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Floor Debate  
January 22, 2007

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[LB6 LB11 LR16 LR17 LB17 LR18 LB21 LB24 LB25 LB26 LB28 LB44 LB79 LB161  
LB176 LB284 LB352 LB425 LB482 LB549 LB621 LB700]

PRESIDENT SHEEHY: Good morning. Welcome to the George W. Norris Legislative Chamber for the thirteenth day of the One Hundredth Legislature, First Session. Our chaplain for today is Pastor Doyle Karst, from St. John's Lutheran Church in Sterling, Nebraska, Senator Heidemann's district. Would you all please rise. []

PASTOR KARST: (Prayer offered.) []

PRESIDENT SHEEHY: Thank you, Pastor Karst. I call to order the thirteenth day of the One Hundredth Legislature, First Session. Senators, please record your presence by roll call. Please record, Mr. Clerk. []

CLERK: I have a quorum present, Mr. President. []

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Corrections for the Journal? []

CLERK: I have no corrections, Mr. President. []

PRESIDENT SHEEHY: Messages, reports, or announcements? []

CLERK: Your Committee on Transportation, chaired by Senator Fischer, offers notice of hearing for Monday and Tuesday, January 29 and January 30. Education Committee, chaired by Senator Raikes, offers notice of hearing for Monday, January 29. Your Committee on Government, Military and Veterans Affairs, chaired by Senator Aguilar, to whom was referred LB17, instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; and LB44, General File with amendments attached. And that's all that I had, Mr. President. (Legislative Journal pages 327-328.) [LB17 LB44]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. We'll now move to legislative confirmation reports. []

CLERK: Mr. President, the first report I have this morning is by the Natural Resources Committee, chaired by Senator Louden. It involves the appointment of Mr. John Turnbull to the Environmental Quality Council. (Legislative Journal page 313.) []

PRESIDENT SHEEHY: Senator Louden, you're recognized to speak on Natural Resources Committee. []

SENATOR LOUDEN: Thank you, Lieutenant Governor and members of the body. This is a confirmation for John Turnbull to the Environmental Quality Council. And John is a

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new appointee to the 17-member Environmental Quality Council. He appeared before the committee on January 17 for his confirmation hearing. John was appointed to complete a former member's term, and his term will expire in June, 2007. He is a conservation representative on the board. John is a resident of York and serves as a general manager of the Upper Big Blue NRD. He graduated from the University of Nebraska at Lincoln with a degree in agriculture. John's military career included 3 years in the regular Army, and 17 more with the Nebraska Army National Guard. He is an airplane and a helicopter pilot, and a certified flight instructor. John served as general manager of Tri-Basin NRD in Holdrege for three years, and from 1978 to the present has been general manager of the Upper Big Blue NRD. He has served on many state boards and committees, including the Water Policy Task Force. He is active in many organizations, including the Nebraska Association of Resource Districts, State Irrigation Association, Nebraska Water Conference Council, and the Vietnam Helicopter Pilots Association. In 2001, John and his wife Gloria were named master conservationists by the Omaha World-Herald and UNL's Institute of Agriculture and Natural Resources. The committee vote was unanimous to recommend approval of John Turnbull to the Environmental Quality Council. And I would ask for a vote of confirmation for John Turnbull. []

PRESIDENT SHEEHY: Thank you, Senator Louden. You've heard the opening to the confirmation report from the Natural Resources Committee. The floor is now open for discussion. Anyone wishing to speak on this item? Senator Louden, you're recognized to close. []

SENATOR LOUDEN: I'll waive closing. []

PRESIDENT SHEEHY: Senator Louden waives closing. The question before the body is, shall the confirmation report to the Natural Resources Committee be adopted? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. []

CLERK: (Record vote, Legislative Journal pages 328-329.) 41 ayes, 0 nays, Mr. President, on the adoption of the confirmation report. []

PRESIDENT SHEEHY: The confirmation report is adopted. (Doctor of the day introduced.) We'll now move to items under General File. Mr. Clerk. []

CLERK: Mr. President, LB26, a bill by Senator Langemeier. (Read title.) The bill was introduced on January 4, referred to the Banking, Commerce and Insurance Committee, advanced to General File. At this time, I have no amendments to the bill, Mr. President. [LB26]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Langemeier, you're recognized

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to open on LB26. [LB26]

SENATOR LANGEMEIER: Mr. Lieutenant Governor and members of the body, I bring you today LB26 on behalf of the Nebraska Real Estate Commission. LB26 would amend Nebraska Revisor State Statute 81-885.01 of the Nebraska Real Estate Licensing Act, regarding the deletion of some obsolete language. This proposed legislation eliminates language requiring a real estate broker's license to charge an advance fee to promote the sale of real estate in a publication issued primarily for the purpose of advertising real estate. With that, I have an example, is, currently, under the state law, if you're a real estate agent in Nebraska and you produce a magazine per se that has all types of property listings in it, currently our state statute says that you have to require that individual that's the printer of that magazine or web site to have a real estate license, when they're truly being an advertising body. The Real Estate Commission has had some current lawsuits that have proven that this law cannot be...this particular piece of statute cannot be enforced. They are truly doing advertising and not engaging in the acts of real estate. And so with that, they have asked to take it out of their statute. And with that, I'll conclude and return my time back to the Chair. [LB26]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. You've heard the opening on LB26. The floor is now open for discussion. Anyone wishing to discuss LB26? Senator Langemeier, you're recognized to close on LB26. [LB26]

SENATOR LANGEMEIER: I would just ask for your adoption of LB26 on General File. Thank you. [LB26]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. You've heard the closing on LB26. The question is, shall LB26 advance? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB26]

CLERK: 43 ayes, 0 nays, Mr. President, on the advancement of LB26. [LB26]

PRESIDENT SHEEHY: LB26 does advance. Next item, Mr. Clerk. [LB26]

CLERK: Mr. President, LB21, introduced by Senator Raikes. (Read title.) Introduced on January 4 of this year, at that time referred to the Education Committee, advanced to General File. I have no amendments pending at this time, Mr. President. [LB21]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Raikes, you're recognized to open on LB21. [LB21]

SENATOR RAIKES: Thank you, Mr. President, members of the Legislature. LB21 deals with the cost growth factor in the state aid formula. The cost growth factor is what's used

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to adjust the two-year-old expenditures that we use in calculating needs for school districts up to the current time period. Currently, the cost growth factor includes student number or student growth information in it...or provisions in it, I should say. LB21 removes part of the student growth information from that cost growth factor. It...to give you just a shade of background, it comes about because 2007-08 school year is the first year in which early childhood students will be included in the aid formula. It came to our attention, basically, that when you include those students in the formula, the cost growth factor increases. In particular, you've got a once-and-for-all increase in the number of students. It affects only the standard cost growth...or standard cost group schools. And what we are proposing with LB21 is that for the early childhood numbers, we take those numbers out of that cost growth factor. It still includes the inflation items, the basic allowable growth rate increase. But we are not including early childhood student numbers. Now, I will tell you, as we look at this, I think this is...really should be considered only a partial address of this particular issue. I think at a later point in time the Education Committee needs to consider whether or not we remove all student growth information from that cost growth factor. But there's a good chance, I would say, that later in the session we'll have a bill before you that will allow you to consider that issue. For now, this is a partial change, a partial address of this provision. This bill was advanced unanimously by the Education Committee. It has a fiscal note of about \$6.5 million--I'm sorry I didn't look that up specifically--about \$6.5 million. It would reduce state spending or needs calculation by \$6.5 million. With that, I would be happy to try to address any questions you might have. If not, I would urge your support of the advancement of this bill. Thank you. [LB21]

PRESIDENT SHEEHY: Thank you, Senator Raikes. You've heard the opening on LB21. The floor is now open for discussion. Senator Harms, you're recognized. [LB21]

SENATOR HARMS: Mr. President and colleagues. Senator Raikes, I'd just like to know, what are the actual numbers of early childhood? [LB21]

PRESIDENT SHEEHY: Senator Raikes, would you yield? [LB21]

SENATOR RAIKES: Yes, Senator Harms. For 2007-2008, there are 24 districts, and there is a count of 920 students. And these would be four-year-olds that would be included in the aid formula. For 2008-09, the additional...or, the next school year, there'd be 27 additional districts, to make a total of 51. I don't have the number of students for that next year, but there would be 27 additional districts. [LB21]

SENATOR HARMS: Thank you. [LB21]

PRESIDENT SHEEHY: Anyone else wishing to discuss this item? Seeing none, Senator Raikes, you're recognized to close. [LB21]

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SENATOR RAIKES: I will simply ask that you support the advancement of this measure. Thank you. [LB21.]

PRESIDENT SHEEHY: Thank you, Senator Raikes. The question before the body is, shall LB21 advance to E&R Initial? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB21]

CLERK: 43 ayes, 0 nays, Mr. President, on the advancement of LB21. [LB21]

PRESIDENT SHEEHY: LB21 does advance. Next item, Mr. Clerk. [LB21]

CLERK: LB24, by Senator Pahls. (Read title.) The bill was introduced on January 4 of this year, at that time referred to Banking, Commerce and Insurance for public hearing. The bill was advanced to General File. I do have committee amendments, Mr. President. (AM4, Legislative Journal page 254.) [LB24]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Pahls, you're recognized to open on LB24. [LB24]

SENATOR PAHLS: Good morning, Mr. President, members of the body. Today I bring forth LB24. LB24 would amend the Public Accountancy Act to permit additional flexibility for CPAs with credentials in other states and experience otherwise required by this state to obtain reciprocal certificates and permits in order to practice in Nebraska. There is a national movement to allow CPAs to be able to move across state borders in their practices, especially when they are employed by major national firms. For example, without this bill, a CPA certified in another state and who has an undergraduate degree and the experience might nonetheless be unable to get a reciprocal certificate in Nebraska, only because he or she did not have 150 semester hours upon graduation from college or university. Since 1998, candidates for the Nebraska examination have had to have had, among other things, 150 semester hours before being eligible to sit for the examination. Other states have 150 hours requirements, but have put theirs in place after 1998. This bill would apply to only a small number of individuals, and as time passes, it probably would apply to fewer and fewer individuals. The Nebraska Society of Certified Public Accountants and the Nebraska State Board of Public Accountancy testified in support of this bill. That concludes my opening. [LB24]

PRESIDENT SHEEHY: Thank you, Senator Pahls. We'll now move to committee amendment from Banking, Commerce and Insurance. Senator Pahls, you're recognized to open on the committee amendment. [LB24]

SENATOR PAHLS: Thank you, Mr. President. The committee amendment would amend the bill's amendments in Section 2 to subsection (2) of Section 1-136.02 to provide that the experience required for issuance of a permit to a holder of a reciprocal

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certificate would be reduced from five to two years, rather than from five to four years, in order to maintain consistency with the current experience requirement of two years in subsection (1) of Section 1-136.02 for issuance of a permit to a holder of an ordinary certificate not issued on a reciprocal basis. And for your convenience, I have provided a graphic organizer if you do have some questions. That concludes my testimony on the committee amendment. [LB24]

PRESIDENT SHEEHY: Thank you, Senator Pahls. You've heard the amendment on amendment...committee amendment AM4 to LB24. The floor is now open for discussion. Anyone wishing to discuss this item? Senator Pahls, you're recognized to close on AM4. Senator Pahls waives closing on AM4. The question before the body is, shall the committee amendment be adopted to LB24? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB24]

CLERK: 38 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB24]

PRESIDENT SHEEHY: Committee amendment AM4 is adopted. [LB24]

CLERK: I have nothing further on the bill, Mr. President. [LB24]

PRESIDENT SHEEHY: The floor is open for discussion on LB24. Seeing none, Senator Pahls, you're recognized to close on LB24. Senator Pahls waives closing on LB24. The question before the body is, shall LB24 advance to E&R Initial? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB24]

CLERK: 41 ayes, 0 nays, Mr. President, on the advancement of LB24. [LB24]

PRESIDENT SHEEHY: LB24 does advance. Next item, Mr. Clerk. [LB24]

CLERK: Mr. President, LB25, a bill introduced by Senator Langemeier. (Read title.) The bill was introduced on January 4 of this year, at that time referred to the Agriculture Committee for public hearing. The bill was advanced to General File. I do have committee amendments, Mr. President. (AM23, Legislative Journal page 313.) [LB25]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Langemeier, you're recognized to open on LB25. [LB25]

SENATOR LANGEMEIER: Mr. Lieutenant Governor, members of the body, LB25 does two things. First, it puts into state statute a definition for what a hybrid animal is. Many of our communities across Nebraska have city ordinance regarding dogs, cats, and even exotic animals. Regarding rabies, they do not cover hybrid animals, because they don't fall under the definition of a dog, cat, or an exotic animal. Hybrid animals have become a little more popular every year in the U.S. and in Nebraska, and that's what drives this

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ordinance requirement out there. Secondly, LB25 requires this hybrid animal to have a current rabies shot with a proven vaccine known to work on hybrid animals. Now, I'm told that many of our owners currently have their hybrid animals vaccinated with the typical vaccine for dogs. But it's not proven for hybrid animals. Due to this lack of need, there has never been a vaccination that has been labeled for hybrid animals, so in the requirements of this bill, to ask an owner to vaccinate their hybrid animal for rabies is essentially a short-term ban, due to the fact the vaccination is not available. Now, I don't know if out there in the world there's just never been a demand so this has never been labeled. Well, it's never been defined to be labeled. And this may be something that comes in a month; it may come in years, if there's enough of a market demand. And that is my introduction to LB25, and I will talk more after you hear your committee amendments. There are two committee amendments coming. One is a drafting error, and one was striking a line out of the current bill. And so I would conclude my introduction and return my time back to the Chair. [LB25]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. We'll now move to Senator Erdman for committee amendment AM23. Senator Erdman. [LB25]

SENATOR ERDMAN: Thank you, Mr. President, members of the Legislature. The committee amendment for LB25 was adopted during the Executive Session of the Agriculture Committee on January 16 as a result of the hearing on LB25. The bill was heard before the Agriculture Committee. There were no individuals testifying in opposition to LB25, and the committee amendment is simply designed to clarify the definition of the hybrid animal, based on the testimony that was heard at that date. The Agriculture Committee amendment strikes a portion of the definition of hybrid animals, as inserted in the new defined term in 74-4401. As introduced, LB25 defined hybrid animals to include (a) any animal that is the product of a cross between a domestic animal and a nondomestic animal, and (b) any animal that is the product of a cross between a nondomestic animal and an animal of a different species, variety, or breed. The committee amendment strikes the second portion, in order to confine the definition to crosses between domestic pet breeds and wild counterparts. With that, I will close on the opening. And there is a second amendment that is designed to clarify further the committee amendment to LB25, Mr. President. [LB25]

PRESIDENT SHEEHY: Thank you, Senator Erdman. Senator Erdman, you're recognized to open on AM29, amendment to committee amendment. (Legislative Journal page 324.) [LB25]

SENATOR ERDMAN: Thank you, Mr. President, members of the Legislature. AM29 is a technical amendment that corrects internal references in 71-4407 and 71-4406 to include necessary reference to the new section added by Section 3 of LB25. Introduced Section 8 amends 71-4407, which provides for disposition of animals known to be exposed to rabies. Application of the section is currently confined to domestic animals.

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Subsection (1) of 71-4407 provides that if an exposed animal has not been vaccinated as required under 71-4402, the animal is to be immediately destroyed, unless the owner agrees to an extended impoundment for observation. Subsection (2) provides for procedure if the animal has been vaccinated under 71-4402. A similar correction has been made in 71-4406 pertaining to disposition of animals that has bitten an animal...excuse, bitten a human. Section 71-4406 was not affected by the introduced version of the bill, since it applies generically to all animals, not confined to domestic animals, and therefore it is not necessary to clarify that applied to hybrid animals. This correction is made in a new section which will become Section 8 of the bill, renumbering the remaining sections as directed. Thank you, Mr. President. [LB25]

PRESIDENT SHEEHY: Thank you, Senator Erdman. You've heard the opening on AM29, amendment to the committee amendment. Any...Senator Langemeier, you're recognized. [LB25]

SENATOR LANGEMEIER: Thank you, Mr. Lieutenant Governor and members of the body. And I do want to express my support of both amendments--the amendment to the committee amendment, as well as the amendment to the bill. [LB25]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. Senator Stuthman. [LB25]

SENATOR STUTHMAN: Thank you, Lieutenant Governor and members of the body. I would like to engage in a little conversation with Senator Langemeier, if I may, please. [LB25]

PRESIDENT SHEEHY: Senator Langemeier, would you yield? [LB25]

SENATOR LANGEMEIER: Yes. [LB25]

SENATOR STUTHMAN: Senator Langemeier, how many of these hybrid animals do you think are in existence right now at the present time? [LB25]

SENATOR LANGEMEIER: We don't know. [LB25]

SENATOR STUTHMAN: You don't know. So there may be one or there may be thousands. Is that correct? [LB25]

SENATOR LANGEMEIER: Yes. [LB25]

SENATOR STUTHMAN: And we're realistically trying to create a vaccine for these animals that we have no idea as to how many there are? Is that correct? [LB25]

SENATOR LANGEMEIER: Can you repeat the question? [LB25]

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SENATOR STUTHMAN: We're trying to...the way I understand the bill is that these animals need to be vaccinated for rabies. And is there...maybe I'll restate the question. And there's no existing vaccine at the present time that is for rabies of nondomesticated animals? [LB25]

SENATOR LANGEMEIER: Correct, there is no current vaccine available. And as far as the numbers to when that may be developed, I don't know. [LB25]

SENATOR STUTHMAN: Senator Langemeier, do you think there's going to be more of these animals in the future, that we're going to be crossing the nondomesticated animals with the domestic animals in the future? I have a little bit of a concern with that. You know, we really, realistically don't know. And what...in my opinion, Senator Langemeier, what are we really talking about? Are we talking about a coyote crossing with a dog? Or, give me an illustration. [LB25]

SENATOR LANGEMEIER: The illustration that I have in my district, Senator Chambers (sic), is currently a German shepherd crossed with a wolf. [LB25]

SENATOR STUTHMAN: I have a little bit of a concern with that, with a dog crossed with a wolf. Do you think that there are many of those that are crossed? [LB25]

SENATOR LANGEMEIER: I don't know. And in your earlier question, I don't know how many of them are in the state of Nebraska currently. They are across the United States in some numbers. And I apologize the referencing on the name. [LB25]

SENATOR STUTHMAN: Thank you, Senator Langemeier. It...is this bill to prohibit ownership of these animals? [LB25]

SENATOR LANGEMEIER: Senator Stuthman, it's not my intent to come to this floor today to talk about banning animals. If we were to look at these hybrids, where does this ban start, where does it stop, I think we would get suggestions from this floor that we should add pit bulls, we should add a number of dogs. I don't want to restrict anyone's ownership of any particular breed. I want them to have the opportunity to make them safe and fall within the guidelines that we currently as communities would like to see our dogs in our cities have rabies shots. And I think it would be crucial to...why leave a loophole open to allow somebody to come in that may breach our perfect record in rabies of our domesticated dogs? [LB25]

SENATOR STUTHMAN: So, Senator Langemeier, that is what is the real intent of your bill, in those words? [LB25]

SENATOR LANGEMEIER: Yes. [LB25]

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SENATOR STUTHMAN: Thank you. [LB25]

PRESIDENT SHEEHY: Thank you, Senator Stuthman. We have Senator Dierks, followed by Senator Chambers and Senator Kopplin. Senator Dierks. [LB25]

SENATOR DIERKS: Thank you, Mr. President and members of the Legislature. I just wanted to impart a little bit of information about rabies vaccination in animals. The reason that there's no vaccine available for vaccinating hybrid animals is, it's never been tested. It's never been proven that it wouldn't work, but it's never been proven that it would work. And there are a lot of decisions that are made, liability decisions, when rabies vaccine is given. And if there's not proper protection, where does the responsibility fall if there's a bite, if there's human exposure? So there's no way to officially vaccinate a hybrid animal. And in my neck of the woods, the hybrid animals are probably coyotes crossed with dogs of some kind, and we've seen a few of those. But the AVMA has a policy, and I want to just read a little bit of it to you. Persons who own or are contemplating owning canine hybrids should be aware of the following: laws in their state or community that may prohibit canine hybrids or require a permit for their presence; the existence of strong evidence from experts in animal behavior, animal control, animal welfare, and public health that canine hybrids can exhibit unpredictable behavior and pose a significant threat or severe attacks on humans; the need for special housing; owners or keepers of canine hybrids may be at increased risk for liability. Those are some of the reasons that the AVMA does not approve the use of those vaccines in hybrid animals. So it isn't that it can't be given; it's that we don't have protection or know that we have protection if it is given. Thank you. [LB25]

PRESIDENT SHEEHY: Thank you, Senator Dierks. Senator Chambers. [LB25]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, as a member of the Ag Committee who voted for this bill, I just want to add a tiny bit to the discussion. There was a provision that may have applied to livestock that was eliminated pursuant to the information brought to us by Senator Dierks and a veterinarian. So the way the bill reads now, it applies only to hybrid animals, and the definition is a domestic animal with a nondomestic animal. And so that people understand that that is language which limits, the statute describes or defines "domestic animal" as any dog or cat, and the word "cat" means a cat which is a household pet. So we're talking about household cats and dogs. As Senator Dierks pointed out, there is no certified or licensed vaccine for rabies that is shown to work on these hybrids. So if a person were to be bitten by one of these animals, that animal, if it had rabies, is going to have rabies and transmit the virus, which would give hydrophobia to the human. There is no known vaccine which can do away with that animal contracting rabies. There is no incentive for any laboratory or other facility to spend the money and the time necessary to develop a rabies vaccine. So currently, there is no way to give an effective rabies

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vaccine to any of these hybrid animals. And the hybrid animal would be the crossing of a dog with a nondomestic animal. Wolves are the ones that are often discussed, but Senator Dierks pointed out that it could be a coyote, or coyote. These animals ought not be kept in captivity around human beings. They should not be used or owned as pets. And under the law, a person has, I believe, a year's time during which, if that animal dies, the person, obviously, is not in violation of the law. After a year, the possession of one of these animals puts an individual in violation of the law. The only way not to be in violation is to have an animal which had been vaccinated against rabies. Since there is no vaccination, it is impossible legally to possess one of these animals in compliance with the law. Some people may think that a year's grace period is not enough time. But if the rationale that is being used for not allowing these hybrid animals to be kept is because they pose a hazard to the public, why should a longer period than a year be allowed, in order that that hazard can continue to exist, there could be more breeding of these animals, they could be released, they could escape? But there were a number of issues discussed during the committee hearing which demonstrated that sound public policy would militate against... [LB25]

PRESIDENT SHEEHY: One minute. [LB25]

SENATOR CHAMBERS: ...allowing the legal possession of these hybrid animals which cannot be vaccinated against rabies. Senator Dierks pointed out the unreliability, the instability, the unpredictability of these animals. But I just thought I would add that to the discussion, since Senator Stuthman raised that question. The domestic animals involved are only dogs and household cats. Thank you, Mr. President. [LB25]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Kopplin, followed by Senator Langemeier. Senator Kopplin. [LB25]

SENATOR KOPPLIN: Thank you, Mr. President. I believe my questions may have been answered. I am trying to understand this, the reasoning for this bill, and I'm somewhat neutral on it, because it appeared that the objective of this bill had not so much to do with rabies as it was to putting into law that it's unlawful to own such animals in Nebraska. I appreciate the conversation from...or, the testimony from Senator Chambers, which clears up some things. But basically, in my opinion now, what we're voting for is to make it illegal to own such animals. The rabies vaccine may be the tool to accomplish this, but the bottom line is, the reason is so that we can outlaw these animals. Thank you very much. [LB25]

PRESIDENT SHEEHY: Thank you, Senator Kopplin. Senator Langemeier. Anyone else wishing to speak on this item? Seeing none, Senator Erdman, you're recognized to close on AM29, which is the amendment to AM23. [LB25]

SENATOR ERDMAN: Thank you, Mr. President, members of the Legislature. AM29 is

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simply a technical amendment that reflects similar practices in other statutes that needed to be addressed in the event that LB25 would go forward. It simply states that the same procedures that are applied in other circumstances with animals are also applied in the circumstances with hybrid animals, as was the intent under LB25. Again, it's just simply a technical amendment. The larger policy issue is something that I hope you'll discuss at a later date. I would encourage your adoption of AM29. [LB25]

PRESIDENT SHEEHY: Thank you, Senator Erdman. You've heard the closing on AM29, which is the amendment to the committee amendment. All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB25]

CLERK: 39 ayes, 0 nays, Mr. President, on the adoption of the amendment to the committee amendments. [LB25]

PRESIDENT SHEEHY: The adoption of the amendment to the committee amendment is adopted. We'll now move back to the committee amendment, AM23. The floor is open for discussion. Seeing none, Senator Erdman, you're recognized to close on AM23, the committee amendment. [LB25]

SENATOR ERDMAN: Thank you, Mr. President, members of the Legislature. I'd like to thank the senior member, Senator Chambers, for his clarification as well on what the committee amendment intends to do. It was clear from the testimony and the context of the bill that the concern regarding LB25, again, is primarily regarding hybrid animals that are crosses with domestic pet breeds. The stricken part of the definition is vague, and could have inadvertently included a broader array of animals than were necessary. Again, the committee amendment to LB25 is technical in nature, to reflect the intent of LB25. And I would encourage your adoption of the committee amendment. [LB25]

PRESIDENT SHEEHY: Thank you, Senator Erdman. You've heard the closing of the committee amendment to LB25. The question before the body is, shall the amendment be adopted? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB25]

CLERK: 39 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB25]

PRESIDENT SHEEHY: The committee amendment is adopted. We'll now move back to LB25. Senator Stuthman, you're recognized to... [LB25]

SENATOR STUTHMAN: Thank you, Lieutenant Governor and members of the body. I would like to engage in another conversation with Senator Langemeier, if I may, please. [LB25]

PRESIDENT SHEEHY: Senator Langemeier, would you yield? [LB25]

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SENATOR LANGEMEIER: Yes. [LB25]

SENATOR STUTHMAN: Senator Langemeier, at the present time, what is the penalty for owning a hybrid animal? Or is there a penalty? Or can you explain that to me right now? [LB25]

SENATOR LANGEMEIER: Currently, the way the bill reads, a year after the law goes into effect, if you still have your animal, it would be the seizing and termination of that animal. [LB25]

SENATOR STUTHMAN: And at the present time, there is no law as far as ownership of one of these animals? And realistically, you know, a person can own one if they're contained in a certain place and create...and do not create a danger to neighbors and stuff like that? So what we're realistically doing then is making it illegal to own one. What would be the fine or what would be the process, you know, if at a later date,...just the fact that these dogs would be disposed of, or these animals would be disposed of, that would be the penalty? [LB25]

SENATOR LANGEMEIER: Yes. [LB25]

SENATOR STUTHMAN: Thank you, Senator Langemeier. I give the balance of my time to the Chair. [LB25]

PRESIDENT SHEEHY: Thank you, Senator Stuthman. Anyone else wishing to speak on this item? Seeing none, Senator Langemeier, you're recognized to close. [LB25]

SENATOR LANGEMEIER: I would like to thank the Ag Committee for their thorough review of this bill as it was in committee, and with their amendments. And I'd like to thank everybody that had discussion in this, thank Senator Chambers for his clarification of the amendment. It's very much appreciated. And I would ask for your adoption of LB25. [LB25]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. You've heard the closing on LB25. The question before the body is, shall LB25 advance to E&R Initial? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB25]

CLERK: 42 ayes, 0 nays, Mr. President, on the advancement of LB25. [LB25]

PRESIDENT SHEEHY: LB25 does advance. Next item, Mr. Clerk. [LB25]

CLERK: Mr. President, LB79 was a bill introduced by the Natural Resources Committee

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and signed by its membership. (Read title.) The bill was introduced on January 5 of this year, at that time referred to Natural Resources Committee. The bill was advanced to General File. I have no amendments at this time to the bill, Mr. President. [LB79]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Louden, you're recognized to open on LB79. [LB79]

SENATOR LOUDEN: Thank you, Lieutenant Governor and members of the body. The purpose of LB79 is to eliminate the requirements that the Department of Environmental Quality submit a separate report regarding the Nebraska Litter Reduction and Recycling Act. This report is required to be submitted to the Governor and the Appropriations Committee of the Legislature by the 15th...by February 15 of each year. Currently, the information contained in this report is also contained in the LB528 annual report. The LB528 annual report, which is the title of the report, is required to contain all information concerning all department funding, budget, and program information. Under the bill, the report required under the Nebraska Litter Reduction and Recycling Act would be eliminated, and the annual report would be required to be given to the Governor, as well as the Legislature, by December 1 of each year. There would be a minimal savings to the department in formatting, printing, and distribution of the Nebraska Litter Reduction and Recycling Act. There were no opponents to the bill. The bill was advanced unanimously by the committee, and it's mostly to make the work easier for the Department of Environmental Quality. So I would ask that you would advance LB79. [LB79]

PRESIDENT SHEEHY: Thank you, Senator Louden. You've heard the opening on LB79. The floor is now open for discussion. Anyone wishing to speak on this item? Seeing none, Senator Louden, you're recognized to close. [LB79]

SENATOR LOUDEN: I waive closing. [LB79]

PRESIDENT SHEEHY: Senator Louden waives closing. The question before the body is LB79, advance to E&R Initial. All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB79]

CLERK: 41 ayes, 0 nays, Mr. President, on the advancement of LB79. [LB79]

PRESIDENT SHEEHY: LB79 advances. Next item, Mr. Clerk. [LB79]

CLERK: Mr. President, LB161 is a bill introduced by the Natural Resources Committee and signed by its members. (Read title.) The bill was introduced on January 8 of this year, referred to the Natural Resources Committee for public hearing. The bill was advanced to General File. At this time, Mr. President, I have no amendments pending. [LB161]

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PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Louden, you're recognized to open on LB161. [LB161]

SENATOR LOUDEN: Thank you, Lieutenant Governor and members of the body. The purpose of this bill, LB161, is to raise the cap on fee charged for certification of individuals who operate wastewater treatment facilities in Nebraska. The certification is for a period of two years. The program has been in existence since 1987, and is fee-funded. In 2002, after 15 years, the fee had reached its current cap of \$150. The Department of Environmental Quality projects that an increase will be needed in the fee for the program to continue to be self-supporting. The department requested an increase in the cap to \$300. During the testimony at the hearing, the department said that they would be recommending to the Environmental Quality Council that the fee be increased by \$10. This would increase the Wastewater Treatment Operation Certification Cash Fund by \$4,400. The Environmental Quality Council actually establishes the fee during its public hearing process. The council meets at least four times a year, and there was no opposition testimony at the hearing. There were no negative votes. One member abstained from voting, and seven voted to advance LB161. So I would ask for your advancement of LB161. [LB161]

PRESIDENT SHEEHY: Thank you, Senator Louden. You've heard the opening for LB161. The floor is now open for discussion. Anyone wishing to speak on this item? Seeing none, Senator Louden, you're recognized to close on LB161. [LB161]

SENATOR LOUDEN: I waive closing. [LB161]

PRESIDENT SHEEHY: Senator Louden waives closing. The question before the body is, shall LB161 advance to E&R Initial? All those in favor vote yea; opposed nay. Have all voted who wish? Please record, Mr. Clerk. [LB161]

CLERK: 39 ayes, 0 nays, Mr. President, on the advancement of LB161. [LB161]

PRESIDENT SHEEHY: LB161 does advance. Next item, Mr. Clerk. [LB161]

CLERK: LB11, Mr. President, introduced by Senator Mines. (Read title.) Introduced on January 4 of this year, referred to the Urban Affairs Committee. The bill was advanced to General File. At this time, Mr. President, I have no amendments to the bill. [LB11]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Mines, you're recognized to open on LB11. [LB11]

SENATOR MINES: Thank you, Mr. President, colleagues. LB11 changes provisions relating to the annexation by cities of the first class by...it simply changes the

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annexation procedure when a property owner that's adjacent to and outside the city limit asks to be annexed. Under current law, when a city of the first class annexes property, it has to develop a plan, that's number one, on how to provide services to the annexed area; and then, number two, a method of financing the services; and hold a hearing, that would be number three. So you develop a plan, you identify a method of financing, and you hold a hearing. Cities of the first class are the only class of city that are required to go through this current statute. Cities of the second class, primary class, and municipal class are...would all conform to what we're trying to do here today. So LB11 provides that an owner of property, again, that is contiguous or adjacent to the city of the first class, they can petition to have their property annexed by the city. Under this statute, the mayor and city council may grant the annexation without having a complete and mandatory hearing and developing a plan that's currently required. Obviously, this would shorten the process when an owner asks that the property be annexed, and it would reduce the expense of developing a plan, and again, conform with all the other classes of cities procedures. Just let me clarify as well that under this plan, all annexations would have to go to the local planning commission for their process and would then be reviewed by the local municipality. And that municipality would have to have three public hearings on an ordinance that would be open to the public and everyone could offer input. The city council can't, cannot waive those three hearings. Therefore, under annexation with LB11, it has to appear on the agenda, so everyone has fair and reasonable opportunity to offer comment. It's virtually the same bill that was offered last year, LB289. And that was...that made it to General File, but because of time, that didn't go through. The bill was heard by the Urban Affairs Committee on January 16, came out with a positive vote of 5 to 0. There was no opposition in testimony, and I would ask your...ask and encourage your support of LB11. Thank you, Mr. President. [LB11]

PRESIDENT SHEEHY: Thank you, Senator Mines. You've heard the opening on LB11. The floor is now open for discussion. Senator Hudkins, followed by Senator Stuthman. Senator Hudkins. [LB11]

SENATOR HUDKINS: Thank you, Mr. President and members. I would like to ask Senator Mines a question, if I may. [LB11]

PRESIDENT SHEEHY: Senator Mines, would you yield? [LB11]

SENATOR MINES: Yes. [LB11]

SENATOR HUDKINS: Senator Mines, can you...maybe this is a two-part question. If the person, the property owner themselves asks to be annexed, there would not have to be a public hearing and a change in the plan; if the reverse is true, if the city wants to annex, then there has to be, correct? [LB11]

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SENATOR MINES: That is correct. [LB11]

SENATOR HUDKINS: All right. Now, can you give me an example of why someone adjacent to a city would want to have their property annexed? [LB11]

SENATOR MINES: As an example, a property owner may want utilities extended, water, sewer, they may want law enforcement to be provided by the city rather than the county, those kinds of infrastructure things. [LB11]

SENATOR HUDKINS: Has there been a lineup of people wanting to have their property annexed by cities? [LB11]

SENATOR MINES: You know, I can't tell you across the state, but in my experience as eight years as a mayor, there have been instances where people want to be annexed, whether it's a subdivision, and then that...in a subdivision, you're then allowed to bond your utilities through the municipality, so that you've got a property owner that then wants to be part of the city. Yeah, there is a need for that. [LB11]

SENATOR HUDKINS: All right. Thank you, Senator Mines, and thank you, Mr. President. [LB11]

SENATOR MINES: Thank you. [LB11]

PRESIDENT SHEEHY: Thank you, Senator Hudkins. Senator Stuthman, followed by Senator Friend. [LB11]

SENATOR STUTHMAN: Thank you, Lieutenant Governor, members of the body. The majority of the questions that I had intended to ask Senator Mines have been already answered and were asked by Senator Hudkins. I do have one question that I would like to address to Senator Mines, if he would. [LB11]

PRESIDENT SHEEHY: Senator Mines, would you yield? [LB11]

SENATOR MINES: I will. [LB11]

SENATOR STUTHMAN: Thank you. Realistically, would a person's tax bill be higher or lower if he was annexed into the city? [LB11]

SENATOR MINES: Your tax bill would also include municipal taxes, so it would be higher. [LB11]

SENATOR STUTHMAN: So in other words, I have kind of a little bit of a concern as to why anybody would, you know, want to on their own, unless they feel that their services

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would be greater than the tax assessed to them. Do you feel...or maybe I should ask my...this question in this way. At what point in time would services be rendered to this new annexation after an individual property owner would want his property annexed into the city? And at what point in time would the services be rendered to him? Is there anything in your bill as to the services need to be given by a year from now, two years from now? Or only when the taxes are assessed to that property? [LB11]

SENATOR MINES: Senator, it doesn't include any time frame on extending services, nor does it include any unusual taxing processes. This is simply, a property owner would petition the city, ask to be annexed, and rather than develop a plan, if you've got two willing parties, you don't have to develop a plan and go through some of the steps. [LB11]

SENATOR STUTHMAN: Thank you, Senator Mines. And this only is with Class I cities, right? [LB11]

SENATOR MINES: That's right. In fact, again, all cities but first-class cities today have this process in place. Cities of the first class have one extra step, the hearing and the plan, and we're just trying to take it back so all cities are alike. [LB11]

SENATOR STUTHMAN: Thank you, Senator Mines. I give the balance of my time back to the Chair. Thank you. [LB11]

PRESIDENT SHEEHY: Thank you, Senator Stuthman. Senator Friend, followed by Senator Gay. Senator Friend. [LB11]

SENATOR FRIEND: Thank you, Mr. President, members of the Legislature. Just wanted to point out a couple of quick things, I guess a couple of practical things and then a couple of maybe...a couple of points that some folks might be a little bit curious about in regard to how this was dealt with in Urban Affairs, why we are where we are with this particular bill and discussing to the point that we are. We're not...first of all, this came out unanimous. I think there were a couple of folks that weren't involved in the Executive Session. Didn't actually have any opposition during the hearing. Received some opposition testimony via letter, I believe, a day after the hearing, or, if it was the day of the hearing, we weren't able to incorporate it into the record. So let me say this, though. We're giving...and Senator Mines outlined a little bit of this, so I'll be brief. We're giving a first-class city something that every other city has, okay? Every other class city has the opportunity to do this, or the ability to do it. Now, if somebody is annexed, here's a little bit of the concern, I would imagine. Annexation is a tough issue right now. It's a volatile issue. People get concerned about it. But here is the point. If somebody is annexed, if an area is annexed, all parties involved, there's got to be an ordinance in order to do it, right? What happens when there's an ordinance out there? Three public hearings. It's a simple as that. What we're talking about with a first-class city is you're

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losing some media attention, you're losing the ability to promote this thing in two different ways. Here's my point. We're not changing the law in regard to what a city does in regard to an ordinance. We're not doing that. Those sections aren't involved here. What we're doing is saying that once somebody in a particular area gets with the elected officials in regard to an annexation idea, the elected officials in those areas, and says, here's what probably could happen, or here's what we'd like to happen, the elected officials say, yeah, sure, it's going to require an ordinance, here's what we're going to do, those three public hearings, and then, next thing you know--here's the problem--next thing you know, there's somebody that's contiguous to that area after that annexation occurs that's saying, whoa, time out, we didn't get any notice of this. The problem is, you weren't going to get any notice of it to begin with. I mean, this is a fact of life in regard to annexation. It's a concern. But here's another fact of life. You have to end up having those three hearings. So pick your poison, okay? Annexation is a tough issue, volatile, we all know that. But we're not changing law in regard to how you go about doing that. What we're doing is allowing a first-class city to go ahead and do something everybody...every other class city can already do. It seems logical. It seems like there's some common sense associated with it. That's why this bill came out the way it did. Now, make your own decision. I would let you...I would field questions from--and I'm sure Senator Mines feels the same way--in regard to some of the way this stuff played out. But I would just add, finally, keep in mind we're not changing statutes in regard to how somebody can go about this and what they can do to apply an ordinance, okay? "Somebody" being a city. Mr. President, that's all I had. Thank you. [LB11]

PRESIDENT SHEEHY: Thank you, Senator Friend. Senator Gay, followed by Senator Hudkins, Mines, and Janssen. Senator Gay. [LB11]

SENATOR GAY: Thank you, Mr. Speaker. I have a question for Senator Mines regarding this. [LB11]

PRESIDENT SHEEHY: Senator Mines, would you yield? [LB11]

SENATOR MINES: I will. [LB11]

SENATOR GAY: Senator Mines, can you clarify...it says "an individual." If an individual comes up and says, we want to be annexed, in a case where there's a sanitary improvement district or...can any individual come and ask? Because who speaks for a sanitary improvement district or some situation like that? Can a (inaudible) do that? [LB11]

SENATOR MINES: Senator,...I'm sorry. Sanitary improvement district is a body politic, so they fall under different provisions. This would apply to individual property owners not affiliated with an SID. And by the way, commercial properties are also defined in different statute. I think it's 13-111 through 13-120. So this is an adjacent property

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owner. They could be 600 acres, they're going to develop something, or it could be an individual that owns property outside of an SID. [LB11]

SENATOR GAY: Thank you for the clarification. Thanks. [LB11]

PRESIDENT SHEEHY: Thank you, Senator Gay. Senator Hudkins. [LB11]

SENATOR HUDKINS: Thank you, Mr. President and members. It was...information was just given to me by the Rural Electric Association that they do have some concerns with this. I asked them why they didn't testify, and for a number of reasons they did not. But there was a letter given to the committee stating their opposition, and I will just give you two of those points. If a city annexes territory, then the city--and Senator Mines, if any of this is incorrect, please do correct me. If a city annexes territory, it also takes over the electrical service for that new territory. And there could be instances where there could be two electrical services in the area. And if this particular property is taken over, that might mean that the one electrical service loses that customer and the city picks it up. Annexation also impacts other landowners in the area, and they should be provided notice. Annexations expand the extraterritorial zoning jurisdiction of a city. As area is annexed, that zoning area expands as well, one mile, three miles, depending upon the size of the city. And that would bring additional land under that city's planning and zoning authority. Lands which were not previously contiguous and adjacent and therefore not eligible for annexation now become so. And it was the feeling that all of these landowners should be afforded notice and the opportunity to comment. This particular bill would eliminate these safeguards, and so that's what we have to decide. Thank you, Mr. President. [LB11]

PRESIDENT SHEEHY: Thank you, Senator Hudkins. Senator Mines, followed by Senator Janssen. [LB11]

SENATOR MINES: Thank you, Mr. President. Senator Hudkins is exactly right. The Nebraska Rural Electric Association did submit a letter, and their concern is that they may lose prospective or current customers. They also have an issue with giving public notice, holding public hearing, and providing a plan. What LB11 does is, it does not preclude public input. The city council has a separate and distinct vote on this plan. They vote on the ordinance three times. And it simply streamlines the process for making the annexation happen. It's a willing property owner and the city is willing. And by the way, Senator Stuthman, I misspoke earlier. LB11 does not change any articles about extending utilities or extending services. However, in other parts of statute, once annexation happens, municipal services must be extended within one year. So this doesn't touch that time frame. It's in statute already, so we're not changing anything. But I'm sorry I misspoke. Again, this merely brings cities of the first class into the same process that cities of the second class, cities of the primary class, and cities of the municipal class all fall under now. And I would ask your approval of LB11. Thank you.

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[LB11]

PRESIDENT SHEEHY: Thank you, Senator Mines. Senator Janssen. [LB11]

SENATOR JANSSEN: Thank you, Mr. Lieutenant Governor, members of the Legislature. If I could ask Senator Friend a couple of questions, please? [LB11]

PRESIDENT SHEEHY: Senator Friend, would you yield? [LB11]

SENATOR FRIEND: Absolutely. [LB11]

SENATOR JANSSEN: Senator Friend, can a city of a first class annex an SID at the present time? [LB11]

SENATOR FRIEND: Can it? [LB11]

SENATOR JANSSEN: Yes. [LB11]

SENATOR FRIEND: It's my understanding it can. [LB11]

SENATOR JANSSEN: It could. All right. [LB11]

SENATOR FRIEND: But it...depending on how it's approached in, obviously, statutes that we're not changing. I mean, there are things that a first-class city has to go through in order to do that. [LB11]

SENATOR JANSSEN: But under this bill, it would not be an SID; it would be just a parcel of land, a home, so on, so forth? [LB11]

SENATOR FRIEND: Well, my understanding, because we're not changing that...right, Senator Janssen, because we're not changing that section of the law. So my... [LB11]

SENATOR JANSSEN: All right. What would that property owner gain, under this scenario? Is there reason that they want to be annexed by a first-class city? Maybe I should ask this question of Senator Mines. Senator Mines. Not that you weren't giving me good answers, Senator Friend, but I think I should go to the introducer. [LB11]

SENATOR FRIEND: I'm a tad combative. [LB11]

SENATOR JANSSEN: All right. Thank you. [LB11]

PRESIDENT SHEEHY: Senator Mines, would you yield? [LB11]

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SENATOR MINES: Yes, Mr. President. Senator Janssen, I think qualified reasons for annexation would include the extending of water, the extending of public power, the extending of all those services, and as well as law enforcement. I mean, that's important. Some people might prefer municipal law enforcement over county law enforcement. Those are just some reasons. []

SENATOR JANSSEN: Would they have to be contiguous? [LB11]

SENATOR MINES: Absolutely. Yeah, absolutely. I might also mention, I think I stated it earlier, but in most cases, this has to do with some kind of a subdivision that wants to be part of the city. And the reason that most of them want to be part of the city is, the city can bond the infrastructure cost--street, sewer, water. And that would lessen the burden up-front on the developer, thus making it more attractive to put in these developments. So being part of the city has a whole host of reasons why it's probably a pretty good idea. [LB11]

SENATOR JANSSEN: Okay, thank you. What I don't want to see is skipping over property. So it specifically says that it should be contiguous, then? [LB11]

SENATOR MINES: It does. And both sides are willing. [LB11]

SENATOR JANSSEN: All right. Thank you, Senator Mines. And thank you for the time. My questions were answered. [LB11]

PRESIDENT SHEEHY: Thank you, Senator Janssen. Further discussion? Seeing none, Senator Mines, you're recognized to close on LB11. [LB11]

SENATOR MINES: Thank you, Mr. President, colleagues. Great discussion. And I understand that the Nebraska Public...or, Rural Electric Association has concerns. Let me assure you and them that we will work with them between General and Select, and if there are any compromises we can come to, we certainly will. I would appreciate your vote in advancing LB11. Thank you. [LB11]

PRESIDENT SHEEHY: Thank you, Senator Mines. You've heard the closing on LB11. The question before the body is, should LB11 advance to E&R Initial? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB11]

CLERK: 34 ayes, 4 nays, Mr. President, on the advancement of LB11. [LB11]

PRESIDENT SHEEHY: LB11 does advance. (Visitors introduced.) Speaker Flood, you're recognized for announcements. [LB11]

SPEAKER FLOOD: Thank you, Mr. President, members. Given the breakneck speed at

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which we are moving this morning with our General File discussion and debate, we are going to be, I'm sure, adjourning here shortly after the next bill. However, we will be back in session tomorrow at 10:00 instead of 9:00. We have six bills that are on General File ready for tomorrow, so instead of starting back up tomorrow at 9:00 in the morning, we're going to start up at 10:00 in the morning, given the progress that we've made this morning. Thank you, Mr. President. []

PRESIDENT SHEEHY: Thank you, Speaker Flood. Next item, Mr. Clerk. []

CLERK: Mr. President, LB28, introduced by Senator Adams. (Read title.) Bill was introduced on January 4, at that time referred to the Urban Affairs Committee. The bill was advanced to General File. I have no amendments pending at this time, Mr. President. [LB28]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Adams, you're recognized to open on LB28. [LB28]

SENATOR ADAMS: Thank you, Mr. Lieutenant Governor and members of the body. LB28 truly is a bill that is designed to clarify, to clarify existing statutes about the conveyance of real and personal property for cities of the second class and for villages. Years ago, statute 17-503 was passed by this body, and what it defined was that when real or personal property is sold, there will be three notice periods and then a 30-day remonstrance period. Over the course of several years since then, there have been amendments to that bill to streamline the conveyance of property a bit more. In 2003, the last time that the bill was amended, the exception language was left out. Now, what am I talking about? The exception language is that if a city of the second class or a village is conveying real or personal property that (a) they are going to convey it according to state or federal grant program guidelines, they don't have to go through the notification or the remonstrance period; (b) if they are conveying property from one political subdivision to another, from the village over to the school, they could avoid the three notice period and remonstrance period, or if it's a street or alley. In 2003, when the bill was last amended, those exceptions got left out. Now, as a result, we have village and city attorneys coming forward saying, we would like to be able to convey property over to the school, as an example. We have some extra chairs, some extra tables, and we'd like to give them to the school. We're not sure if we can do that without going through the three notification periods, the remonstrance period. We'd like to make sure that those exceptions are back in there, so that we can smooth these small transactions out. That is the essence of what LB28 does. It puts those three exceptions back in there for cities of the second class and for villages. Thank you, Mr. President. [LB28]

PRESIDENT SHEEHY: Thank you, Senator Adams. You've heard an opening on LB28. The floor is now open for discussion. Anyone wishing to speak on this item? Seeing none, Senator Adams, you're recognized to close on LB28. [LB28]

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SENATOR ADAMS: I'd waive closing. [LB28]

PRESIDENT SHEEHY: Senator Adams waives closing. The question before the body is, shall LB28 advance to E&R Initial? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB28]

ASSISTANT CLERK: 42 ayes, 0 nays, on the motion to advance the bill, Mr. President. [LB28]

PRESIDENT SHEEHY: LB28 does advance. Mr. Clerk, messages, announcements on your desk? [LB28]

CLERK: Mr. President, Reference will meet upon adjournment, Reference Committee will meet upon adjournment. Hearing notices from the Nebraska Retirement Systems Committee, the Business and Labor Committee, and the General Affairs Committee, those signed by their respective Chairs. Three new resolutions: Senator Stuthman offers LR16, LR17, and LR18. All three will be laid over. Mr. President, a series of name adds: Senator Fischer to add her name to LB6; Senator Fischer, LB176; Senator Heidemann, LB284; Senator Dwite Pedersen, LB352; Senator Nantkes, LB425; Senator Pahls, LB482; Senator Heidemann, LB549; Senator Ashford, LB621; Senator Fischer, LB700. Mr. President, priority motion. Senator Lathrop would move to adjourn until Tuesday morning, January 23, at 10:00 a.m. (Legislative Journal pages 330-332.) [LR16 LR17 LR18 LB6 LB176 LB284 LB352 LB425 LB482 LB549 LB621 LB700]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. The question before the body is, shall the Legislature adjourn until Tuesday, January 23, 2007, until 10:00 a.m.? All those in favor say yea. Opposed, nay. We're adjourned. []