

FIRST DAY - JANUARY 9, 2008

LEGISLATIVE JOURNAL

**ONE HUNDREDTH LEGISLATURE
SECOND SESSION**

FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 9, 2008

PRAYER

The prayer was offered by Senator Kruse.

PRESENTATION OF COLORS

Presentation of Colors by the Nebraska Army and Air National Guard.

ROLL CALL

Pursuant to the provisions of Article III, Section 10 of the Constitution of Nebraska, the One Hundredth Legislature, Second Session of the Legislature of Nebraska, assembled in the George W. Norris Legislative Chamber of the State Capitol at the hour of 10:00 a.m., on Wednesday, January 9, 2008, and was called to order by President Sheehy.

The roll was called and the following members were present:

Adams, Greg L.	Gay, Tim	Nelson, John E.
Aguilar, Raymond	Hansen, Tom	Pahls, Rich
Ashford, Brad	Heidemann, Lavon L.	Pankonin, Dave
Avery, Bill	Howard, Gwen	Pedersen, Dwite
Burling, Carroll	Hudkins, Carol	Pirsch, Pete
Carlson, Tom	Janssen, Ray	Preister, Don
Chambers, Ernie	Johnson, Joel T.	Raikes, Ronald E.
Christensen, Mark R.	Karpisek, Russ	Rogert, Kent
Cornett, Abbie	Kopplin, Gail F.	Schimek, DiAnna R.
Dierks, M. L.	Kruse, Lowen	Stuthman, Arnie
Dubas, Annette M.	Langemeier, Chris	Synowiecki, John F.
Engel, L. Patrick	Lathrop, Steve	Wallman, Norm
Erdman, Philip	Lautenbaugh, Scott	White, Tom
Fischer, Deb	Louden, LeRoy J.	Wightman, John M.
Flood, Mike	McDonald, Vickie D.	
Friend, Mike	McGill, Amanda	
Fulton, Tony	Nantkes, Danielle	

The following member was excused:

Harms, John N.

MOTION - Adopt Temporary Rules

Senator Hudkins moved that the rules, as now in our possession, be adopted until such time as the permanent rules are adopted pursuant to Rule 2, Section 1; provided that the temporary rules shall not continue after the tenth legislative day.

The motion prevailed.

RESIGNATION

September 4, 2007

The Honorable Dave Heineman
Governor of Nebraska
P.O. Box 94848
Lincoln, NE 68509-4848

Dear Governor Heineman:

By this letter, I submit my resignation as a member of the Nebraska Legislature, effective October 31, 2007 at 11:59 pm. For almost five years, it has been my distinct privilege to represent the residents of District 18 in this magnificent institution, but it is now time for me to return to the private sector.

I take this occasion to express my sincere appreciation to the voters of District 18 for allowing me to serve in this unique and very special institution. I also extend my heartfelt thanks to my colleagues and the legislative staff for their friendship, their commitment to the people's work, and their passion to build a greater Nebraska.

Governor, you have my deepest respect and admiration for your steadfast leadership and your pragmatic approach to governing our state. My optimism for the future of Nebraska has never been greater, and I hope you will call upon me whenever I can be of service to you and the citizens of Nebraska. Thank you.

Yours very truly,
(Signed) Mick Mines

cc: Michael Flood, Speaker of the Legislature
Patrick O'Donnell, Clerk of the Legislature

CERTIFICATE

State of Nebraska

United States of America,)
) ss. Secretary of State
 State of Nebraska)

I, John A. Gale, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct copy of the Official Roster of members of the Nebraska Unicameral Legislature elected or appointed to serve in the One Hundredth Legislature, Second Session, 2008.

Further, I hereby certify that the members so listed on the Official Roster attached hereto are the duly elected or appointed members of the Unicameral Legislature in the State of Nebraska for the One Hundredth Legislature, Second Session, 2008.

Finally, I hereby certify that all election returns, abstracts, canvass and appointment records with reference to said members are on file in the office of the Secretary of State and are a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Ninth day of January in the year of our Lord, two thousand and eight.

(SEAL)

John A. Gale, Secretary of State

DISTRICT/NAME	ELECTED
1 Lavon L. Heidemann	November 2, 2004
2 Dave Pankonin	November 7, 2006
3 Gail F. Kopplin	November 2, 2004
4 Pete Pirsch	November 7, 2006
5 Don Preister	November 2, 2004
6 John E. Nelson	November 7, 2006
7 John F. Synowiecki	November 2, 2004
8 Tom White	November 7, 2006
9 Gwen Howard	November 2, 2004
10 Mike Friend	November 7, 2006
11 Ernie Chambers	November 2, 2004
12 Steve Lathrop	November 7, 2006
13 Lowen Kruse	November 2, 2004
14 Tim Gay	November 7, 2006
15 Ray Janssen	November 2, 2004
16 Kent Rogert	November 7, 2006
17 L. Patrick Engel	November 2, 2004
18 Scott Lautenbaugh	Appointed November 2, 2007

19	Mike Flood	November 2, 2004
20	Brad Ashford	November 7, 2006
21	Carol Hudkins	November 2, 2004
22	Arnie Stuthman	November 7, 2006
23	Chris Langemeier	November 2, 2004
24	Greg L. Adams	November 7, 2006
25	Ronald E. Raikes	November 2, 2004
26	Amanda M. McGill	November 7, 2006
27	DiAnna R. Schimek	November 2, 2004
28	Bill Avery	November 7, 2006
29	Tony Fulton	Appointed January 3, 2007
30	Norman Wallman	November 7, 2006
31	Rich Pahls	November 2, 2004
32	Russ Karpisek	November 7, 2006
33	Carroll Burling	November 2, 2004
34	Annette M. Dubas	November 7, 2006
35	Raymond Aguilar	November 2, 2004
36	John Wightman	November 7, 2006
37	Joel T. Johnson	November 2, 2004
38	Tom Carlson	November 7, 2006
39	Dwite Pedersen	November 2, 2004
40	Cap Dierks	November 7, 2006
41	Vickie D. McDonald	November 2, 2004
42	Thomas F. Hansen	November 7, 2006
43	Deb Fischer	November 2, 2004
44	Mark Christensen	November 7, 2006
45	Abbie Cornett	November 2, 2004
46	Danielle Nantkes	November 7, 2006
47	Philip Erdman	November 2, 2004
48	John N. Harms	November 7, 2006
49	LeRoy J. Louden	November 2, 2004

MESSAGES FROM THE GOVERNOR

July 1, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being appointed to positions within the Nebraska Department of Health and Human Services:

Christine Peterson, Chief Executive Officer
Scot Adams, Director, Division of Behavioral Health

Todd Landry, Director, Division of Children & Family Services
Vivianne Chaumont, Director, Division of Medicaid and Long-Term Care
Dr. Joann Schaefer, Chief Medical Officer and Director, Div. of Public Health
John Hilgert, Director, Division of Veterans' Homes

The aforementioned appointees are respectfully submitted for your consideration. Copies of the appointment certificates and applications are attached for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

July 9, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed to the Nebraska Liquor Control Commission:

Patrick J. Thomas, 11623 South 60th Street, Papillion, NE 68133

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and application are attached for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

July 9, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed as Property Tax Administrator:

Ruth A. Sorensen, 2500 Devoe Drive, Lincoln, NE 68506

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and background information are enclosed for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

July 9, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed as a member of the Tax Equalization and Review Commission:

Nancy J. Salmon, 1017 10th Street, Aurora, NE 68818

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and background information are enclosed for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

July 12, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being reappointed to the Nebraska Educational Telecommunications Commission:

Dr. Phillip Dudley Jr., 1820 N. Elm, Hastings, NE 68901

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

July 12, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being reappointed to the Board of Public Roads Classifications and Standards:

Randy Peters, Nebraska Dept. of Roads, Lincoln, Nebraska

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

July 26, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being reappointed to the Nebraska Board of Parole:

Esther Casmer, 11525 S. 39th, #5, Bellevue, NE 68123

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

July 26, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed to the State Personnel Board:

Gregory Osborn, 1144 Manchester Drive, Lincoln, NE 68528

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

July 31, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed to the Foster Care Review Board:

Judy Meter, 1740 "Q" Street, Gering, NE 69341

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman

Governor

Enclosures

August 13, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed to the Tax Equalization and Review Commission:

Rob Hotz, 8117 Imperial Circle, Lincoln, NE 68506

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and application are attached for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

August 17, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being reappointed to Nebraska Ethanol Board:

Tim Else, RR 1, Box 27, Belvidere, NE 68315

The following individual is a new appointee to the Nebraska Ethanol Board:

Steve Hanson, 34355 Road 761, Elsie, NE 69134

The aforementioned appointees are respectfully submitted for your consideration. Copies of the appointment certificates and applications are attached for your review.

Sincerely,

(Signed) Dave Heineman
Governor

Enclosures

August 24, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed to the State Electrical Board:

John F. Hiller, 15573 Walnut Circle, Omaha, NE 68144

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

August 24, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being reappointed to positions within the Environmental Quality Council:

Donald Williams, 235 Relf Street, Orchard, NE 68764
John Turnbull, 711 Main Ave., York, NE 68467
Ronald Zeiger, 1488 Midland Street, Syracuse, NE 68446
John Baker, 2213 4th Ave., Scottsbluff, NE 69361

The aforementioned appointees are respectfully submitted for your consideration. Copies of the appointment certificates and applications are attached for your review.

Sincerely,

(Signed) Dave Heineman
Governor

Enclosures

August 29, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed to the Commission of Industrial Relations:

Sam Jensen, 13011 Hamilton Street, Omaha, NE 68154

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

August 31, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed as the Director of the Developmental Disabilities Division - Department of Health and Human Services:

John C. Wyvill, 712 LaSalle Drive, Little Rock, AR 72211

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

September 17, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed to the Climate Assessment Response Committee:

Dr. Mike Hayes, 823 Hardin Hall, UNL, PO Box 830988, Lincoln, NE 68583-0988

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

September 17, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being reappointed to positions within the State Highway Commission:

Ronald Books, 219 N. Maloney Dr., North Platte, NE 69101
Jerome Fagerland, HC 69, Box 92, Atkinson, NE 68713
Richard Reiser, 541 S. 53rd St., Omaha, NE 68106

The aforementioned appointees are respectfully submitted for your consideration. Copies of the appointment certificates and applications are attached for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

September 21, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being
reappointed to the Board of Emergency Medical Services:

Capt. Michael Buscher, 19707 Island Dr., Plattsmouth, NE 68048
Robert Dunn, 1500 Brighton Ave., Lincoln, NE 68506
Shawn Baumgartner, 845 O Street, Gering, NE 69341
Dr. Leon Sykes, 16236 Wright Circle, Omaha, NE 68130

Contingent upon your approval, the following individual is being appointed
to the Board of Emergency Medical Services:

Ann Fiala, 132 North Walnut, Ainsworth, NE 69210

The aforementioned appointees are respectfully submitted for your
consideration. Copies of the appointment certificates and applications are
attached for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

September 21, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed
to the Nebraska Game and Parks Commission:

Kent Forney, DVM, 5001 Trotter Circle, Lincoln, NE 68516

The aforementioned appointee is respectfully submitted for your
consideration. Copies of the appointment certificate and application are

attached for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

September 21, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being appointed to positions within the Environmental Quality Council:

Leigh Hoyt, 38664 Rd. 719, McCook, NE 69001
Douglas Anderson, 1407 W. 10 Road, Aurora, NE 68818
John Kinter, P.O. Box 309, Norfolk, NE 68701
Dr. Lon Keim, 4242 Farnam, Ste. 355, Omaha, NE 68131

The aforementioned appointees are respectfully submitted for your consideration. Copies of the appointment certificates and applications are attached for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

September 24, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being reappointed to positions on the Motor Vehicle Industry Licensing Board:

Douglas Rolfsmeier, 488 East Pinewood Ave., Seward, NE 68434
Sid Dillon, 1715 Nye Avenue, Fremont, NE 68025

Contingent upon your approval, the following individual is being appointed

to a position on the Motor Vehicle Industry Licensing Board:

Fred Stone, 2710 Kucera Drive, Lincoln, NE 68502

The aforementioned appointees are respectfully submitted for your consideration. Copies of the appointment certificates and applications are attached for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

October 2, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed to the Beginning Farmer Board:

Todd Reed, 10610 North 144th, Waverly, NE 68462

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

October 2, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed to a position within the Board of Educational Lands and Funds:

John F. Lund, 9816 Fieldcrest Dr., Omaha, NE 68114

The aforementioned appointee is respectfully submitted for your consideration. A copy of the appointment certificate and application are attached for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

October 10, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed as The Adjutant General for the State of Nebraska:

Colonel Timothy Kadavy, 3717 Stonewall Manor Drive, Triangle, VA 22172

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

October 12, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Arts Council:

Richard Vierk, 1230 Fall Creek Rd., Lincoln, NE 68510
David Catalan, 900 Farnam, #610, Omaha, NE 68102
Murray Newman, 112 S. 92nd St., Omaha, NE 68114

Contingent upon your approval, the following individuals are being appointed to the Nebraska Arts Council:

Donna Hastings, 212 Forest Blvd., Hastings, NE 68901
Nana Smith, 2221 Sheridan Blvd., Lincoln, NE 68502

The aforementioned appointees are respectfully submitted for your consideration. Copies of the appointment certificates and applications are attached for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

October 23, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being appointed to the Nebraska Game and Parks Commission:

Lynn Berggren, 514 Westridge Drive, Broken Bow, NE 68822
S. Michael "Mick" Jensen, 13887 N. Highway 75, Blair, NE 68008

The aforementioned appointees are respectfully submitted for your consideration. Copies of the appointment certificates and applications are attached for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

October 26, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed

to the Nebraska Investment Council:

Norm Riffel, 12604 Cottonwood Lane, Springfield, NE 68059

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and application are attached for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

October 30, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being reappointed to the Child Abuse Prevention Fund Board:

Patricia Madsen, Box 69, 207 Parnell Street, Stuart, NE 68780

Contingent upon your approval, the following individuals are being appointed to the Child Abuse Prevention Fund Board:

Tawanna Black, 8212 Vernon Ave., Omaha, NE 68134
Dr. Rev. Rebecca Brown, 7001 Edenton Rd., Lincoln, NE 68516
Sandra Markley, 5080 So. 172nd St., Omaha, NE 68135
Parrish McDonald, 2816 Sheridan Blvd., Lincoln, NE 68502

The aforementioned appointees are respectfully submitted for your consideration. Copies of the appointment certificates and applications are attached for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

November 6, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building

Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being reappointed to the Tax Equalization and Review Commission:

Nancy J. Salmon, 1017 10th Street, Aurora, NE 68818

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and application are attached for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

November 6, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being appointed to the Nebraska Rural Health Advisory Commission:

Sharon Vandegrift, 909 H Street, Fairbury, NE 68352
Dr. Douglas A. Dilly, 101 Eden Rock Lane, Neligh, NE 68756

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Rural Health Advisory Commission:

Martin L. Fattig, 2508 P Street, Apt. 2, Auburn, NE 68305
Dr. Steven Dokken, 442 G Street, Pawnee City, NE 68420

The aforementioned appointees are respectfully submitted for your consideration. Copies of the appointment certificates and applications are attached for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

November 20, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being appointed to the Beginning Farmer Board:

Mark Graff, 103 S. Cherokee Rd., McCook, NE 69001
Melvin Valasek, 11221 N. 156th St., Bennington, NE 68007

Contingent upon your approval, the following individuals are being reappointed to the Beginning Farmer Board:

Donald Anthony, 43970 Road 758, Lexington, NE 68850
Dr. Darrell Mark, 6041 Meridian Dr., #428, Lincoln, NE 68504

The aforementioned appointees are respectfully submitted for your consideration. Copies of the appointment certificates and applications are attached for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

November 28, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed as Director of Insurance for the State of Nebraska:

Ann Frohman, 5522 NW Tudor Lane, Lincoln, NE 68521

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman

Governor

Enclosures

December 1, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed to the Coordinating Commission for Postsecondary Education:

Riko Bishop, 233 South 13, Suite 1400, Lincoln, NE 68508

Contingent upon your approval, the following individuals are being reappointed to the Coordinating Commission for Postsecondary Education:

Timothy Hodges, 11420 S. 199th Street, Gretna, NE 68028
Richard Uhing, 1500 North 43rd St., Norfolk, NE 68701

The aforementioned appointees are respectfully submitted for your consideration. Copies of the appointment certificates and applications are attached for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

December 5, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being reappointed to the Board of Public Roads Classifications and Standards:

James Bauer, 1010 Quail Ridge Cr., Beatrice, NE 68310
Darold Tagge, 204 W. 15th, Holdrege, NE
Henry Thieman, P.O. 84, Petersburg, NE 68652
Richard Ruby, 3121 Williamsburg Dr., Lincoln, NE 68516
Richard Pierce, 33560 Hwy 183, Miller, NE 68858

Edward Wootton, 804 W. Mission Ave., Bellevue, NE 68005

The aforementioned appointees are respectfully submitted for your consideration. Copies of the appointment certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

December 5, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being appointed to the Coordinating Commission for Postsecondary Education:

Clark Anderson, 122 North Hillcrest, Ogallala, NE 69153
Carol Zink, 1420 Broadmoore Drive, Lincoln, NE 68506

Contingent upon your approval, the following individual is being reappointed to the Coordinating Commission for Postsecondary Education:

Mary Lauritzen, 1097 Hwy 9, West Point, NE 68788

The aforementioned appointees are respectfully submitted for your consideration. Copies of the appointment certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

December 7, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed to the Public Employees Retirement Board:

Elaine Stuhr, 208 Road 18, Bradshaw, NE 68319

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

December 12, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being reappointed to the Tax Equalization and Review Commission:

William R. Wickersham, 103 Nixon Road, Chadron, NE 69337

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

December 17, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed to the State Board of Health:

Dr. Dale Michels, 11800 Van Dorn Road, Walton, NE 68461-9760

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

December 19, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed to the Rural Health Advisory Commission:

Kathy Boswell, 214 W Second, Allen, NE 68710

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

December 19, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being reappointed to the State Fair Board:

Tamas Allan, 5405 A Street, Lincoln, NE 68510

The aforementioned appointee is respectfully submitted for your

consideration. Copies of the appointment certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

December 19, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed to the Board of Public Roads Classifications and Standards:

Roger Figard, 5411 Glade Street, Lincoln, NE 68506

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

December 19, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being appointed to the Commission for the Blind and Visually Impaired:

Julie Johnson, 820 East 5th St., York, NE 68467
James Jirak, 3512 S. 44th Ave., Omaha, NE 68105
Wesley Majerus, 1301 Lincoln Mall, #405, Lincoln, NE 68508

The aforementioned appointees are respectfully submitted for your consideration. Copies of the appointment certificates and background

information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

December 20, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is being appointed to the Board of Trustees of the Nebraska State Colleges:

Michelle Suarez, 2427 Woodsdale Blvd., Lincoln, NE 68502

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

December 21, 2007

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being reappointed to the Nebraska Railway Council:

Gary Rasmussen, Box 6, Elba, NE 68835
John Rebensdorf, 651 N. 57th Avenue, Omaha, NE 68132
Frank Landis, 3400 Calvert, Lincoln, NE 68502

The aforementioned appointees are respectfully submitted for your consideration. Copies of the appointment certificates and background information are included for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

January 8, 2008

Mr. President, Speaker Flood
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individuals are being appointed to the Foster Care Review Board:

Alfredo Ramirez, 1308 Park Avenue, Norfolk, NE 68701
Ronald Albin, 1316 Galeta, Norfolk, NE 68701

Contingent upon your approval, the following individuals are being reappointed to the Foster Care Review Board:

Rev. Larry Brown, MD, 2714 Morrie Dr., Bellevue, NE 68123
Gene Klein, 1209 MacArthur Dr., Papillion, NE 68046

The aforementioned appointees are respectfully submitted for your consideration. Copies of the appointment certificates and applications are attached for your review.

Sincerely,
(Signed) Dave Heineman
Governor

Enclosures

MESSAGE FROM THE SECRETARY OF STATE

August 15, 2007

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

Dear Mr. O'Donnell:

The purpose of this letter is to inform you and the honorable members of the Legislature that I have made the following appointment requiring

Legislative confirmation:

Mr. Richard Nelson (Republican) to the Nebraska Accountability and Disclosure Commission effective today, August 15, to serve a six-year term ending on June 30, 2013.

This appointment is made by me pursuant to the provisions of Sections 49-14,106 through 49-14,120.

Thank you for your consideration. If you have questions or if I can provide additional information, please feel free to contact me.

Sincerely,
(Signed) John A. Gale
Secretary of State

Kc

ATTORNEY GENERAL'S OPINIONS

Opinion 07017

DATE: November 21, 2007

SUBJECT: Number of Hours That May Be Worked by Firefighters Assigned to Work Shifts of Less Than Twenty-four Hours Under Neb. Rev. Stat. § 35-302 (2004)

REQUESTED BY: Senator L. Patrick Engel
Nebraska State Legislature

WRITTEN BY: Jon Bruning, Attorney General
Charles E. Lowe, Assistant Attorney General

Introduction

You have asked this office for its opinion regarding the provisions of Neb. Rev. Stat. § 35-302 (2004) in connection with the plans of South Sioux City, Nebraska to hire two currently volunteer firefighters on a full-time basis as employees of the city. You indicate that the city plans on having these two firefighters work five 8-hour shifts, Monday through Friday, for a total of forty hours per week. You ask whether or not the terms of § 35-302 would prevent these two firefighters "from working additional hours to respond to fire and rescue calls during the evenings and weekends." You indicate that you will be proposing legislation amending § 35-302 to make clear that firefighters who work less than twenty-four hour shifts would not be prohibited from working such additional hours if our answer to your inquiry is in the affirmative.

The Language of § 35-302

Section 35-302 reads as follows:

Firefighters employed in the fire departments of cities having paid fire departments shall not be required to remain on duty for periods of time which will aggregate in each month more than an average of sixty hours per week. Each single-duty shift shall consist of twenty-four consecutive hours and shall be followed by an off-duty period as necessary to assure compliance with the requirements of this section unless by voluntary agreement between the city and the firefighter, any firefighter may be permitted to work an additional period of consecutive time and may return to work after less than a twenty-four-hour off-duty period. Any firefighter may be assigned to work less than a twenty-four-hour shift, but in such event the firefighter shall not work in excess of forty hours per week. No firefighter shall be required to perform any work or service as such firefighter during any period in which he or she is off duty except in cases of extraordinary conflagration or emergencies or job-related court appearances. (Emphasis supplied.)

Rules Concerning Statutory Language

In responding to your inquiry regarding whether, under § 35-302, South Sioux City can expect the two forty-hours-per-week firefighters to work additional hours on evenings and weekends, it is important to bear in mind some of the basic rules concerning the application of statutory language. In *State v. Atkins*, 250 Neb. 315, 318, 549 N.W.2d 159, 162 (1996), the Nebraska Supreme Court stated the pertinent rules as follows:

[A] statute is open for construction only when the language used requires interpretation or may reasonably be considered ambiguous. . . .

In the absence of anything to the contrary, statutory language is to be given its plain and ordinary meaning; an appellate court will not resort to interpretation to ascertain the meaning of statutory words which are plain, direct, and unambiguous. . . . Nor is it within the province of the courts to read a meaning into a statute that is not there, nor to read anything direct and plain out of a statute. (Internal citations omitted.)

Accord, e.g., *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 876, 725 N.W.2d 792, 802 (2007); *Hatcher v. Bellevue Volunteer Fire Department*, 262 Neb. 23, 30, 628 N.W.2d 685, 692 (2001). Further, a statute will be considered ambiguous only "when the language used cannot be adequately understood either from the plain meaning of the statute or when considered in *pari materia* with any related statutes." *Zach v. Eacker*, 271 Neb. 868, 872, 716 N.W.2d 437, 441 (2006).

Analysis of § 35-302

Applying the foregoing rules concerning statutory language to § 35-302, it appears that the language used therein is plain, readily understood and unambiguous.

The first two sentences of the statute, taken together, clearly reflect that firefighters are to work twenty-four hour shifts and that such shifts shall not "aggregate in each month more than an average of sixty hours per week." The second sentence further states that, after working a "single-duty shift" of twenty-four consecutive hours, a firefighter is to be given an off-duty period of such length as may be necessary to meet the "requirements of this section" – i.e., the aggregate average sixty hours per week requirement. Finally, the second sentence provides a means by which a city and a firefighter can agree that the firefighter may work "an additional period of consecutive time and may return to work after less than a twenty-four-hour off-duty period." There is nothing in this provision, however, to suggest that the city and the firefighter can agree to waive the aggregate average sixty hours per week requirement set forth in the first sentence. Rather, it simply allows the city and the firefighter to agree to shifts of longer than twenty-four hours and off-duty periods of less than twenty-four hours. The "average of sixty hours per week" limitation must still be complied with.

The third sentence of § 35-302 addresses the different situation in which a city assigns a firefighter to work shifts of less than twenty-four hours. It permits a city to make such an assignment, but goes on to state that "in such event the firefighter shall not work in excess of forty hours per week." There is nothing in the third sentence or any other provision of § 35-302 allowing the forty hours per week limitation to be exceeded by agreement of the city and the firefighter or in any other way.¹

The last sentence of § 35-302 simply states that a firefighter may not be required to perform any service as a firefighter during off-duty periods "except in cases of extraordinary conflagration or emergencies or job-related court appearances." This provision does not amount to an exception allowing a firefighter who works less than twenty-four hour shifts to work more than forty hours in a week. Rather, it means only that any firefighter may be required, during his or her off-duty period, to respond to "extraordinary" conflagrations or emergencies or to make required court appearances. There is nothing to suggest, however, that any such responses to "extraordinary" fires or emergencies or court appearances would allow the aggregate average sixty hours per week (for firefighters working shifts of twenty-four hours or longer) or the forty hours per week (for firefighters working shifts of less than twenty-four hours) limitations to be breached.

Conclusion

In light of the foregoing analysis it appears that the third sentence of § 35-302 is directly applicable to the situation you have described in which

South Sioux City will be assigning the two city-employed firefighters to shifts of less than twenty-four hours. The two firefighters will not be able to work in excess of forty hours per week. There is nothing in the statute which would permit the city and firefighters to "get around" the forty hours per week limitation.

Accordingly, if you wish to give South Sioux City and other cities having paid fire departments the flexibility to allow firefighters working less than twenty-four hour shifts to work more than forty hours per week, legislation amending § 35-302 will be necessary.

Obviously, we offer no opinion as to whether any such amendment to the statute would be wise or constitute good public policy since these are matters which must be addressed by the Legislature itself.

¹ While our analysis of § 35-302 is limited to the plain meaning of the language used therein because there is no ambiguity, we, nonetheless, note that our conclusion about the "stand alone" nature of the third sentence is supported by legislative history of this provision. During a hearing on a proposed amendment which was adopted and incorporated this provision (and others) into the statute, the proponent of such amendment stated: [W]e propose the amendment to say that any fireman may be assigned to work less than twenty-four hour shifts, but in such event the fireman shall not work in excess of forty hours per week. Now, this is designed primarily to cover the chief, the training officer, fire inspectors, and people of this type who are presently working forty hours a week or eight or nine hours a day, as the case may be, and should not be and were not intended to be under the provisions requiring a maximum of sixty hours and twenty-four hour shifts.

Committee Records on LB 773, 82nd Neb. Leg., 1st Sess. 4 (March 4, 1971) (Emphasis supplied.)

Sincerely,
JON BRUNING
Attorney General
(Signed) Charles E. Lowe
Assistant Attorney General

Pc: Patrick O'Donnell
Clerk of the Legislature
17-233-21

Opinion 08001

DATE: January 7, 2008

SUBJECT: Use of Construction Management at Risk Method by
Community Colleges.

REQUESTED BY: Michael J. Flood, Senator
Nebraska State Legislature

WRITTEN BY: Jon Bruning, Attorney General
Lynn A. Melson, Assistant Attorney General

You have requested our opinion whether the use of "construction management at risk" services is prohibited under Nebraska law. We have learned from your staff that your specific question is whether community colleges may use this method for their construction projects. You have also stated that, if the use of such services by community colleges is prohibited, you may introduce legislation on this topic.

According to the information that you have submitted to our office, the construction management at risk method is an alternative to the traditional "design – bid – build" method of building construction. The term "construction management at risk contract" is defined at Neb. Rev. Stat. §79-2003(1) as follows:

Construction management at risk contract means a contract by which a construction manager (a) assumes the legal responsibility to deliver a construction project within a contracted price to the school district, (b) acts as a construction consultant to the school district during the design development phase of the project when the school district's architect or engineer designs the project, and (c) is the builder during the construction phase of the project;

This statutory definition is part of the Nebraska Schools Construction Alternatives Act which was enacted in 2002 and applies solely to school districts. Our review of Nebraska statutes reveals this is the only mention of this term in current statutes.

With your request letter you enclosed information submitted by the Executive Director of the Associated General Contractors, Nebraska Building Chapter. That letter explains that, in the construction management at risk method, the construction manager is also the constructor and that the construction manager/constructor "typically provides preconstruction services, holds the trade contracts, takes responsibility for performance of the actual work and guarantees the construction costs and schedule."

You have also provided us with a letter you received from the State Auditor which suggests that the construction management at risk method can not be employed by political subdivisions in Nebraska because a facility would need to be designed prior to accepting bids for the construction portion of the project. You then ask our office whether construction management at risk services are prohibited under Nebraska law and you note that school districts in Nebraska as well as the University of Nebraska system have built several buildings using construction management at risk services.

In Nebraska, community colleges are governed, in part, by the Coordinating Commission for Postsecondary Education. The Commission is a state agency which has been established under the Nebraska Constitution as the entity "which shall, under the direction of the Legislature, be vested with the authority for coordination of public postsecondary educational institutions." Neb. Const. art. VII, § 14. By virtue of this constitutional provision, the Commission has the authority to review and approve or disapprove capital construction projects which utilize tax funds designated by the Legislature. See, also, the Coordinating Commission for Postsecondary Education Act, Neb. Rev. Stat. § §85-1401 to 85-1420 (1999, Cum. Supp. 2006 and Supp. 2007).

While subject to coordination by the Commission, locally governed community college areas have been established with each community college area governed by a board of governors. Neb. Rev. Stat. § §85-1504 and 85-1506 (1999). These local political subdivisions also have duties with regard to construction projects.

The Nebraska Supreme Court has held, "[a]dministrative bodies...have only that authority specifically conferred upon them by statute or by construction necessary to achieve the purpose of the relevant act." *Jolly v. State*, 252 Neb. 289, 562, N.W.2d 61 (1997). The same may be said of political subdivisions of the State. A political subdivision has no inherent authority. Rather, it "has only that power delegated to it by the Legislature, and a grant of power to a political subdivisions is to be strictly construed." *DLH, Inc. v. Lancaster County Board of Commissioners*, 264 Neb. 358, 362, 648 N.W.2d 277, 280 (2002). We have found no statute which expressly delegates to community colleges the authority to employ the construction management at risk method. Moreover, with regard to community colleges, Neb. Rev. Stat. §85-1519 (1999) provides that each community college board of governors "shall adopt plans and specifications in advance of letting bids for any capital construction project. Such plans and specifications shall be the basis upon which the bids are received." This statutory language may be said to reflect legislative intent that boards first adopt a design before accepting bids from contractors. In other words, such language appears to reflect the more traditional design – bid – build method.

While you note that school districts and the University of Nebraska system currently use the construction management at risk method for their capital construction projects, we note that those entities are governed by different statutes. For example, school districts in Nebraska have been specifically authorized by our legislature to use the construction management at risk method in the Nebraska Schools Construction Alternatives Act. Neb. Rev. Stat. § § 79-2001 to 79-2015 (2002).

For all of these reasons, we believe there is insufficient statutory authority for the use of the construction management at risk services by community colleges. You may wish to consider appropriate legislature to ensure that this method may be employed.

Sincerely,
 JON BRUNING
 Attorney General
 (Signed) Lynn A. Melson
 Assistant Attorney General

cc. Clerk of the Legislature
 09-002-20

REPORTS

The following reports were received by the Legislature:

Administrative Services, Department of

Annual Budgetary Report for the Year Ended June 30, 2007

Agriculture Committee, Legislative

State Fair Model Study Report pursuant to LB435, 2007

Agriculture, Department of

Commercial Dog and Cat Operation Inspection Act Fiscal Report for 2006/2007

Arts Council, Nebraska

Nebraska Arts and Humanities Cash Fund Report

Athletic Commission, State

Revised and Adopted Rules and Regulations for the Government of Boxing, Wrestling, and Mixed Martial Arts in Nebraska

Attorney General

Human Trafficking Report (LB1086, 2006)

Auditor of Public Accounts

Retirement Systems, Public Employees Retirement Systems - State and County Employees Retirement Plans Audit Report

Community Corrections Council, Nebraska

Nebraska Probation and Parole Services Study

Dairy Industry Development Board, Nebraska

Annual Report, July 1, 2005 - June 30, 2006

Annual Report, July 1, 2006 - June 30, 2007

Economic Development, Department of

2006 Nebraska Affordable Housing Trust Fund Annual Report

Local Civic, Cultural, and Convention Center Financing Fund 2007

Annual Report on Grants Conditionally Approved for Funding by the Legislature

Proposed 2006 Annual Performance Report (APR) for Nebraska's

Housing and Community Development Program's Consolidated Plan

Proposed 2008 Annual Action Plan

Educational Lands and Funds, Board of

Board of Educational Lands and Funds Report Covering the Period from July 1, 2006 through June 30, 2007

Environmental Quality, Department of

2007 Annual Report

2007 Nebraska Groundwater Quality Monitoring Report

Ethanol Board, Nebraska

Ethanol Production Incentive Cash Fund Report (see Revenue, Department of)

Fire Marshal, State

Report of number of volunteer members

Fiscal Office, Legislative

Certification of General Fund net receipts for fiscal year beginning July 1, 2007. Monthly receipt estimates derived from the annual net receipt estimate of the Economic Forecasting Advisory Board produced April 26, 2007

Game and Parks Commission

2007 Recreation Road Report

Game Law Investigation Cash Fund Annual Report

Health and Human Services, Department of

2006 - 2007 Annual Report, Lifespan Health Services, Office of Women and Men's Health

2007 Nebraska Health Care Funding Act Report (LB692)

2007 Nebraska Juvenile Correctional Facilities Master Plan Update (LB1060, 2006)

Children's Mental Health Services, Notice of Intended Reduction of the Capacity for Children's Mental Health Services at the Hastings Regional Center

Human Trafficking Report (LB1086, 2006)

Medicaid and Long-Term Care, Division of, Care Management Annual Report for fiscal year 2007

System Advocate, Office of, Fiscal Year 2007 Annual Report

Insurance, Department of

2006 Annual Report of the Interstate Insurance Receivership Commission

Investment Council

Northern Ireland Investment Requirements Report

Investment Finance Authority, Nebraska (NIFA)

2006 Series A, B, C, D, E and F Community Development Loan Notes (City of Lincoln Program-2006) Reports

2007 Series CD Single Family Housing Revenue Bonds Notice

2007 Series EF Single Family Housing Revenue Bonds Notice

2007 Series GH Single Family Housing Revenue Bonds Notice

Agricultural Division Loans, individual reports of for FY July 1, 2006 through June 30, 2007

Clean Water State Revolving Fund Revenue Bonds Series 2007B Notice

Clean Water State Revolving Fund Revenue Bonds Series 2007B Quarterly Report

Drinking Water State Revolving Fund Revenue Bonds Series 2006 A, Quarterly Reports

Drinking Water State Revolving Fund Revenue Bonds Series 2007 A, Notice

Single Family Housing Bonds and General Obligation Bonds Notice (consisting of one or more Series of Bonds)

Single Family Housing Revenue Bonds Series 2006 AB Quarterly Report
 Single Family Housing Revenue Bonds Series 2006 CD Quarterly Report
 Single Family Housing Revenue Bonds Series 2006 E Quarterly Report
 Single Family Housing Revenue Bonds Series 2006 FG Quarterly Report
 Single Family Housing Revenue Bonds Series 2007 AB Quarterly Report
 Single Family Housing Revenue Bonds Series 2007 CD Quarterly
 Reports

Single Family Housing Revenue Bonds Series 2007 CD Quarterly Report
 Single Family Housing Revenue Bonds Series 2007 EF Quarterly Report
 Single Family Housing Revenue Bonds Series 2007 GH Quarterly Report

Labor, Department of

Workforce Development Investment Board, 2006 Annual Report

Natural Resources, Department of

Annual Report and Plan of Work for the Nebraska State Water Planning
 and Review Process

Performance Audit Committee, Legislative

Annual Report

Nebraska Information Technology Commission: An Examination of
 Statutory Compliance and the Project Review Process Report

Power Review Board

"Conditions Certain" Issues Annual Report

Propane Education and Research Safety Council

Independent Auditors' Report - Years Ended December 31, 2006 and
 2005

Public Service Commission

2007 Annual Report on Telecommunications

Railway Council, Nebraska

2006 Annual Report

Research Division, Legislative

Boards and Commissions in Nebraska, 2007

Retirement Systems, Public Employees

County Employees' Retirement System Cash Balance Benefit Fund

Actuarial Valuation Results as of January 1, 2007 for County Fiscal
 Year Ending June 30, 2009

Judges' Retirement System Forty-second Actuarial Report for State Fiscal
 Year Ending June 30, 2009 and System Plan Year Beginning July 1,
 2007

Retirement Plan Review, January 1, 2006 to December 31, 2006

School Retirement System Fifty-fifth Actuarial Report for State Fiscal
 Year Ending June 30, 2009 and System Plan Year Beginning July 1,
 2007

State Employees' Retirement System Cash Balance Benefit Fund

Actuarial Valuation Results as of January 1, 2007 for State Fiscal Year
 Ending June 30, 2009

State Patrol Retirement System Fifty-second Actuarial Report for State
 Fiscal Year Ending June 30, 2009 and System Plan Year Beginning July
 1, 2007

Revenue, Department of

2006 Annual Report on Nebraska Advantage Programs

2007 Annual Report

Certification of General Fund net receipts for fiscal year beginning July 1, 2007. Monthly receipt estimates derived from the annual net receipt estimate of the Economic Forecasting Advisory Board produced April 26, 2007

Charitable Gaming Division 2007 Annual Report**Ethanol Production Incentive Cash Fund Report**

Report of Examination of State of Nebraska Auditor of Public Accounts for Fiscal Year Ended June 30, 2006

Roads, Department of

2006 State Highway Inventory Report, Supplemental Report for the 2006 State Highway Needs Assessment

2007 State Highway Needs Assessment Report

Board of Public Roads Classifications and Standards Minutes for April, May, June, July 2007

Maps: Roads, Highways, and Streets Designated as Federal-Aid Primary Roads, National System of Interstate and Defense Highways, Roads Designated as the Federal-Aid Primary System, National Highway System, Highway Beautification Control System and Scenic Byways

One-Year and Five-Year Programs of Anticipated Design, Construction, Maintenance, and Improvements for State's Recreation Roads

State Highway Commission Quarterly Reports

Surface Transportation Program Book Fiscal Years 2008 - 2013 and Beyond

Traffic Crash Facts 2006 Annual Report

Southeast Community College

Financial Condition of the Center

Special Education Services Task Force

Final Report

State Fair Board

State Fair Park expenditures made in the Fiscal Year ending June 30, 2007

Supreme Court

Nebraska Judicial Structure and Administration Task Force Final Report October 2007

Tax Policy Reform Commission

Final Report

Workers' Compensation Court

65th Annual Report, Fiscal Year 2007

COMMUNICATIONS

Received a copy of House Joint Resolution #38 rescinding all applications by the Montana Legislature asking Congress to call a constitutional convention.

Received petition from the City Council of the City of Lincoln adopted on October 8, 2007.

Received petition from the City Council of the City of Omaha adopted on October 16, 2007.

Received petition from the City Council of the City of Seward adopted on December 18, 2007.

Received communication from the Secretary of State stating that as a result of Nebraska's restrictions on corporate farming having been held unconstitutional, the Secretary of State will not be submitting the Nebraska Agricultural Activity Report (I-300).

Pursuant to 84-104.05 R.R.S. of Nebraska Governor Dave Heineman issued a proclamation declaring January 5, 2008, as George W. Norris Day.

PROPOSED RULES CHANGES

Senator Hudkins offered the following proposed rules changes:

1. Amend Rule 3 section 4(b)

(b) Beginning with the 2009 session of the Legislature, the Speaker of the Legislature shall be an ~~ex officio~~ member and shall serve as ~~the chair one of the six members and shall be an ex officio member~~ of the Rules Committee. Select committees shall be subject to the same procedural rules as standing committees insofar as they are applicable. In addition, the following provisions shall apply:

2. Amend Rule 7 Section 3(d)

(d) No motion, proposition, or subject, different from that under consideration, shall be admitted under color of amendment. Any amendment that is not germane is out of order. Germane amendments relate only to details of the specific subject of the bill and must be in a natural and logical sequence to the subject matter of the original proposal. A nongermane amendment includes one that relates to a substantially different subject.

Committee amendments proposed by any committee authorized to consider legislation shall be deemed germane on General File, provided the proposed committee amendment strikes all of the provisions of the underlying bill and is within the subject matter jurisdiction of such committee.

Re-number the remaining subsections

3. Amend rule 3 add new section 21

There is established the Office of Legal Counsel to the Select and Special Committees. Beginning no later than January 1, 2009, said office shall provide legal counsel and advice to all Select and Special Committees of the

Legislature except the Executive Board of the Legislative Council. Counsel shall serve at the pleasure of the Executive Board of the Legislature.

4. **Rule 3, Sec. 5(c)(iii)** The Legislative Performance Audit Committee is authorized to hold hearings, at the committee's discretion, to receive testimony regarding topics it has selected for review. Such hearings shall comply with the provisions in Rule 3, Sec. 13. In order to protect confidential information pertaining to a potential or actual performance audit, the committee may, by a majority vote of all its members, determine that a hearing or any other meeting should not be open to the public, including members of the news media. Such hearing or meeting shall be reconvened in open session before any formal action may be taken.

5. **Rule 3, Sec. 15(b)** Except as provided in Rule 3, Sec. 5(c)(iii), All other meetings of a committee shall be public unless the committee, by a majority vote of all of its members, determines that a meeting should not be open to the public, including members of the news media, in a particular instance, due to rare and extraordinary circumstances. The meeting shall be reconvened in open session before any formal action may be taken.

6. **Rule 3, Sec. 20(c)(ii)** Except as provided in Rule 3, Sec. 5(c)(iii), The hearing shall be public unless the committee, by a majority vote of all of its members, determines that a hearing should not be open to the public in a particular instance, due to rare and extraordinary circumstances consistent with Legislative Rule 3, Section 15(b) regarding closed meetings.

7. **Rule 5, Sec. 5(c)** The Legislative Performance Audit Committee may designate as priority bills two bills ~~introduced by the committee or any senator as a~~ resulting from ~~of~~ a performance audit or involving the performance audit process, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

8. Amend Rule 3 by inserting the new language below in section 6 and renumber accordingly.

Sec. 6. Redistricting Committee. A special committee, to be known as the Redistricting Committee, is hereby established. During each decennial redistricting process, the Redistricting Committee is authorized to introduce bills relating to redistricting, exercise jurisdiction over all bills relating to redistricting, hold hearings on all redistricting bills, and oversee the redistricting process.

The committee shall be comprised of nine members of the Legislature appointed by the Executive Board, with three members from each congressional district. No more than five members of the committee shall be affiliated with the same political party. Any subsequent vacancy on the committee shall be filled by the Executive Board.

The chairperson of the committee shall be appointed by the Executive Board. The vice chairperson shall be elected by the members of the

committee, and he or she shall not be a member of the same political party as the chairperson.

The committee shall adopt administrative guidelines governing its affairs and activities and guiding the redistricting process. In the event of a successful legal challenge to any part of a redistricting plan, the committee shall have jurisdiction of reformulating the plan so challenged.

The following criteria are hereby adopted to guide the Legislature during the redistricting process. The criteria are designed to help ensure that the redistricting plans developed are constitutionally acceptable.

1. In the event that two sets of population data (adjusted and unadjusted) are released by the Census Bureau, the Legislature will utilize, for purpose of redistricting; the data determined by the Census Bureau to most accurately reflect the number of persons residing in the state.
2. District Boundaries established by the Legislature during the redistricting process shall be based on census geography.
3. District boundaries shall follow county lines whenever practicable and shall define districts that are compact and contiguous as these terms have been articulated by the United States Supreme Court.
4. Insofar as possible, and within the context of principles set forth by the United States Supreme Court, district boundaries shall define districts that are easily identifiable and understandable to voters and that preserve the cores of prior districts. When feasible, district boundary lines shall coincide with the boundaries of cities and villages. If a county, city, or village must be divided, the division shall be made along clearly recognizable boundaries, as described by census geography.
5. District boundaries shall not be established with the intention of favoring a political party or any other group or person.
6. In drawing district boundaries, no consideration shall be given to the political affiliations of registered voters, demographic information other than population figures, or the results of previous elections, except as may be required by the laws and Constitution of the United States.
7. District boundaries which would result in the unlawful dilution of the voting strength of any minority population shall not be established.
8. The general goal of the redistricting process shall be the creation of districts that are substantially equal in population. The specific criteria under which redistricting plans shall be judged with regard to the issue of population equality are described in Guideline 9.
9. The following criteria shall be specifically applicable to the public bodies for which the Legislature will create new district boundaries during the redistricting process.

UNITED STATES HOUSE OF REPRESENTATIVES

- (a) Three single member districts unless the State is required by Federal law to increase or decrease this number.
- (b) Population among districts shall be as nearly equal as practicable, that is, with the overall range of deviation at or approaching 0%
- (c) No plan shall be considered which results in an overall range of deviation in excess of 1% or a relative deviation in excess of plus or minus 0.5%, based upon the ideal district population. Any deviation from absolute equality of population must be necessary to the achievement of a "legitimate state objective" as that concept has been articulated by the United States Supreme Court. To the extent that such objectives are relied on, they shall be applied consistently, and shall include, but not be limited to, the creation of compact districts, the preservation of municipal boundaries, and the preservation of the cores of prior districts. Whenever, there is presented to the Legislature more than one plan that will substantially vindicate the above objectives, preference will be given to the plan that provides the greatest degree of population equality.

LEGISLATURE

- (a) Forty-nine single member districts or that number permitted under the Constitution of the State of Nebraska.
- (b) In establishing new legislative district boundaries, the Legislature shall create districts that are as nearly equal in population as may be. No plan shall be considered which results in an overall range of deviation in excess of 10% or a relative deviation in excess of plus or minus 5%, based upon the ideal district population.
- (c) Any deviation in excess of the above must be justifiable as necessary for the realization of a "rational state policy" as that concept has been articulated by the United States Supreme Court.
- (d) If the population of any county falls within the relative deviation set forth in these guidelines, the boundaries of the county shall define a legislative district.

NEBRASKA SUPREME COURT

- (a) Six Single member districts.
- (b) Equality of population shall be achieved in accordance with the standards established above for redistricting the Legislature.

BOARD OF REGENTS

- (a) Eight single member districts
- (b) Equality of population shall be achieved in accordance with the standards established above for redistricting the Legislature.

PUBLIC SERVICE COMMISSION

- (a) Five single member districts.
- (b) Equality of population shall be achieved in accordance with the standards established above for redistricting the Legislature.

STATE BOARD OF EDUCATION

- (a) Eight single member districts.
- (b) Equality of population shall be achieved in accordance with the standards established above for redistricting the Legislature.

9. Amend Rule 3, Section 5 (b) to read:

The special committees authorized by statute as of ~~January 1, 1980~~ January 9, 2008 are as follows:

Building Maintenance. RRS 81-185	6 members
Education Commission of the States. RRS 79-1504.....	3 members
Executive Board of the Legislative Council. RRS 50-401.01.....	9 members
Intergovernmental Cooperation. RRS 81-816.....	5 members
Legislative Performance Audit. RRS 50-1204.....	7 members
<u>State-Tribal Relations RRS 50-445</u>	<u>7 members</u>

Referred to the Rules Committee.

Senator Erdman offered the following proposed rules changes:

Rule 4 -- resolutions

Sec. 3. Study Resolutions: Introduction; Referral; Standing Committees; Select Committees; Results. (a) Any senator or committee may introduce resolutions proposing interim studies. The resolutions shall be submitted to the Clerk of the Legislature on a form prescribed by the Clerk, printed in the Journal, and referred to the Executive Board.

(b) Study resolutions may be introduced up to and including the 80th legislative day in odd-numbered years and the 50th legislative day in even-numbered years. However, each standing committee may introduce one additional study resolution prior to adjournment sine die. The Executive Board shall refer the study resolutions to the appropriate standing committees or to select interim committees created by it to conduct such studies.

(c) Study resolutions shall be prioritized by the chairperson of the committee to which they are referred, and a report on those priorities shall be filed with

the Clerk, on a form prescribed by the Clerk, prior to adjournment sine die. Also, the chairperson of each committee ~~shall~~ may file with the Clerk, on a form prescribed by the Clerk, his or her committee's study plan for ~~the highest prioritized interim studies~~ any study resolution referenced to such committee. ~~This study plan shall be filed no later than thirty days after adjournment sine die.~~ Unless otherwise agreed to, staff to interim studies conducted by standing committees shall be headed by the respective committee counsels. Legislative aides whose senators serve on such standing committees and legislative aides of other interested senators may be invited by the respective committee counsels to participate as staff in the conduct of the interim studies. The provisions of this section shall in no way limit the standing committees in their traditional prerogatives to conduct hearings and oversee matters and agencies that are within their subject-matter jurisdiction.

Referred to the Rules Committee.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 706. Introduced by Executive Board: Engel, 17, Chairperson.

A BILL FOR AN ACT relating to limited cooperative associations; to amend section 21-2970, Revised Statutes Supplement, 2007; to delete erroneous references to corporation that should be references to limited cooperative association; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 707. Introduced by Executive Board: Engel, 17, Chairperson.

A BILL FOR AN ACT relating to partnerships; to amend sections 67-294, 67-464, and 67-465, Reissue Revised Statutes of Nebraska; to repeal sections that terminated on January 1, 2001; to repeal sections that are no longer needed; to harmonize provisions; to repeal the original sections; and to outright repeal sections 67-101, 67-102, 67-103, 67-104, 67-105, 67-106, 67-301, 67-302, 67-303, 67-304, 67-305, 67-306, 67-307, 67-308, 67-309, 67-310, 67-311, 67-312, 67-313, 67-314, 67-315, 67-316, 67-317, 67-318, 67-319, 67-320, 67-321, 67-322, 67-323, 67-324, 67-325, 67-326, 67-327, 67-328, 67-329, 67-330, 67-331, 67-332, 67-333, 67-334, 67-335, 67-336, 67-337, 67-338, 67-339, 67-340, 67-341, 67-342, 67-343, 67-344, 67-345, 67-346, and 67-466, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 708. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2703, Revised Statutes Supplement, 2007; to adopt the Sales Tax

Holiday Act; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 709. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-1403 and 60-1403.01, Reissue Revised Statutes of Nebraska, sections 45-335, 60-111, 60-320, and 60-1401.02, Revised Statutes Cumulative Supplement, 2006, and sections 60-101, 60-301, and 77-2703, Revised Statutes Supplement, 2007; to permit motor vehicle dealers and motorcycle dealers to collect documents, taxes, and fees and issue certificates of title, certificates of registration, license plates, and validation and tonnage decals; to provide powers and duties; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 710. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to the Land Reutilization Act; to amend sections 77-3206, 77-3207, 77-3210, 77-3212, and 77-3213, Reissue Revised Statutes of Nebraska; to require notice of sale of real property by a land reutilization authority as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 711. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to retirement; to amend sections 24-709.02 and 79-951, Revised Statutes Cumulative Supplement, 2006; to change and eliminate provisions relating to the payment of disability benefits under the Judges Retirement Act and the School Employees Retirement Act; and to repeal the original sections.

LEGISLATIVE BILL 712. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,227, Reissue Revised Statutes of Nebraska; to provide for daytime running lights; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 713. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to medicine and surgery; to amend section 38-2037, Revised Statutes Supplement, 2007; to prohibit use of certain substances as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 714. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2716 and 77-3504, Revised Statutes Supplement, 2007; to exempt social security benefits from state income taxation and homestead exemption

calculations; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 715. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to real estate; to amend section 81-885.17, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to nonresident real estate licensees; and to repeal the original section.

LEGISLATIVE BILL 716. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to secured transactions; to amend section 9-506, Uniform Commercial Code, Reissue Revised Statutes of Nebraska; to change provisions relating to the effect of errors and omissions in a financing statement; and to repeal the original section.

LEGISLATIVE BILL 717. Introduced by Pahls, 31.

A BILL FOR AN ACT relating to finance; to amend sections 8-374, 25-202, and 64-214, Reissue Revised Statutes of Nebraska, and sections 8-115.01, 8-143.01, 8-157, 8-234, and 8-1510, Revised Statutes Cumulative Supplement, 2006; to change certain notice requirements with respect to bank charter and branching applications; to change provisions relating to loans to executive officers of banks; to change provisions relating to actions for the recovery of title or possession of real estate or foreclosure of mortgages; to provide for the foreclosure of deeds of trust; to allow bank employees and agents to perform acknowledgments of written instruments and administer oaths as prescribed; to eliminate provisions relating to the investment of funds by fiduciaries; to repeal the original sections; and to outright repeal section 30-3206, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 718. Introduced by Schimek, 27; Cornett, 45; McGill, 26; Preister, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Revised Statutes Supplement, 2007; to exempt construction purchases by organizations like the Habitat for Humanity from sales and use tax; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 719. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the State Board of Education; to amend section 79-313, Reissue Revised Statutes of Nebraska; to change provisions relating to membership qualifications; and to repeal the original section.

LEGISLATIVE BILL 720. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to telecommunications; to amend sections

49-1474.02, 86-242, 86-247, 86-248, 86-250, and 86-256, Revised Statutes Cumulative Supplement, 2006; to change requirements relating to recorded political messages and messages delivered using automatic dialing-announcing devices; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 721. Introduced by Schimek, 27; Wallman, 30.

A BILL FOR AN ACT relating to the Nebraska Capitol Commission; to amend sections 72-2210 and 81-1108.38, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to the Capitol Landscape Restoration Master Plan; to provide duties to the commission; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 722. Introduced by Engel, 17.

A BILL FOR AN ACT relating to the Tobacco Products Tax Act; to amend sections 77-4001, 77-4002, 77-4004, 77-4007, 77-4008, 77-4009, 77-4014, 77-4017, 77-4018, and 77-4024, Reissue Revised Statutes of Nebraska; to change the tax on snuff; to define a term; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 723. Introduced by Engel, 17.

A BILL FOR AN ACT relating to the State Electrical Act; to amend sections 81-2120, 81-2126, and 81-2132, Reissue Revised Statutes of Nebraska, sections 81-2104 and 81-2124, Revised Statutes Cumulative Supplement, 2006, and section 81-2121, Revised Statutes Supplement, 2007; to change provisions relating to the State Electrical Board, licensing requirements, applicability of the act, electrical installations, inspections, and fees; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 724. Introduced by Natural Resources Committee: Louden, 49, Chairperson; Carlson, 38; Christensen, 44; Dubas, 34; Fischer, 43; Hudkins, 21; Kopplin, 3; Wallman, 30.

A BILL FOR AN ACT relating to the Remedial Action Plan Monitoring Act; to amend section 81-15,184, Revised Statutes Cumulative Supplement, 2006; to change fee provisions; and to repeal the original section.

LEGISLATIVE BILL 725. Introduced by Natural Resources Committee: Louden, 49, Chairperson; Carlson, 38; Dubas, 34; Fischer, 43; Hudkins, 21; Kopplin, 3; Wallman, 30.

A BILL FOR AN ACT relating to the Waste Reduction and Recycling Incentive Act; to amend section 81-15,160, Revised Statutes Supplement, 2007; to provide for grants for deconstruction of abandoned buildings; and to repeal the original section.

LEGISLATIVE BILL 726. Introduced by Natural Resources Committee: Louden, 49, Chairperson; Carlson, 38; Christensen, 44; Dubas, 34; Fischer, 43; Hudkins, 21; Kopplin, 3; Wallman, 30.

A BILL FOR AN ACT relating to the Wastewater Treatment Facilities Construction Assistance Act; to amend section 81-15,151, Reissue Revised Statutes of Nebraska, and section 81-15,153, Revised Statutes Cumulative Supplement, 2006; to change provisions relating the Wastewater Treatment Facilities Construction Loan Fund; and to repeal the original sections.

LEGISLATIVE BILL 727. Introduced by Natural Resources Committee: Louden, 49, Chairperson; Carlson, 38; Christensen, 44; Dubas, 34; Fischer, 43; Hudkins, 21; Kopplin, 3; Wallman, 30.

A BILL FOR AN ACT relating to natural resources; to amend section 61-206, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to hearing requests; and to repeal the original section.

LEGISLATIVE BILL 728. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to the state song; to amend section 90-111, Reissue Revised Statutes of Nebraska; to change provisions relating to the state song; and to repeal the original section.

LEGISLATIVE BILL 729. Introduced by Flood, 19.

A BILL FOR AN ACT relating to agriculture; to amend sections 54-701.03 and 54-7,108, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to exotic animal auctions or swap meets; and to repeal the original sections.

LEGISLATIVE BILL 730. Introduced by Flood, 19.

A BILL FOR AN ACT relating to the Emergency Medical Services Practice Act; to amend sections 38-1215, 38-1217, 38-1218, and 38-1224, Revised Statutes Supplement, 2007; to change titles of classifications for providers; to provide for skills competency tests and curricula; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 731. Introduced by Kopplin, 3.

A BILL FOR AN ACT relating to teaching; to authorize issuance of a certificate or permit to a military spouse as prescribed.

LEGISLATIVE BILL 732. Introduced by Kopplin, 3.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-201, Revised Statutes Supplement, 2007; to exempt the first twenty-five thousand dollars of value of single-family residential property from taxation;

and to repeal the original section.

LEGISLATIVE BILL 733. Introduced by Kopplin, 3.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3501, 77-3509.01, 77-3509.02, 77-3509.03, 77-3511, 77-3512, 77-3516, 77-3521, 77-3522, 77-3523, and 77-3529, Reissue Revised Statutes of Nebraska, and sections 77-3510, 77-3513, 77-3514, and 77-4212, Revised Statutes Supplement, 2007; to create a homestead exemption; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 734. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to political subdivisions; to amend section 13-1622, Reissue Revised Statutes of Nebraska; to change provisions relating to employee benefit plans; and to repeal the original section.

LEGISLATIVE BILL 735. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to the Sexual Predator Residency Restriction Act; to amend sections 29-4015, 29-4016, and 29-4017, Revised Statutes Cumulative Supplement, 2006; to rename the act; to authorize certain employment restrictions; and to repeal the original sections.

LEGISLATIVE BILL 736. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to driving under the influence; to amend sections 60-6,197.01 and 60-6,211.05, Revised Statutes Cumulative Supplement, 2006, and section 60-6,197.03, Revised Statutes Supplement, 2007; to change certain penalties; to provide indigent assistance for ignition interlock devices; and to repeal the original sections.

LEGISLATIVE BILL 737. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Supplement, 2007; to provide income tax credits for returns filed claiming dependents eligible for assistance as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 738. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to the brain injury registry; to amend section 81-655, Reissue Revised Statutes of Nebraska, section 81-656, Revised Statutes Cumulative Supplement, 2006, and section 81-657, Revised Statutes Supplement, 2007; to change provisions relating to notification and reporting; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 739. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to small businesses; to provide for the waiver of a fine or penalty for an information collection requirement as prescribed.

LEGISLATIVE BILL 740. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,114, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to authorized emergency vehicles; and to repeal the original section.

LEGISLATIVE BILL 741. Introduced by Fulton, 29.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 60-3,186, Revised Statutes Supplement, 2007; to change distribution of motor vehicle tax proceeds; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 742. Introduced by Johnson, 37.

A BILL FOR AN ACT relating to engineers; to amend section 81-3451, Revised Statutes Cumulative Supplement, 2006; to change licensure requirements; and to repeal the original section.

LEGISLATIVE BILL 743. Introduced by Christensen, 44; Wallman, 30.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-513 and 37-614, Revised Statutes Supplement, 2007; to eliminate a restriction and a penalty on trapping wildlife in county road rights-of-way; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 744. Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to state government; to amend section 81-1108.17, Revised Statutes Cumulative Supplement, 2006; to authorize leases of state property as prescribed; and to repeal the original section.

LEGISLATIVE BILL 745. Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to relating to state administrative departments; to amend section 81-1316, Revised Statutes Supplement, 2007; to change provisions relating to personnel exempt from the State Personnel System; and to repeal the original section.

LEGISLATIVE BILL 746. Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to universities and colleges; to amend section 85-505, Reissue Revised Statutes of Nebraska; to change provisions

relating to tuition credits; and to repeal the original section.

LEGISLATIVE BILL 747. Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to energy; to amend sections 66-1065 and 79-10,105, Reissue Revised Statutes of Nebraska; to change provisions relating to energy financing contracts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 748. Introduced by Rogert, 16.

A BILL FOR AN ACT relating to interior design; to adopt the Interior Designers Certification Act; and to provide an operative date.

LEGISLATIVE BILL 749. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to manufactured homes; to amend sections 71-4623 and 71-4631, Reissue Revised Statutes of Nebraska; to provide for submission of a license application by electronic format; to impose a civil penalty as prescribed; to repeal the original sections; and to outright repeal section 71-4628, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 750. Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to elections; to amend section 32-302, Reissue Revised Statutes of Nebraska, and sections 32-311.01 and 32-321, Revised Statutes Cumulative Supplement, 2006; to provide for voter registration applications to be distributed and returned to the office of the Secretary of State; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 751. Introduced by Christensen, 44; Carlson, 38.

A BILL FOR AN ACT relating to natural resources; to amend section 2-958.02, Revised Statutes Supplement, 2007; to change provisions relating to stream vegetation removal; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 752. Introduced by Flood, 19; Engel, 17.

A BILL FOR AN ACT relating to Nebraska Capitol Commission; to amend section 81-1108.32, Revised Statutes Cumulative Supplement, 2006; to change membership provisions; and to repeal the original section.

LEGISLATIVE BILL 753. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to nurse practitioners; to amend section 38-2315, Revised Statutes Supplement, 2007; to provide for practice without an integrated practice agreement; to provide an operative date; and to repeal

the original section.

LEGISLATIVE BILL 754. Introduced by Synowiecki, 7; Ashford, 20.

A BILL FOR AN ACT relating to the Convention Center Facility Financing Assistance Act; to amend section 13-2610, Revised Statutes Supplement, 2007; to change provisions relating to areas with a high concentration of poverty; and to repeal the original section.

LEGISLATIVE BILL 755. Introduced by Transportation and Telecommunications Committee: Fischer, 43, Chairperson; Aguilar, 35; Hudkins, 21; Lautenbaugh, 18; Louden, 49; Pedersen, 39; Schimek, 27; Stuthman, 22.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 75-111, 75-155, 75-1011, and 75-1012, Reissue Revised Statutes of Nebraska, sections 75-156, 86-127, 86-209, 86-437, and 86-470, Revised Statutes Cumulative Supplement, 2006, and sections 75-302, 75-371, and 86-459, Revised Statutes Supplement, 2007; to change provisions relating to service suppliers, wireless carriers, and the Nebraska Competitive Telephone Marketplace Fund and to the commission's powers and duties regarding civil penalties, violations, and enforcement; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 756. Introduced by Transportation and Telecommunications Committee: Fischer, 43, Chairperson; Aguilar, 35; Hudkins, 21; Lautenbaugh, 18; Louden, 49; Pedersen, 39; Schimek, 27; Stuthman, 22.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-301, 60-302, 60-311, 60-342, 60-3,196, 60-462.01, 60-4,147.02, 60-6,265, 60-6,267, 75-363, and 75-364, Revised Statutes Supplement, 2007; to change provisions relating to motor vehicle registration, operators' licenses, rules of the road, and motor carriers; to adopt the most recent International Registration Plan; to define and redefine terms; to update certain federal references; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 757. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to emergency responders; to amend section 77-2715.07, Revised Statutes Supplement, 2007; to adopt the Volunteer Emergency Responders Incentive Act; to provide for an income tax credit as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 758. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to streets and roads; to amend sections 66-4,148 and 66-6,109, Reissue Revised Statutes of Nebraska, sections

66-4,105, 66-4,145, 66-4,146, and 66-6,107, Revised Statutes Cumulative Supplement, 2006, and sections 66-489 and 77-27,132, Revised Statutes Supplement, 2007; to increase motor fuel taxes; to allocate revenue as prescribed; to change distribution of certain sales and use tax proceeds; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 759. Introduced by Hudkins, 21; Johnson, 37; McDonald, 41; Preister, 5.

A BILL FOR AN ACT relating to prescription drugs; to amend section 71-2431, Revised Statutes Supplement, 2007; to change provisions relating to relabeling and redispensing; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 760. Introduced by Gay, 14; Avery, 28; Schimek, 27.

A BILL FOR AN ACT relating to the Nebraska State Library; to create a task force; to provide powers and duties; to provide a termination date; and to declare an emergency.

LEGISLATIVE BILL 761. Introduced by Avery, 28; Gay, 14.

A BILL FOR AN ACT relating to the military; to create the BRAC Task Force; to provide powers and duties; and to provide a termination date.

LEGISLATIVE BILL 762. Introduced by Avery, 28.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2701.04, Revised Statutes Supplement, 2007; to exempt sales of clothing, school supplies, and computers from sales and use tax as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 763. Introduced by Avery, 28.

A BILL FOR AN ACT relating to the Nebraska State Capitol; to create the Nebraska State Capitol Environs District Revitalization Task Force; to provide powers and duties; and to provide a termination date.

LEGISLATIVE BILL 764. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1014, 28-1015, and 28-1016, Revised Statutes Cumulative Supplement, 2006, and sections 28-101, 28-1008, and 28-1013, Revised Statutes Supplement, 2007; to prohibit certain treatment of bovines and equines; to define terms; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 765. Introduced by Gay, 14; Schimek, 27.

A BILL FOR AN ACT relating to health; to amend section 71-5829.03, Reissue Revised Statutes of Nebraska; to change provisions relating to certificates of need; and to repeal the original section.

LEGISLATIVE BILL 766. Introduced by Cornett, 45; Flood, 19; Fulton, 29; Preister, 5.

A BILL FOR AN ACT relating to scrap metal; to regulate scrap metal recycling as prescribed; to define terms; and to provide a penalty.

LEGISLATIVE BILL 767. Introduced by Cornett, 45.

A BILL FOR AN ACT relating to the Civil Air Patrol; to amend section 55-160, Reissue Revised Statutes of Nebraska; to authorize military and emergency leave for public employees who are members of the patrol; and to repeal the original section.

LEGISLATIVE BILL 768. Introduced by Cornett, 45; Gay, 14; Kopplin, 3; Preister, 5.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-727, Reissue Revised Statutes of Nebraska; to provide for the power to contract for library services; and to repeal the original section.

LEGISLATIVE BILL 769. Introduced by Cornett, 45; Pirsch, 4; Preister, 5.

A BILL FOR AN ACT relating to offenses against animals; to amend sections 28-1014, 28-1015, and 28-1016, Revised Statutes Cumulative Supplement, 2006, and sections 28-101, 28-1008, and 28-1013, Revised Statutes Supplement, 2007; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 770. Introduced by Cornett, 45; Gay, 14; Kopplin, 3.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 2007; to exclude military retirement benefits from income taxation; and to repeal the original section.

LEGISLATIVE BILL 771. Introduced by Gay, 14.

A BILL FOR AN ACT relating to highways and roads; to amend section 84-612, Revised Statutes Supplement, 2007; to create the Expressway Construction Fund and provide for its use; to transfer money from the Cash Reserve Fund; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 772. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to courts; to amend section 24-514, Revised Statutes Supplement, 2007; to provide for payment of security costs for county and district court courtrooms; to provide a duty for the Revisor of Statutes; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 773. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to county government; to amend sections 23-2502, 23-2536, and 23-2537, Reissue Revised Statutes of Nebraska, and section 23-2519, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to unclassified service positions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 774. Introduced by Wightman, 36; Ashford, 20.

A BILL FOR AN ACT relating to infants; to amend section 43-512.15, Revised Statutes Supplement, 2007; to change provisions relating to filing for modification of child support orders; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 775. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to courts; to amend section 24-401, Reissue Revised Statutes of Nebraska; to change provisions relating to deputy clerks; and to repeal the original section.

LEGISLATIVE BILL 776. Introduced by Wightman, 36.

A BILL FOR AN ACT relating to registers of deeds; to amend sections 25-2154, 33-109, 33-112, and 52-1004, Reissue Revised Statutes of Nebraska, and section 77-3903, Revised Statutes Supplement, 2007; to change fees received by the registers of deeds; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 777. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-101 and 77-1359, Revised Statutes Cumulative Supplement, 2006; to define a term; to provide for valuation of real property which has multiple uses; to change a provision relating to agricultural valuation; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 778. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-123, 77-1301, 77-1303, 77-1315, 77-1315.01, 77-1317, 77-1318, 77-1502, 77-1507, 77-1510, 77-1613.04, 77-3506.02, 77-5019, 77-5024.01,

77-5027, and 77-5029, Revised Statutes Cumulative Supplement, 2006, and sections 77-1311.03, 77-1504, 77-1514, and 77-5028, Revised Statutes Supplement, 2007; to change and eliminate provisions relating to property tax assessment and equalization; to harmonize provisions; to repeal the original sections; and to outright repeal section 77-1504.01, Revised Statutes Cumulative Supplement, 2006.

LEGISLATIVE BILL 779. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to insurance; to amend section 44-7613, Reissue Revised Statutes of Nebraska; to change provisions relating to the annual financial statements filed pursuant to the Multiple Employer Welfare Arrangement Act; and to repeal the original section.

LEGISLATIVE BILL 780. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-696, Revised Statutes Supplement, 2007; to change provisions relating to the duty to stop after an accident; and to repeal the original section.

LEGISLATIVE BILL 781. Introduced by Rogert, 16; McGill, 26.

A BILL FOR AN ACT relating to the Uniform Deceptive Trade Practices Act; to amend sections 87-303.01, 87-303.02, 87-303.03, 87-303.04, 87-303.05, 87-303.06, 87-303.07, 87-304, and 87-305, Reissue Revised Statutes of Nebraska, and section 87-302, Revised Statutes Cumulative Supplement, 2006; to change provisions relating to deceptive trade practices; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 782. Introduced by Howard, 9; Adams, 24; Ashford, 20; Avery, 28; Burling, 33; Dierks, 40; Dubas, 34; Engel, 17; Flood, 19; Friend, 10; Gay, 14; Hansen, 42; Hudkins, 21; Janssen, 15; Johnson, 37; Karpisek, 32; Kopplin, 3; Kruse, 13; Langemeier, 23; Lathrop, 12; Louden, 49; McDonald, 41; McGill, 26; Nantkes, 46; Nelson, 6; Pahls, 31; Pankonin, 2; Pedersen, 39; Pirsch, 4; Raikes, 25; Rogert, 16; Schimek, 27; Stuthman, 22; Wallman, 30; at the request of the Governor.

A BILL FOR AN ACT relating to children; to amend section 28-725, Revised Statutes Cumulative Supplement, 2006, and section 28-726, Revised Statutes Supplement, 2007; to provide and eliminate provisions relating to disclosure of child abuse and neglect information; to repeal the original sections; and to outright repeal section 28-739, Revised Statutes Cumulative Supplement, 2006, and sections 28-734, 28-735, 28-736, 28-737, and 28-738, Revised Statutes Supplement, 2007.

LEGISLATIVE BILL 783. Introduced by Howard, 9; Kruse, 13; Wallman, 30.

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

77-2715.07, Revised Statutes Supplement, 2007; to provide for an income tax credit for adoption expenses as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 784. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Nebraska Advantage Act; to amend sections 77-5701, 77-5723, and 77-5727, Revised Statutes Cumulative Supplement, 2006; to prohibit taxpayers who violate federal immigration laws from receiving incentives under the act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 785. Introduced by Howard, 9.

A BILL FOR AN ACT relating to real property conveyances; to require a notice regarding registered sex offender information as prescribed.

LEGISLATIVE BILL 786. Introduced by Howard, 9.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-601, Revised Statutes Cumulative Supplement, 2006; to regulate the movement of traffic approaching or passing a stopped authorized emergency vehicle; to provide penalties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 787. Introduced by Gay, 14.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 2007; to create the offenses of assault on an emergency services provider or a health care provider in the first, second, and third degrees; to define terms; to provide penalties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 788. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to agriculture; to adopt the Anthrax Control Act; to provide penalties; to eliminate anthrax provisions and penalties; to outright repeal sections 54-754, 54-755, 54-756, 54-757, 54-758, 54-759, 54-760, 54-761, 54-762, and 54-763, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 789. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Agricultural Opportunities and Value-Added Partnerships Act; to amend section 2-5420, Revised Statutes Cumulative Supplement, 2006; to change a grant requirement; and to repeal the original section.

LEGISLATIVE BILL 790. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to agriculture; to amend section 2-5109, Revised Statutes Cumulative Supplement, 2006; to change buffer strip reimbursement; and to repeal the original section.

LEGISLATIVE BILL 791. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-1072, 2-1074, and 2-10,116, Reissue Revised Statutes of Nebraska; to define a term; to provide for exclusive planting of certified seed potatoes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 792. Introduced by Karpisek, 32.

A BILL FOR AN ACT relating to insurance; to provide a time limit relating to a change in an insurance producer of record; to provide a violation; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 793. Introduced by Burling, 33; Avery, 28; Stuthman, 22.

A BILL FOR AN ACT relating to counties; to amend sections 71-901, 71-921, 71-922, 71-926, 71-1201, 71-1205, 71-1206, and 71-1210, Revised Statutes Cumulative Supplement, 2006, and section 71-919, Revised Statutes Supplement, 2007; to change provisions relating to payment for the costs of emergency protective custody and proceedings; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 794. Introduced by McGill, 26; Avery, 28; Flood, 19; Fulton, 29; Heidemann, 1; Howard, 9; Kruse, 13; Pirsch, 4; Rogert, 16; Stuthman, 22.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2203, Reissue Revised Statutes of Nebraska; to change provisions relating to the responsibility of intoxicated persons for criminal conduct and the defense of not responsible by reason of insanity; and to repeal the original section.

LEGISLATIVE BILL 795. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to public health and welfare; to provide appropriations for community health centers to provide or expand oral health services.

RESOLUTION**LEGISLATIVE RESOLUTION 220CA.** Introduced by Kopplin, 3.

THE MEMBERS OF THE ONE HUNDREDTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2008 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 1:

VIII-1 The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 4, of this Constitution or any other provision of this Constitution to the contrary: (1) Taxes shall be levied by valuation uniformly and proportionately upon all real property and franchises as defined by the Legislature except as otherwise provided in or permitted by this Constitution; (2) tangible personal property, as defined by the Legislature, not exempted by this Constitution or by legislation, shall all be taxed at depreciated cost using the same depreciation method with reasonable class lives, as determined by the Legislature, or shall all be taxed by valuation uniformly and proportionately; (3) the Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent provided by the Legislature and may also establish a separate class for trucks, trailers, semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles. The tax proceeds from motor vehicles taxed in each county shall be allocated to the county and the cities, villages, and school districts of such county; (4) the Legislature may provide that agricultural land and horticultural land, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing agricultural land and horticultural land which results in values that are not uniform and proportionate with all other real property and franchises but which results in values that are uniform and proportionate upon all property within the class of agricultural land and horticultural land; (5) the Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall for property tax purposes be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses; (6) the Legislature may prescribe standards and methods for the determination of the value of real property at uniform and proportionate values; (7) in furtherance of the purposes for which such a law of the United States has been adopted, whenever there exists a law of the United States which is intended to protect a specifically designated type, use, user, or owner of property or franchise from discriminatory state or local taxation, such property or franchise shall

constitute a separate class of property or franchise under the laws of the State of Nebraska, and such property or franchise may not be taken into consideration in determining whether taxes are levied by valuation uniformly or proportionately upon any property or franchise, and the Legislature may enact laws which statutorily recognize such class and which tax or exempt from taxation such class of property or franchise in such manner as it determines; ~~and~~ (8) the Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year; and (9) the Legislature may provide that residential property, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing residential property which results in values that are not uniform and proportionate with all other real property and franchises but which results in values that are uniform and proportionate upon all property within the class of residential property. Each actual property tax rate levied for a governmental subdivision shall be the same for all classes of taxed property and franchises. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared exempt from taxation. Taxes other than property taxes may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to authorize the Legislature to classify residential property as a separate class of property and provide a different method of taxing residential property.

For

Against.

Referred to the Reference Committee.

AMENDMENTS - Print in Journal

Senator Johnson filed the following amendment to LB246:
AM1519

(Amendments to Standing Committee amendments, AM800)

- 1 1. Insert the following new section:
- 2 Sec. 9. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

Senator Rogert filed the following amendment to LB253:
AM1525

- 1 1. On page 3, line 25; page 4, line 3; and page 6, lines
- 2 20 and 21, strike "2007" and insert "2008".

- 3 2. On page 4, lines 4 and 7; page 7, lines 6 and 11; page
4 11, lines 20 and 22; page 12, lines 18 and 20; page 16, lines 14,
5 16, and 24; and page 21, line 16, strike "2008" and insert "2009".
6 3. On page 16, line 23, strike "1987" and insert "1988".
7 4. On page 26, line 14, strike "2008" and insert "2009".

Senator Rogert filed the following amendment to LB253:
AM1535

- 1 1. On page 17, strike lines 11 through 14.

EXECUTIVE BOARD ANNOUNCEMENT

The Executive Board announced the following committee assignments made over the interim:

Senator Lautenbaugh has been appointed to fill the vacancy on the Government, Military and Veterans Affairs Committee and the Transportation and Telecommunications Committee.

ANNOUNCEMENT

Senator Hudkins announced the Rules Committee will meet January 9, 2008, at 1:30 p.m. in Room 1524.

The Government, Military and Veterans Affairs Committee elected Senator Rogert as Vice Chairperson.

UNANIMOUS CONSENT - Add Cointroducer

Senators Fulton and Gay asked unanimous consent to add their names as cointroducers to LB157. No objections. So ordered.

ADJOURNMENT

At 11:45 a.m., on a motion by Senator Dierks, the Legislature adjourned until 10:00 a.m., Thursday, January 10, 2008.

Patrick J. O'Donnell
Clerk of the Legislature