page 49, line 21, after
 11 "sections" insert "30-2483,".

12 3. Renumber the remaining sections accordingly.

Senator Erdman filed the following amendment to LB 402:
 AM425

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

3 Section 1. This act shall be known and may be cited as
 4 the Redistricting Act.

5 Sec. 2. For purposes of the Redistricting Act:

6 (1) Committee means the Redistricting Committee of the
 7 Legislature;

8 (2) Director means the Director of Research of the
 9 Legislature or his or her designee;

10 (3) Executive board means the Executive Board of the
 11 Legislative Council;

12 (4) Other district means a legislative district, supreme
 13 court judicial district, public service commission district, board
 14 of regents district, or state board of education district; and

15 (5) Redistricting plan means a plan for congressional
 16 districts and other districts prepared pursuant to the requirements
 17 of the act.

18 Sec. 3. (1) The Redistricting Committee of the
 19 Legislature is established. The committee shall be comprised of
 20 nine members of the Legislature, three from each congressional
 21 district existing on January 1 of each year ending in zero. The
 22 executive board shall appoint the members of the committee in
 23 January of each year ending in one. No more than five members
 1 appointed to the committee shall be of the same political party.

2 (2) At the first meeting of the committee, the members
 3 shall select from among themselves by majority vote one member to
 4 serve as chairperson of the committee and one member to serve as
 5 vice-chairperson of the committee.

6 (3) The existence of the committee shall continue
7 throughout the redistricting process and shall be reconstituted
8 pursuant to this section in the event of a successful legal
9 challenge to any part of the redistricting process or any action
10 taken under the Redistricting Act. A vacancy on the committee shall
11 be filled by the executive board as soon as possible after the
12 vacancy occurs.

13 (4) The committee shall receive staff support from the
14 office of the director.

15 Sec. 4. (1) The committee shall be responsible for
16 administering the Redistricting Act.

17 (2)(a) The committee shall prepare substantive and
18 procedural guidelines, consistent with the act, that will guide
19 the Legislature's redistricting process. The guidelines shall be
20 formulated during the legislative session of each year ending in
21 one. The guidelines shall be presented to the Legislature for
22 approval.

23 (b) The committee shall at the earliest feasible time
24 make available to the public the guidelines prepared under this
25 section.

26 Sec. 5. The committee shall introduce legislative bills
27 pertaining to redistricting congressional districts and other
1 districts during the first ten days of the legislative session
2 of each year ending in one.

3 Sec. 6. (1) The director shall (a) acquire appropriate
4 information, (b) review and evaluate available facilities, and (c)
5 develop programs and procedures for preparing redistricting plans
6 on the basis of each federal decennial census under the direction
7 of the committee. Funds shall be expended for the purchase or
8 lease of equipment and materials only with prior approval of the
9 chairperson of the executive board.

10 (2) By December 31 of each year ending in zero,
11 the director shall obtain from the United States Department of
12 Commerce, Bureau of the Census, information regarding geographic
13 and political units in this state for which federal census
14 population data has been gathered and will be tabulated.

15 Sec. 7. Based upon the information received from the
16 United States Department of Commerce, Bureau of the Census, the
17 director shall compile statistics for each congressional district
18 boundary and other district boundaries. The statistics shall be
19 made available to the Legislature and the public.

20 Sec. 8. (1) After the information gathered under section
21 7 of this act is made available to the Legislature and the
22 public, the committee shall schedule and conduct, as expeditiously
23 as reasonably possible, at least one public hearing in each
24 congressional district for the purposes of soliciting input on the
25 proposed redistricting plans. Video and other methods may be used
26 in addition to the procedures outlined for public hearings but not
27 in substitution for such procedures.

- 1 (2) Following the public hearings, the committee shall
- 2 proceed to process the legislative bills introduced at the
- 3 beginning of the legislative session.

MOTIONS - Print in Journal

Senator Erdman filed the following motion to LB 402:
To indefinitely postpone LB 402.

Senator Hudkins filed the following motion to LB 49:
To place LB 49 on General File, pursuant to Rule 3, Section 19(b).

UNANIMOUS CONSENT - Add Cointroducers

Senator Heidemann asked unanimous consent to add his name as cointroducer to LB 30. No objections. So ordered.

Senator Howard asked unanimous consent to add her name as cointroducer to LB 496. No objections. So ordered.

WITHDRAW - Cointroducer

Senator Chambers withdrew his name as cointroducer to LB 535.

VISITORS

Visitors to the Chamber were members of Future Business Leaders of America; members of Youth Leadership Tomorrow from Hall County; members of Class I's United from across the state; and 35 seventh-grade students, teachers, and sponsors from Cross County School, Benedict.

The Doctor of the Day was Dr. Mary Lafferty from Omaha.

ADJOURNMENT

At 12:00 p.m., on a motion by Senator Fischer, the Legislature adjourned until 9:00 a.m., Wednesday, February 21, 2007.

Patrick J. O'Donnell
Clerk of the Legislature