

FIFTH DAY - JANUARY 15, 2008
LEGISLATIVE JOURNAL
ONE HUNDREDTH LEGISLATURE
SECOND SESSION

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 15, 2008

PRAYER

The prayer was offered by Senator Hudkins.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:45 a.m., President Sheehy presiding.

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

CORRECTIONS FOR THE JOURNAL

The Journal for the fourth day was approved.

NOTICE OF COMMITTEE HEARINGS

Banking, Commerce and Insurance

Room 1507

Tuesday, January 22, 2008 1:30 p.m.

LB715
LB716
LB717
LB851
LB852

(Signed) Rich Pahls, Chairperson

Transportation and Telecommunications

Room 1113

Tuesday, January 22, 2008 1:30 p.m.

LB823
LB755
LB815
LB829

(Signed) Deb Fischer, Chairperson

MOTION - Escort Governor

Senator Burling moved that a committee of five be appointed to escort the Governor of the State of Nebraska to the Legislative Chamber to deliver his State of the State Address.

The motion prevailed.

The Chair appointed Senators Engel, Hudkins, Janssen, Preister, and Schimek to serve on said committee.

STATE OF THE STATE ADDRESS

"Nebraska is steadily and consistently moving forward.
We are on a path that will reshape Nebraska's future...
Together we can make tomorrow better than today."

Mr. President, Mr. Speaker, Members of the Legislature, Distinguished Guests, Friends and Fellow Nebraskans:

I am pleased to be with you at the beginning of another legislative session. Working together, we have made a difference for our state.

Nebraska is steadily and consistently moving forward. We are on a path that will reshape Nebraska's future.

Working together, we have enhanced Nebraska's ability to compete in a free market economy. The Nebraska Advantage is working. During the past two years, 138 companies decided to expand or locate in Nebraska. These businesses will invest over \$4.6 billion in our economy and they will create more than 12,000 new jobs in communities all across Nebraska. The ethanol industry is experiencing a strong expansion and Nebraska is now the second largest ethanol producer in America. Capitalizing on the global demand for our high quality products has resulted in expanded export markets in Taiwan, China, Cuba, Canada, and Mexico for Nebraska businesses. A

forward looking insurance policy environment has significantly grown our insurance industry.

I am pleased to report to you that Nebraska is making progress in creating new jobs for our young people and expanding middle class job opportunities. But we still have more work to do.

Nebraskans want higher paying jobs, better careers, financial security and expanded opportunities for their children. Nebraskans want the ability to compete in a 21st century economy that leverages technology, values educational excellence and fosters entrepreneurship.

Imagine what it would be like for our children if Nebraska could create a large number of jobs that pay twice the current Nebraska county average salary.

To accomplish that goal requires 21st century leadership that is innovative and creative. That's why I am proposing that Nebraska take a quantum leap forward with a new tier of performance based incentives that reward the creation of higher paying jobs and I'm asking you to make this a priority in this legislative session. This new program is called the Nebraska Super Advantage. The Nebraska Super Advantage is about the next decade and the next generation of Nebraskans. This bold, new plan is our opportunity to keep our young people right here in Nebraska.

Incentives are essential, but alone they aren't enough. Taxes make a difference too. During previous legislative sessions, you have lowered taxes, including last year's tax relief package which was the largest in the history of the state. These bills provided property tax relief, repealed the death tax, eliminated the marriage penalty, expanded the Earned Income Tax Credit, and repealed the sales tax on construction labor.

While we have made progress in lowering taxes, make no mistake about it – taxes are still too high. Whether you are a small business owner, a farmer, a rancher, an entrepreneur, a teacher, a nurse, or a retired person on a fixed income; taxes are too high. That's why I am proposing additional property tax relief in this budget. Tax relief must continue to be a priority for our state.

Competing in a free market economy also requires a pre-kindergarten through college education system that is accountable, affordable, efficient, and student focused. Education is the great equalizer and every Nebraska child deserves the opportunity to achieve a quality education.

Accountability requires measuring school district academic success and Nebraska needs a simplified student measurement system for comparing school district performance. The goal is better testing, not more testing. School district leaders need to focus their time and energy on closing the academic achievement gap. More parents need to be involved in their

children's education. More rigorous academic standards are needed in our schools and overall academic performance must be improved.

State aid to education should be predictable and sustainable. State aid is one of our most important responsibilities and that's why I have recommended fully funding the formula every year that I have been Governor. As we look to the future, it is important that Nebraska has an understandable, stable and affordable school funding formula. This is the long-term challenge that we must address. Nebraska has a very good K-12 education system and we must make it even better in the future.

Nebraska's higher education system should also be more accountable, more integrated and more efficient. The University of Nebraska, our state colleges and our community colleges can work together in a more cooperative manner. Increasing the college attendance rate is critical. Increased enrollments and revenues to our colleges through innovation like UNO's differential tuition rate to attract more students to the University of Nebraska at Omaha are important. Thank you to President Milliken and Chancellor Christensen for your innovation.

The University of Nebraska is a key component to Nebraska's future and they must redefine their priorities to reflect the education and financial challenges of the 21st century. Expanded enrollment means increased tuition revenue growth which is necessary given the fiscal realities of the state budget. I believe the University of Nebraska can successfully address its future challenges because of its exceptional leadership team.

Nebraska has other challenges. Imagine a new Department of Health and Human Services that accelerates the reform of the state's child welfare system, behavioral health, Medicaid, and the Beatrice State Developmental Center. Together we can make these changes. There are encouraging signs already. Adoptions are up, community based care is increasing, and out of home placements are down.

You and I want government to operate more efficiently and with greater accountability. Last year this body passed a comprehensive restructuring of the Department of Health and Human Services designed to make the system more effective, more efficient and more accountable.

We are in the process of implementing those changes. The challenges facing Health and Human Services have been decades in the making. Success won't happen overnight but we are beginning to make progress. We have a new leadership team that is committed to change. We have employees who are dedicated to helping their fellow citizens.

We also need changes in health care. This is an issue that affects every Nebraskan and every Nebraska family. Much of what should be done will require a federal-state partnership with the private sector. Our country needs a secure electronic health care system. Nebraska will be part of that effort

with a pilot technology grant for Hebron and Thayer County to better coordinate patient records, to improve a patient's health and to moderate health care costs.

Our health care system should also be consumer driven and focus on prevention and wellness. Obesity is a problem that needs to be addressed in our schools, in our work places, in our homes, and in our communities.

In Nebraska, we must reverse the trend of childhood obesity. By doing this, we will reduce the risk of diabetes, high blood pressure and heart disease for our most precious resource - our children. This issue doesn't require a new law. It's about eating properly and exercising regularly. Both children and adults need to be physically active.

Creating a culture of wellness throughout Nebraska is essential and state government should lead by example. As we reform and improve our health insurance program for state employees, I will be recommending that we focus on prevention and wellness. The long term results will include improved employee health, increased productivity and lower future health care costs.

Now let's turn our attention to a very difficult and emotional issue – immigration. The fact is, the federal government is tasked with the duty to regulate immigration and the federal government has failed, creating problems for states. Their failure has resulted in an ever increasing number of illegal immigrants in our country. States are now beginning to address their specific challenges in their own ways. I believe Nebraska should too.

I want to be very clear. America is the land of opportunity and Nebraskans support legal immigration. Illegal behavior should not be rewarded. It is unfair to immigrants who have become legal American citizens to have illegal immigrants provided the same opportunities. Nebraskans are compassionate but we are also law abiding citizens.

Finally, a fiscally responsible budget requires a prudent cash reserve for when we have a downturn in the economy. Other states are beginning to experience revenue shortfalls. I hope a downturn can be avoided but the Federal Reserve has suggested that our nation's economy may slow down in 2008.

Your Tax Rate Review Committee in its November 20, 2007 report said that "Past history in General Fund revenue growth since 1981 demonstrates a clear pattern of growth rates, clustering of several years above average, followed by several years of below average growth, suggesting FY 2008 – 2009 may be the onset of a below average growth period."

This financial challenge presents a golden opportunity for senators departing at the end of the year. You have the experience and wisdom to appreciate the value of a robust cash reserve. There will be a temptation to spend it, but

your leadership can preserve it. Your legacy can be a Nebraska better prepared for future progress.

Our vision is about limitless dreams and endless possibilities.

Nebraskans are can-do people.

We want a better Nebraska. We want a strong economy that produces more high paying jobs and financial security for our families. We want a quality education for our sons and daughters. We want to improve the health of our Nebraska families.

We believe in the American dream.

We are hopeful and optimistic about Nebraska's future and I know together we can make tomorrow better than today.

Together, we will continue to move Nebraska forward. Thank you.

The committee escorted Governor Dave Heineman from the Chamber.

EASE

The Legislature was at ease from 10:19 a.m. until 10:30 a.m.

SENATOR LANGEMEIER PRESIDING

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 959. Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2007, LB 319, section 9; Laws 2007, LB 320, sections 29, 30, and 49; Laws 2007, LB 321, sections 32, 37, 48, 49, 50, 55, 69, 88, 124, 177, 180, 183, 184, 187, 215, 244, and 245; to define terms; to provide, change, and eliminate provisions relating to appropriations; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 960. Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2007, LB 321, sections 77, 78, 79, 82, 83, 84, 89, 92, 93, 115, 146, 163, 164, 188, 192, 195, 196, 199, 202, 204, 206, 207, 209, 222, 230, 236, 237, 238, 239, 249, 255, 256, and 275; to state intent; to define terms; to make

appropriations for the cost of employee pay and benefits; to change appropriations; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 961. Introduced by Speaker Flood, 19; at the request of the Governor.

A BILL FOR AN ACT relating to the transfer of funds; to amend sections 77-4212 and 84-612, Revised Statutes Supplement, 2007, and Laws 2007, LB 321, section 281; to increase the amount of property tax relief granted for tax year 2008; to provide for transfers of funds; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 962. Introduced by Preister, 5; Flood, 19.

A BILL FOR AN ACT relating to the Open Meetings Act; to amend section 84-1412, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to meetings of a public body; and to repeal the original section.

LEGISLATIVE BILL 963. Introduced by Friend, 10; Erdman, 47; Lautenbaugh, 18; Pahls, 31; at the request of the Governor.

A BILL FOR AN ACT relating to governmental agencies; to amend section 85-502, Revised Statutes Cumulative Supplement, 2006; to define terms; to require verification of lawful presence in the United States as prescribed; to provide exemptions and procedures; to provide powers and duties; to require a report; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 964. Introduced by Revenue Committee: Janssen, 15, Chairperson; Burling, 33; Cornett, 45; Dierks, 40; Langemeier, 23; Preister, 5; Raikes, 25; White, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1345.01 and 77-5019, Revised Statutes Cumulative Supplement, 2006, and sections 77-5004 and 81-1316, Revised Statutes Supplement, 2007; to change property valuation appeal provisions; to change provisions relating to members and employees of the Tax Equalization and Review Commission; and to repeal the original sections.

LEGISLATIVE BILL 965. Introduced by Revenue Committee: Janssen, 15, Chairperson; Burling, 33; Cornett, 45; Dierks, 40; Langemeier, 23; Preister, 5; Raikes, 25; White, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-115, 77-1201, 77-1202.01, 77-1210, 77-1214, 77-1219, 77-1230, 77-1233.02, 77-1233.03, and 77-1734.01, Reissue Revised Statutes of Nebraska, sections 77-1234, 77-1502, and 77-1504.01, Revised Statutes Cumulative Supplement, 2006, and sections 76-214, 77-1233.04, 77-1233.06, 77-1736.06, 77-4105, and 77-5725, Revised Statutes

Supplement, 2007; to change provisions relating to real estate tax statements, county assessors, tangible personal property tax assessment, refunds, property tax protests, and Tax Commissioner duties; to eliminate a provision relating to a report; to provide operative dates; to repeal the original sections; to outright repeal section 77-202.13, Revised Statutes Supplement, 2007; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 253. Senator Chambers withdrew his motion, MO106, found on page 221, to indefinitely postpone.

Senator Avery offered the following amendment:
AM1566

- 1 1. Strike original section 6.
- 2 2. On page 15, line 22, strike the new matter.
- 3 3. On page 16, strike line 12 and insert "age and (b)
- 4 carries proof of"; in line 23 after the last comma insert "and";
- 5 and strike beginning with the last comma in line 24 through
- 6 "protection" in line 25.
- 7 4. On page 17, strike beginning with "Except" in line 1
- 8 through "enforcement" in line 2 and insert "Enforcement"; strike
- 9 lines 6 through 10; and in line 11 strike "(6)" and insert "(5)".
- 10 5. On page 26, strike beginning with "and" in line 19
- 11 through the last comma in line 20.
- 12 6. Renumber the remaining sections and correct internal
- 13 references accordingly.

Senator Avery withdrew his amendment.

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

Senator Rogert moved for a call of the house. The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

The motion to cease debate prevailed with 26 ayes, 4 nays, 18 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Rogert moved for a call of the house. The motion prevailed with 47 ayes, 0 nays, and 2 not voting.

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

Voting in the affirmative, 23:

Aguilar	Dubas	Hansen	Lautenbaugh	Stuthman
Burling	Erdman	Heidemann	McDonald	Synowiecki
Carlson	Fischer	Hudkins	Nantkes	White
Chambers	Flood	Karpisek	Pahls	
Christensen	Friend	Langemeier	Rogert	

Voting in the negative, 25:

Adams	Engel	Johnson	McGill	Preister
Ashford	Fulton	Kopplin	Nelson	Raikes
Avery	Gay	Kruse	Pankonin	Schimek
Cornett	Howard	Lathrop	Pedersen	Wallman
Dierks	Janssen	Louden	Pirsch	Wightman

Excused and not voting, 1:

Harms

Failed to advance to Enrollment and Review Initial with 23 ayes, 25 nays, and 1 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 269. Title read. Considered.

Committee AM682, found on page 858, First Session, 2007, was considered.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 966. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to appropriations; to amend sections 71-5714 and 71-7608, Revised Statutes Supplement, 2007; to change the amount allocated to and use of the Tobacco Prevention and Control Cash Fund; and to repeal the original sections.

LEGISLATIVE BILL 967. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to the School Employees Retirement Act; to amend section 79-909, Reissue Revised Statutes of Nebraska; to change provisions relating to the annual audit as prescribed; and to repeal the original section.

LEGISLATIVE BILL 968. Introduced by White, 8.

A BILL FOR AN ACT relating to the School Employees Retirement Act; to amend section 79-933, Reissue Revised Statutes of Nebraska; to change provisions relating to service annuities; and to repeal the original section.

LEGISLATIVE BILL 969. Introduced by Pankonin, 2.

A BILL FOR AN ACT relating to insurance; to require coverage for prosthetics.

LEGISLATIVE BILL 970. Introduced by Gay, 14; Kopplin, 3.

A BILL FOR AN ACT relating to schools; to amend sections 79-1008.01 and 79-10,126, Revised Statutes Cumulative Supplement, 2006, and sections 77-3442, 79-1008.02, 79-1015.01, 79-1022, 79-10,120, 79-2104, and 79-2111, Revised Statutes Supplement, 2007; to eliminate certain taxing authority of learning communities; to change state aid calculations; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-1015, 79-1073, 79-1073.01, and 79-10,126.01, Revised Statutes Supplement, 2007.

LEGISLATIVE BILL 971. Introduced by Pedersen, 39; Kopplin, 3.

A BILL FOR AN ACT relating to cities and villages; to amend sections 15-104, 15-111, 15-112, 16-122, and 17-402, Reissue Revised Statutes of Nebraska, section 14-117, Revised Statutes Cumulative Supplement, 2006, and section 16-117, Revised Statutes Supplement, 2007; to require voter approval for actions related to annexation of cities or villages; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 972. Introduced by Gay, 14.

A BILL FOR AN ACT relating to optometry; to amend sections 38-2609 and 38-2611, Revised Statutes Supplement, 2007; to change provisions relating to reciprocal licensure and continuing competency requirements; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 973. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to the Community College Foundation and Equalization Aid Act; to amend sections 85-2212, 85-2221, 85-2223, 85-2224, 85-2225, and 85-2228, Revised Statutes Supplement, 2007; to change and eliminate definitions; to change provisions relating to calculation of aid; to harmonize provisions; to repeal the original sections; and to outright repeal sections 85-2214, 85-2219, and 85-2226, Revised Statutes Supplement, 2007.

LEGISLATIVE BILL 974. Introduced by Gay, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections

77-2715.07 and 77-2734.03, Revised Statutes Supplement, 2007; to provide an income tax credit for health insurance or care expenses of certain employers; and to repeal the original sections.

LEGISLATIVE BILL 975. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3226.01, Revised Statutes Supplement, 2007; to change provisions relating to river-flow enhancement bonds; and to repeal the original section.

LEGISLATIVE BILL 976. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to schools; to amend section 79-4,108, Revised Statutes Supplement, 2007; to change provisions relating to dissolution of unified school districts; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 977. Introduced by Raikes, 25; Friend, 10.

A BILL FOR AN ACT relating to schools; to amend section 79-458, Revised Statutes Supplement, 2007; to change provisions relating to freeholders' petitions; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 978. Introduced by Gay, 14.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-4,119, Revised Statutes Cumulative Supplement, 2006, and section 79-407, Revised Statutes Supplement, 2007; to change provisions relating to boundary changes; and to repeal the original sections.

RESOLUTION

LEGISLATIVE RESOLUTION 228. Introduced by Karpisek, 32.

WHEREAS, the Crete High School football team captured the 2007 Class B state high school football championship; and

WHEREAS, Crete defeated McCook 14-7, in overtime, in a hard-fought contest; and

WHEREAS, this win gives the Cardinals back-to-back state championships; and

WHEREAS, the team and Coach Chuck McGinnis deserve this special recognition for the team work, discipline, and spirit that they displayed throughout the season.

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

1. That the Legislature congratulates the Crete High School football team and Coach Chuck McGinnis.

2. That a copy of this resolution be sent to Crete High School.

Laid over.

VISITORS

Visitors to the Chamber were 60 seventh- through twelfth-grade students, teachers, and sponsors from Buffalo County; and Buffalo County Community Partners.

RECESS

At 11:58 a.m., on a motion by Speaker Flood, the Legislature recessed until 1:30 p.m.

AFTER RECESS

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

ROLL CALL

The roll was called and all members were present except Senators Friend and Harms who were excused; and Senators Cornett, Engel, Flood, Heidemann, Hudkins, Johnson, and Kruse who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB901	Judiciary
LB902	Judiciary
LB903	Education
LB904	Government, Military and Veterans Affairs
LB905	Appropriations
LB906	Health and Human Services
LB907	Banking, Commerce and Insurance
LB908	Transportation and Telecommunications
LB909	Judiciary
LB910	Transportation and Telecommunications
LB911	Transportation and Telecommunications
LB912	Revenue
LB913	Revenue
LB914	Revenue
LB915	Revenue
LB916	Revenue
LB917	Transportation and Telecommunications
LB918	Banking, Commerce and Insurance

LB919 Transportation and Telecommunications
 LB920 Banking, Commerce and Insurance
 LB921 Government, Military and Veterans Affairs
 LB922 Revenue
 LB923 Natural Resources
 LB924 Natural Resources
 LB925 Agriculture
 LB926 Business and Labor
 LB927 Government, Military and Veterans Affairs
 LB928 Health and Human Services
 LB929 Judiciary
 LB930 Judiciary
 LB931 Revenue
 LB932 Judiciary
 LB933 Judiciary
 LB934 Judiciary
 LB935 Judiciary
 LB936 Business and Labor
 LB937 Nebraska Retirement Systems
 LB938 Nebraska Retirement Systems
 LB939 Natural Resources
 LB940 Appropriations
 LB941 Transportation and Telecommunications
 LB942 Judiciary
 LB943 Judiciary
 LB944 Revenue
 LB945 Natural Resources
 LB946 Revenue
 LB947 Urban Affairs
 LB948 Business and Labor
 LB949 Revenue
 LB950 Judiciary
 LB951 Health and Human Services
 LB952 Judiciary
 LB953 Banking, Commerce and Insurance
 LB954 Health and Human Services
 LB955 General Affairs
 LB956 Appropriations
 LB957 Judiciary
 LB958 Judiciary

(Signed) L. Patrick Engel, Chairperson
 Legislative Council, Executive Board

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 979. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to county government; to amend section 23-120, Revised Statutes Cumulative Supplement, 2006; to change

provisions relating to county building levies; and to repeal the original section.

LEGISLATIVE BILL 980. Introduced by Carlson, 38.

A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to amend section 81-885.21, Reissue Revised Statutes of Nebraska; to change provisions relating to trust accounts; and to repeal the original section.

LEGISLATIVE BILL 981. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to state government; to amend section 81-108, Reissue Revised Statutes of Nebraska, section 49-1499.03, Revised Statutes Cumulative Supplement, 2006, and section 49-1401, Revised Statutes Supplement, 2007; to define terms; to prohibit nepotism; to eliminate provisions relating to employment of family members; to eliminate a penalty; to harmonize provisions; to repeal the original sections; and to outright repeal section 49-1499.01, Revised Statutes Cumulative Supplement, 2006.

GENERAL FILE

LEGISLATIVE BILL 269. Committee AM682, found on page 858, First Session, 2007, and considered in this day's Journal, was renewed.

Senator Erdman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The committee amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 982. Introduced by Schimek, 27; Avery, 28; McGill, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to Wyuka Cemetery.

LEGISLATIVE BILL 983. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,228, 77-27,229, 77-27,230, 77-27,231, 77-27,232, 77-27,233, and

77-27,234, Revised Statutes Cumulative Supplement, 2006, and section 77-2701, Revised Statutes Supplement, 2007; to change provisions relating to income tax credits for planned gifts; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 984. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-117, Revised Statutes Supplement, 2007; to eliminate resolution, public hearing, and publication requirements for annexation as prescribed; to harmonize provisions; and to repeal the original section.

NOTICE OF COMMITTEE HEARINGS

Education

Room 1525

Tuesday, January 22, 2008 1:30 p.m.

LB849

LB850

(Signed) Ron Raikes, Chairperson

Urban Affairs

Room 1510

Tuesday, January 22, 2008 1:30 p.m.

LB768

LB813

LB899

LB947

(Signed) Mike Friend, Chairperson

SELECT FILE

LEGISLATIVE BILL 39. ER8017, found on page 450, First Session, 2007, was adopted.

Senator Schimek withdrew her amendments, AM681 and AM680, found on pages 835 and 837, First Session, 2007.

Senator Schimek renewed her amendment, AM1071, found on page 1494, First Session, 2007.

SENATOR FISCHER PRESIDING

SENATOR LANGEMEIER PRESIDING

Senator Schimek moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

The Schimek amendment was adopted with 31 ayes, 9 nays, 7 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Fischer requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 30 ayes, 11 nays, 5 present and not voting, and 3 excused and not voting.

GENERAL FILE**LEGISLATIVE BILL 402.** Considered.

Senator Erdman withdrew his motion, found on page 512, and considered on page 785, First Session, 2007, to recommit to the Executive Board.

Senator Erdman withdrew his amendment, AM425, found on page 606, First Session, 2007.

Senator Schimek offered the following amendment:
AM1567

- 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 shall be established as a special committee of
- 20 the Legislature in each year ending in one. The committee may
- 21 introduce and exercise jurisdiction over legislative bills and

22 resolutions relating to redistricting and hold hearings regarding
23 such legislation.

1 (2) The committee shall be comprised of nine members of
2 the Legislature, three from each congressional district existing
3 on January 1 of each year ending in zero. The executive board
4 shall appoint the members of the committee in January of each year
5 ending in one. No more than five members appointed to the committee
6 shall be affiliated with the same political party. A vacancy on
7 the committee shall be filled by the executive board as soon as
8 possible after the vacancy occurs.

9 (3) At the first meeting of the committee, the members
10 shall select from among themselves by majority vote one member
11 to serve as chairperson of the committee and one member to serve
12 as vice-chairperson of the committee. The chairperson and the
13 vice-chairperson shall not be affiliated with the same political
14 party.

15 (4) The committee shall continue in existence until
16 all legislative bills containing redistricting plans for which
17 the Legislature has responsibility are passed and signed by the
18 Governor. In the event of a successful legal challenge to any
19 part of a redistricting plan, the committee shall be reconstituted
20 according to the Redistricting Act for purposes of reformulating
21 the challenged redistricting plan.

22 (5) The committee shall receive staff support from the
23 office of the director.

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

26 (2)(a) After reviewing previous redistricting guidelines
27 used by the Legislature, the committee shall adopt substantive and
1 procedural guidelines, consistent with the act, that will guide the
2 Legislature's redistricting process. During the legislative session
3 of each year ending in one, the substantive guidelines adopted by
4 the committee shall be presented to the Legislature for approval.

5 (b) The committee shall at the earliest feasible time
6 make available to the public the guidelines prepared under this
7 section.

8 Sec. 5. The committee shall introduce legislative bills
9 pertaining to redistricting congressional districts and other
10 districts during the legislative session of each year ending
11 in one. The bills shall be processed utilizing the normal
12 procedures established for processing legislation introduced in
13 the Legislature.

14 Sec. 6. (1) Under the direction of the committee, the
15 director shall (a) acquire appropriate information, (b) review
16 and evaluate available facilities, and (c) develop programs and
17 procedures for preparing redistricting plans on the basis of each
18 federal decennial census. Funds shall be expended for the purchase
19 or lease of equipment and materials only with prior approval of the
20 chairperson of the executive board.

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

26 Sec. 7. Based upon the information received from the
 27 United States Department of Commerce, Bureau of the Census, the
 1 committee shall formulate redistricting plans for congressional
 2 districts and other districts. The redistricting plans shall be
 3 made available to the Legislature and the public.

4 Sec. 8. (1) After the redistricting plans formulated
 5 under section 7 of this act are made available to the Legislature
 6 and the public, the committee shall schedule and conduct, as
 7 expeditiously as reasonably possible, at least one public hearing
 8 in each congressional district for the purposes of soliciting input
 9 on the proposed redistricting plans. Video and other methods may be
 10 used in addition to the procedures outlined for public hearings but
 11 not in substitution for such procedures.

12 (2) Following the public hearings, the committee shall
 13 proceed to process the legislative bills introduced under section 5
 14 of this act.

Senator Erdman offered the following amendment to the Schimek amendment:

AM1570

(Amendments to AM1567)

- 1 1. On page 3, strike beginning with "programs" in line
- 2 16 through "preparing" in line 17 and insert "internal procedures
- 3 for the office of Legislative Audit and Research to assist in the
- 4 preparation of".
- 5 2. On page 4, line 4, strike "(1)"; and strike lines 12
- 6 through 14.

The Erdman amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Senator Schimek moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

The Schimek amendment, as amended, was adopted with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Erdman offered the following amendment:

AM1568

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new section:
- 3 Section 1. (1) Under the direction of the Executive

4 Board of the Legislative Council, the Director of Research of the
 5 Legislature or his or her designee shall (a) acquire appropriate
 6 information, (b) review and evaluate available facilities, and (c)
 7 develop internal procedures for the office of Legislative Audit
 8 and Research to assist in the preparation of redistricting plans
 9 for congressional districts, legislative districts, supreme court
 10 judicial districts, public service commission districts, board of
 11 regents districts, and state board of education districts on the
 12 basis of each federal decennial census. Funds shall be expended for
 13 the purchase or lease of equipment and materials only with prior
 14 approval of the chairperson of the Executive Board.
 15 (2) By December 31 of each year ending in zero,
 16 the director shall obtain from the United States Department of
 17 Commerce, Bureau of the Census, information regarding geographic
 18 and political units in this state for which federal census
 19 population data has been gathered and will be tabulated.

Senator Erdman moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The Erdman amendment was adopted with 25 ayes, 7 nays, 13 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Erdman withdrew his motion, found on page 608, First Session, 2007, to indefinitely postpone.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 205. Title read. Considered.

Senator Howard renewed her amendment, AM1563, found on page 222.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 985. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1233.04, Revised Statutes Supplement, 2007; to change provisions relating to tangible personal property tax returns; and to repeal the original section.

LEGISLATIVE BILL 986. Introduced by Preister, 5; Carlson, 38;

Christensen, 44; Dierks, 40; Dubas, 34; Fischer, 43; Kopplin, 3; Wallman, 30.

A BILL FOR AN ACT relating to recycling; to amend section 81-15,160, Revised Statutes Supplement, 2007; to adopt the Electronics Recycling Act; to provide fees; to harmonize provisions; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 987. Introduced by Raikes, 25; Adams, 24; Ashford, 20; Avery, 28; Flood, 19.

A BILL FOR AN ACT relating to schools; to amend section 79-762, Reissue Revised Statutes of Nebraska, and sections 79-757, 79-758, 79-760.02, and 79-760.03, Revised Statutes Supplement, 2007; to change provisions relating to the Quality Education Accountability Act; to define terms; to create a commission and an office; to change and provide powers and duties; to harmonize provisions; and to repeal the original sections.

NOTICE OF COMMITTEE HEARING

Agriculture

Room 1524

Tuesday, January 22, 2008 1:30 p.m.

LB925

(Signed) Philip Erdman, Chairperson

VISITORS

Visitors to the Chamber were Tyler Thompson from Scottsbluff and Adam Rasmussen from Chadron.

The Doctor of the Day was Dr. Christine Keim from Lincoln.

ADJOURNMENT

At 4:57 p.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Wednesday, January 16, 2008.

Patrick J. O'Donnell
Clerk of the Legislature