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Transcriber's Office

Floor Debate
March 01, 2007

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SPEAKER FLOOD PRESIDING

SPEAKER FLOOD: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the 38th day of the One Hundredth Legislature, First Session. Our chaplain for today is Senator Dierks. Please rise.

SENATOR DIERKS: (Prayer offered.)

SPEAKER FLOOD: At this time...rather than calling the session to order at this time, please check in so that we may take a straw poll to check for a quorum. Please record your presence by pressing your green button at your seat. Members in your offices, please come to the floor immediately. Members in the building or in your offices, please come to the floor immediately. Members in your offices, please return to the floor immediately. I call to order the 38th day of the One Hundredth Legislature, First Session. The 38th day of the One Hundredth Legislature has been called to order. Senators, please record your presence. Mr. Clerk, please record.

CLERK: I have a quorum present, Mr. President

SPEAKER FLOOD: Thank you, Mr. Clerk. Are there any corrections for the Journal?

CLERK: I have no corrections, Mr. President.

SPEAKER FLOOD: Thank you. Are there any messages, reports, or announcements?

CLERK: Mr. President, Health and Human Services Committee reports LB171 to General File with committee amendments attached, that signed by Senator Johnson as Chair of the committee. Enrollment and Review reports LB464, LB568, LB299, LB374, and LB203 to Select File. And Mr. President, I have a Report of Registered Lobbyists to be inserted in the Legislative Journal for this week. That's all that I have at this time. (Legislative Journal pages 701-703.) [LB171 LB464 LB568 LB299 LB374 LB203]

SPEAKER FLOOD: Thank you, Mr. Clerk. In advance of Final Reading, the Chair has made the following decisions regarding today's agenda. Bills on Final Reading with an E clause, including LB99E, LB108E, LB166E, LB191E, LB333E, and LB422E shall be passed over. Bills on Select File that have amendments filed shall be pulled at the Chair's discretion. Bills on Final Reading with motions to return to Select for a specific

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amendment shall be passed over. They include LB25, LB67, LB185E, LB211A. The Chair in its own discretion shall make changes to the General File bills on today's agenda as provided later this morning. Mr. Clerk, we will now move to Final Reading. Members should return to their seats in preparation for Final Reading. We will go the General Affairs Committee legislative confirmation report following Final Reading. We are on Final Reading. Members, please be seated. Mr. Clerk, the first bill that we will take up on Final Reading pursuant to the changes made moments ago is LB213. [LB213 LB25 LB67 LB99 LB108 LB166 LB185 LB191 LB211A LB333 LB422]

CLERK: (Read LB213 on Final Reading.) [LB213]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB213 pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB213]

CLERK: (Record vote read, Legislative Journal page 704.) 29 ayes, 0 nays, 1 present and not voting, 19 excused and not voting, Mr. President. [LB213]

SPEAKER FLOOD: Thank you, Mr. Clerk. At the introducer's request and given the number of senators present today, we will pass over LB237. The next bill on Final Reading, Mr. Clerk, is LB263. [LB213 LB237 LB263]

CLERK: (Read LB263 on Final Reading.) [LB263]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB263 pass? All those in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk. [LB263]

CLERK: (Record vote read, Legislative Journal pages 704-705.) 29 ayes, 0 nays, 1 present and not voting, and 19 excused and not voting, Mr. President. [LB263]

SPEAKER FLOOD: Thank you, Mr. Clerk. The next bill on Final Reading is LB290. [LB290]

CLERK: (Read LB290 on Final Reading.) [LB290]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB290 pass? All those in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk. [LB290]

CLERK: (Record vote read, Legislative Journal pages 705-706.) 30 ayes, 0 nays, 19 excused and not voting, Mr. President. [LB290]

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SPEAKER FLOOD: LB290 passes. We will now proceed to LB298. [LB290 LB298]

CLERK: (Read LB298 on Final Reading.) [LB298]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB298 pass? All those in favor vote aye; all those opposed vote nay. Senator Lathrop, did you know we started at 9 o'clock this morning? Mr. Clerk, please record. [LB298]

CLERK: (Record vote read, Legislative Journal page 706.) 29 ayes, 0 nays, 2 present and not voting, 18 excused and not voting, Mr. President. [LB298]

SPEAKER FLOOD: LB298 passes. We will now proceed to LB307. [LB298 LB307]

CLERK: (Read LB307 on Final Reading.) [LB307]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB307 pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB307]

CLERK: (Record vote read, Legislative Journal page 706-707.) 29 ayes, 1 nay, 1 present and not voting, 18 excused and not voting, Mr. President. [LB307]

SPEAKER FLOOD: Thank you, Mr. Clerk. LB307 passes. We will now proceed to LB311. [LB307 LB311]

CLERK: (Read LB311 on Final Reading.) [LB311]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB311 pass? All those in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk [LB311]

CLERK: (Record vote read, Legislative Journal page 707-708.) 31 ayes, 0 nays, 18 excused and not voting, Mr. President. [LB311]

SPEAKER FLOOD: LB311 passes. We will now proceed to LB313. [LB311 LB313]

CLERK: (Read LB313 on Final Reading.) [LB313]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB313 pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB313]

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CLERK: (Record vote read, Legislative Journal page 313.) 31 ayes, 0 nays, 18 excused and not voting, Mr. President. [LB313]

SPEAKER FLOOD: LB313 passes. We will now proceed to LB434. [LB313 LB434]

ASSISTANT CLERK: (Read LB434 on Final Reading.) [LB434]

SPEAKER FLOOD: All provisions of law having been complied with, the question is, shall LB434 pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB434]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 709.) The vote is 31 ayes, 0 nays, 1 present and not voting, 17 excused and not voting, Mr. President. [LB434]

SPEAKER FLOOD: Thank you, Mr. Clerk. LB434 passes. We will now proceed to LB472. [LB434 LB472]

ASSISTANT CLERK: (Read LB472 on Final Reading.) [LB472]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB472 pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB472]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 709-710.) The vote is 31 ayes, 1 nay, 17 excused and not voting, Mr. President. [LB472]

SPEAKER FLOOD: LB472 passes. We will now proceed to LB527. [LB472 LB527]

ASSISTANT CLERK: (Read LB527 on Final Reading.) [LB527]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB527 pass with the emergency clause attached? Strike that. Shall LB527 pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB527]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 710-711.) The vote is 31 ayes, 1 nay, 17 excused and not voting, Mr. President. [LB527]

SPEAKER FLOOD: LB527 passes. We will now proceed to LB549. And Mr. Clerk, the first vote is to dispense with the at-large reading. This requires 30 votes. All those in favor vote aye; all those opposed vote nay. Have you all voted? Mr. Clerk, please record. [LB527 LB549]

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ASSISTANT CLERK: 31 ayes, 1 nay, to dispense with the at-large reading, Mr. President. [LB549]

SPEAKER FLOOD: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB549]

ASSISTANT CLERK: (Read title of LB549.) [LB549]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB549 pass? All those in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk [LB549]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 711-712.) The vote is 31 ayes, 1 nay, 1 present and not voting, 16 excused and not voting, Mr. President. [LB549]

SPEAKER FLOOD: Thank you, Mr. Clerk. LB549 passes. Before we proceed to LB549A, and at the introducer's request, we will be returning to bills that require an emergency clause, contain an emergency clause, following our vote on LB549A. Mr. Clerk. [LB549 LB549A]

ASSISTANT CLERK: (Read LB549A on Final Reading.) [LB549A]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB549A pass? All those in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk. [LB549A]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 712.) The vote is 34 ayes, 0 nays, 15 excused and not voting. [LB549A]

SPEAKER FLOOD: LB549A passes. We will now return to the top of the Final Reading agenda. Mr. Clerk, please proceed with LB99E. [LB549A LB99]

ASSISTANT CLERK: (Read LB99 on Final Reading.) [LB99]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB99E pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk. [LB99]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 713.) The vote is 34 ayes, 0 nays, 15 excused and not voting, Mr. President. [LB99]

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SPEAKER FLOOD: LB99E passes with the emergency clause attached. We will now proceed to LB108E. [LB99 LB108]

ASSISTANT CLERK: (Read LB108 on Final Reading.) [LB108]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB108E pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB108]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 713-714.) The vote is 34 ayes, 0 nays, 15 excused and not voting, Mr. President. [LB108]

SPEAKER FLOOD: LB108E passes with the emergency clause attached. We will now proceed to LB166E. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB108 LB166]

ASSISTANT CLERK: 33 ayes, 1 nay, to dispense with the at-large reading, Mr. President. [LB166]

SPEAKER FLOOD: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB166]

ASSISTANT CLERK: (Read title of LB166.) [LB166]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB166E pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk. [LB166]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 714-715.) The vote is 34 ayes, 0 nays, 15 excused and not voting. [LB166]

SPEAKER FLOOD: LB166E passes with the emergency clause attached. We will now proceed to LB191E. [LB166 LB191]

ASSISTANT CLERK: (Read LB191 on Final Reading.) [LB191]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB191E pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB191]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 715.) (Vote was 33 ayes, 0 nays, 1 present and not voting, 15 excused and not voting.) [LB191]

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SPEAKER FLOOD: LB191E passes with the emergency clause attached. We will now proceed to LB333E. [LB191 LB333]

ASSISTANT CLERK: (Read LB333 on Final Reading.) [LB333]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB333E pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk. [LB333]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 716.) The vote is 33 ayes, 0 nays, 1 present and not voting, 15 excused and not voting, Mr. President. [LB333]

SPEAKER FLOOD: LB333E passes with the emergency clause attached. We will now proceed to LB422E. [LB333 LB422]

ASSISTANT CLERK: (Read LB422 on Final Reading.) [LB422]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB422E pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk. [LB422]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 717.) The vote is 33 ayes, 0 nays, 1 present and not voting, 15 excused and not voting, Mr. President. [LB422]

SPEAKER FLOOD: Thank you, Mr. Clerk. LB422E passes with the emergency clause. Before we proceed to the legislative confirmation reports, there will be a motion filed. However, while the Legislature is in session and capable and transacting business, I propose to sign and do hereby sign LB99E, LB108E, LB166E, LB191E, LB213, LB263, LB290, LB298, LB307, LB311, LB313, LB333E, LB422E, LB434, LB472, LB527, LB49, LB549A, LR33, and LR34. We shall move off Final Reading. Notes for the agenda today: On Select File it is our intention to pass over...it is the Chair's decision to pass over LB223 on Select File, LB12 and LB12A on Select File. We will not be considering LB25, LB67, LB185E, or LB211A on Final Reading with motions to return to Select for a specific amendment. Decisions are being made at this time on General File; however, I can tell you we will be passing over LB402. Mr. Clerk. [LB422 LB99 LB108 LB166 LB191 LB213 LB263 LB290 LB298 LB307 LB311 LB313 LB333 LB402 LB422 LB434 LB472 LB527 LB49 LB549A LR33 LR34 LB25 LB67 LB185 LB211A]

SENATOR LANGEMEIER PRESIDING

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SENATOR LANGEMEIER: Mr. Clerk, items for the record.

CLERK: Mr. President, thank you. Transportation and Telecommunications Committee reports LB561 to General File with amendments; LB621, General File with amendments; LB658, General File with amendments. Mr. President, I have a motion from Senator Flood. (Legislative Journal pages 717-722.) [LB561 LB621 LB658]

SENATOR LANGEMEIER: Speaker Flood, you are recognized to open on your motion.

SPEAKER FLOOD: Thank you, Mr. President and members. I have a filed a motion that essentially moves to suspend the rules pursuant to Rule 3, Section 13, and cancel the public hearings scheduled for today, March 1, 2007, for the following committees. They include Appropriations; Government, Military and Veterans Affairs; Judiciary; Natural Resources; and Revenue. We have 16 members that are not with us today. Given the conditions of our roads and the winter weather situation across eastern Nebraska, and the fact that we have a number of members of the public that will be visiting our Capitol today for those hearings, we thought it better to cancel those. We will be working with committee chairs to reschedule those hearings in the near future. However I would ask for your support of this motion to suspend the rules and go ahead and cancel those hearings, and then the hearings will be renoticed for hearing by the committees affected as soon as we find an appropriate date and time. If you have any questions, I'd be glad to answer them. Thank you, Mr. President.

SENATOR LANGEMEIER: Thank you, Speaker Flood. You have heard the motion to suspend the rules. The floor is now open for discussion. Seeing no discussion, no one wishing to speak, Senator Flood, you are recognized. Senator Flood waives closing. The motion before the body is to suspend the rules for the cancellation of committee hearings this afternoon. This vote does take 30 votes. All those in favor vote yea; all those opposed vote nay. Has everyone voted that wishes to? Record, Mr. Clerk.

CLERK: 31 ayes, 0 nays, Mr. President, on adoption of Senator Flood's motion.

SENATOR LANGEMEIER: The motion to suspend the rules is adopted. Mr. Clerk.

CLERK: Mr. President, the next item for consideration. Senator McDonald, I have a confirmation report from the General Affairs Committee involving three appointments to the Nebraska Arts Council. (Legislative Journal page 722.)

SENATOR LANGEMEIER: Senator McDonald, you are recognized to open on the confirmation report.

SENATOR McDONALD: Mr. President and members of the body, all three of our appointees to the Nebraska Arts Council are new appointees. The first of our

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appointees is Steven Bloch of Omaha. Mr. Bloch is on the board of advisors to the Joslyn Contemporary Art Society, as well as chairman of the board of directors of the Enterprise Bank in Omaha. He has worked for Fraser Stryker Law Firm since 1980 and is a graduate of the Creighton Law School. Our second appointee is Sandra Schroeder of Norfolk. She was a fine arts major at the University of Nebraska and she currently runs a surveying business with her husband. Thirdly, Joanne Shephard of Valentine is a board member of the Museum of Nebraska Art, as well as for the Nebraska State Historical Society. She is also chairman of the board of the First National Bank of Valentine. And I would have to add that she came all the way from Valentine for this confirmation hearing, so that was great to see that she felt that it was important enough to her to travel almost all across the state for that confirmation hearing. I hope that you pass all these. Thank you.

SENATOR LANGEMEIER: Thank you, Senator McDonald. You have heard the opening on the confirmation report. The floor is open for discussion. Is there anyone that wishes to speak to the confirmation report? Seeing no lights on, Senator McDonald, you are recognized to close. Senator McDonald waives closing. You have heard the opening and the closing on the adoption of the confirmation report from the General Affairs Committee. All those in favor vote yea; all those opposed vote nay. Have all those that wish to vote, have done so? Have all those that wish to vote on the confirmation reports done so? Record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal pages 722-723.) 26 ayes, 0 nays, Mr. President, on adoption of the confirmation report.

SENATOR LANGEMEIER: The report is adopted. Mr. Clerk, next item on the agenda.

CLERK: Mr. President, pursuant to the Speaker's schedule, LB296 on Select File. The Enrollment and Review amendments have been considered and adopted, as was an amendment by Senator Chambers. When the Legislature left the issue, Senator Johnson had pending AM435 as an amendment to the bill, Mr. President. (AM435, Legislative Journal page 648.) [LB296]

SENATOR LANGEMEIER: Senator Johnson, you are recognized to open on AM435. [LB296]

SENATOR JOHNSON: Mr. President, members of the Legislature, you will recall just two days ago there was the discussion about this amendment, AM435. The reason for this amendment was that on General File there was AM251 that was adopted, which basically renamed the six divisions and called them divisions instead of departments. Just for a moment of your review, as well, this is the bill that the Governor has requested for the reorganization of Health and Human Services. The basic sequence of this bill was that, first...see, there was the Governor who was over the chief executive

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officer, and then the chief executive officer was over six areas which are now called divisions. From there on down it was pretty much what I like to call a pyramid of responsibility not unlike what you might see in the armed forces with the general at the top, down through colonels, sergeants, and so on. At any rate, where we are now is after this amendment was passed the other day, it required rewriting to the extent...and interestingly enough, we went from 1,850 pages, with the amendment it actually shrunk the amendment to about 850 or 900 pages. But it has taken two weeks to accomplish this. Now, to address AM435. I mentioned this the other day but it's short and I'll go through it again. AM435 replaces the large amendment that was introduced on LB296. The reason that AM15 had to be redrawn was to harmonize after the amendment passed the other day on Select File. AM435 now becomes the harmonizing amendment referred to in the green copy of LB296. Because the departments of HHS Regulation and Licensure, Finance and Support are being combined in LB296, all the reference to those departments in the statutes have to be changed. I will represent to the Legislature that the amendment makes no substantive changes in the state law relating to the powers and duties of the Health and Human Services System. A great effort has been made to make only those changes necessary to harmonize the language in the statutes with HHSS reorganization being proposed in the underlying bill, LB296. Adoption of the amendment does not mean that we won't need to make other changes in the future to further refine and improve the system the way that best serves our citizenry. AM435 is strictly technical. It harmonizes changes in the underlying bill. Mr. Chairman, I would ask for the adoption of this amendment, and thank you for your consideration. [LB296]

SENATOR LANGEMEIER: Thank you, Senator Johnson. You have heard the opening on AM435. The floor is now open for discussion. Is there anyone wishing to speak to the amendment, AM435? Seeing no lights on, Senator Johnson, you are recognized to close on AM435. Senator Johnson waives closing. You have heard the closing on the amendment to the committee amendments. The question is, shall the amendment to the committee amendments to LB296 be adopted? All those in favor vote yea; all those opposed vote nay. Have all those voted who wish to? Record, Mr. Clerk. [LB296]

CLERK: 26 ayes, 0 nays, Mr. President, on the adoption of Senator Johnson's amendment. [LB296]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. The amendment is adopted. [LB296]

CLERK: Mr. President, at this time I have nothing further on the bill. [LB296]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator McGill. [LB296]

CLERK: The motion is to advance, Senator. [LB296]

SENATOR LANGEMEIER: Senator McGill. [LB296]

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SENATOR MCGILL: Mr. President, I move LB296 to E&R for engrossing. [LB296]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed, same sign. It does advance. Mr. Clerk. [LB296]

CLERK: Mr. President, the next bill on Select File, LB239. Senator McGill, at this time I have no amendments to that bill. [LB239]

SENATOR LANGEMEIER: Senator McGill. [LB239]

SENATOR MCGILL: Mr. President, I move LB239 to E&R for engrossing. [LB239]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed, same sign. LB239 does advance. Mr. Clerk. [LB239]

CLERK: Mr. President, the next bill on Select File, LB390. Senator McGill, I have no amendments to LB390. [LB390]

SENATOR LANGEMEIER: Senator McGill. [LB390]

SENATOR MCGILL: Mr. President, I move LB390 to E&R for engrossing. [LB390]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed, same sign. LB390 does advance. Mr. Clerk. [LB390]

CLERK: Mr. President, I believe we're now proceeding to General File. The first bill this morning, LB349 by Senator Stuthman. (Read title.) The bill was introduced on January 12 of this year. At that time it was referred to the Transportation Committee for public hearing. The bill was advanced to General File. At this time I have no amendments to the bill, Mr. President. [LB349]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Stuthman, you are recognized to open on LB349. [LB349]

SENATOR STUTHMAN: Thank you, Mr. President and members of the body. LB349 is the legal towing combinations, and I'll give you a little bit of a background as to where this came from and why I introduced this bill. LB349 grew out of a work group discussion during the registration act recodification project in 2004. The goal of that project was to reorganize and modernize the registration act to make it more user friendly and not make any substantive changes in the law. A reoccurring question during the project was what motor vehicle can pull what trailer. The legal towing combinations were scattered throughout the registration statutes and not stated in any straightforward

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manner. The work group drafted a towing statute that was included in AM2660 to LB275 in 2005, a larger bill that did not become law. That proposed statute became LB349. The proposed language will provide an easy reference in the statute for legal towing combinations for the use of the public--administrators, county officials, and law enforcement. The intent of LB349 is to reflect current law and policy and not make any changes. If LB349 is enacted it will provide a guideline the public so that it will be easier to register motor vehicles and trailers correctly for the use in the owner's intent. Section 1 harmonizes language to add the new section to the Motor Vehicle Registration Act. Section 2: This is a proposed statute section to specify the legal towing combinations in the state by listing the type of trailer and then the type of motor vehicle that can legally tow that kind of trailer. This section has eight types of trailers: cabin trailers, utility trailers, farm trailers, commercial trailers, fertilizer trailers, pole and cable reel trailers, and dealer-plated trailers, and trailers registered as part of an apportioned fleet under 60-3,198, and provides a list of motor vehicles that may pull each one of these trailers...these types. The term "properly registered" is included in the bill to cue the user of the statute that in order for the combination to be legal the motor vehicle must still be properly registered under other applicable statutes. Dealer-plated motor vehicles and trailers may not be registered to specified owners as are other vehicles and trailers but may be operated on the roads when bearing dealer plates and used for the purpose allowed in that statute. The combination provided in this section are intended to reflect current legal combinations in the statute and current policy and are not intended to make any substantive changes in the current law. All this bill does is it outlines in several pages, creates another statute that allows the person to find out what type of trailer can be pulled by what type of a vehicle. That's all it does. Everything that is put together in this new statute, in this new page, is already defined in the statutes of the motor vehicles. So with that, those are my opening comments and I would return the balance of my time...I mean, I will end at this time. [LB349]

SENATOR LANGEMEIER: Thank you, Senator Stuthman. Just a little update before we move on to speakers. After this we're going to go to LB192, then LB295, and then LB136. You have heard the opening on the advancement of LB349. The floor is now open for discussion. Senator Wallman, you are recognized. [LB349 LB192 LB295 LB349]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. May I ask Senator Stuthman a question? [LB349]

SENATOR LANGEMEIER: Senator Stuthman, would you yield to a question? [LB349]

SENATOR STUTHMAN: Yes. [LB349]

SENATOR WALLMAN: This bill here, if I have like anhydrous trailers or something like that, would I have to license them now, or would it be the same as it is now? [LB349]

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SENATOR STUTHMAN: The licensing would be the same as you presently have, that would be. It's just...all this does is states as to what type of a vehicle can pull what type of a trailer. And it is already in statute. This just clarifies it in a several-page outline as to what you can pull with what. And it makes it actually a lot more user-friendly for like yourself and myself as to what you can pull with it. Then you don't have to go and call the Department of Motor Vehicles and they find part of it in one statute and part of it in another statute. [LB349]

SENATOR WALLMAN: Thank you. Thank you, Mr. President. [LB349]

SENATOR LANGEMEIER: Thank you, Senator Wallman. Is there anyone else that wishes to speak to LB349? Seeing no lights, Senator Stuthman, you are recognized to close. Senator Stuthman waives closing. You have heard the closing on the advancement of LB349 to E&R Initial. All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Have all those that wish to vote on LB349 done so? Senator Stuthman, for what purpose do you rise? Record, Mr. Clerk. [LB349]

CLERK: 27 ayes, reluctant ayes, Mr. President, 0 nays to advance (laugh) LB349. [LB349]

SENATOR LANGEMEIER: I would agree. LB349 does advance. At this time, I would like to recognize today as Nebraska's 140th birthday, as well as Senator Fischer's birthday and passed around the treats, the cookies earlier today. So happy birthday to Nebraska and Senator Fischer. (Applause) Mr. Clerk, LB192. [LB349 LB192]

CLERK: LB192, a bill by Senator Harms. (Read title of LB192.) The bill was introduced on January 9, Mr. President, referred to the Education Committee. The bill was advanced to General File. I do have Education Committee amendments pending. (AM240, Legislative Journal page 490.) [LB192]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Harms, you are recognized to open on LB192. [LB192]

SENATOR HARMS: Thank you, Mr. President and colleagues. LB192 creates an access early scholarship program and its entire intent is for low-income students. Currently in Nebraska there are many high school students who take college credit classes while still in high school. It gives them an early jump-start with their college career. But right now the only opportunity that kids have to go to college early is if they can afford to do it. And this particular program equalizes that out. Regardless of what financial conditions you're in, you still can enroll in college credit classes during your junior and senior year. Annually there's approximately 5,000 students that enroll in college credit classes while still in high school, and they take these classes in a variety

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of different ways. They take them where they go to the college campus or through distance learning, through the web, through advanced placement, through dual credit, and the list goes on and on about ways that they can actually secure that. But it's difficult for low-income students because they have difficulty paying for the tuition and fees, and this scholarship program does pay for the tuition and fees. This program will be administered by the Coordinating Commission for Postsecondary Education. There are two basic eligibility requirements in this program. Number one is that if the student or the parent or the legal guardian is going through a hardship time, and that's defined in the bill, they will qualify. The second component to qualifications is if the student, the parent, or the legal guardian is enrolled in one of the federal assistance programs, which we list those in the bill, but it's like food stamps, free lunch programs, WIC, and the list goes on. There's currently \$49,750. There will be no new money in this program. It's simply a transfer from the Community Foundation Scholarship program, and it eliminates the Community Foundation Scholarship program. According to the commission, the Community Foundation Scholarship program has not been very well used. In fact, it hasn't been very successful. And on an average, there's about 65 students a year over the last three years that have used this particular scholarship program. Their estimate is that there will be at least 250 low-income students that will use this Access Early College Scholarship program. I think the important thing to remember here is that when you work with low-income students, which I've had the opportunity to do in my entire career, a lot of these young people when you talk to them feel like there is no hope. They do not have the opportunity. The parents do not know how to interface with even the high school, the public schools. They don't know how to interface in filling out the application forms. And the neat thing about this program is that they'll get that assistance. They'll go to the guidance counselor and the guidance counselor will help them fill out that form and they'll submit that form and the bill for the college expenses to the Coordinating Commission. One of the largest numbers of students and young people that we lose in our public school system come from low-income families. And you've heard Senator Chambers say it and you've heard me mention it on more than one occasion on this floor, that our only hope to get out of poverty is through education. These kids feel that they don't have that opportunity and they don't have the support from home and they don't have the understanding from home how important it is for them to go on. There's been a couple of studies that support this position. The document that I handed out that kind of outlines what I'm talking to you about today talks a little bit about what University of Nebraska, UNO has found in Omaha and working with Millard. But the study that caught my attention was the one that's done in Florida where they waive all of the tuition and fees for low-income students. And what they found is amazing to me, that 70 percent of Afro-Americans who started their college career early in high school went on to college opposed to 45 percent who did not. The other thing that was interesting for me was the number of Hispanics that this particularly shows, this study shows, that the Hispanics is 69 percent of those who started college early went on to college opposed to 54 percent who did not take any early college classes did not go on. So I think it's really important

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to do this. It ties in nicely with the Governor's position on wanting to get more students into college. We cannot afford to let the low-income students not go on to college. Because quite frankly, when you look at it, they're some of the fastest growing population bases we have in the state. We've got to find a solution to this. I don't know if the \$49,750 are going to be even adequate, and I hope we can come back two years from now in the budget process and say, you know what? We've just hit a home run. We are getting these kids to school, they're staying in college, and we've got a hope for them and for the state of Nebraska. I would in hopes that you would support this bill. It's a good bill and it gives opportunities that we cannot presently give today, and I would urge you to support it. Thank you, Mr. President. [LB192]

SENATOR LANGEMEIER: Thank you, Senator Harms. As the Clerk has stated, there are amendments from the Education Committee. Senator Raikes, as Chair of that committee, you are recognized to open on your amendments. [LB192]

SENATOR RAIKES: Thank you, Mr. President, members of the committee. The committee...or, the Legislature, I'm sorry. The committee did agree with Senator Harms that this is a good bill, very good bill in fact, and advanced it unanimously. The committee amendment replaces the original provisions of the bill to make the amended proposal easier to read. But there are a limited number of changes, substantive changes I would tell you. One, it concerns the definition of a resident student, would be replaced with a provision defining a student as a student attending a Nebraska high school. And to harmonize with this change, the references to high school students would be replaced with references to students. And I could say a little bit more about that, but it's primarily a technical and wording change. Also there's some clarification added that the application forms would be developed by the Coordinating Commission. There is...a requirement that they attach a billing statement to the application is deleted, and then there's some guidelines, specific information. The guidance counselor would have 15 days to forward the information to the commission, and the commission would have 30 days to notify the student and guidance counselor of the estimated award amount. Again, these are primarily wording and technical changes. The idea that Senator Harms brings in the bill was endorsed and preserved by the committee. The notion that you're going to use funds to help students begin their college career, so to speak, while they're still in high school, and particularly those students who are unable to afford the additional charges of dual enrollment classes, is one that the committee very strongly supported. So I urge your adoption of the committee amendment and also the bill. Thank you. [LB192]

SENATOR LANGEMEIER: Thank you, Senator Raikes. Mr. Clerk. [LB192]

CLERK: Mr. President, Senator Harms would move to amend the committee amendments with AM285. (Legislative Journal page 554.) [LB192]

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SENATOR LANGEMEIER: Senator Harms, you are recognized to open on AM285 to the committee amendments. [LB192]

SENATOR HARMS: Thank you, Mr. President. I will tell you that I do support the changes that Senator Raikes and his committee has recommended. These amendments are really to kind of clear up some things that I wanted to make sure that we could and to make this a much better bill. In Section 7, the addition and the changes goes as follows, that the commission shall prepare a biennial report on scholarships awarded pursuant to the Access College Early Scholarship Program Act and shall submit the report to the Clerk of the Legislature. The report includes, but is not limited to the number and amount of scholarships awarded and the postsecondary educational institutions attended and the scholarship recipients. The reason that we need to have that in there is so that we have a chance to track these kids, that we know where they're coming. Because we know where the pocket of students are that are low-income throughout the state of Nebraska. And I want to make sure that we can find a solution if they're not attending college and they're not taking access to this particular program, then we want to start talking to the public schools to encourage them to do this. The second change that I'd like to share with you is in Section 8. It simply says the student or the student's parent or legal guardian may request in writing a review of an adverse decision by requesting such review within 20 days of notice of the adverse decision addressed to the executive director of the commission. The purpose of this is, is to give the student, the parent, or the guardian parent the opportunity to appeal this, the opportunity to find out why they did not receive the assistance, and to make sure that it's going to the right place. The other nice thing about this is, is that the commission will actually go out and audit this program to make sure it's being placed in the right position and to the right students. So I would urge you to...and there are some other changes, they're just minor, you know, basically small word changes, nothing that would make any difference at all with this bill. I would urge you to support this amendment. [LB192]

SENATOR LANGEMEIER: Thank you, Senator Harms. We have a number of lights on. (Visitors introduced.) The floor is now open for discussion on AM285. Senator Schimek, followed by Adams, Pirsch, and others. Senator Schimek, you are recognized. [LB192]

SENATOR SCHIMEK: Yes. Thank you, Mr. President and members. I rise in support of the amendment to the amendment, the amendment, and the underlying bill. Senator Harms, I think this is a marvelous idea and I think oftentimes we don't get some of these kids to college because they're not sure that they can handle the work that goes on at the college level. So I think this helps a lot with that. But I would like to ask you just a few questions on the background on this scholarship money, if I might. [LB192]

SENATOR LANGEMEIER: Senator Harms, would you yield to a question? [LB192]

SENATOR SCHIMEK: Senator Harms, I think that's probably a yes. I didn't... [LB192]

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SENATOR HARMS: Yes, it is. [LB192]

SENATOR SCHIMEK: (Laugh) Okay. This \$49,750, is that an amount that we put into that scholarship fund for some time? [LB192]

SENATOR HARMS: Yes, it is. It's been going in annually, and it comes from the student loan program. In fact, this Legislature body is the one that actually approved the creation of this Community Foundation Scholarship. I can't give you the exact year, but that's where the money comes from. [LB192]

SENATOR SCHIMEK: Well, why hasn't it been used? I mean, surely there's a need to have that money available to students who have made a decision to go to college. [LB192]

SENATOR HARMS: Well, it has been used. As an average, about 60 to 65 students a year over the last three years have used it. But half the money is going unused, and I think the commission probably felt that there was other opportunities for the students that were making an application, receiving it from other sources of income. And the low-income students, as you know, just simply are intimidated by the process, intimidated in the thought of going to college. This gives them that opportunity to do that, gives them an opportunity for someone to take their hand, help them fill out the application forms and move them forward. But that's as I understand it, Senator. [LB192]

SENATOR SCHIMEK: I appreciate that. And this...your explanation of the bill says this will serve about 250 students. My only concern in all of this is the students then therefore we might not be able to serve, those who are actually making application. And you know, I'm thinking, this isn't a huge amount of money that we're talking about here. And maybe at some point in time on the discussion of this bill we should talk about that, that maybe we should leave some money in there, the amount that is being used historically, leave that in there. But then add on the amount that you have designated in your bill for these high school students. [LB192]

SENATOR HARMS: Well, I think one of the things we probably really need to do with this bill is, first of all...I like the way it's really established. It will give us the opportunity to find out whether it works well or does not. And I think I would rather not put too much money in it. I'd like to keep it so it's not new money, it's money that they've transferred. And as I said, we have this set up so we can track the students. I do believe the students who have previously received the Community Foundation Scholarship have other accesses to other funds and most likely will not be hindered or hurt in any manner. So I don't think that I have a real concern about that at this point. I do agree with you that maybe this may not be enough dollars to start with, but it does give us an

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opportunity to see how it works. And I would really like to do that. [LB192]

SENATOR LANGEMEIER: One minute. [LB192]

SENATOR SCHIMEK: When it says in your explanation that the commission believes that it could be in the thousands, regarding the number of students that could be served, is that over a period of time? Do you know what they're talking about here? [LB192]

SENATOR HARMS: Yes, it will be over a period of time. To be honest with you, it will take us at least a year or take them a year to get this set up and get people comfortable and familiar with it. But once it takes a hold, once students from low-income families find that they can enroll in a variety of places, you'll find...I think it will really take off and I think there will be in the thousands. But I think we have to first give it a try. The other side of it is, too... [LB192]

SENATOR SCHIMEK: And Senator Harms, I thank you for that and I thank you for introducing the bill because I think it's a very good idea. Thank you. [LB192]

SENATOR LANGEMEIER: Thank you, Senator Schimek. Wishing to speak, we have Adams, Pirsch, Raikes, and others. Senator Adams, you're recognized. [LB192]

SENATOR ADAMS: Thank you, Mr. President. I don't know that there's much more that I can add to this discussion that Senator Harms hasn't already. But it's an important enough issue to me, and I think it ought to be to the state, that I want to take just a moment and interject something. Thirty-one years of teaching and I typically always had seniors in class. And I cannot remember a year when I didn't have a student that fit exactly what Senator Harms is talking about. Let me describe that student to you. I could identify them within weeks. They were above average students. I could tell right off the bat they'd do well in college. But they came from a culture, typically a family culture, that didn't discourage college but didn't encourage college, largely because they didn't have that background, and because they were living in an income situation where, frankly, mom and/or dad or both were saying, we can't afford it, you're not going to be able to go. So you just as well work a few more hours at McDonald's during the school year. And the same kid that I'm talking about then, coming from that culture, would do exactly that. Instead of taking calculus, instead of taking advanced biology and preparing themselves for college, they had been convinced that they couldn't cut it financially. They weren't getting that much encouragement from home. So instead what they did was just get done with high school, and literally almost shuffle out the door of the school everyday back to McDonald's or wherever they were going to work and put in a few more hours. I think what this would do, it would give schools an opportunity to say, hey, you can do this, you can do it. Why not spend one more hour a day, instead of working at the fast food, going to the computer lab possibly or going down the street to the local college and taking the calculus class, taking the composition class. And I'll tell

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you, they will walk away saying, I was successful in college, I can do this, I'm off and running, I'm going to give it a shot. I think it's an important bill, too. Thank you. [LB192]

SENATOR LANGEMEIER: Thank you, Senator Adams. Senator Pirsch, you are recognized, followed by Raikes, Wallman, and McGill. Senator Pirsch. [LB192]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. I just wanted to join those who have commended Senator Harms in bringing forward this bill. Obviously, education is the key to the future of the state of Nebraska. And with results that Senator Harms had already spoke about, 70 percent of those minority students who enroll in these type of college courses while in high school, then actually enrolling in college, that sounds like a great program. I just had a few questions as to the particulars of this bill. I was wondering if Senator Harms would yield for a question. [LB192]

SENATOR LANGEMEIER: Senator Harms, would you yield to a question? [LB192]

SENATOR HARMS: Yes, I will yield. [LB192]

SENATOR PIRSCH: And perhaps, Senator, this may be more appropriately addressed to the committee amendment. But I think it was mentioned that there was a definitional change, one in which I think the term "resident student" was changed to "student at a Nebraska high school." Are you familiar with that change? [LB192]

SENATOR HARMS: Yes, I am. [LB192]

SENATOR PIRSCH: Could you just comment on the substantive nature of that change and why it was made? [LB192]

SENATOR HARMS: Well, because we want to make sure that the students that make application for this are graduates from the Nebraska high schools. We also want to make sure they're enrolling in a Nebraska college or university. [LB192]

SENATOR PIRSCH: Very good. Another question that I had, and thank you very much for answering that first question, what are the major changes in between the current program that exists now, the Community Scholarship Foundation program and this new program, Access College Early Scholarship program? If you could just speak to that briefly. [LB192]

SENATOR HARMS: Yeah. The major change is, the simple fact is that it is designed specifically for low-income students, and that's the group that we're actually losing and not going to college, where the other scholarship program gives opportunities for a variety of students. But this is specifically designed for that low-income student because I believe that the other students have a greater access academically for a lot of other

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scholarships and are not intimidated by the process that you go through to complete these forms and to go on to college. The whole intent of this, Senator Pirsch, is really to encourage students while they're in high school, where they still are in their comfort zone and where they can get support from the people and the teachers and the counselor to start to school and then go back to the public schools. What happens to so many kids, as I've seen happen in my career that come from low-income families, whether they go to a community college or university really doesn't make any difference, they are so intimidated by the process. They are so intimidated by being in a class of 300 students that they just get lost. And it's frightening. And if you're a first-generation child coming out of a family of a first generation, it's intimidating. [LB192]

SENATOR PIRSCH: Thank you very much. One final question I'll have for you. Insofar as we're increasing the number of students who utilize from the prior program to this program, you said, I think, that there was 60 or 65 students who utilized that old program annually, and now we're anticipating approximately 250 students. Yet we don't expect, in terms of the appropriations towards that, that will not change even with the increased number of students? [LB192]

SENATOR LANGEMEIER: One minute. [LB192]

SENATOR HARMS: No, it will not. There is no new money added to this program. Now I will not say that I wouldn't come back a year from now or two years from now and look for a new addition, because quite frankly, I think this is going to be a winner. [LB192]

SENATOR PIRSCH: Well, thank you, Senator Harms. I just want to, once again, commend you on bringing forward this. Obviously, as education and especially getting at these type of students who are marginal, this kind of a program can really make a difference in changing their lives and help the state in that regard. So thank you. I'll yield back my time. [LB192]

SENATOR LANGEMEIER: Thank you, Senator Pirsch. Senator Raikes. [LB192]

SENATOR RAIKES: Thank you, Mr. President, members of the Legislature. I would urge the support of this amendment. This was basically a couple of things that came to our attention after the committee amendment was prepared. And I think these are good additions to the bill, as Senator Harms has mentioned. A couple other things I will point out. There have been some questions about the program that is being replaced here, the Community Scholarship Foundation Program Act. That provided matching awards as an incentive to a Nebraska Community Scholarship Foundation to raise money and award scholarships. So the procedure was--and some of you remember former Senator Ardyce Bohlke was involved in this effort--you would form foundations within local communities, they would raise money to provide scholarships, and the state would match that funding. But as Senator Harms has pointed out, it wasn't what I'd guess

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you'd say wildly successful in terms of the number of community foundations that were formed and the number of students that were provided those scholarships. This, I think, by focusing on kind of the really efficient and sensible participation of high school students in dual placement courses, is certainly something that we need to try. And this appears to be, in the view of the committee at least, appears to be a good opportunity to do that. So one other thing I'll mention, and this may have been only my concern and I didn't come up with a way to address it. It's sort of a principle of providing funding, that you make sure that whoever is the recipient of the funding has some sort of skin in the game, so to speak, that you don't provide 100 percent because if you provide 100 percent, then why would you turn it down? I mean, there's sort of no loss. In this particular case though, we didn't make any modifications along those lines. And I guess I'm not really convinced at this point that something like that is needed. Senator Harms has mentioned that this is a modest amount of money to see how this works. And one of the things we can figure out is, in trying it, is to the extent we run into difficulties with people getting the award and then not completing the course. Hopefully that won't happen. But if there is something that needs to be changed in order to further encourage students, then we could add that after a trial period, hopefully. So again, I urge your support of this amendment. Thank you. [LB192]

SENATOR LANGEMEIER: Thank you, Senator Raikes. We have, wishing to speak, Wallman, McGill, Carlson, Erdman. Senator Wallman, you are recognized. [LB192]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. Thank you, Senator Harms. Thank you, Senator Harms. And our school is also...when I used to be on the school board, we had this available for students and it was used. A lot of people graduated in midterm, went on to med school. I know personally two people that became doctors quite early. And they didn't have exactly the funds, but family and friends and their school kicked in some and the school districts, if they had surplus funds. It's a good program, and it's also an enrichment program for advanced students. Some of these students are ready for college in their senior year--they're ready to hit the ground. They're very knowledgeable, they're curious, and let's not squelch it just because of the economics. And so I urge you to support this amendment and the bill. Thank you, Mr. President. [LB192]

SENATOR LANGEMEIER: Thank you, Senator Wallman. Senator McGill. [LB192]

SENATOR MCGILL: Mr. President, members of the Legislature, I also rise in support of this bill, and I won't reiterate a lot of the good things that have already been said about it. But I just wanted to mention to the body that in my high school, we offered a great deal of advanced placement classes. I took, at the very least, four of those classes. That equals 12 possible college credits; that's a full semester we could be helping some of these low-income students be able to afford getting those credits without having to pay for the tuition, saving them an entire semester investment in college. And so that is

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why I strongly support this bill. Thank you, Mr. President. [LB192]

SENATOR LANGEMEIER: Thank you, Senator McGill. Senator Carlson, you are recognized. [LB192]

SENATOR CARLSON: Mr. President, members of the body, with LB192 and the amendments, I believe it zeroes in on seriously interested students with some accountability. And so I think it's a great opportunity that, regardless of financial circumstances, for students interesting in learning, to enhance their learning and serve as an encouragement to pursue a comprehensive college education. I see only positive outcomes, and I support LB192 and the amendments and commend Senator Harms for his introduction. Thank you. [LB192]

SENATOR LANGEMEIER: Thank you, Senator Carlson. Senator Erdman, you are recognized. [LB192]

SENATOR ERDMAN: Mr. President, members of the Legislature, I also want to commend Senator Harms on his efforts. I think the best value of this program, in addition to its intent, is the fact that we're not creating something new, but we're evaluating an existing program that may not be meeting its desired result. In addition to that, Mr. President, I was wondering if Senator Raikes would yield to a question. [LB192]

SENATOR LANGEMEIER: Senator Raikes, would you yield to a question from Senator Erdman? [LB192]

SENATOR RAIKES: Yes. [LB192]

SENATOR ERDMAN: Senator Raikes, and not specific to the Harms amendment, but on the committee amendment you mentioned that we had changed the definition of student. Senator Pirsch had asked Senator Harms a little bit about that. But I wanted to get your perspective from the Education Committee on why that definition was changed. As I understand the green copy of the bill, it follows the guidelines that we generally have or that we actually have in state statute for an individual to go on to postsecondary education. Your amendment appears to broaden that definition a little bit, stating that a student means a student attending a Nebraska high school. Can you give me the rationale, the specific rationale, of why we have broadened it beyond what 85-502 states as the requirements for residency of a postsecondary educational institution? [LB192]

SENATOR RAIKES: In trying to answer that, let me ask you. So you say broaden it in the sense that...are you really meaning broadening it or narrowing it, so that it would have to be a student attending a Nebraska high school rather than just a Nebraska

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student? I guess I'd interpret that as being narrower. [LB192]

SENATOR ERDMAN: But it doesn't necessarily have to be a resident. [LB192]

SENATOR RAIKES: Okay... [LB192]

SENATOR ERDMAN: It's a student that's attending. They may not necessarily have to be a resident of the state of Nebraska to qualify under yours. Under 85-502, there are specific residency requirements for them to qualify. I'm just trying to understand the distinction that was made. [LB192]

SENATOR RAIKES: So your concern is that you could have a student that is not a resident of Nebraska attending a Nebraska high school and thereby becoming eligible to receive this assistance in taking a dual placement class. Is that the concern you raise? [LB192]

SENATOR ERDMAN: I think that's an example. I'm not raising that specific concern. I'm just trying to understand what the rationale was for changing the language when it's generally accepted that 85-502 is the standard that we use in determining somebody's eligibility for residency. So I'm just trying to make sure that I understand what the decision that was made...I'm not making any... [LB192]

SENATOR RAIKES: I'll have to pursue this to give you a complete answer. But I think the basis for this change was what we do in the Nebraska Scholarship Act, the program that we use to support need-based or to provide need-based scholarship programs. (Cell phone ringing.) [LB192]

SENATOR ERDMAN: Looks like the Husker fight song has joined us this morning. (Laughter) Senator Johnson, I believe, is the culprit. So you're telling me that this language is consistent with other need-based scholarships? [LB192]

SENATOR RAIKES: That's my understanding. The effort here was to make this language consistent with what we do in our Nebraska Scholarship Act, the program that provides need-based aid for postsecondary students. [LB192]

SENATOR ERDMAN: And I'll look forward to confirmation of that. My only concern is realistically, notwithstanding the one that you have offered, is if we're setting up a program that's designed as, Senator Adams and others have said, to encourage these individuals to be able to move then into that postsecondary institution for further education, that we don't create a situation where somebody may be eligible that may not meet... [LB192]

SENATOR LANGEMEIER: One minute. [LB192]

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SENATOR ERDMAN: ...other definitions in law. And so I just want to make sure that I'm clear because I'm not as aware. I don't want to give someone a benefit and give them a false sense of hope that that means they're going to go through a process, when in reality they may not meet other requirements. And I just need more information on kind of how that plays out. And so it just came to mind that there was a conscious decision made to change the definition, and the previous definition that Senator Harms had offered us in his bill was actually existing law that we used for the postsecondary education institution residence requirements. And so I'm just making sure that it's not bifurcating our system and saying we're going to give someone a benefit that may not be entitled to actually pursue the end goal that Senator Harms and others have. And then also confirming specifically that that definition means what you intend it to mean and then verifying all that. So I just wanted to raise that to you, and I'm sure we can work this out. Thank you, Mr. President. [LB192]

SENATOR LANGEMEIER: Thank you, Senator Erdman. Senator Nelson, you're recognized. [LB192]

SENATOR NELSON: Thank you, Mr. President, members of the body. I have a couple of questions of Senator Harms, if he would yield. [LB192]

SENATOR LANGEMEIER: Senator Harms, would you yield to a question? [LB192]

SENATOR HARMS: Yes, I will. [LB192]

SENATOR NELSON: Senator Harms, I heard mention of advanced placement. I had children in high school who took advanced placement courses. Are we talking about more than this? How does advanced placement work in this program that you're proposing? [LB192]

SENATOR HARMS: Well, advanced placement is only just one component. There can be a variety of ways that you can enroll. Advanced placement could be one. It could be a student enrolling in a community college, taking welding, any kind of technology programs. Advanced placement is only one small aspect. I will share with you that...I told you earlier in my testimony that there were 5,000 students annually or more that enroll. Let me share with you where these kids go right now: 787 students in the year 2004/2005 enrolled at the University of Nebraska, taking dual credit classes; in the state college system, 608 students enrolled, again taking dual credit classes; and in the community colleges, 4,168 students enrolled. Now out of all of those, the tragedy of this is there's very few low-income students taking and participating in that. That's the sad thing. Did I answer your question? [LB192]

SENATOR NELSON: Yeah. Thank you very much. And it's probably a little easier for

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students in larger communities where there's a community college and UNO and things of that sort to attend. But are there other ways of taking these courses where they don't actually have to attend classes in that institution? [LB192]

SENATOR HARMS: Yes, there is. Actually it's very easy. You can do it through distance learning. Most of the community colleges, and even I think the university, is attached to the public schools. They can take the classes over distance learning where it's interactive on television or they can enroll in the web. And in some cases, the colleges actually will hire one of the faculty members who has a master's degree or a degree specifically to teach in a field of English or whatever it might be, academic transfer classes that meets their qualifications, that will go there and teach or that's in the high school and that will teach. There's just so many variety of ways that we're doing this today. It's a great opportunity. I've seen students who are seniors in high school that will have almost all of their freshman year gone through these kinds of classes. But again, it's for those who can afford to do it or the school that can afford to help them do that. That's what we're missing and that's what this is to deal with. [LB192]

SENATOR NELSON: Thank you very much. You certainly answered my questions fully. I really support the program. I especially like the idea that students who may not have attempted this because of their economic situation will be encouraged, and it will encourage their families to find ways through other scholarships and to send them on to school. Thank you very much, Mr. Harms. Mr. President, thank you. [LB192]

SENATOR LANGEMEIER: Thank you, Senator Nelson. Is there anyone else that wishes to speak to AM285? Seeing no lights on, Senator Harms, you are recognized to close on AM285. [LB192]

SENATOR HARMS: I would simply ask you to approve this amendment to LB192, and I would ask you to support it. It's a great opportunity for us to find out whether or not we're going to be able to reach a group of students that we have not been able to touch in our college system. And as I said, I hope that we come back and say we need more money because we've finally found a way to do this. So I would ask you to support that. [LB192]

SENATOR LANGEMEIER: Thank you, Senator Harms. You have heard the closing on the amendment. The question is, shall the amendment to the committee amendments to LB192 be adopted? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB192]

CLERK: 29 ayes, 0 nays, Mr. President, on adoption of the amendment to the committee amendments. [LB192]

SENATOR LANGEMEIER: The amendment is adopted. We return now to discussion on

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the committee amendments. The floor is now open for discussion on the committee amendments. Seeing no lights on, Senator Raikes, you are recognized to close on the committee amendments. Senator Raikes waives closing on the committee amendments. You have heard the closing on the committee amendment. The question is, shall the committee amendment to LB192 be adopted? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB192]

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB192]

SENATOR LANGEMEIER: The committee amendment is adopted. The floor is now open for discussion on LB192, the bill itself. Is there anyone wishing to speak to the bill? Seeing no lights on, Senator Harms, you are recognized to close on LB192. Senator Harms waives closing. You have heard the closing on the advancement of LB192 to E&R for initial. All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB192]

CLERK: 29 ayes, 0 nays, Mr. President, on the advancement of LB192. [LB192]

SENATOR LANGEMEIER: LB192 does advance. Mr. Clerk, LB295. [LB192 LB295]

CLERK: LB295, Mr. President. It's a bill by the Natural Resources Committee relating to natural resources. (Read title of LB295.) The bill was introduced on January 10 of this year, referred to the Natural Resources Committee. The bill was advanced to General File. There are committee amendments pending, Mr. President. (AM190, Legislative Journal page 497.) [LB295]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. I'm going to give one announcement. After this, time permitting, we're going to do LB136 and we've also added LB537 as eligible for discussion, time permitting. Senator Louden, you are recognized to open on LB295. [LB295]

SENATOR LOUDEN: Thank you, Mr. President. The opening will be quite short on LB295 because of the committee amendments that have been added to it. And this is the cleanup bill from the Department of Natural Resources and was an effort with all the stakeholders over the interim to identify inconsistencies in the statutes, as well as certain omissions. The bill adds the Bureau of Reclamation to the list of certain public entities holding surface water rights subject to adjudication for nonuse which qualify for particular transfer rights, or assignments, within five years after cancellation or voluntary relinquishment. The Bureau was inadvertently left off the list of eligible entities, and the omission prevents the transfer of many older storage use and natural flow rights associated with the many Bureau projects in the state. Bureau rights are particularly important in the Republican Basin. This is important because of the state's involvement

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in federal conservation programs to help reduce consumptive use in a water-short basin. The bill also clarifies the terminology of decommissioned water wells and abandoned water wells. By current definition, abandoned water wells must be already be decommissioned. There is also a provision to protect the spacing requirements by clarifying that these provisions apply to all wells that are constructed, not merely drilled. In addition, no person is allowed to use an existing water well for a purpose different than the purpose listed on the well permit, unless that person has filed the appropriate forms with the department and the applicable natural resource district changing the use of the well. It does not prohibit de minimis uses for certain activities, such as watering livestock, monitoring, and other uses approved by the appropriate natural resource district. I ask your adoption on the committee amendments on this bill, which becomes the bill, and then to advance the bill. The bill as amended by the committee was advanced unanimously. Thank you, Mr. President. [LB295]

SENATOR LANGEMEIER: Thank you, Senator Louden. As the Clerk has stated, there are amendments from the Natural Resources Committee. Senator Louden, as Chair of the Natural Resources Committee, you are recognized to open on the committee amendments. [LB295]

SENATOR LOUDEN: Okay. And thank you, Mr. President. And that what I just read off was really the opening on the committee amendment. So with that, I would ask that this amendment be attached to the bill. [LB295]

SENATOR LANGEMEIER: Thank you, Senator Louden. Mr. Clerk. [LB295]

CLERK: Mr. President, Senator Louden would move to amend the committee amendments with AM385. (Legislative Journal page 590.) [LB295]

SENATOR LANGEMEIER: Senator Louden, you are recognized to open on AM385 to the committee amendments. [LB295]

SENATOR LOUDEN: Thank you, Mr. President. This amendment was suggested by the Department of Natural Resources. The first part of the amendment eliminates the word "federal." By eliminating this word, the bill would allow other conditions to be met prior to the relinquishment of a water right. For example, there may be a state or local program that places conditions on payments for relinquishment of water rights. The second part of the amendment is one that makes the statutory phrasing consistent by changing the placement of the phrase "de minimis." The bill now reads, intended purposes for a de minimis use for livestock, monitoring, observation, or other nonconsumptive use by the applicable natural resource district. With the adoption of this amendment, it will read, intended purposes for use for livestock, monitoring, observation, or any other nonconsumptive or de minimis use if approved by the applicable natural resource district. And that is mostly so people that have irrigation wells can use them to water

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livestock in the winter time, is what that's mostly for. I would ask for your support of this amendment and ask that you advance this part on the bill. Thank you, Mr. President. [LB295]

SENATOR LANGEMEIER: Thank you, Senator Louden. You have heard the opening on AM385, amendment to the committee amendments. The floor is now open for discussion. Is there anyone that wishes to speak to AM385? Seeing no lights on, Senator Louden, you are recognized to close. Senator Louden waives closing. The question before the body is...the question is, shall the amendment to the committee amendments to LB295 be adopted? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB295]

CLERK: 28 ayes, 0 nays, Mr. President, on the adoption of the amendment to the committee amendments. [LB295]

SENATOR LANGEMEIER: AM385 is adopted. We are back to discussion on the Natural Resources Committee amendment to LB295. Seeing no lights on, Senator Louden, you are recognized to close. Senator Louden waives closing. The question before the body is, should the committee amendments be adopted to LB295? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Mr. Clerk, please record. [LB295]

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB295]

SENATOR LANGEMEIER: The committee amendment, AM190, is adopted. Mr. Clerk. [LB295]

CLERK: Mr. President, Senator Louden would move to amend the bill with AM551. (Legislative Journal pages 724-725.) [LB295]

SENATOR LANGEMEIER: Senator Louden, you are recognized to open on AM551. [LB295]

SENATOR LOUDEN: Thank you, Mr. President. This amendment incorporates the provisions of LB314 into LB295. The bill was advanced, as amended by the committee, unanimously. The bill was heard on January 31 and there was no opposition testimony. This bill is important because it closes a loophole in water law regarding wells. It was brought to our attention by the Department of Natural Resources. It would expand the definition of a water well to include those excavations where a pump or other device is installed for the purposes of withdrawing water for irrigation. The current definition of a water well for the purposes of water well registration is limited to only those excavations made for the purpose of extracting water. However, some individuals do install pumps in

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existing excavations which reach the aquifer, such as sand pits, and use the water to irrigate or for other purposes. Even though the water in these excavations is groundwater, these water-use systems do not have to be registered as wells under the current law, since they are not dug for the purpose of extracting water. Since they are not required to register as wells, they do not have to honor spacing requirements or restrictions on new wells, evade well metering imposed by a natural resource district or Groundwater Management Act restrictions, and generally impair the effectiveness of integrated management plans for water use. The committee amendment clarifies that any of these excavations used for irrigation must be registered with the Department of Natural Resources within 60 days of construction or within 180 days of the effective date of this act if they were constructed prior to the effective date of this act. Because of the nature of these sand pits being used for irrigation, we included the emergency clause and the severability clause. I would ask that the body adopt this amendment and make it a part of the Department of Natural Resources cleanup bill, LB295. Thank you, Mr. President. [LB295 LB314]

SENATOR LANGEMEIER: Thank you, Senator Louden. You have heard the opening on AM551 to LB295. The floor is now open for discussion. Is there anyone wishing to speak to AM551? Seeing no lights on, Senator Louden, you're recognized to close. Senator Louden waives closing on AM551. You have heard the closing on the amendment. The question is, shall the amendment be adopted? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB295]

CLERK: 28 ayes, 0 nays, Mr. President, on the adoption of Senator Louden's amendment. [LB295]

SENATOR LANGEMEIER: AM551 is adopted. We return to discussion on LB295. Senator Mines, you are recognized. Senator Mines waives his time. Anyone else wishing to speak to LB295? Seeing no lights on, Senator Louden, you are recognized to close. Senator Louden waives closing. The question before the body is, should LB295 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Have all those that wish to vote done so? Record, Mr. Clerk. [LB295]

CLERK: 28 ayes, 0 nays, Mr. President, to advance LB295. [LB295]

SENATOR LANGEMEIER: LB295 does advance. Mr. Clerk, LB136. [LB295 LB136]

CLERK: Mr. President, LB136 was a bill introduced by Senator Flood. (Read title of LB136.) The bill was introduced on January 8, referred to the Banking, Commerce and Insurance Committee, advanced to General File. At this time, Mr. President, I have no amendments to the bill. [LB136]

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SENATOR LANGEMEIER: Speaker Flood, you are recognized to open on LB136.
[LB136]

SPEAKER FLOOD: Thank you, Mr. President, members. LB136 is a uniform law that I brought to the Banking, Commerce and Insurance Committee. And no, I didn't dream this up over the summer. This is the uniform law that the uniform law commissioners throughout the United States work on. Members of our commission include our Revisor of Statutes, Joanne Pepperl; Chancellor Harvey Perlman, longtime dean of the University of Nebraska College of Law; and current chancellor of the University of Nebraska, Larry Ruth; is a member, among others. This uniform act was developed by the Uniform Law Commission, and in fact, we had an expert in this area from the National Uniform Law Commission fly in from Chicago at the hearing to share with us details about LB136 and go through some of its components. The Uniform Prudent Management of Institutional Funds Act replaces Nebraska's Uniform Management of Institutional Funds Act that was last adopted in 1972. Since 1972, 47 jurisdictions have enacted the model act that we're replacing today. If you are wanting to get a handle on this bill, I would suggest that you would, while I talk, visit the statement of intent that's found in your Chamber Viewer. But on page 2 of that I think it gives you a pretty good understanding of what we're trying to do here. The revised act that's before you today spells out more of the factors a charity should consider in making investment decisions, thereby imposing a modern, well-accepted prudence standard based upon the UPIA. Now you should know the University Foundation, Bar Association foundations, colleges, and groups that have these types of charitable endowments have been to the table, have been involved in this process, and were at the hearing to voice their support or they have shared it with me off the floor, outside of the committee. Among the expressly enumerated prudence factors in UPMIFA is the preservation of the endowment fund, a standard not articulated in UMIFA. In addition to identifying factors that a charity must consider in making management and investment decisions, UPMIFA requires a charity and those who manage it and invest it to, one, give primary consideration to donor intent as expressed in a gift instrument. Number two, to act in good faith with the care of an ordinarily prudent person; number three, incur only reasonable costs in investing and managing charitable funds. Number four, make a reasonable effort to verify relevant facts. Number five, make decisions about each asset in a context, a portfolio of investments as part of an overall investment strategy. Number six, diversify investments unless due to special circumstances, the purposes of the fund are better served without diversification. Number seven, dispose of unsuitable assets; and number eight, in general, develop an investment strategy appropriate for the fund and the charity. I think it's important that charitable endowments have strict guidelines that they can follow, that are written well enough to allow them to make prudent investment decisions. Should Amendment 2 have passed, had passed in November, the city of Lincoln would have had a lot of interest in a bill like this, because it would give them a clear direction on where to go. We need to give that direction to these endowments, make sure that we're following good rules of accounting, and more importantly, share with them the principles

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we want respected as we look at how charitable funds are managed, where investments are made, and what types of expenditures are made from the endowment. There's a lot in the statement of intent. I think it does a good job of explaining the bill. This is a uniform law, and I feel that it's worthy of adoption so that we too in Nebraska can step to the plate and ensure that charitable endowments are managed appropriately--not that they aren't now. This just updates our 1972 act that was adopted. Mr. President, that's all that I have. Thank you. [LB136]

SENATOR LANGEMEIER: Thank you, Speaker Flood. The floor is now open for discussion on the advancement of LB136. Is there anyone wishing to speak to the bill? There are no lights on. Speaker Flood is recognized to close. He waives closing. The question before the body is, should LB136 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB136]

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of LB136. [LB136]

SENATOR LANGEMEIER: LB136 does advance. LB537, Mr. Clerk. [LB136 LB537]

CLERK: LB537, Mr. President, is a bill by Senator Schimek. (Read title of LB537.) The bill was introduced on January 17, referred to the Revenue Committee. The bill was advanced to General File. There are committee amendments pending, Mr. President. (AM282, Legislative Journal page 511.) [LB537]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Schimek, you are recognized to open on LB537. [LB537]

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. LB537 was heard by the Revenue Committee on January 26 of this year, and it did advance to General File on a 7-0-0-1 vote, one member being absent. The purpose of this bill is to really correct, I think, what was an oversight last year when this body adopted a bill that allowed the Governor of the state of Nebraska to enter into agreements with the Indian tribes of Nebraska concerning motor fuel taxes. And unfortunately, I guess, it was written so that it would apply only to tribes with reservations. And as you already know, there is one tribe in Nebraska that does not have a reservation, and that is the Ponca tribe. They brought this bill to me along with the Indian Commission, and it simply asks that we allow their tribal council to enter into an agreement with the Governor of the state of Nebraska, which gives them the same opportunity as the other three tribes. That's a very succinct, simple explanation of this. I would be happy to answer questions about it. And I know that the Revenue Committee does have a committee amendment, so I'll wait until after that to offer anything else. Thank you. [LB537]

SENATOR LANGEMEIER: Thank you, Senator Schimek. As the Clerk has stated, there

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are amendments from the Revenue Committee. Senator Dierks, as Vice Chair of the committee, you are recognized to open on the committee amendments. [LB537]

SENATOR DIERKS: Thank you, Mr. President. The committee amendment is very simple. It just limits the extension of this authorization to negotiate a fuel tax agreement to tribes within the state of Nebraska, tribes based here. [LB537]

SENATOR LANGEMEIER: Thank you, Senator Dierks. The floor is now open for discussion on LB537 and the amendment, AM282. Seeing no lights on, Senator Dierks, you are recognized to close on the committee amendments. Senator Dierks waives closing. The question before the body is, should the committee amendment, AM282, be adopted to LB537? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB537]

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB537]

SENATOR LANGEMEIER: The committee amendments are adopted. We return to...the floor is now open for discussion on LB537. Is there anyone wishing to speak on LB537? Senator Carlson, you are recognized. [LB537]

SENATOR CARLSON: Mr. President, members of the body, I'd like to ask Senator Schimek a question. [LB537]

SENATOR LANGEMEIER: Senator Schimek, would you yield to a question from Senator Carlson? [LB537]

SENATOR SCHIMEK: Yes, I will. [LB537]

SENATOR CARLSON: Senator Schimek, I notice on the note that there was one in opposition. Could you indicate a little bit what that opposition was about? [LB537]

SENATOR SCHIMEK: I'm looking at the committee statement, and I only see that one person was absent. Is that right? Oh, opposition testimony. [LB537]

SENATOR CARLSON: Yes. [LB537]

SENATOR SCHIMEK: The Petroleum Markets and Convenience Stores Association, and I can't right at the moment because I did not get to stay for the whole hearing. But I'll find out and I'll get back to you on that, Senator Carlson. [LB537]

SENATOR CARLSON: Okay. Thank you. [LB537]

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SENATOR LANGEMEIER: Thank you, Senator Carlson. Senator Fischer, you are recognized. [LB537]

SENATOR FISCHER: Thank you, Mr. President and members of the body. Senator Dierks, would you yield to a question, please? [LB537]

SENATOR LANGEMEIER: Senator Dierks, would you yield to a question from Senator Fischer? [LB537]

SENATOR DIERKS: I will try. [LB537]

SENATOR FISCHER: Thank you. Could you explain currently what the tribes do with this money and its effect on the Highway Trust Fund? [LB537]

SENATOR DIERKS: It's my understanding that they have an agreement that they've worked out, and they know or figure out what the number of gallons that are sold to the Native Americans and those gallons that are sold otherwise. And they divide up the profits from that and it amounts to about \$1 million, from what I gather. [LB537]

SENATOR FISCHER: I realize this legislation just authorizes the Department of Revenue to enter into an agreement with the Ponca tribe. Is that correct? [LB537]

SENATOR DIERKS: The agreement is already in place with the rest of them. This legislation just brings the Ponca tribe in with them. [LB537]

SENATOR FISCHER: Do you have any idea if such an agreement...I know the details are to be worked out, but if it would maybe mirror what's happening, then, with the other tribes in this regard? [LB537]

SENATOR DIERKS: I don't, but you might ask Senator Schimek. [LB537]

SENATOR FISCHER: Thank you, Senator Dierks. Mr. President, would Senator Schimek yield to a question? [LB537]

SENATOR LANGEMEIER: Senator Schimek, would you yield to a question from Senator Fischer? [LB537]

SENATOR SCHIMEK: Yes, I would, Senator Fischer, and I did hear your question. And I don't know that we can guarantee that it will mirror. One of the distinct differences, of course, is that the Poncas do not have very much land held in trust. And basically, it would just be in a little area, as I understand it, up in Knox County. That would be the only area at this time that would be affected. And Senator Dierks, did you...I mean, were you motioning that he would... [LB537]

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SENATOR FISCHER: Okay, thank you, Senator Schimek. Mr. President, would Senator Dierks yield to a question, please? [LB537]

SENATOR LANGEMEIER: Senator Dierks, would you yield to a question from Senator Fischer? [LB537]

SENATOR DIERKS: Yes. I just found out from committee counsel that those dollars are all spent on roads in those, on the Indian territory. [LB537]

SENATOR FISCHER: Okay. Thank you very much. Thank you, Mr. President. [LB537]

SENATOR LANGEMEIER: Thank you, Senator Fischer. Senator Schimek, you are recognized. [LB537]

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. Senator Carlson, I did find out the answer, and I suspected this was the answer. But I think the fear on the part of the petroleum marketers was that these gas stations could be popping up all over the place, because the Poncas don't have reservation land. And the truth of the matter is, the only place that they could be established is on land that is held in trust for them by the federal government. And as I just mentioned to Senator Fischer, that is mainly in Knox County. They cannot...for instance, they have, as you heard yesterday, a headquarters here in Lincoln, only about two or three blocks from this Capitol, and they could not put a gas station at that particular location. And part of it is that not only do they have to have, as I understand it, they have to have an agreement with the Governor, but other local entities have to be brought into the mix as well. So Lincoln isn't zoned for that at that location, and so they could not build anything there. The only place, as I understand it, that, at the present time, that they could do that is in Knox County. Now the federal government may acquire more lands to be held in trust for the Poncas. But that would be something in the future and the agreement would be strictly limited to the present. Did you have any follow-up question to that? Okay, thank you, Mr. President. [LB537]

SENATOR LANGEMEIER: Thank you, Senator Schimek. Senator Engel, you are recognized. [LB537]

SENATOR ENGEL: Mr. President, members of the body, this agreement they have right now with the other tribes, when I represented their district up in Thurston County. And what it is, just to clarify a little bit more what Senator Schimek was saying, is that the, like the Winnebago tribe on Winnebago trust land, they have this agreement. And it's a percentage, I believe. They keep 75 percent of it, and I think perhaps 25 percent comes to the state as far as the gas tax--they charge the gas taxes. But they also have a station in South Sioux City along the highway there, and they have to pay the full tax

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there because it is not on trust land. So I think that's the crux of this whole thing, is the definition of trust land. So with that, I just thought I'd add a little to it. So thank you. I return the rest of my time to the Chair. [LB537]

SENATOR LANGEMEIER: Thank you, Senator Engel. We return to discussion. There are no other lights on. Senator Schimek, you are recognized to close on LB537. [LB537]

SENATOR SCHIMEK: Thank you, Mr. President and members. I thank you for your attention and your questions. To reiterate, this bill really is for the purpose of correcting an oversight that, by the time it was thought about last year, I think it was too far along in the process to do anything about it. So again, I think there are safeguards written into this, and it just will give the Poncas an ability to participate in the same program. Thank you. [LB537]

SENATOR LANGEMEIER: Thank you, Senator Schimek. You have heard the closing on LB537. The question is, shall LB537 advance to E&R for initial? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB537]

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of LB537. [LB537]

SENATOR LANGEMEIER: LB537 does advance. Mr. Clerk, items? [LB537]

CLERK: Mr. President, your Committee on Revenue, chaired by Senator Janssen, reports LB502 to General File with amendments and the following bills indefinitely postponed: LB3, LB60, LB278, LB340, LB443, LB487, LB662. New A bill, LB425A. (Read LB425A by title for the first time.) Bills read on Final Reading this morning were presented to the Governor at 10:38 a.m. (In re: LB213, LB263, LB290, LB298, LB307, LB311, LB313, LB434, LB472, LB527, LB549, LB549A, LB99, LB108, LB166, LB191, LB333, and LB422.) Hearing notices from Revenue Committee and from Natural Resources Committee. An announcement: Natural Resources will have an Executive Session today upon adjournment underneath the north balcony; Natural Resources, upon adjournment, north balcony. (Legislative Journal pages 726-727.) [LB502 LB3 LB60 LB278 LB340 LB443 LB487 LB662 LB425A LB213 LB263 LB290 LB298 LB307 LB311 LB313 LB434 LB472 LB527 LB549 LB549A LB99 LB108 LB166 LB191 LB333 LB422]

SENATOR LANGEMEIER: Speaker Flood.

SPEAKER FLOOD: Thank you, Mr. President. I'd just like to take this opportunity to thank the members that made it in today, given the bad weather, especially those that made the trip on the roads. I'd also like to thank our staff, the pages, certainly the senators' staffs throughout the building for coming in today. I realize it's not easy, and

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you probably won't have anybody say anything to you about it. But I do appreciate you coming in today, and I think the citizens of the state are well-served with people like this that can make it in. And for those that can't make it, we certainly understand, and we'll look forward to seeing them when we reconvene on Monday. Thank you, Mr. President.

SENATOR LANGEMEIER: Thank you, Speaker Flood. Mr. Clerk.

CLERK: Mr. President, priority motion. Senator McGill would move to adjourn until Monday morning, March 5, at 10:00 a.m.

SENATOR LANGEMEIER: The motion is to adjourn until Monday, March 5, at 10:00 a.m. in the morning. All those in favor say aye. All those opposed say nay. The ayes have it. We are adjourned.