

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
March 13, 2008

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PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the forty-first day of the One Hundredth Legislature, Second Session. Our Chaplain for today is Pastor Robert Snell of the Southern Heights Presbyterian Church here in Lincoln, Senator Fulton's district. Would you all please rise.

PASTOR SNELL: (Prayer offered.)

PRESIDENT SHEEHY: Thank you, Pastor Snell. I call to order the forty-first day of the One Hundredth Legislature, Second Session. Senators, please record your presence for roll call.

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

PRESIDENT SHEEHY: Are there corrections for the Journal?

CLERK: Mr. President, I have no corrections.

PRESIDENT SHEEHY: Do you have messages, reports, or announcements?

CLERK: I do. Your Committee on Revenue, chaired by Senator Janssen, reports LB605 to General File with committee amendments attached, and LB983 to General File with committee amendments attached. I have a hearing notice from Transportation and Telecommunications. An amendment from Senator Louden to LB1094. Report of registered lobbyists for this week, to be inserted in the Journal, and one report received in the office from Health and Human Services, on file and available for member review. That's all that I had, Mr. President. (Legislative Journal pages 937-939.) [LB605 LB983 LB1094]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Mr. Clerk, we will move to first item under Select File.

CLERK: Senator McGill, LB1014A. I have no amendments to the bill, Senator.

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[LB1014A]

PRESIDENT SHEEHY: Senator McGill. [LB1014A]

SENATOR MCGILL: Mr. President, I move LB1014A to E&R for engrossing. [LB1014A]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB1014A advances. Mr. Clerk, we will now proceed to Final Reading. Members should return to their seats in preparation for Final Reading. Mr. Clerk, the first bill is LB619. [LB1014A LB619]

ASSISTANT CLERK: (Read LB619 on Final Reading.) [LB619]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB619 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB619]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 939-940.) Vote is 41 ayes, 1 nay, 1 present and not voting, 6 excused and not voting, Mr. President. [LB619]

PRESIDENT SHEEHY: LB619 passes. We will now proceed to LB898. [LB619 LB898]

ASSISTANT CLERK: (Read LB898 on Final Reading.) [LB898]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB898 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB898]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 940-941.) Vote is 42 ayes, 1 nay, 6 excused and not voting, Mr. President. [LB898]

PRESIDENT SHEEHY: LB898 passes. We will now proceed to LB768. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB898 LB768]

ASSISTANT CLERK: 36 ayes, 2 nays to dispense with the at-large reading, Mr. President. [LB768]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB768]

ASSISTANT CLERK: (Read title of LB768.) [LB768]

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PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB768 pass? All those in favor vote yea; opposed, nay. (Doctor of the day introduced.) Please record, Mr. Clerk. [LB768]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 941.) The vote is 45 ayes, 0 nays, 4 excused and not voting. [LB768]

PRESIDENT SHEEHY: LB768 passes. We will now proceed to LB914. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB768 LB914]

ASSISTANT CLERK: 32 ayes, 3 nays, Mr. President. [LB914]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB914]

ASSISTANT CLERK: (Read title of LB914.) [LB914]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB914 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB914]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 942.) The vote is 42 ayes, 0 nays, 3 present and not voting, 4 excused and not voting, Mr. President. [LB914]

PRESIDENT SHEEHY: LB914 passes. We will now proceed to LB939. [LB914 LB939]

ASSISTANT CLERK: (Read LB939 on Final Reading.) [LB939]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB939 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB939]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 943.) The vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB939]

PRESIDENT SHEEHY: LB939 passes. We will now proceed to LB962. [LB939 LB962]

ASSISTANT CLERK: (Read LB962 on Final Reading.) [LB962]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB962 pass? All those in favor vote yea; opposed, nay.

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Please record, Mr. Clerk. [LB962]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 943-944.) The vote is 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB962]

PRESIDENT SHEEHY: LB962 passes. We will now proceed to LB1056. [LB962 LB1056]

ASSISTANT CLERK: (Read LB1056 on Final Reading.) [LB1056]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB1056 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB1056]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 944-945.) The vote is 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB1056]

PRESIDENT SHEEHY: LB1056 passes. We will now proceed to LB755. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB1056 LB755]

ASSISTANT CLERK: 39 ayes, 2 nays to dispense with the at-large reading, Mr. President. [LB755]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB755]

ASSISTANT CLERK: (Read title of LB755.) [LB755]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB755 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB755]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 945-946.) Vote is 47 ayes, 0 nays, 2 excused and not voting. [LB755]

PRESIDENT SHEEHY: LB755 passes with the emergency clause. Mr. Clerk, we will now proceed to LB756, with the emergency clause. The first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB755 LB756]

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ASSISTANT CLERK: 37 ayes, 2 nays to dispense with the at-large reading, Mr. President. [LB756]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB756]

ASSISTANT CLERK: (Read title of LB756.) [LB756]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB756 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB756]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 946-947.) The vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB756]

PRESIDENT SHEEHY: LB756 passes with the emergency clause. We will now proceed to LB851, with the emergency clause. The first vote, Mr. Clerk, is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB756 LB851]

ASSISTANT CLERK: 38 ayes, 2 nays to dispense with the at-large reading, Mr. President. [LB851]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB851]

ASSISTANT CLERK: (Read title of LB851.) [LB851]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB851 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB851]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 948.) The vote is 47 ayes, 0 nays, 2 excused and not voting. [LB851]

PRESIDENT SHEEHY: LB851 passes with the emergency clause. We will now proceed to LB855. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB851 LB855]

ASSISTANT CLERK: 36 ayes, 2 nays to dispense with the at-large reading. [LB855]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB855]

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ASSISTANT CLERK: (Read title of LB855.) [LB855]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB855 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB855]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 949.) The vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB855]

PRESIDENT SHEEHY: LB855 passes. While the Legislature is in session and capable of transacting business, I propose to sign and to hereby sign LB619, LB898, LB768, LB914, LB939, LB962, LB1056, LB755, LB756, LB851, and LB855. Mr. Clerk, we will proceed under General File, consent calendar. [LB855 LB619 LB898 LB768 LB914 LB939 LB962 LB1056 LB755 LB756 LB851]

CLERK: Mr. President, first bill, LB151 by Senator Gay. (Read title.) Introduced on January 8, referred to the Judiciary Committee. The bill was advanced to General File. There are committee amendments pending, Mr. President. (AM539, Legislative Journal page 1059, First Session, 2007.) [LB151]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Gay, you're recognized to open on LB151. [LB151]

SENATOR GAY: Thank you, Mr. President. LB151 would clarify when a person must commence an action to enforce the payment of a certificate of deposit. Currently, in Section 3-118 of the Uniform Commercial Code provides that any action must begin within six years after the demand for payment is made. If the CD has a due date, the six-year period begins after the demand for payment and the due date has passed, and that's important in this bill to remember that. The reason why--many times a person will lose the actual paper CD and the bank and the credit unions will still allow for its redemption as a service to the customer, and that will continue. But state law requires that records be kept for seven years. After the passage of the seven years the bank may dispose of the records related to this particular CD. So just fast forward to several years later--let's say 15, 20 years, and the original owner of the CD has passed away, and the children or grandchildren or somebody comes upon or discovers some lost paper certificate or the actual certificate of deposit, and they go to their bank and attempt to redeem it. Of course by this time the bank has no record of its existence, because they either redeemed the CD under the proper...bank or credit union redeemed the CD or it was never claimed and it was returned to the unclaimed property division of the State Treasurer, as currently is the case. What LB151 would do would provide an alternative statute of limitations to define the six-year period when these situations occur. So under this bill the six-year statute of limitations to enforce a payment on a CD

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runs from the earlier of the time that it is provided for currently under 3-118 for CDs falling under that section, or six years after the later of the maturity of the CD, the due date of the CD indicated on the bank's last written notice of renewal, the date of the last written communications from the bank regarding its obligations with respect to the CD, or the last day of the taxable year for which the owner of the CD last reported interest earned on a tax return, so if the CD is continuing in force, the 1099s and the interest is being paid and they're being somewhere along communicated to the owner or the proper procedure. So there will be an amendment. I think Senator Lathrop will be introducing an amendment on behalf of the committee that will increase this limitation to seven years as opposed to the six that was originally in the bill, in order to be more consistent with record retention-holding periods. Thank you, Mr. President. [LB151]

PRESIDENT SHEEHY: Thank you, Senator Gay. You've heard the opening to LB151. As noted, there is a Judiciary Committee amendment. Senator Lathrop, you're recognized to open on AM539. [LB151]

SENATOR LATHROP: Thank you, Mr. President and colleagues. Committee AM539 extends the alternative statute of limitations proposed under LB151 to seven years. By changing the statute of limitations from six to seven years, the provisions of the bill will correspond with the record retention period for state banks and the unclaimed property retention period for automatically renewable CDs, both of which are seven years. We'd encourage you to move AM539. Thank you. [LB151]

PRESIDENT SHEEHY: Thank you, Senator Lathrop. You've heard the opening to the Judiciary Committee amendment, AM539. Are there members wishing to speak on this amendment? Seeing none, Senator Lathrop, you're recognized to close. Senator Lathrop waives closing. The question before the body is on the adoption of AM539 to LB151. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB151]

CLERK: 29 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB151]

PRESIDENT SHEEHY: Committee amendment AM539 is adopted. We will return to discussion on the advancement of LB151. Seeing no members wishing to speak, Senator Gay, you're recognized to close. Senator Gay waives closing. The question before the body is on the advancement of LB151. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB151]

CLERK: 30 ayes, 0 nays, Mr. President, on the advancement of LB151. [LB151]

PRESIDENT SHEEHY: LB151 advances. We will now proceed to next item. Speaker Flood, for an announcement. [LB151]

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SPEAKER FLOOD: Thank you, Mr. President, members. A quick announcement regarding next week. As announced yesterday, debate of the budget bills will begin Monday at 1:30 p.m. In addition to the budget next week we'll do some Select File on Monday morning. We will stay on the budget until General File debate of the three budget bills is completed. Immediately following the budget bill debate we will take up LB988, Senator Raikes's school finance formula bill. Also, my goal next week is to do the Select File debate of consent calendar bills advanced today, if possible. As announced yesterday, the death penalty repeal bill, as introduced by Senator Chambers, debate will begin on that Tuesday, March 25. After this announcement I'll be passing out a memo regarding late nights, outlining our late-night schedule. Basically, we will work into the evening each night, other than the last day of the week, beginning March 25. A late night can mean anything from adjourning around 8:30 p.m. or later, and later is obviously 11:59 p.m. Adjournment times for next week: Prior to our late nights beginning on March 25, we will begin adjourning around 6 p.m. I think this is an important day, as we look toward the rest of the session. Seventeen days remain in which General File and Select File bills debate may occur. We have 38 priority bills in General File which have yet to be debated. We have 16 priority bills on Select File, some of which could entail a lot of time in debate. Additionally, there are 20 priority bills still in committee. In consulting with the committees, estimate is that 17 of those bills will be advanced to General File in the next few days. As Speaker, obviously my number one mission is to see that we get as many bills debated as possible--priority bills. However, I have to be honest. At this point I need to be realistic about what is achievable. The only thing we really, actually need to accomplish this session is the budget. However, I hope you join me in wanting to accomplish much more than that this year. As we get closer to the end of the session, I intend to put emphasis on the bills that have major public policy implications. Some of these bills include changes to the school finance formula; obviously, the death penalty repeal debate; the Nebraska State Fair issue; roads funding; and many more. The number of priority bills we address this session will rest with each of you. While I am in no way suggesting we pass on legislation that members have concerns with, it is important to keep in mind that we all need to do the work, and not all of it has to be done on the microphone. If you have a priority bill, whether it be a senator, committee, or Speaker priority bill, and you wait until the floor to find out you have problems, you've done a disservice to your colleagues in the Legislature. If you have a priority bill that you want passed this year, go around person to person on this floor and ask them the questions that need to be asked. Certainly, don't pass on bills that need discussion on the floor. That's not at all what this message is about. Yesterday we watched the work of a statesman, Senator Pat Engel. He recognized the challenges that his bill had, and he made the tough decision to have it bracketed. I want to compliment him for recognizing the greater good of what we do in the Legislature, as he made a very difficult decision on his own bill. And I'm not in any way insinuating that's what we have to do with our bills, but we have to do a lot of work off the floor if we're going to make the progress that we need to make. I think we have a lot to accomplish, and we have the right group of senators to do it. I look forward to a

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productive rest of the session. Thank you, Mr. President. [LB151]

PRESIDENT SHEEHY: Thank you, Speaker Flood. (Visitors introduced.) Mr. Clerk, we'll proceed to LB724. [LB151 LB724]

CLERK: Mr. President, Business and Labor will have an Executive Session now underneath the north balcony. LB724 is a bill introduced by the Natural Resources Committee. (Read title.) Introduced on January 9 of this year, referred to Natural Resources, advanced to General File. I have no amendments to the bill at this time. [LB724]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Louden, you're recognized to open on LB724. [LB724]

SENATOR LOUDEN: Thank you, Lieutenant Governor and members of the body. LB724 amends the Remedial Action Plan Monitoring Act by reducing the application fee and initial deposit fee required by applicants to enter Nebraska's voluntary clean-up program. The purpose of these changes is to encourage greater participation in the program. The Remedial Action Plan Monitoring Act, initially created in 1994, established the Nebraska Voluntary Clean-Up Program. The voluntary clean-up program provides property owners and parties responsible for contamination with a mechanism for developing voluntary environmental clean-up plans that are reviewed and approved by the Department of Environmental Quality. The voluntary clean-up program provides an avenue for business to proceed with a clean up of property and an opportunity for regulatory review and oversight that may not be available at the federal level. This bill reduces the application fee required from \$5,000 to \$2,000, and the initial deposit from \$5,000 to \$3,000. Thank you, Mr. President. [LB724]

PRESIDENT SHEEHY: Thank you, Senator Louden. You have heard the opening to LB724. Are there...Senator Preister. [LB724]

SENATOR PREISTER: Thank you, Honorable President. If I could, I'd like to ask Senator Louden a question. [LB724]

PRESIDENT SHEEHY: Senator Louden, would you respond? [LB724]

SENATOR LOUDEN: Yes. [LB724]

SENATOR PREISTER: Senator Louden, do we know what the cost is to DEQ? And I'm sorry I didn't ask you prior, to give you notice. But do we know what it costs DEQ to actually send the people out and to do the monitoring and have an idea of what their charge is? [LB724]

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SENATOR LOUDEN: It depends on the site, but the reason we brought this bill forward, there was so little people using it. They didn't want to come up with the \$5,000 deposit, so the idea was to drop it down to \$2,000 so there would be more--perhaps more--people that would enter into the program. [LB724]

SENATOR PREISTER: Sure. My concern was that as we have reduced NDEQ's budget, and as we have, essentially, a hiring freeze and we're giving them more workload, I just want to make sure they've got the resources to do their work. [LB724]

SENATOR LOUDEN: I think...yeah, they can charge the inspection fee. They can charge for the work done that they go out and do that. But at the present time, this was something that they wanted to do to try to get more participation in this program, and that was one reason. [LB724]

SENATOR PREISTER: Sure. Okay, thank you, Senator Louden. [LB724]

PRESIDENT SHEEHY: Thank you, Senator Preister. Are there additional members wishing to speak on LB724? Seeing none, Senator Louden, you're recognized to close. Senator Louden waives closing. The question before the body is on the advancement of LB724. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB724]

CLERK: 29 ayes, 0 nays, Mr. President, on the advancement of LB724. [LB724]

PRESIDENT SHEEHY: LB724 advances. (Visitors introduced.) Mr. Clerk, we'll proceed to LB726. [LB724 LB726]

CLERK: LB726, introduced by Natural Resources. (Read title.) Introduced in January, referred to Natural Resources, advanced to General File. I have no amendments at this time to the bill, Mr. President. [LB726]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Louden, you're recognized to open on LB726. [LB726]

SENATOR LOUDEN: Thank you, Lieutenant Governor and members of the body. LB726 amends the Wastewater Treatment Facilities Construction Assistance Act to provide additional grant and loan funding opportunities to communities in Nebraska to plan, design, and construct wastewater facilities. The Clean Water State Revolving Fund is a very successful program involving financing to 160 projects totalling \$275 million since 1989. This bill proposes to remove the annual limit of \$500,000 available for small-town grants. Instead, it grants the Nebraska Department of Environmental Quality the authority to use up to 65 percent of the revenue collected from administrative fees on the revolving loans to fund these projects. The bill would also provide the director of the department the authority to transfer money in a construction

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administration fund to the Wastewater Treatment Facilities Construction Loan Fund, commonly known as the Clean Water State Revolving Loan Fund, to match requirements for federal capitalization. LB726 is identical in concept to the legislation passed last year related to Drinking Water State Revolving Fund, and that was LB180. I would ask that you vote for this, LB726. [LB726 LB180]

PRESIDENT SHEEHY: Thank you, Senator Louden. You've heard the opening to LB726. Are there members wishing to speak on this item? Senator Gay. [LB726]

SENATOR GAY: Thank you, Mr. President. Would Senator Louden yield to a question? [LB726]

PRESIDENT SHEEHY: Senator Louden, would you respond? [LB726]

SENATOR LOUDEN: Yes. [LB726]

SENATOR GAY: Thank you, Senator. Senator, when they apply for these grants, it's mainly smaller communities, you're saying? Do they have a process they go through, through the DEQ? Is that also like federal guidelines? How does this thing work, I guess? [LB726]

SENATOR LOUDEN: Yeah, they do...they have a process to go to, to apply for the money. I think before there was a limit of \$500,000 that they could apply for, so now they've just given the DEQ the authority that they can go to 65 percent. In other words, the DEQ can grant more money than what was allowed before. [LB726]

SENATOR GAY: Okay. And you said 160 communities or... [LB726]

SENATOR LOUDEN: Well, over...yeah. Since 1989, which has been nearly 20 years ago, there's been 160 communities that have worked with this funding deal. It's been quite successful. [LB726]

SENATOR GAY: All right. Thank you, Senator. Thank you, Mr. President. [LB726]

PRESIDENT SHEEHY: Thank you, Senator Gay. Are there additional members wishing to speak on LB726? Seeing none, Senator Louden, you're recognized to close. Senator Louden waives closing. The question before the body is, shall LB726 advance? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB726]

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of LB726. [LB726]

PRESIDENT SHEEHY: LB726 advances. Next item, Mr. Clerk. [LB726]

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CLERK: LB726A by Senator Louden. (Read title.) [LB726A]

PRESIDENT SHEEHY: Senator Louden, you're recognized to open on LB726A. [LB726A]

SENATOR LOUDEN: Thank you, Lieutenant Governor and members of the body. LB726A appropriates \$200,000 from the Wastewater Treatment Facilities Construction Loan Fund in fiscal year 2008-2009 and \$250,000 from the Wastewater Treatment Facilities Construction Loan Fund in fiscal year 2009-2010. This is a cash fund, and no General Funds are appropriated in the A bill. All of the funding is earmarked as state aid, and no new staff or operating expenses would be authorized. The increased funding is necessary, due to the additional uses of the cash fund that are authorized in LB726. With that, I would ask for the adoption of LB726A. [LB726A]

PRESIDENT SHEEHY: Thank you, Senator Louden. You have heard the opening to LB726A. Are there members wishing to speak on this bill? Seeing none, Senator Louden, you're recognized to close. Senator Louden waives closing. The question before the body is, shall LB726A advance? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB726A]

CLERK: 31 ayes, 0 nays, Mr. President, on the advancement of LB726A. [LB726A]

PRESIDENT SHEEHY: LB726A advances. Next item. [LB726A]

CLERK: LB947, by Senator Friend. (Read title.) Introduced on January 14, referred to Urban Affairs, advanced to General File. I have no amendments, Mr. President. [LB947]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Friend, you're recognized to open on LB947. [LB947]

SENATOR FRIEND: Thank you, Mr. President, members of the Legislature. LB947 amends Section 16-321 and 17-568.01 to increase the minimum amounts for bidding and engineers' estimates for public works projects in cities of the first and second classes and villages. Current law requires public improvement contracts to be bid if the cost of a project is over \$20,000...is \$20,000 or more. LB947 raises the minimum bidding amount to \$30,000 and additionally, the bill also raises minimum bidding amounts for municipal electrical utilities, and it's by a proportional amount. The reason for this is simple: Over the years...the last time it was raised was 1997. Over the years infrastructure costs and everything else, as you can imagine, have increased. The committee thought, after consideration of the bill, that the bidding amount should go up accordingly, you know, with those costs. So that's really what the bill does. I'd be happy to explain it further if necessary. If not, with that I'd ask for the advancement of LB947. Thank you, Mr. President. [LB947]

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PRESIDENT SHEEHY: Thank you, Senator Friend. You've heard the opening to LB947. Members wishing to speak are Senator Stuthman. [LB947]

SENATOR STUTHMAN: Thank you, Mr. President, members of the body. I would like to ask Senator Friend a couple of questions. [LB947]

PRESIDENT SHEEHY: Senator Friend, would you respond to questions? [LB947]

SENATOR FRIEND: I will engage in discussion, but questions, I'm not really sure. [LB947]

SENATOR STUTHMAN: Okay. Senator Friend, the main reason you're raising the minimum bid requirements, is that so that you're just allowing for the cost that has escalated, or is it trying to make the difference that a lot of projects will not have to go out to the public for bidding process? Is this trying to make it that you could allow a contract for the smaller projects without going through the bidding process? [LB947]

SENATOR FRIEND: Well, I think, to your question, the former not the latter. I mean, it's not...nobody is trying to hide...at least during the hearings, I don't think it's a situation that was expressed, that people were trying to make something less transparent. I think what people and our communities were looking for is, over the years, since 1997, you're talking about constructions are increasing. A \$20,000 improvement for a public works department doesn't mean what it did in 1997; \$20,000, I mean, it's a different amount now because of inflation and everything else. Obviously, what we're dealing with is the cost of inflation and how we're trying to deal with it in regard to bids. [LB947]

SENATOR STUTHMAN: Okay, thank you, Senator Friend. [LB947]

SENATOR FRIEND: Sure. [LB947]

SENATOR STUTHMAN: That does answer my questions. [LB947]

PRESIDENT SHEEHY: Thank you, Senator Stuthman. Are there other members wishing to speak on LB947? Seeing none, Senator Friend, you're recognized to close. Senator Friend waives closing. The question before the body is, shall LB947 advance? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB947]

CLERK: 30 ayes, 0 nays, Mr. President, on the advancement of LB947. [LB947]

PRESIDENT SHEEHY: LB947 does advance. Next item. [LB947]

CLERK: LB850 by Senator Erdman. (Read title.) Introduced on January 10, referred to

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the Education Committee, advanced to General File. There are committee amendments, Mr. President. (AM1703, Legislative Journal page 453.) [LB850]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Erdman, you're recognized to open on LB850. [LB850]

SENATOR ERDMAN: Mr. President and members of the Legislature, LB850 would amend Section 70-502 to limit the coverage provided to school board or board of education members, to the individual members, and limit the payments of the premium to the school district to the amount that they pay for the district employee, and finally, to provide disclosure to that school district's patrons as to which members of their school board are currently receiving that health insurance benefit. In 1972 the Nebraska Legislature passed LB1177, and if you have some spare time, I'll give you a copy of the transcript and you can read through it as I have, to point out that what was intended under that act was that the individuals of a school board would be eligible to participate in the health insurance plan, but it was not intended that those same participants, those same board members, would get that health insurance for free, or no cost to them, but essentially at the cost of the other taxpayers in their district. Currently there are school districts that are doing that. The current law is not clear. The purpose of LB850 with the committee amendment would clarify what the practice should be. I support the committee amendment and have additional information if there are questions about those practices currently in place within school districts throughout the state. I believe LB850 provides better accountability for the tax dollars of the state, while still providing the benefit that was intended under LB1177, and also providing disclosure to the patrons of those school districts as to which members are receiving this benefit, because currently, as a member of a board of education, you're not required to file any filing fees to become a member of the board, even though you would be receiving a benefit under this provision. I would encourage the adoption or the advancement of this bill, with the committee amendment. Thank you, Mr. President. [LB850]

PRESIDENT SHEEHY: Thank you, Senator Erdman. You have heard the opening to LB850. Members wishing to speak: Senator Gay. [LB850]

SENATOR GAY: Thank you, Mr. President. On the amendment I see--I'm reading it--that learning community members, learning community council members, can also participate in...(machine malfunction). [LB850]

PRESIDENT SHEEHY: Senator Gay, we need to go to the opening of the committee amendment. As noted, there is an Education Committee amendment, AM1703. Senator Raikes. [LB850]

SENATOR RAIKES: Thank you, Mr. President, members of the Legislature. The committee amendment, as Senator Erdman has explained, makes clear that a school

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district, ESU, or learning community council can make available to board members the opportunity to buy insurance, medical insurance, but the cost is to be paid--both the employee and the employer share--is to be paid by the board member. So that's...and also, I think he also indicated that there is a requirement in the committee amendment that there be a report made as to which board members participate in this option, and that report would be made available upon request at a quarterly basis. So anticipating Senator Gay's question, members of the learning community council would be treated similarly to those of a school board or ESU board. They would have access to the insurance, but they would need to pay the entire cost themselves, both the employer and the employee share. And I might add that would be the case for either individual coverage or family coverage. So if there are questions, I'd try to answer. Thank you. [LB850]

PRESIDENT SHEEHY: Thank you, Senator Raikes. You've heard the opening on committee amendment, AM1703. Senator Gay. [LB850]

SENATOR GAY: Thank you, Mr. President. When I looked at the amendment, and Senator Raikes did a fine job of explaining it, but the question I'm just bringing to the body here, as we're going through these consent agenda items is, and I'm not sure--I'm not going to hold up the bill. I think it should be disclosed what is being paid for by the members. But the...some of these programs are very generous programs. So if the taxpayer is paying for it...the portion of...and maybe they pay the whole committee bit. I just don't know how many school boards where they're getting allowed to pay...to be a part of the insurance. Maybe it's all of them; I don't know. So I'm just bringing it to the attention of the body. You know, it's interesting when the amendment comes. I agree with LB850, and then now the amendment. I didn't know learning community had that opportunity, that that was...or that they're going to get that opportunity if this passes. So just wanted to bring that to the attention...I don't have any questions. I'm just going to continue to read this and listen to the debate, if there is any. Thank you, Mr. President. [LB850]

PRESIDENT SHEEHY: Thank you, Senator Gay. Are there additional members wishing to speak on AM1703? Seeing none, Senator Raikes, you're recognized to close. Senator Raikes waives closing. The question before the body is on the adoption of AM1703 to LB850. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB850]

CLERK: 31 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB850]

PRESIDENT SHEEHY: AM1703 is adopted. We'll return to floor debate on LB850. Seeing no members wishing to speak, Senator Erdman, you're recognized to close. [LB850]

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SENATOR ERDMAN: Mr. President, LB850, as amended by the committee amendment, would require all school board members to pay for their health insurance if they participate in the plan. Currently, that is not the practice. There are school districts across the state, some to the tune of approximately \$43,000, that taxpayers in those school districts are paying for their school board members to have health insurance essentially for free, or at the expense of other taxpayers. LB850 corrects that, brings the law in line with the intent of LB1177 in 1972. I would encourage your vote to advance LB850 to E&R. Thank you. [LB850]

PRESIDENT SHEEHY: Thank you, Senator Erdman. You have heard the closing. The question before the body is, shall LB850 advance? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB850]

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of LB850. [LB850]

PRESIDENT SHEEHY: LB850 advances. Next item. [LB850]

CLERK: LB805, introduced by Senator Wallman. (Read title.) Introduced on January 10 of this year, referred to Natural Resources, advanced to General File. I have no amendments at this time, Mr. President. [LB805]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Wallman, you're recognized to open on LB805. [LB805]

SENATOR WALLMAN: Thank you, Mr. President. Members of the body, LB805 is a very simple, straightforward bill. It would allow the Governor to appoint a nonresident of Nebraska to fill the propane equipment manufacturer and distributor member category on the Nebraska Propane Education and Research Council. Due to shifts in the industry, very few propane equipment manufacturer and distributors reside in Nebraska. This proposal opens up this membership category to out-of-state representatives. This bill was heard on January 30, with no one testifying in opposition or neutral. It was advanced out of committee with 7 ayes, 0 nays, and 1 absent. It is important to note this does not add any cost to propane or anything to our budget. So I appreciate your support. [LB805]

PRESIDENT SHEEHY: Thank you, Senator Wallman. You have heard the opening to LB805. Members wishing to speak, Senator Schimek. Senator Schimek. [LB805]

SENATOR SCHIMEK: Thank you, Mr. President and members. I'd like to ask Senator Wallman a question or two, if I might. [LB805]

PRESIDENT SHEEHY: Senator Wallman, would you respond to questions? [LB805]

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SENATOR WALLMAN: I'll try. [LB805]

SENATOR SCHIMEK: Senator Wallman, I heard part of what you said and I think I know what you're trying to do here. The question I have, has this ever been done before with any kind of a board or commission? I don't think I've ever heard of it and I'm wondering if it's something that we should wander into. [LB805]

SENATOR WALLMAN: Well, the institute said, you know, the manufacturers, a lot of them are out of state and so it would regulate this education committee in this state, where we're at now, and they wanted to have a bigger range of where they could get it from the board. [LB805]

SENATOR SCHIMEK: But to make them an actual member of the board or commission? And I confess to you, Senator Wallman, this just came up and I haven't really looked at the bill, but it really caught my attention and I need to think about it awhile, I guess, and see what we're doing here. And I see legal counsel to the Natural Resources Committee is here to get me better informed, so I'll let my questions go for now. [LB805]

SENATOR WALLMAN: Okay. Thank you, Senator Schimek. [LB805]

PRESIDENT SHEEHY: Thank you, Senator Schimek. Are there additional members wishing to speak on LB805? Seeing none, Senator Wallman, you're recognized to close. Senator Wallman waives closing. The question before the body is, shall LB805 advance? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB805]

CLERK: 26 ayes, 0 nays on the advancement of LB805, Mr. President. [LB805]

PRESIDENT SHEEHY: LB805 advances. (Visitors introduced.) Next item, Mr. Clerk. [LB805]

CLERK: LB1004, by Senator Cornett. (Read title.) Introduced on January 16 of this year, referred to Revenue Committee, advanced to General File. At this time I have no amendment, Mr. President. [LB1004]

PRESIDENT SHEEHY: Senator Cornett, you're recognized to open on LB1004. [LB1004]

SENATOR CORNETT: Thank you, Lieutenant Governor and members of the body. LB1004 will reduce the withholding from 3 percent to 1.5. This change has been sought after talking with business community and the Department of Revenue. When this went into effect, it was determined that 3 percent affected more people than was originally

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intended and was the intent of the body when passed last year. I urge your support and thank you for your time and consideration on LB1004. [LB1004]

PRESIDENT SHEEHY: Thank you, Senator Cornett. You have heard the opening on LB1004. Are there members wishing to speak on this item? Seeing none, Senator Cornett, you're recognized to close. Senator Cornett waives closing. The question before the body is, shall LB1004 advance? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB1004]

CLERK: 30 ayes, 0 nays, Mr. President, on the advancement of LB1004. [LB1004]

PRESIDENT SHEEHY: LB1004 advances. Next item, Mr. Clerk. [LB1004]

CLERK: LB754, introduced by Senator Synowiecki. (Read title.) Introduced on January 9 of this year, referred to Revenue Committee, advanced to General File. There are committee amendments pending, Mr. President. (AM1732, Legislative Journal page 463.) [LB754]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Synowiecki, you're recognized to open on LB754. [LB754]

SENATOR SYNOWIECKI: Thank you, Mr. Lieutenant Governor. Good morning, members. I am introducing LB754. It had a hearing in front of the Revenue Committee on January 25 and was advanced with 7 affirmative votes and 1 person was absent. You may recall last year LB551 was the Qwest Center financing bill and that bill was amended by Senator Ashford's AM1472. The original intent of the amendment was to distribute 10 percent of turn-back sales tax to areas with a high concentration of poverty to showcase important historical aspects of such areas. Very specifically, the floor debate from AM1472 intended these funds for high poverty areas in north and south Omaha. Last year, when Senator Ashford introduced the amendment onto the bill, AM1472, I'd like to read from the transcripts of that floor debate, and again this is Senator Ashford introducing the bill: "The amendment sets aside two areas of the city, high poverty areas of the city, both one in north and one in south Omaha, for these funds." Later on, during the debate on the amendment, Senator Chambers rose to speak and I'll quote from his testimony on the floor: "Mr. President, just so that we have something in the record about this amendment, as Senator Ashford pointed out, there is a definition of what constitutes a high concentration of poverty. That area will be found in south Omaha and it will be found in north Omaha." And again, those are the...those are statements that were made on the floor of the Legislature during the debate on AM1472 to LB551 last year. And it's very evident that very specifically and deliberately south Omaha was to be included with these funds. Unfortunately, as the amendment was drafted, the bill will exclude south Omaha from these important community development funds, clearly against the intent of the amendment. LB754 changes one

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word in order to reflect the original intent of LB551 as amended last year. This one change is at...by distributing the funds to areas that contain a percentage of "persons," rather than "families," below the poverty line of greater than 30 percent. This change of one word from "family" to "persons" will make the bill that was passed last year better reflect the legislative intent of the bill. I believe there is a committee amendment, Mr. Lieutenant Governor. [LB754 LB551]

PRESIDENT SHEEHY: Thank you, Senator Synowiecki. You have heard the opening to LB754. As noted, there is a Revenue Committee amendment. Senator Janssen, you're recognized to open on AM1732. [LB754]

SENATOR JANSSEN: Thank you, Mr. Lieutenant Governor, members of the Legislature. The committee amendments, the only thing it does, it adds the emergency clause to the particular bill, and ask for your green vote on the committee amendments. Thank you. [LB754]

PRESIDENT SHEEHY: Thank you, Senator Janssen. You've heard the opening to Revenue Committee amendment, AM1732. Are there members wishing to speak on the amendment? Seeing none, Senator Janssen, you're recognized to close. Senator Janssen waives closing. The question before the body is on the adoption of AM1732 to LB754. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB754]

CLERK: 29 ayes, 0 nays on adoption of committee amendments. [LB754]

PRESIDENT SHEEHY: AM1732 is adopted. We'll return to discussion on LB754. Seeing no members wishing to speak, Senator Synowiecki waives closing. The question before the body is, shall LB754 advance? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB754]

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of LB754. [LB754]

PRESIDENT SHEEHY: LB754 does advance. Next item, Mr. Clerk. [LB754]

CLERK: LB893, a bill by Senator Langemeier. (Read title.) Introduced on January 11 of this year, referred to Revenue Committee, advanced to General File. I have no amendments at this time, Mr. President. [LB893]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Langemeier, you're recognized to open on LB893. [LB893]

SENATOR LANGEMEIER: Mr. President, members of the body, LB893 was heard in Revenue Committee, came out 7-0 with no opponents and no neutral testimony. LB893 amends the existing notice section of 77-1834 to require persons holding publicly

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recorded encumbrances to be notified by letter in case of a tax lien delinquency sale. Right now they are not notified when those sales happen. They would like to be notified. With that, I would ask for your support of LB893. [LB893]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. You have heard the opening to LB893. Are there members wishing to speak on this legislation? Seeing none, Senator Langemeier, you're recognized to close. Senator Langemeier waives closing. The question before the body is, shall LB893 advance? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB893]

CLERK: 30 ayes, 0 nays, Mr. President, on the advancement of LB893. [LB893]

PRESIDENT SHEEHY: LB893 advances. Mr. Clerk, do you have items for the record? [LB893]

CLERK: Two new resolutions: LR278 by Senator Heidemann, and LR279; both will be laid over, Mr. President. And bills read on Final Reading this morning were presented to the Governor at 10:20 a.m. (Re: LB619, LB898, LB768, LB914, LB939, LB962, LB1056, LB755, LB756, LB851, and LB855.) That's all that I have. (Legislative Journal pages 951-952.) [LR278 LR279 LB619 LB898 LB768 LB914 LB939 LB962 LB1056 LB755 LB756 LB851 LB855]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. We'll move to next item under General File.

CLERK: LB865 is a bill by Senator Hudkins. (Read title.) Introduced on January 11 of this year, at that time referred to Natural Resources, advanced to General File. At this time I have no amendments, Mr. President. [LB865]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Hudkins, you're recognized to open on LB865. [LB865]

SENATOR HUDKINS: Thank you, Mr. President and members of the body. Last year we passed legislation that prohibited trapping within the road right of way and you may remember that because it had to do with dogs and perhaps children and nasty toothed traps and all that kind of thing. Well, unfortunately, there were unintended consequences to that bill. Since that time, discussions have occurred regarding when would the use of the right of way be an appropriate location for trapping. Certain individuals are licensed to capture live raptors for use in hunting. Okay, what's a raptor? A raptor is a bird of prey that is trained to hunt. This could include eagles, owls, buzzards, but mostly red-tailed hawks. You should have, all of you, on your desk a correspondence from the Nebraska Game and Parks Commission with more information on the back concerning falconry, so hopefully that will answer most of your

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questions. The trapping of these birds of prey is strictly regulated and such trapping is done under constant visual surveillance. In trapping a raptor, the person spots a possible bird, sets a live trap, and then maintains supervision of the trap. The possibility of a pet or an unsuspecting person being caught in one of these traps is very unlikely. As such, it appears that trapping could be done in a manner that is safe and one that the Game and Parks Commission can regulate through the development of rules and regulations. Thus, this particular bill gives Game and Parks the limited authority to authorize the trapping of raptors in the county road right of way. I appreciate all of the props here, but if there are any questions, I would be glad to answer them. Thank you, Mr. President. [LB865]

PRESIDENT SHEEHY: Thank you, Senator Hudkins. You have heard the opening to LB865. Members wishing to speak from the floor: Senator Stuthman, and Senator Wightman. Senator Stuthman. [LB865]

SENATOR STUTHMAN: Thank you, Mr. Lieutenant Governor and members of the body. First of all, I have a little bit of a concern with this bill because we are allowing the commission, the Game and Parks Commission, to have the jurisdiction over the road right of ways, which in my opinion is under the jurisdiction of the county board. They have the jurisdiction of what takes place in the road right of ways. Another question that I have, I would like to address a question to Senator Hudkins. [LB865]

PRESIDENT SHEEHY: Senator Hudkins, would you respond? [LB865]

SENATOR HUDKINS: (Laugh) I'm sorry. Yes, Senator Stuthman. [LB865]

SENATOR STUTHMAN: Senator Hudkins, you mentioned raptors are eagles and other birds like that, hawks. [LB865]

SENATOR HUDKINS: Yes. [LB865]

SENATOR STUTHMAN: Is there anything...and we do have quite a number of bald eagles around right now. Can you trap bald eagles? [LB865]

SENATOR HUDKINS: No. [LB865]

SENATOR STUTHMAN: Okay. If you set up a trap on an animal that's in the road ditch and you're hoping to get a hawk but you get an eagle, what would be the problem there? Or wouldn't that make any difference? [LB865]

SENATOR HUDKINS: You don't just set a trap and catch whatever comes along. You have identified a specific animal or kind of animals, because the traps are different sizes and so forth. These traps, and there was one at the hearing, they don't have, you know,

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the toothed jaws that we're familiar with on a coyote trap, for example. They are a box with whole bunches of loops on the top of it. It's definitely a live trap and there's bait in the trap for them. They come down to get that, whatever it is, a rabbit or a mouse, I don't know, and they get their feet caught on these loops and then the trapper can come and capture them, hood them if necessary, take them back to their facilities and then train them. [LB865]

SENATOR STUTHMAN: Well, will there be any difference between the trap as far as trapping a hawk and an eagle? Because a hawk and an eagle are similar, yes, an eagle is a little bit larger, but if you have one set up for a hawk, is there a possibility that you could be trapping and getting the foot caught of an eagle that is in there? [LB865]

SENATOR HUDKINS: Well, I suppose there's always the possibility, but if you catch the wrong animal, you simply let them go. There's no damage or harm done to the bird. [LB865]

SENATOR STUTHMAN: But in this bill we are giving the Game and Parks Commission the authority over the road right of way then as far as trapping only these raptors? [LB865]

SENATOR HUDKINS: These raptors catch their birds only in the right of way for, I would say, most of the time, all the time, because the birds sit on the phone wires, they sit in the trees. They're watching the little critters scurrying through the grass and... [LB865]

SENATOR STUTHMAN: But they can also trap those that are, you know, on the private land also. [LB865]

SENATOR HUDKINS: Well, they're flying. [LB865]

SENATOR STUTHMAN: They could put...they could... [LB865]

SENATOR HUDKINS: They're not...they're not running. Well, the birds, they're trapping birds, not animals, so the birds are flying over private land but they're landing in the right of way in a live trap. Again, there's no harm to the bird. This is a sport that has gone back to 700 years B.C. It supposedly originated in Mesopotamia. [LB865]

SENATOR STUTHMAN: Okay. Thank you, Senator Hudkins. [LB865]

PRESIDENT SHEEHY: Thank you, Senator Stuthman. Senator Wightman, followed by Senator Kopplin. Senator Wightman. [LB865]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the body. I, too, have

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some questions with regard to this. And as I understand, eagles, hawks; are there other birds that would fall within this particular exemption? [LB865]

PRESIDENT SHEEHY: Senator Hudkins, would you respond? [LB865]

SENATOR HUDKINS: Yes. What was your question? [LB865]

SENATOR WIGHTMAN: My question is, we talked about eagles and hawks, are there other birds that would fall within this exception that the commission could allow trapping? [LB865]

SENATOR HUDKINS: Falcons. Falcons, owls, buzzards were mentioned. I don't know that I'd want to train a buzzard, but that's up to the individual, I guess. [LB865]

SENATOR WIGHTMAN: Now the people that would do the trapping are people that are involved in falconry, is that right? [LB865]

SENATOR HUDKINS: That's correct. [LB865]

SENATOR WIGHTMAN: Is there any reason that these people couldn't trap these birds on private property as opposed to in road ditches? [LB865]

SENATOR HUDKINS: They could, but this is much easier for them. It is not a dangerous trap. They were able to do this before we passed the legislation last year because the trapping is different. There is a lot of training that goes on. There is an apprentice program that goes on. It takes...oh, you have to be an apprentice for two years and I think it takes seven years before you could even take the test to be a master falconer. [LB865]

SENATOR WIGHTMAN: So you explained the live traps, that it would not kill the bird but their feet become entangled in the bottom of that trap, is that right? [LB865]

SENATOR HUDKINS: That's correct. [LB865]

SENATOR WIGHTMAN: What damage does it do to their feet? [LB865]

SENATOR HUDKINS: What damage would it do to what? [LB865]

SENATOR WIGHTMAN: To the feet of the bird that's being trapped? [LB865]

SENATOR HUDKINS: The trap that we saw, the loops were...well, they weren't even wire. They were a very small cable. But the birds are not hurt. What good would it do to hurt the bird if you wanted to train this wild animal to...first of all, it's a bird's instinct to

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hunt rabbits, mice, whatever, and if you hurt them then you've just ruined all your chances. What the objective is, is to catch these birds, train them to hunt in the free and then fly back to captivity. This is a short time captivity for these birds. They are usually released after just the first hunting season. I was surprised it didn't take very long to train these birds, but after that hunting season is over then the birds are released back into captivity (sic). [LB865]

SENATOR WIGHTMAN: Well, I'm not a PETA member or anything but I do have... [LB865]

SENATOR HUDKINS: There is not an amendment. The wording on the letter from Game and Parks was incorrect. They refer to an amendment, but it was not. It was the bill. [LB865]

SENATOR WIGHTMAN: Okay. I will...I don't want to belabor the point. We're on the consent calendar. But I do have some problems with the bill. Thank you, Mr. President. [LB865]

PRESIDENT SHEEHY: Thank you, Senator Wightman. Senator Kopplin. [LB865]

SENATOR KOPPLIN: Thank you, Mr. President, members of the body. I will support this bill. Raptors are birds of prey. The bird most likely to be trapped is the red-tail hawk. We're not going to see the trapping of eagles. They trap immature birds, train the bird, love the bird. It has a longer life expectancy than it does in the wild. Another bird you might wonder about, well, the kestrels that you could see here on the walls of the State Capitol can be trained. [LB865]

PRESIDENT SHEEHY: Five minutes left in the time. [LB865]

SENATOR KOPPLIN: What was that? [LB865]

PRESIDENT SHEEHY: I was just notifying you, 5 minutes left in the 15 minutes. [LB865]

SENATOR KOPPLIN: Oh. Anyway, this is a good bill. These people trap these birds, train them, and then release them. There's no bird that is hurt. They don't want to hurt a bird. They aren't going to trap Peregrine falcons or eagles or anything because that doesn't even fit, really, what they're doing. They're just...those birds are called raptors but what we see them trap are the red-tailed hawks primarily and they do it along the roadside because that's where the hawks usually are. Thank you. [LB865]

PRESIDENT SHEEHY: Thank you, Senator Kopplin. Senator Nelson. [LB865]

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SENATOR NELSON: Thank you, Mr. President, members of the body. I'd like to rise in support of this. I remember the conversation last year with regard to trapping. Most of our concerns were danger to children from traps, other people, cruelty to animals. I don't see any of that here. Based on the description, it's a large box. They don't want to harm the raptors they're catching. I really don't see how anybody else could be harmed inadvertently because it's easily visible. So I stand in support of the bill. Thank you, Mr. President. [LB865]

PRESIDENT SHEEHY: Thank you, Senator Nelson. Are there additional members wishing to speak? Seeing none, Senator Hudkins, there's about 3 minutes left for your closing on LB865. [LB865]

SENATOR HUDKINS: It won't take that long, Mr. President. Thank you. And thanks, Senator Kopplin, for explaining what is on this handout that I gave you. This is a very specialized hunting procedure and it was an unintended consequences of the bill from last year. I would ask your green light on advancing this to Select File. Thank you. [LB865]

PRESIDENT SHEEHY: Thank you, Senator Hudkins. You have heard the closing to LB865. The question is, shall LB865 advance? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB865]

CLERK: 33 ayes, 0 nays on the advancement, Mr. President. [LB865]

PRESIDENT SHEEHY: LB865 advances. Next item. [LB865]

CLERK: LB728, a bill by Senator Karpisek. (Read title.) Introduced on January 9, referred to General Affairs, advanced to General File, Mr. President. [LB728]

PRESIDENT SHEEHY: Senator Karpisek, you're recognized to open on LB728. [LB728]

SENATOR KARPISEK: Thank you, Mr. Lieutenant Governor and members of the body. LB728 would include the name of Guy G. Miller in recognition with Jim Fras as writing Nebraska's state song, "Beautiful Nebraska." Currently, Jim Fras is solely given credit for writing the state song and it was his family who asked to have Guy G. Miller included. Guy G. Miller's name is included in the Nebraska Blue Book, on the Secretary of State's web site, and also on the cover of the sheet music of the song. I think this was just an error that didn't get into the statute when "Beautiful Nebraska" was proclaimed our state song and, as a favor of the Fras and Miller families, I think it is only right that Guy G. Miller also get his due. Thank you, Mr. President. [LB728]

PRESIDENT SHEEHY: Thank you, Senator Karpisek. You've heard the opening to LB728. Members wishing to speak from the floor, Senator Langemeier. [LB728]

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SENATOR LANGEMEIER: Mr. President, members of the body, I rise in support of this bill. I do have to add one little comment, is in all the town hall meetings I've had this year, not one has gone by with somebody asking me to sing a couple bars of "Beautiful Nebraska." So I would yield that time. I said I would let Senator Karpisek, if he cared to have a few bars of it, he could, and I would yield what time I have left. Thank you, Mr. President. [LB728]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. Senator Karpisek. [LB728]

SENATOR KARPISEK: Thank you, Senator Langemeier, and I think that Senator Erdman actually sang a few bars in committee, so I would yield to him. (Laughter) [LB728]

PRESIDENT SHEEHY: The Chair does not allow yielding of time beyond that point, so...(laughter). Members wishing to speak: Senator Wallman. [LB728]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. Thank you, Senator Karpisek. We have a signed copy by Jim Fras. He tuned our piano years ago. And so I think he was an honorable person and I think, too, he would want this recognition for his friend. Thank you, Mr. President. [LB728]

PRESIDENT SHEEHY: Thank you, Senator Wallman. Are there additional members wishing to speak on the advancement of LB728? Seeing none, Senator Karpisek, you're recognized to close. Senator Karpisek waives closing. The question before the body is, shall LB728 advance? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB728]

CLERK: 34 ayes, 0 nays on the advancement, Mr. President. [LB728]

PRESIDENT SHEEHY: LB728 does advance. (Visitors introduced.) Next item, Mr. Clerk. [LB728]

CLERK: LB775, by Senator Wightman. (Read title.) Introduced in January, referred to Judiciary, advanced to General File. I have no amendments, Mr. President. [LB775]

PRESIDENT SHEEHY: Senator Wightman, you're recognized to open on LB775. [LB775]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the Legislature. LB775 is a very simple, straightforward bill that would remove the requirements that the deputies of the clerk of the district and county courts be residents in the county in which they act. This was brought to me by a couple of district court clerks. Frequently, they do

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hire people from out of county. Some of those get a great deal of experience and are the logical person to be the deputy. They ask to have the prohibition removed that they had to live within the county. It was approved by NACO. They supported the bill, as did a couple of the clerks of the district court. There were no opponents. I would urge the advancement of LB775. Thank you. [LB775]

PRESIDENT SHEEHY: Thank you, Senator Wightman. You have heard the opening to LB775. Are there members wishing to speak from the floor? Seeing none, Senator Wightman, you're recognized to close. Senator Wightman waives closing. The question before the body is, shall LB775 advance? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB775]

CLERK: 32 ayes, 0 nays, Mr. President, on the advancement of LB775. [LB775]

PRESIDENT SHEEHY: LB775 advances. Next item, Mr. Clerk. [LB775]

CLERK: LB848, introduced by Senator Erdman. (Read title.) Introduced on January 10; referred to Banking, Commerce and Insurance; advanced to General File. I have no amendments to the bill at this time, Mr. President. [LB848]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Erdman, you're recognized to open on LB848. [LB848]

SENATOR ERDMAN: Mr. President, members of the Legislature, last legislative session we passed LB368, which created the Limited Cooperative Association Act and provides for limited cooperatives to be created in Nebraska. We were ahead of the curve and on the cutting edge of allowing our citizens this vital opportunity for them to organize their business structures to provide for new and creative opportunities for them, whatever their industry may be. After the adjournment and passage of LB368 and adjournment of last legislative session, the National Council of Commissioners on Uniform State Laws adopted a final draft of the Limited Cooperative Association Act and that was done in August of 2007. At the committee hearing on February 4, before the Banking, Commerce and Insurance Committee, individuals from the state of Nebraska that serve on that commission--specifically, Larry Ruth testified in favor of this bill; Ron Moravec, representing the Secretary of State's Office, testified in favor of the bill; and Rocky Weber, who has been working tirelessly with my staff on both LB368 and on this bill to clarify that it's in conformance with the uniform act--were also there to testify. The bill generally makes those harmonizing provisions necessary to comply with a majority of the model act. There are some things that won't conform and that was because we intentionally made those policy decisions last legislative session. The statement of intent outlines generally the ten items that are there, and they are generally changing definitions. There will be a further technical amendment that will be offered on Select File, but again these are technical amendments to the existing statute to harmonize the

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provisions with the uniform act that was adopted by the uniform commissioners in August. I would encourage your vote for LB848 to advance the bill to E&R. Thank you, Mr. President. [LB848 LB368]

PRESIDENT SHEEHY: Thank you, Senator Erdman. You have heard the opening to LB848. Are there members wishing to speak from the floor? Seeing none, Senator Erdman waives closing. The question before the body is, shall LB848 advance? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB848]

CLERK: 27 ayes, 0 nays on the advancement, Mr. President. [LB848]

PRESIDENT SHEEHY: LB848 does advance. Next item, Mr. Clerk. [LB848]

CLERK: LB1011, by Senator Langemeier. (Read title.) Bill was introduced on January 16; referred to the Banking, Commerce and Insurance Committee; advanced to General File. [LB1011]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Langemeier, you're recognized to open on LB1011. [LB1011]

SENATOR LANGEMEIER: Mr. President, members of the body, LB1011 was brought to me by the Nebraska Appraiser Board. It is what I would call, for the most part, a technical cleanup bill. It allows us to update the USPAP. We follow a code of USPAP which is federally chartered rules and regs that gets updated every year, so this would strike out the 2007 language and go to the 2008 language. And I'll be back again next year with this same bill to update it again. And with that, we went back into the previous statutes to kind of clean up some of the old appraiser acts that we've had in the past to take this forward. I did bring an amendment that you see to follow which is AM...I believe it's 1772, which has been filed. I brought it to committee, offered it to committee. They asked, due to the technical nature, that I submit it when I offer this bill on the floor. With that, I would ask for your support of LB1011. Thank you. [LB1011]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. You've heard the opening to LB1011. As noted, there is an amendment. Mr. Clerk. [LB1011]

CLERK: Senator Langemeier would move to amend with AM1772. (Legislative Journal page 534.) [LB1011]

PRESIDENT SHEEHY: Senator Langemeier, you're recognized to open on AM1772. [LB1011]

SENATOR LANGEMEIER: Mr. President, this is the amendment I talked about. I didn't remember the number correctly, AM1772. I ask that you adopt that. Thank you.

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[LB1011]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. You've heard the opening to AM1772. Are there members wishing to speak on this amendment? Seeing none, Senator Langemeier, you're recognized to close. Senator Langemeier waives closing. The question before the body is on the adoption of AM1772 to LB1011. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB1011]

CLERK: 29 ayes, 0 nays, Mr. President, on adoption of Senator Langemeier's amendment. [LB1011]

PRESIDENT SHEEHY: AM1772 is adopted. We'll return to floor debate on LB1011. No members wishing to speak. Senator Langemeier, you're recognized to close. Senator Langemeier waives closing. The question before the body is, shall LB1011 advance? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB1011]

CLERK: 29 ayes, 0 nays, Mr. President, on the advancement of LB1011. [LB1011]

PRESIDENT SHEEHY: LB1011 passes. Next item, Mr. Clerk. [LB1011]

CLERK: LB821, by Business and Labor. (Read title.) Introduced on January 10, referred to Business and Labor, advanced to General File. There are committee amendments pending, Mr. President. (AM1868, Legislative Journal page 586.) [LB821]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Cornett, you're recognized to open on LB821. [LB821]

SENATOR CORNETT: Thank you, Lieutenant Governor and members of the body. LB821 was introduced by Business and Labor Committee at the request of the Department of Administrative Services. Over the past few years, Risk Management has been discussing with members of the Business and Labor Committee ways to make the claims process more efficient for both claimants and state agencies. LB821 offers a number of changes to the claims process to facilitate such efficiencies. One of the biggest efficiencies in the bill is to the authorization action by the Risk Manager on tort claims under \$5,000, and to increase the Risk Manager's authority over miscellaneous claims from \$2,000 to \$5,000. Currently, every tort claim, regardless of the dollar amount, must meet...must be submitted to the Claims Board, which meets quarterly. Allowing the Risk Manager authority over claims up to \$5,000 will allow faster access to recovery for claimants and will allow the Risk Manager to act in a manner similar to functions of a claim adjuster in the private sector. Under this bill, the dollar threshold at which the district court and the Legislature review tort claims is unchanged. The dollar threshold at which the Legislature reviews miscellaneous claims is increased from \$10,000 to \$50,000 to match the threshold for legislative review of tort claims. The other

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major changes in the bill is to set a deadline for filing suit in district court for contract claims. Currently, there is no agreed-upon deadline for filing suit once a claimant or contracting agency objects to the board's jurisdiction, so this change would put everyone on notice and provide clarification. Just to recap, this bill would streamline the claims process so the claimants can receive their payment more quickly while still reserving their right of appeal to the Claims Board or, where appropriate, to the Legislature as a whole. In closing, I would ask the body to support LB821, and we do have a committee amendment. Thank you. [LB821]

PRESIDENT SHEEHY: Thank you, Senator Cornett. You have heard the opening to LB821. As noted, we do have a committee amendment, AM1868. Senator Cornett, you're recognized to open. [LB821]

SENATOR CORNETT: Thank you, Lieutenant Governor. The committee amendment makes one simple change to LB821. We've changed the deadline for filing suit on a contract claim from one year to two years. I'd like to point out this does not affect the two-year statute of limitations on contract claims. The statute of limitation allows a claimant two years to file their claim with the Claims Board. Once the parties have objected to the board's jurisdiction, this amendment would allow the parties two additional years in which to file suit in the district court. With that, I urge the body to support the committee amendments and advance LB821. [LB821]

PRESIDENT SHEEHY: Thank you, Senator Cornett. You've heard the opening to AM1868 to LB821. Are there members wishing to speak from the floor? Seeing none, Senator Cornett, you're recognized to close. Senator Cornett waives closing. The question before the body is on the adoption of AM1868 to LB821. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB821]

ASSISTANT CLERK: 26 ayes, 0 nays on the adoption of committee amendments, Mr. President. [LB821]

PRESIDENT SHEEHY: Committee amendment AM1868 is adopted. We'll return to floor discussion on LB821. Seeing no members wishing to speak, Senator Cornett, you're recognized to close. Senator Cornett waives closing. The question before the body is, shall LB821 advance? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB821]

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of LB821. [LB821]

PRESIDENT SHEEHY: LB821 does advance. Mr. Clerk, do you have an announcement? [LB821]

CLERK: I do, Mr. President. Appropriations Committee will meet in Executive Session at

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11:30 today in Room 2022. I also have, Mr. President, your Committee on Judiciary reports LB736 to General File with amendments, and Enrollment and Review reports LB1014A correctly engrossed. That's all that I have, Mr. President. (Legislative Journal page 953.) [LB736 LB1014A]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. We'll move to next item under General File.

CLERK: LB845, by Senator Fischer. (Read title.) Introduced on January 10, referred to Transportation, advanced to General File. I have no amendments, Mr. President. [LB845]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Fischer, you're recognized to open on LB845. [LB845]

SENATOR FISCHER: Thank you, Mr. President and members of the body. This proposal is a result of an audit of Nebraska's commercial driver's license laws conducted by the Federal Motor Carrier Safety Administration in 2005. LB845 was born out of this review, due to a federal requirement that needs to be addressed. It is intended to bring Nebraska statutes into compliance with federal regulations. Noncompliance can result in the withholding of funds of up to 5 percent of federal highway funds for the first year, and up to 10 percent for the second and subsequent years. The Nebraska Department of Roads controller has estimated that to translate to approximately \$9.4 million the first year and \$18.8 million for subsequent years. I would ask your adoption. Thank you. [LB845]

PRESIDENT SHEEHY: Thank you, Senator Fischer. You have heard the opening to LB845. Are there members wishing to speak from the floor? Seeing none, Senator Fischer, you're recognized to close. Senator Fischer waives closing. The question before the body is, shall LB845 advance? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB845]

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of LB845. [LB845]

PRESIDENT SHEEHY: LB845 does advance. Next item. [LB845]

CLERK: LB904, introduced to Senator Lautenbaugh. (Read title.) Introduced on January 14 of this year; referred to the Government, Military and Veterans Affairs; advanced to General File. I have no amendments at this time, Mr. President. [LB904]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Lautenbaugh, you're recognized to open on LB904. [LB904]

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SENATOR LAUTENBAUGH: Thank you, Mr. President, members of the body. LB904 was introduced to clarify or correct a, I would argue, misperception of some wording in the underlying existing statute. Currently, the language of the statute had been interpreted to mean that when a veteran passes away and needs to collect burial benefits because of, you know, financial difficulties, only another veteran can request those benefits on behalf of the veteran. This bill is brought to clarify that to make it clear that heirs of the deceased veteran can request those burial benefits. And I believe it's a very simple and straightforward and much needed improvement or clarification, and I would ask the body's support. [LB904]

PRESIDENT SHEEHY: Thank you, Senator Lautenbaugh. You've heard the opening to LB904. Are there members wishing to speak from the floor? Seeing none, Senator Lautenbaugh, you're recognized to close. Senator Lautenbaugh waives closing. The question before the body is, shall LB904 advance? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB904]

CLERK: 31 ayes, 0 nays, Mr. President, on the advancement of LB904. [LB904]

PRESIDENT SHEEHY: LB904 does advance. Next item. [LB904]

CLERK: LB798, introduced by Senator Louden. (Read title.) Introduced on January 10, referred to Natural Resources, advanced to General File. There are committee amendments pending, Mr. President. (AM1894, Legislative Journal page 639.) [LB798]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Louden, you're recognized to open on LB798. [LB798]

SENATOR LOUDEN: Thank you, Lieutenant Governor and members of the body. LB798 is a bill that is intended to clarify an existing statute regarding an exemption from surface water and ground water laws for the use of irrigation water reuse pits on the headwaters of natural streams, and to provide a mechanism for the statute to accurately reflect the intent of the scope of the exemption through time. The bill strikes headwater segment and inserts language that is current when describing hydrological conditions and impact. The bill describes a portion of a natural stream in which water flows only after a precipitation event or when augmented by surface water runoff caused by the pumping of ground water, as an ephemeral natural stream. The bill allows the Department of Natural Resources to investigate any ephemeral natural stream identified as such on the most recent United States Geological Survey topographical quadrangle map to determine whether such stream is perennial or intermittent, subject to permit requirements. If the department determines the natural stream is in fact an ephemeral natural stream, the water reuse pit located with such stream is exempt from the permit requirements. With that, we have committee amendments, Mr. President. [LB798]

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PRESIDENT SHEEHY: Thank you, Senator Louden. You have heard the opening to LB798. As noted, there is a Natural Resources Committee amendment, AM1894. Senator Louden, you're recognized to open. [LB798]

SENATOR LOUDEN: Thank you, Mr. President. The committee amendments are LB800 and LB799 was put into LB798 and the Sections 1 and 2. The purpose of the...is to...of the bill is to facilitate transfers of surface water rights. Normally, to obtain a right to transfer the location of a water use right, notice of the transfer must first be given to other appropriators and a hearing on the transfer could be required. Under an expedited transfer, which is restricted to a situation in which a surface water appropriator wants to make a minor change in the location of the irrigated fields being irrigated under the permit, there are no notice requirements and the transfer can be accomplished expeditiously. Current law states that a transfer cannot be considered as an expedited transfer if there is any, even a minor, change in the point of diversion of water from the stream. The proposed change would allow small changes in the point of diversion to occur under the expedited transfer process. Use of expedited transfers of surface water rights saves time, money, and effort for both irrigators and DNR. LB800 changes the age requirement of a project in order to be eligible for application for a permit for intentional underground storage of water. It removes a limitation on existing projects to enhance intentional ground water recharge capabilities and allows more flexibility in order to convert existing direct irrigation projects into intentional recharge projects. This would enable more efficient use of existing water supplies and conjunctive benefits in both ground water and surface water users. With that, that would be the amendments to the committee amendments, and I would ask that they be adopted. [LB798 LB800 LB799]

PRESIDENT SHEEHY: Thank you, Senator Louden. You have heard the opening on the Natural Resources Committee amendment, AM1894. Are there members wishing to speak from the floor? Seeing none, Senator Louden, you're recognized to close. Senator Louden waives closing. The question before the body is, shall AM1894 be adopted to LB798? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB798]

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB798]

PRESIDENT SHEEHY: AM1894 is adopted. We'll return to floor discussion on LB798. Seeing no members wishing to speak, Senator Louden, you're recognized to close. [LB798]

SENATOR LOUDEN: With that, I just ask that we advance LB798. Thank you, Mr. President. [LB798]

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PRESIDENT SHEEHY: Thank you, Senator Louden. You have heard the closing. The question before the body is, shall LB798 advance? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB798]

CLERK: 28 ayes, 0 nays on the advancement of LB798. [LB798]

PRESIDENT SHEEHY: LB798 advances. Next item. [LB798]

CLERK: LB764, introduced by Senator Cornett. (Read title.) Introduced on January 9, referred to the Judiciary Committee, advanced to General File. There are committee amendments, Mr. President. (AM1592, Legislative Journal page 644.) [LB764]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Cornett, you're recognized to open on LB764. [LB764]

SENATOR CORNETT: Thank you, Lieutenant Governor and members of the body, LB764 is about the well-being of animals. There are certain events being held that are dangerous to animals. One of these is horse tripping. Horse tripping is a term which refers to the practice of roping a horse by the legs with the intent of causing it to fall. This is inherently dangerous to the animal, since the animal is running at high speed and are then lassoed around the legs. This causes injuries. These injuries consist of broken bones, rope burns, and lacerations from being whipped. This bill also addresses the practice of steer tailing, in which a steer runs at full speed down a chute, then is pursued by a cowboy on horseback, grabs the steers tail, wraps it around his stirrup or boot and veers off. This causes the steer to fall, crashing to the ground. The tail is the extension of the bovine spinal cord and consists of the same muscles, vertebrae and nerves. There is quite a bit of pain and permanent injury that can be involved in this event. I know that there are two or three senators in the body that have concerns about husbandry practices. I wanted to reassure them that this bill does not touch commonly occurring husbandry practices. That is remaining in the statute. If you look at page 4, section (7): Commonly accepted practices of animal husbandry with respect to farm animals, including their transportation from one location to another and nonnegligent actions taken by personnel or agents of the Nebraska Department of Agriculture or the United States Department of Agriculture in the performance of duties prescribed by law. This bill is strictly dealing with a practice done by Charreada rodeos and does not touch commonly held farm practices in this state. Thank you very much. [LB764]

PRESIDENT SHEEHY: Thank you, Senator Cornett. You have heard the opening to LB764. As noted, there is a committee amendment from Judiciary Committee, AM1592. Senator Lathrop, you're recognized. [LB764]

SENATOR LATHROP: Thank you, Mr. President. A very simple amendment: AM1592 adds two sections to LB764 to state that the practices contained in the bill are not

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considered commonly accepted practices of sanctioned rodeos, animal racing, or pulling contests. We'd urge the body adopt AM1592. Thank you. [LB764]

PRESIDENT SHEEHY: Thank you, Senator Lathrop. You have heard the opening to Judiciary Committee amendment, AM1592. Are there members wishing to speak from the floor? Seeing none, Senator Lathrop, you're recognized to close. Senator Lathrop waives closing. The question before the body is on the adoption of AM1592 to LB764. All those in favor vote yea; opposed, nay. Senator Lathrop. [LB764]

SENATOR LATHROP: Mr. President, I'd ask for a call of the house. [LB764]

PRESIDENT SHEEHY: There is a request for the call of the house. The question before the body is, shall the house be placed under call? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB764]

CLERK: 27 ayes, 0 nays to place the house under call. [LB764]

PRESIDENT SHEEHY: The house is placed under call. All unexcused senators please report to the Legislative Chamber. All unauthorized personnel please step from the floor. The house is under call. Senators, please record your presence. Senator Lathrop, when we're ready to proceed, will you take call-ins? [LB764]

SENATOR LATHROP: Yes. [LB764]

PRESIDENT SHEEHY: Thank you. [LB764]

CLERK: Senator Langemeier voting yes. Senator Carlson voting yes. Senator Wightman voting yes. [LB764]

PRESIDENT SHEEHY: Please record, Mr. Clerk. [LB764]

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB764]

PRESIDENT SHEEHY: AM1592 is adopted. The call is raised. We will now return to floor discussion on LB764. Are there members...Senator McDonald. [LB764]

SENATOR McDONALD: Mr. President, members of the body, this bill came to the Judiciary Committee and, yes, it was a concern of...even the Cattlemen put this on their radar. They came and certainly didn't oppose the bill because it doesn't affect our ranchers, anyone that's dealing in cattle for their business or animal husbandry. So please be assured that this part does not affect them whatsoever. And I do support the bill. Thank you. [LB764]

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PRESIDENT SHEEHY: Thank you, Senator McDonald. Additional members wishing to speak? Seeing none, Senator Cornett, you're recognized to close on LB764. [LB764]

SENATOR CORNETT: Again, I want to urge the body to support this bill. Like Senator McDonald mentioned, there were no opponents to the bill, including the Cattlemen, because we took great pains when drafting it and amending it that it would not affect any of the husbandry practices in the state of Nebraska. Thank you very much. [LB764]

PRESIDENT SHEEHY: Thank you, Senator Cornett. You've heard the closing. The question before the body is, shall LB764 advance? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB764]

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of LB764. [LB764]

PRESIDENT SHEEHY: LB764 does advance. Next item under General File. [LB764]

CLERK: LB789, a bill by Senator Erdman. (Read title.) Introduced on January 9 of this year, referred to the Agriculture Committee, advanced to General File. There are committee amendments, Mr. President. (AM1928, Legislative Journal page 650.) [LB789]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Erdman, you're recognized to open on LB789. [LB789]

SENATOR ERDMAN: Mr. President, members of the Legislature, LB789 was brought to me by the Rural Development Commission which administers the Agricultural Opportunities and Value-Added Partnership Act. The original act was reinstated under LB90 in 2005, but it was originally put in statute in LB1348 in 2000, and the intent of the act is to provide grant funding for value-added ventures in agriculture in the state of Nebraska. This program has required a matching contribution of 25 percent of the awarded amount as a condition of eligibility since its beginning and has allowed in-kind contributions to be used in lieu of that cash match to satisfy the requirement. The allowance of the in-kind contribution has been discussed many times and the underlying legislation has been debated, but this part the committee felt that the bill, as introduced, was overly restrictive and, therefore, we pursued a committee amendment that we believed is more reflective of our wishes and also provides some better accountability. I will open on the committee amendment momentarily. [LB789]

PRESIDENT SHEEHY: Thank you, Senator Erdman. You've heard the opening to LB789. As noted, there is an Agricultural Committee amendment, AM1928. Senator Erdman, you're recognized to open on your amendment. [LB789]

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SENATOR ERDMAN: The Agriculture Committee heard LB789 in committee and advanced the bill 7 to 0, 1 member was absent and not present. The bill was advanced, with that vote, with the committee amendment which strikes the original provisions of the bill and becomes the bill. The amendment revised is Section 2-5420 and rearranges the sections, as well as adding a few new subsections, but what it specifically does is it retains the existing authority for the Rural Development Commission to accept in-kind contributions but it inserts the authority that the preference is given to those that also include a cash match. In other words, we give them the ability to set a priority. If they're deciding whether or not one program or one application is greater or more beneficial than the other, they have the authority, they're not required to, but they would have the authority to create a priority system in which the entity that provides the cash match would have an advantage. Again, that's authorizing language and not a requirement. It also retains the bill's requirement that a 50 percent match of the grant funds also be included if you're acquiring buildings or equipment, but that only 25 percent of that amount must be cash. Finally, it adds a new section that clarifies that in the event that an entity or a recipient of the grant funds receives such a fund, that the building or equipment could not be resold or moved. Otherwise, it would be considered a diversion of grant funds and subject to recapture. Traditionally, what has happened is individuals will apply for this program. It has been very well received for the times when there has been funding available. I can go through a number of entities in western Nebraska that I'm aware of that have benefitted greatly from this grant program. The concern from the Rural Development Commission, the way the bill was introduced, was it's very difficult to quantify the amount of time that may count towards the in-kind match and it's a lot easier to administer the program if there's real dollars up front. The committee heard their concerns but believed that by simply requiring a true cash match it would eliminate some of the creative opportunities that we believe are available and some of the concerns that were expressed at the committee hearing. So the committee amendment provides better flexibility to the commission in allocating those grants, it provides better accountability, but it still retains the flexibility that we believe is essential for this program not only to be successful but to be available to agricultural producers and interests throughout the state. I would encourage your adoption of the committee amendment and would answer questions about the program if there are any. Thank you, Mr. President. [LB789]

PRESIDENT SHEEHY: Thank you, Senator Erdman. You have heard the opening of the Agricultural Committee amendment, AM1928. Are there members wishing to speak from the floor? Seeing none, Senator Erdman, you're recognized to close. [LB789]

SENATOR ERDMAN: Mr. President, I will waive closing on the amendment, as well as the bill. [LB789]

PRESIDENT SHEEHY: Thank you, Senator Erdman. You have heard the closing to AM1928. The motion before the body is on the adoption of AM1928. All those in favor

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vote yea; opposed, nay. Please record, Mr. Clerk. [LB789]

CLERK: 29 ayes, 0 nays, Mr. President, on the adoption of committee amendments. [LB789]

PRESIDENT SHEEHY: AM1928 is adopted. Senator Erdman has waived closing to LB789. The question is, shall LB789 advance? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB789]

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of LB789. [LB789]

PRESIDENT SHEEHY: LB789 does advance. Next item, Mr. Clerk. [LB789]

CLERK: Mr. President, LB902 by Senator Pankonin. (Read title.) Introduced on January 14 of this year, referred to the Judiciary Committee, at that time advanced to General File. I do have an amendment to the bill, Mr. President. [LB902]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Pankonin, you're recognized to open on LB902. [LB902]

SENATOR PANKONIN: Good morning, Mr. President, members of the body. LB902 would conform the state controlled substances schedule to provisions of federal law by designating oripavine as a Schedule II controlled substance. Oripavine is an opiate and a derivative of thebaine, a natural constituent of opium. It possesses an analgesic potency comparable to morphine as a potential for dependence. Until recently, oripavine was a Schedule II controlled substance in the United States, by default as a thebaine derivative, although it was not explicitly listed in the federal schedules. On September 24, 2007, the Drug Enforcement Administration formally added oripavine to Schedule II. The Nebraska Pharmacists Association was contacted late last fall by the Nebraska Board of Pharmacy with a request that Tramadol be added to the list of Schedule IV controlled substances. Tramadol is a narcotic analgesic used for treating moderate to severe pain and is generally thought to have a potential for dependence. It is this potential for dependency that has led the Nebraska Board of Pharmacy to suggest that Tramadol be designated as a Schedule IV controlled substance. While not scheduled as a controlled substance at the federal level, Tramadol has been classified as a Schedule IV controlled substance in Arizona, and a Schedule V controlled substance in Georgia. It is controlled but not scheduled in North Dakota and is classified as a dangerous drug in Ohio. LB902 would add Tramadol to Schedule IV here in Nebraska. Under current law, each registrant in Nebraska who manufactures, distributes, stores or dispenses controlled substances in Schedule I, II, III, IV, or V is required to prepare a biennial inventory of each controlled substance in his or her possession. One of the requirements of the inventory is that the registrant lists the exact count or measure of all Schedule I or II controlled substances, and lists and estimated count or measure of all

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controlled substances listed in Schedules III, IV, and V, unless the container holds more than 1,000 tablets, capsules or milliliters, in which case the inventory must list an exact count. LB902 would require that the controlled substance inventory be prepared and submitted to the Department of Health and Human Services on an annual, rather than a biennial, basis commencing January 1, 2009, and would require an exact count or measure of all Schedule I through V controlled substances. I would be happy to answer any questions. Thank you, Mr. President. [LB902]

PRESIDENT SHEEHY: Thank you, Senator Pankonin. You have heard the opening to LB902. As noted, there is an amendment filed. Mr. Clerk. [LB902]

CLERK: Senator Pankonin would move to amend with AM2179, Mr. President. (Legislative Journal page 921.) [LB902]

PRESIDENT SHEEHY: Senator Pankonin, you're recognized to open on AM2179. [LB902]

SENATOR PANKONIN: Thank you, Mr. President. AM2179 to LB902 makes technical amendments to the operative date and repealer provisions in the original bill. Section 2 of LB902 would establish a requirement for controlled substance registrants to prepare an annual rather than a biennial inventory of controlled substances and would also require an exact annual count or measure of all Schedule I through IV controlled substances. The revisions to the inventory requirements take effect on January 1, 2009. As originally introduced, the provisions of LB902 would become operative three months after the conclusion of the 2008 Legislative Session. The provisions of Nebraska Revised Statute Section 28-410 containing the revisions to the inventory requirements would be repealed at that same time. In order to avoid a gap between the repeal of existing provisions of law and the operative date of the revised inventory requirements, AM2179 would establish January 1, 2009, as the operative date for Section 2 of the bill and for the repeal of existing Section 28-410. I ask that you advance AM2179 to LB902. [LB902]

PRESIDENT SHEEHY: Thank you, Senator Pankonin. You've heard the opening of AM2179. Are there members wishing to speak from the floor? Seeing none, Senator Pankonin, you're recognized to close. Senator Pankonin waives closing. The question before the body is, shall AM2179 be adopted to LB902? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB902]

CLERK: 27 ayes, 0 nays, Mr. President, on the adoption of Senator Pankonin's amendment. [LB902]

PRESIDENT SHEEHY: AM2179 is adopted. We'll return to floor discussion on LB902. No members wishing to speak. Senator Pankonin, you're recognized to close. [LB902]

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SENATOR PANKONIN: I waive closing. [LB902]

PRESIDENT SHEEHY: Senator Pankonin waives closing. The question before the body is, shall LB902 advance? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB902]

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB902. [LB902]

PRESIDENT SHEEHY: LB902 does advance. Mr. Clerk, do you have items for the record? [LB902]

CLERK: I do, Mr. President. Your Committee on Enrollment and Review reports they've examined and reviewed LB1001 and recommend that it be placed on Select File; LB1001A, LB1094, LB1094A, LB765, and LB889, some of those having Enrollment and Review amendments. Amendments to be printed: Senator Erdman, LB848; Senator Fischer, LB162; Senator Raikes, LB846. That's all that I have, Mr. President. (Legislative Journal pages 954-957.) [LB1001 LB1001A LB1094 LB1094A LB765 LB889 LB848 LB162 LB846]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Next item.

CLERK: Mr. President, LB1067 is a bill by Senator Aguilar. (Read title.) Bill was introduced on January 22 of this year; referred to the Government, Military and Veterans Affairs Committee; advanced to General File. At this time I have no amendments. [LB1067]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Aguilar, you're recognized to open on LB1067. [LB1067]

SENATOR AGUILAR: Thank you, Mr. President, members of the body. Since the creation of federal and state requirements for certain election processes, cost of conducting the elections for counties have increased substantially. The current proration system, based on the amount of ballot space used, can result in very small reimbursement amounts to the counties from the smallest subdivisions. For small subdivisions such as villages, they are sometimes billed less than \$10, which is not reflective of the county's actual cost. The Lancaster County Election Commissioner testified that there are numerous costs for elections, such as programming and coding cost, and publishing the sample ballot in the newspaper, which cannot be directly billed to the political subdivisions because costs are based on the amount of ballot space used, not actual cost of the election. The result is the county pays the majority of the cost associated with the election, not the political subdivision whose candidates appear on the ballot. LB1067 establishes a minimum fee of \$50 to be charged to political

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subdivisions. The \$50 fee is, to some degree, an arbitrary amount but achieves a more appropriate level of reimbursement for the county. The bill also amends an alternative set fee billing process for public power districts to require a \$50 minimum fee. The bill advanced from the committee on an 8-0 vote. Proponents of the bill include the Secretary of State's Office; the Nebraska Association of County Officials; and the Clerks, Register of Deeds, Election Commissioners Association. Thank you for your consideration and I urge you to support this legislation. Thank you, Mr. President. [LB1067]

PRESIDENT SHEEHY: Thank you, Senator Aguilar. You've heard the opening to LB1067. Are there members wishing to discuss? Seeing none, Senator Aguilar, you're recognized to close. Senator Aguilar waives closing. The question before the body is, shall LB1067 advance? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB1067]

ASSISTANT CLERK: 25 ayes, 0 nays, Mr. President, on the motion to advance the bill. [LB1067]

PRESIDENT SHEEHY: LB1067 does advance. Next item. [LB1067]

ASSISTANT CLERK: Mr. President, LB838 was introduced by Senator Karpisek. (Read title.) Bill was introduced on January 10 of this year; referred to the Government, Military and Veterans Affairs Committee. That committee placed the bill on General File with committee amendments. (AM1788, Legislative Journal page 681.) [LB838]

PRESIDENT SHEEHY: Senator Karpisek, you're recognized to open on LB838. Thank you, Mr. Lieutenant Governor, members of the body. LB838 would eliminate the secrecy ballot for special elections by mail. With the bill, special elections by mail will follow the same procedure as used for early voting ballots in other elections. When there is a special election by mail, the voter will mark the ballot, seal it in an identification envelope, sign the identification envelope, and comply with any other instructions provided with the ballot. The bill also outlines what is included in the voter's oath, which is printed on the back of the identification envelope. So what we are doing here, body, is right now if you would mail in an absentee ballot, you don't have to have...there's not a secrecy ballot provided. But if we were doing an all mail-in election, say a bond issue or a street improvement, there would have to be a secrecy ballot involved. This would take the secrecy ballot out to eliminate confusion and make it harmonize with all of the other ballots that we do. The county clerks have said that it's confusing for them to have different ballots, different envelopes for different elections, so this would make it all the same when it is being sent in. There will also be an amendment that changes some of the voter's oath that is printed on the back of the identification envelope. Thank you, Mr. President. [LB838]

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PRESIDENT SHEEHY: Thank you, Senator Karpisek. You've heard the opening to LB838. As noted, there is an amendment from Government, Military and Veterans Affairs. Senator Aguilar, you're recognized to open on AM1788. [LB838]

SENATOR AGUILAR: Thank you, Mr. President. The green copy of LB838 eliminates language on the voter's oath stating, "my voting residency is," and replaces it with the language stating, "I live in the state of Nebraska at the address printed below." These phrases are not equivalent in all cases. Someone's residency may be different than where someone is currently living, for example, judges of the Court of Appeals who live in Lincoln but whose residency is in other parts of the state. Residency is often thought of as the place you consider your home and where you intend to return. To clarify this situation, the committee amendment provides that voters are required to provide their voting residence on the voter's oath. The bill advanced from the committee on an 8-0 vote. I urge your support of the committee amendment and the underlying legislation. Thank you, Mr. President. [LB838]

PRESIDENT SHEEHY: Thank you, Senator Aguilar. You have heard the opening on the committee amendment, AM1788. Members wishing to speak on the floor are Senator Schimek and Senator Lautenbaugh. Senator Schimek. [LB838]

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. I support the committee amendment and have no problem with that. I would like to talk with Senator Karpisek on the mike about the underlying bill, if I could. [LB838]

PRESIDENT SHEEHY: Senator Karpisek, would you respond? [LB838]

SENATOR KARPISEK: Yes, I will. [LB838]

SENATOR SCHIMEK: Thank you, Senator. You and I have had this discussion a little bit off the mike, and I was looking over the bill and was surprised to see that we were eliminating the secrecy envelope with this. Would you...do you have any...well, what was the reason for this bill? [LB838]

SENATOR KARPISEK: The reasoning was that right now, if you mail in an absentee ballot or early ballot, there is no secrecy envelope involved. Now, if there is just a special election that is handled all through the mail, there is a secrecy ballot, I'm sorry, secrecy envelope involved. This would get rid of the secrecy envelope for all elections, which I don't know what the percentage is of mail-in elections. I would say it's pretty small. So when there is one, it causes confusion and havoc in the county clerk's office to know if there's supposed to be a secrecy ballot or not. [LB838]

SENATOR SCHIMEK: Thank you, Senator. I don't want to prolong this for you. I don't want to try to stop this bill today, but I have reservations about doing this and I'm

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wondering if at the time we expand balloting to other kinds of elections if we'll...if the county clerks will come to us and say, well, we don't need the secrecy ballot on...or the secrecy envelope on this either. The secret ballot is just a fundamental, underlying part of our election process and I've been trying to find out when we did this on absentee ballots and I didn't remember it. I asked the committee counsel and she didn't remember it, but we think it happened it in 1997. That was...I was not Chair of the committee then and was unaware that we did this, I guess. I'd like for us to at least think about this policy before we vote it across on General File. And so I may come back with further discussion on it. I may come back with an amendment, but I'm not going to try to do anything today. It's short notice to you and I'm not sure I have all the facts yet either, but that does concern me and I would like for everybody in this body to think about what we might be doing here with this bill. Thank you. [LB838]

PRESIDENT SHEEHY: Thank you, Senator Schimek. Senator Lautenbaugh. [LB838]

SENATOR LAUTENBAUGH: Thank you, Mr. President, members of the body. I appreciate Senator Karpisek bringing this bill. And I did some checking, having a background in being an election commissioner myself. We did do away with the secrecy envelope for absentee ballots, which is the lion's share of the ballots that get mailed every election, several years ago. Now when we send out an absentee ballot, there's the outside ballot (sic) that it's transmitted in, and there's a ballot and a return envelope, that's it. Senator Karpisek's bill is designed to bring by-mail elections into, you know, compliance, if you will, or make them work the same as absentee balloting does, or early voting does, I guess we call it now. This would remove just an additional envelope in there. The ballot would still be coming back in an envelope obviously, so the secrecy would be protected in that regard. And I understand the need for this and it's worked well with absentee ballots and made that process move more smoothly as more and more people have availed themselves of it. This seems like the much more minor change, as there are so few elections by mail compared to the number of absentee ballots we send out every election cycle, but I think this is just a...more of almost a technical correction to make those elections function like the absentee ballot mailings, which the election commissioners and county clerks are so much more familiar with. So I support this bill and thank you, Senator Karpisek. [LB838]

PRESIDENT SHEEHY: Thank you, Senator Lautenbaugh. Are there additional members wishing to speak from the floor? Seeing none, Senator Aguilar, you're recognized to close. Senator Aguilar waives closing. The question before the body is on the adoption of the AM1788 to LB838. All those in favor vote yea; opposed, nay. Senator Aguilar. Please record, Mr. Clerk. [LB838]

ASSISTANT CLERK: 25 ayes, 0 nays on the adoption of committee amendments. [LB838]

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PRESIDENT SHEEHY: AM1788 is adopted. We'll return to floor discussion on LB838. Are there members wishing to speak? Seeing none, Senator Karpisek, you're recognized to close. [LB838]

SENATOR KARPISEK: Thank you, Mr. Lieutenant Governor. Members of the body, the confusion also is not only for the staff in the clerk's office but also for voters. I can just picture some people getting two envelopes and a ballot. They don't know which way, which one goes first. I think it's a little confusing, also since we don't do it on the absentee ballots. Senator Schimek talked about having...maybe some others would not use the secrecy ballots. We don't...there wouldn't be any others to take it away from. This is the only thing that they're used for now is the special all by-mail ballots. So I think that this would just make all mail-in ballots be the same, not so confusing to anyone that's working with them or using them. And I know that we are having a lot more secrecy...I'm sorry, a lot more mail-in ballots now. I don't know that we're having too many more of all-mail elections, but if there are, this would make it the same for all of our voting that goes on in the state. Thank you, Mr. President. [LB838]

PRESIDENT SHEEHY: Thank you, Senator Karpisek. You have heard the closing. The question before the body is, shall LB838 advance? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB838]

ASSISTANT CLERK: 26 ayes, 1 nay on the motion to advance the bill, Mr. President. [LB838]

PRESIDENT SHEEHY: LB838 does advance. Next item. [LB838]

ASSISTANT CLERK: Mr. President, LB1045 was introduced by Senator Pankonin. (Read title.) The bill was read for the first time on January 18 of this year; referred to the Banking, Commerce and Insurance Committee. That committee reports the bill to General File with committee amendments. (AM1819, Legislative Journal page 701.) [LB1045]

SENATOR LANGEMEIER PRESIDING [LB1045]

SENATOR LANGEMEIER: Senator Pankonin, you are recognized to open on LB1045. [LB1045]

SENATOR PANKONIN: Thank you, Mr. President, members of the body. LB1045 would require that an insurer who reduces, eliminates or introduces a more restrictive condition in an existing insurance policy, other than at the request of the insured, must notify the policyholder of the change prior to renewal of the policy. LB1045 would also require the insurer to notify each agency about the reduction or elimination of coverage, or the addition of a restrictive condition. The issue that prompted the introduction of

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LB1045 was brought to my attention by an insurance agent who has worked for a long time in the legislative district I represent. The agent learned that one of his clients had a claim denied because a form was changed when the insured's policy was renewed. The insurance company notified the insured of the change by including an asterisk on the form. The company described some of the other renewal changes in a separate document, but neglected to inform the insured that one sentence had been deleted from an exclusion that had in the past provided coverage by exception. The agent did not believe that it was wise to expect a consumer to detect the removal of one sentence from an entire insurance contract. The agent learned that other states required notification of changes at the time of renewal. The Department of Insurance informed the agent that Nebraska does not require this type of notification. The department suggested that the insured might want to file a complaint about the matter, and sent the agent a complaint form for his client's use. The agent then contacted my office to discuss the possibility of introducing legislation to require change notification. LB1045 is the result of our discussion. LB1045 and committee amendment AM1819 reflects the efforts of several individuals and will hopefully prevent other Nebraskans from discovering unexpected changes in their insurance policies. I would be happy to answer questions. [LB1045]

SENATOR LANGEMEIER: Thank you, Senator Pankonin. As the Clerk has stated, there are committee amendments offered by Banking, Commerce, and Insurance Committee. Senator Pahls, you're recognized to open on the committee amendment. [LB1045]

SENATOR PAHLS: Thank you, Mr. President and members of the body. The committee amendments to LB1045 are clarifying and clean up in nature. First, the committee amendments would clarify terminology by substituting the terms "insured" or "named insured" for "policyholder," where it is found in the bill. Second, the committee amendments would modernize the bill by providing that the required notice of reduction or elimination of coverage or restrictive conditions may be provided electronically by e-mail to the named insured and the agency. Those are the committee amendments. [LB1045]

SENATOR LANGEMEIER: Thank you, Senator Pahls. You have heard the opening on LB1045 and the committee amendments, AM1819. The floor is now open for discussion. Seeing no lights on, Senator Pahls, you're recognized to close. Senator Pahls waives closing. The question before the body is, shall AM1819, committee amendment offered to LB1045 be adopted? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB1045]

ASSISTANT CLERK: 25 ayes, 0 nays on the adoption of committee amendments. [LB1045]

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SENATOR LANGEMEIER: Committee amendments are adopted. We return now to discussion on LB1045, the bill itself. Seeing no lights on, Senator Pankonin, you're recognized to close. Senator Pankonin waives closing. The question before the body is, shall LB1045 advance? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB1045]

ASSISTANT CLERK: 25 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB1045]

SENATOR LANGEMEIER: LB1045 does advance. Mr. Clerk, next item on the agenda, LB593. [LB1045 LB593]

ASSISTANT CLERK: Mr. President, LB593, was introduced by Senator Louden. (Read title.) The bill was introduced for the first time on January 17, 2007, referred to the Natural Resources Committee. That committee placed the bill on General File. There are no committee amendments. [LB593]

SENATOR LANGEMEIER: Senator Louden, you are recognized to open on LB593. [LB593]

SENATOR LOUDEN: Thank you, Mr. President and members of the body. The purpose of LB593 is to eliminate a requirement that on July 1, 2009, the owner of any new tank at a site where tanks have not been previously located shall be fully insured through private insurance to cover the cost of any remedial action to such tank, or the site on which such tank is located. With that, I would ask for the advancement of LB593. [LB593]

SENATOR LANGEMEIER: Thank you, Senator Louden. You have heard the opening on LB593. The floor is now open for discussion. Senator Louden, you're recognized to close. Senator Louden waives closing. The question before the body is, shall LB593 advance? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB593]

ASSISTANT CLERK: 25 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB593]

SENATOR LANGEMEIER: LB593 does advance. Mr. Clerk, LB727. [LB593 LB727]

ASSISTANT CLERK: Mr. President, LB727, introduced by the Natural Resources Committee. (Read title.) The bill was read for the first time on January 9 of this year, referred to the Natural Resources Committee, which placed the bill on General File without committee amendments. [LB727]

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SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Louden, you're recognized to open on LB727. [LB727]

SENATOR LOUDEN: Thank you, Mr. President and members of the body. The purpose of LB727 is to bring the Department of Natural Resources statutes regarding hearings into conformity with other state statutes regarding hearings. Under current law a party to any proceeding has the right to request a hearing if the request is made within 15 days after the decision is made by the department. Under the proposed bill, a party would have 30 days to require a hearing. With that, I would ask that LB727 be advanced. [LB727]

SENATOR LANGEMEIER: Thank you, Senator Louden. You have heard the opening on LB727. The floor is now open for discussion. Seeing no lights on, Senator Louden, you are recognized to close on LB727. Senator Louden waives closing. The question before the body is, shall LB727 advance? All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB727]

ASSISTANT CLERK: 26 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB727]

SENATOR LANGEMEIER: LB727 does advance. Mr. Clerk, LB1145. [LB727 LB1145]

ASSISTANT CLERK: LB1145 was introduced by Senator Louden. (Read title.) The bill was read for the first time on January 23 of this year, referred to Natural Resources Committee, placed on General File with no committee amendments. [LB1145]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Louden, you're recognized to open on LB1145. [LB1145]

SENATOR LOUDEN: Thank you, Mr. President and members of the body. The purpose of LB1145 is to extend four dates under the Petroleum Release Remedial Action Act from June 30, 2009, to June 30, 2012, to allow for additional reimbursement from the Petroleum Release Remedial Action Fund. This would apply to responsible parties, third-party claims, and the Department of Environmental Quality for reimbursement for a remedial action it has undertaken under this act. Under current law reimbursement is allowed only for claims for remedial action undertaken for releases that are reported prior to June 30, 2009. It is extending it to June 30, 2012. With that, I would ask for the advancement of LB1145. [LB1145]

SENATOR LANGEMEIER: Thank you, Senator Louden. You have heard the opening on LB1145. The floor is now open for discussion. Seeing no lights on, Senator Louden you are recognized to close on LB1145. Senator Louden waives closing. The question before the body is, shall LB1145 be adopted? All those in favor vote yea; all those

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opposed vote nay. Record, Mr. Clerk. [LB1145]

ASSISTANT CLERK: 27 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB1145]

SENATOR LANGEMEIER: LB1145 does advance. Mr. Clerk, LB1162. [LB1145]

ASSISTANT CLERK: LB1162 was introduced by Senator Lautenbaugh. (Read title.) The bill was read for the first time on January 23 of this year, referred to Natural Resources Committee, placed on General File with no committee amendments. [LB1162]

SENATOR LANGEMEIER: Senator Loudon, you are recognized to open on LB1162. Excuse me, Senator Lautenbaugh, you're recognized to open on LB1162. [LB1162]

SENATOR LAUTENBAUGH: (Laugh) Thank you, Mr. President, members of the body. I was willing to let Senator Loudon do it, but I'll carry it, I guess. This is one of my three deer bills, the surviving members of the three deer bills, and this is very simple and straightforward. This was suggested to me by Game and Parks actually. Currently in the law there is both a ceiling and a floor regarding permits for hunting. This bill simply removes the floor, allowing Game and Parks more flexibility in lowering the cost of a hunting permit, and in a nutshell that is what the bill does. [LB1162]

SENATOR LANGEMEIER: Thank you, Senator Lautenbaugh. The floor is now...you have heard the opening on LB1162. The floor is now open for discussion. Seeing no lights on, Senator Lautenbaugh, you are recognized to close. [LB1162]

SENATOR LAUTENBAUGH: Thank you, members. I do appreciate your support on this, and I would urge the committee (sic) to deal with the deer as effectively as they did my other two bills on this topic, and we wouldn't be having this conversation. (Laughter) So thank you for your support on this bill, and I appreciate it. [LB1162]

SENATOR LANGEMEIER: Thank you, Senator Lautenbaugh. You have heard the closing on LB1162. The question before the body is, shall LB1162 advance? All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB1162]

ASSISTANT CLERK: 25 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB1162]

SENATOR LANGEMEIER: LB1162 does advance. Mr. Clerk, LB972. [LB1162 LB972]

ASSISTANT CLERK: Mr. President, LB972 was introduced by Senator Gay. (Read title.) The bill was read for the first time on January 15, 2008, referred to Health and

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Human Services. That committee advanced the bill to General File with committee amendments. (AM1977, Legislative Journal page 722.) [LB972]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Gay, you're recognized to open on LB972. [LB972]

SENATOR GAY: Thank you, Mr. President. LB972 was brought to me by the Nebraska Optometric Association and the Board of Optometry. It would require that optometrists from other states who apply for a license in Nebraska be actively engaged in the practice of optometry for at least two of the three years immediately preceding their application. The green copy of the bill also requires that an applicant provide evidence for being credentialed in another state with a license at the highest level. The committee amendment clarifies what the intent of this language is, and that will be covered when we discuss the amendment. In Section 2 of this bill, an "and" is changed to "or," and this means continuing competency requirements could be waived if a person submits proof that he or she was suffering from a serious disabling condition within the previous 24 months, or was initially licensed in the preceding 26 months, as opposed to meet both requirements. This bill is to just make sure consumers are being treated by the highest competency that we have in the state of Nebraska, and that somebody can't come in and have lower competency levels. Thank you, Mr. President. [LB972]

SENATOR LANGEMEIER: Thank you, Senator Gay. As the Clerk has stated, there are amendments offered by the Health and Human Services Committee. Senator Johnson, as Chair, you're recognized to open on AM1977. [LB972]

SENATOR JOHNSON: Thank you, Mr. President, and we'll try and be brief. This is AM1977 to LB972. What this does is, this committee amendment is basically a technical change to the reciprocal provisions in the bill. The amendment requires that applicants for licensure in Nebraska who are currently licensed in another jurisdiction must provide satisfactory--and this is a quote--"provide satisfactory evidence of being credentialed in such other jurisdiction at a level with the requirements that are at least as stringent or more stringent than the requirements for their comparable credential being applied for in the state of Nebraska." This is basically what the amendment is, and it's just to make sure, with the correct language, that a person from another jurisdiction, usually another state, that the credentials that they hold are at least equal to that of Nebraska as the process takes place. With that, I'd ask for your support. [LB972]

SENATOR LANGEMEIER: Thank you, Senator Johnson. You have heard the opening on LB972 and AM1977, the committee amendment. The floor is now open for discussion. Seeing no lights on, Senator Johnson, you're recognized to close. Senator Johnson waives closing. The question before the body is, shall AM1977, the committee amendment, be adopted to LB972? All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB972]

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ASSISTANT CLERK: 31 ayes, 0 nays on the adoption of committee amendments.  
[LB972]

SENATOR LANGEMEIER: Committee amendments, AM1977, are adopted. Now we return to discussion on LB972, the bill itself. The floor is now open. Seeing no lights on, Senator Gay, you're recognized to close on LB972. Senator Gay waives closing. The question before the body is, shall LB972 advance? All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB972]

ASSISTANT CLERK: 27 ayes, 0 nays on the motion to advance the bill, Mr. President.  
[LB972]

SENATOR LANGEMEIER: LB972 does advance. Mr. Clerk, LB993. [LB972]

ASSISTANT CLERK: LB993 was introduced by Senator McDonald. (Read title.) The bill was read for the first time on January 16, 2008, referred to the General Affairs Committee, placed on General File with no committee amendments. [LB993]

SENATOR LANGEMEIER: Senator McDonald, you are recognized to open on LB993.  
[LB993]

SENATOR McDONALD: Mr. President and members of the body, this is a very simple bill that I introduced in response to the annual letter that the Liquor Control Commission sends to the Governor and the Legislature stating their recommendations for statutory changes. This bill would allow the Nebraska Liquor Control Commission Rule and Regulation Cash Fund to be used for additional purposes. When the Liquor Control Commission began selling its rules and other publications in fiscal year 1986-1987, proceeds were deposited into this cash fund to be used to offset the cost of producing the materials. Since that time, \$5 from each annual registration fee is deposited into this fund to offset printing costs of the commission materials, and then all licensees receive free copies of the materials. Nonlicensees can get commission materials for a reasonable fee. Also, the fees collected for the cost of forms and labels printed for the administration of the keg registration program are placed in this fund. The Liquor Control Commission would like to utilize the fund for additional enforcement purposes such as buying alcohol testers, create training materials, and helping to offset the cost of electronic regulatory transactions. These uses represent valid functions for the Liquor Control Commission, and I would encourage you to support this bill. Thank you. [LB993]

SENATOR LANGEMEIER: Thank you, Senator McDonald. You have heard the opening on LB993. The floor is now open for discussion. Seeing no lights on, Senator McDonald you're recognized to close. She waives closing. The question before the body is, shall LB993 advance? All those in favor vote yea; all those opposed vote nay. Record, Mr.

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Clerk. [LB993]

ASSISTANT CLERK: 28 ayes, 0 nays on the motion to advance the bill to E&R Initial. [LB993]

SENATOR LANGEMEIER: LB993 does advance. Mr. Clerk, LB1103. [LB993 LB1103]

ASSISTANT CLERK: LB1103, introduced by Senator Karpisek. (Read title.) The bill was read for the first time on January 23 of this year, referred to the Committee on General Affairs, which placed the bill on General File with no committee amendments. [LB1103]

SENATOR LANGEMEIER: Senator Karpisek, you are recognized to open on LB1103. [LB1103]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. LB1103 was brought to me by the Nebraska Wine and Grape Growers Association. Their members would like clarification for consistency in the application of the 75/25 percent rule, which defined is saying that they have to use 75 percent Nebraska product and 25 percent from another state. If a farm winery owner is granted a waiver due to a natural disaster which causes substantial loss to the Nebraska grown crop, any product purchased as concentrated juice from outside of Nebraska, when reconstituted may not exceed in total volume, along with other products purchased, the total percentage allowed by the waiver. This reconstitution rule also applies to the 25 percent rule. The bill would also allow farm wineries to sell their wines to other Nebraska farm wineries in bulk, bottled, labeled or unlabeled. Also, it would allow farm wineries to purchase distilled spirits from licensed microdistilleries in Nebraska in bulk or bottled to add to their Nebraska wine to make fortified wine, such as port. Thank you, Mr. President. [LB1103]

SENATOR LANGEMEIER: Thank you, Senator Karpisek. You have heard the opening on LB1103. The floor is now open for discussion. Senator Rogert, you're recognized. [LB1103]

SENATOR ROGERT: Thank you, Mr. President. I was wondering if Senator Karpisek would engage in a little conversation, please? [LB1103]

SENATOR LANGEMEIER: Senator Karpisek, would you yield? [LB1103]

SENATOR KARPISEK: Yes, I will. [LB1103]

SENATOR ROGERT: Senator Karpisek, I have a couple questions for you, and maybe you can enlighten me as to my concerns. I'm looking at a list of your bills here that you put in this year and last year, and as I go down the list they seem to be sort of tied together. I'll just kind of...for example: LB284 is about elections; LB665, about elections;

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LB686 is about elections; LB685 is about alcohol; LB689 is about alcohol; LB884 is about drugs and alcohol; LB838 is about elections; LB1062 is about elections; LB1103, farm alcohol; and then LB1054 is unlawful sex; and then...what's going on down in Wilber? Do you guys just get drunk and go vote? Is that what happened? (Laughter) [LB284 LB665 LB685 LB686 LB689 LB838 LB884 LB1054 LB1062 LB1103]

SENATOR KARPISEK: (Laugh) Surely not! No. Those are all the committees I'm on, Senator, and I feel those are the...I'd be best to represent these bills on those committees. [LB1103]

SENATOR ROBERT: Okay. Thank you, that...thank you, Mr. President. [LB1103]

SENATOR KARPISEK: Thank you. [LB1103]

SENATOR LANGEMEIER: Thank you, Senator Rogert. Seeing no other lights on, Senator Karpisek, you are recognized to close. Senator Karpisek waives closing. The question before the body is, shall LB1103 advance? All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB1103]

ASSISTANT CLERK: 31 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB1103]

SENATOR LANGEMEIER: LB1103 does advance. Mr. Clerk, LB710. Excuse me. Speaker Flood, for an announcement. [LB1103]

SPEAKER FLOOD: Thank you, Mr. President and members. In light of our progress today, we will be adjourning following the Ag Committee legislative confirmation report on the second page of your agenda. We will be adjourning for the day. Thank you, Mr. President.

SENATOR LANGEMEIER: Thank you, Speaker Flood. Continuing with the consent calendar, LB710. [LB710]

ASSISTANT CLERK: Mr. President, LB710 was introduced by Senator Pahls. (Read title.) The bill was read for the first time on January 9, referred to the Revenue Committee, which placed the bill on General File with no committee amendments. [LB710]

SENATOR LANGEMEIER: Senator Pahls, you're recognized to open on LB710. [LB710]

SENATOR PAHLS: Thank you, Mr. President, members of the body. LB710 requires a land reutilization authority to notify the adjacent landowners prior to selling a piece of

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property. The notice must be in writing and mailed to the owners on record 45 days prior to offering the property for sale. The cost of providing this notice will, on average, pay for itself through increased interest in the property being sold. The cost of the mailing is actually very minimal. By notifying the adjacent landowners, we increase the public involvement in a problem that affects the whole community; that is, by selling property that has not been generating its fair share of revenue. The purpose of this authority is to sell real estate the county has acquired as a result of nonpayment of property taxes. The authority is charged in statute with a duty to sell the land at a premium so that the county and the other political subdivisions where the property is located, including the school district, get the maximum value to make up for lost revenue. Thank you. [LB710]

SENATOR LANGEMEIER: Thank you, Senator Pahls. You have heard the opening on LB710. The floor is now open for discussion. Senator Pirsch, you're recognized. [LB710]

SENATOR PIRSCH: Thank you. I was just wondering if Senator Pahls would yield to a question? [LB710]

SENATOR LANGEMEIER: Senator Pahls, would you yield? [LB710]

SENATOR PAHLS: Yes, I would. [LB710]

SENATOR PIRSCH: And how many...this land reutilization, that's throughout the 93 counties, correct? [LB710]

SENATOR PAHLS: No, actually it's my understanding in 1973 this act was...became part of the statute, and only two counties, Lancaster and Douglas, are involved in this. [LB710]

SENATOR PIRSCH: Okay, yeah. And approximately how many properties are then offered for sale in this manner, and...do you know, in Lancaster and Douglas? [LB710]

SENATOR PAHLS: No, I do not have the exact number. I did get a listing from the person in charge. [LB710]

SENATOR PIRSCH: Okay. [LB710]

SENATOR PAHLS: And he didn't tell me how many and the number of years. He just told me that there were 72 vacant lots, but he did not indicate how many years this was... [LB710]

SENATOR PIRSCH: I guess my ultimate question, what I'm getting at, in looking at the fiscal note it doesn't seem to be a substantial impact or any significant impact that is, I think,...is that your understanding, as well? [LB710]

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SENATOR PAHLS: Right. It would be a financial impact on the counties. [LB710]

SENATOR PIRSCH: Okay. That's all the questions. [LB710]

SENATOR PAHLS: Thank you. [LB710]

SENATOR LANGEMEIER: Thank you, Senator Pirsch. Senator Nelson, you're recognized. [LB710]

SENATOR NELSON: Thank you, Mr. President. Would Senator Pahls yield to a question? [LB710]

SENATOR LANGEMEIER: Senator Pahls, will you yield? [LB710]

SENATOR PAHLS: Yes. [LB710]

SENATOR NELSON: What is the purpose of this amendment, the 45 days? I'm guessing that maybe it gives those adjacent landowners an opportunity to know that it is for sale and perhaps think about purchasing it themselves? Would that be it? [LB710]

SENATOR PAHLS: Yes. That's the primary purpose of that length of time. It is published in the newspaper, but typically, the common citizen does not look at that part. That's usually for the speculators buying, you know, land. That's usually what they're looking at. This is to give the person who lives right next to that property notice that it is up for sale. [LB710]

SENATOR NELSON: All right. Thank you, Senator Pahls. That's answers my question. Thank you, Mr. President. [LB710]

SENATOR LANGEMEIER: Thank you, Senator Nelson. Senator Wightman, you're recognized. [LB710]

SENATOR WIGHTMAN: Thank you, Mr. President. I did have a situation much like this, and I'm glad to see it's being addressed by a bill. But this was an out-of-state resident that had property immediately adjoining this, and it was going to be used for economic development, and the city was purchasing it, and he did not receive notice until--he was out of state--didn't receive notice until a day or two prior to the council meeting, and so I do think this probably addresses that, as well, and certainly would support the bill. Thank you. [LB710]

SENATOR LANGEMEIER: Thank you, Senator Wightman. Seeing no other lights on, Senator Pahls, you're recognized to close. Senator Pahls waives closing. The question

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before the body is, shall LB710 advance? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB710]

ASSISTANT CLERK: 26 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB710]

SENATOR LANGEMEIER: LB710 does advance. Mr. Clerk, LB1048. [LB710 LB1048]

ASSISTANT CLERK: LB1048, introduced by Senator Nantkes. (Read title.) The bill was read for the first time on January 18, referred to the Health and Human Services Committee. That committee placed the bill on General File with committee amendments attached. (AM1979, Legislative Journal page 750.) [LB1048]

SENATOR LANGEMEIER: Senator Nantkes, you are recognized to open on LB1048. [LB1048]

SENATOR NANTKES: Thank you, Mr. President. Good afternoon, colleagues. LB1048 is a piece of legislation that was brought to me by a constituent, a woman named Trish Hill, who found a very positive response to a very tragic situation that her family experienced this year when a normal and healthy pregnancy ended in a stillbirth. LB1048 establishes a certificate of birth resulting in stillbirth as an optional document for families requesting and paying for it in our state. There is already a death certificate issued and legislated final disposition at family's expense for all stillborn babies in Nebraska. Stillbirth is the unintentional death of an unborn baby who has passed the 20 gestational weeks, as defined by the National Institute of Child Health and Human Development. This issue is not only about dignity and validation, but also about maternal health and newborn well-being, epidemiology, and research. It's the right thing to do for women and families in our state, and I would appreciate your support. Thank you. [LB1048]

SENATOR LANGEMEIER: Thank you, Senator Nantkes. As the Clerk has stated, there are committee amendments offered by the Health and Human Services Committee. Senator Johnson, you are recognized to open on the committee amendment. [LB1048]

SENATOR JOHNSON: Thank you, Mr. President. This is regarding AM1979 to LB1048. I will be brief. What this does is this amendment essentially replaces the bill but retains what was meant by Senator Nantkes' bill. It just adjusts the language to a more legal form. What this does is it's in regard to fetal death certificates. It permits the parents of a stillborn child for whom the fetal death certificate is required--let me repeat that--for whom a fetal death certificate is required, to also request a certificate of birth resulting in the stillbirth of the child. And that's essentially what the bill is, is--and let me just repeat that. It permits the parents of a stillborn child for whom a fetal death certificate is required, to also request a certificate as described by Senator Nantkes. With that, I'd

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ask for your approval of this. All right. I have a comment beside me. I will repeat it once more. The committee amendment replaces the bill, but basically it is the bill. It is just the language that is corrected. Let me say again: The bill amends the section dealing with the fetal death certificates. It permits the parents of a stillborn child--and again--for whom a fetal death certificate is required, to also request a certificate of birth resulting in the stillbirth of the child, regardless of the corresponding fetal death certificate. So what this does is that the pregnancy has to be so far along, and I believe it's 20 weeks, that it requires the fetal death certificate, and the...because basically of the emotional content to the mother and the family, that they could also request the birth certificate, as well. So that's basically what the amendment is. [LB1048]

SENATOR LANGEMEIER: Thank you, Senator Johnson. You have heard the opening on LB1048 and AM1979. The floor is now open for discussion. Seeing no lights on, Senator Johnson, you are recognized to close on AM1979. Senator Johnson waives closing. The question before the body is, shall AM1979 be adopted? All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB1048]

ASSISTANT CLERK: 33 ayes, 0 nays on the adoption of committee amendments, Mr. President. [LB1048]

SENATOR LANGEMEIER: AM1979 is adopted. We return now to discussion on LB1048, the bill itself. Seeing no lights on, Senator Nantkes, you're recognized to close. Senator Nantkes waives closing. The question before the body is, shall LB1048 be adopted? All those in favor vote yea; all those opposed vote nay. Senator Karpisek, your call light came on. Did you wish to vote? Record, Mr. Clerk. [LB1048]

ASSISTANT CLERK: 32 ayes, 0 nays, Mr. President, on the motion to advance the bill. [LB1048]

SENATOR LANGEMEIER: LB1048 does advance. Mr. Clerk, LB1048A. [LB1048 LB1048A]

ASSISTANT CLERK: Mr. President, LB1048A, introduced by Senator Nantkes. (Read title.) [LB1048A]

SENATOR LANGEMEIER: Senator Nantkes, you're recognized to open on LB1048A. [LB1048A]

SENATOR NANTKES: Thank you, Mr. President. Good afternoon again, colleagues. Thank you for your support on the original legislation, LB1048, which creates a certificate of birth resulting in stillbirth. The accompanying A bill is the topic of discussion at the present moment. Please note that number one, this is all a cash-funded program, that the families who are going to be requesting that a certificate like this is issued will

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be paying a fee for the issuance of that certificate. And so, this doesn't really have a General Fund impact. At the request of the women who've helped to craft this legislation, they wanted to not impose an additional financial burden on the state, but rather to allow families the option...who are going to utilize this option for this kind of certificate, to pay a fee to carry out the administrative costs associated therewith. So with that, I would be happy to answer any questions, and I thank you for your support. [LB1048A LB1048]

SENATOR LANGEMEIER: Thank you, Senator Nantkes. You have heard the opening on LB1048A. The floor is now open for discussion. Seeing no lights on, Senator Nantkes, you're recognized to close. Senator Nantkes waives closing. The question is, shall LB1048A be adopted? All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB1048A]

CLERK: 32 ayes, 0 nays, Mr. President, on the advancement of LB1048A. [LB1048A]

SENATOR LANGEMEIER: LB1048A does advance. Mr. Clerk, LB572. [LB1048A LB572]

CLERK: LB572 by Senator Kruse. (Read title.) Introduced on January 17 of last year, at that time referred to the Government, Military and Veterans Affairs Committee. The bill was advanced to General File. I have no amendments at this time, Mr. President. [LB572]

SENATOR LANGEMEIER: Senator Kruse, you are recognized to open on LB572. [LB572]

SENATOR KRUSE: Thank you, Mr. President and colleagues. LB572 fixes a technicality. The vote in the committee was 7-0. There was no opposition and there is no fiscal impact. Library employees that are in Nebraska regional libraries are paid with state dollars. However, we encourage and ask that there be local boards that would give direction to these libraries, and because of that it creates a technicality that the librarian is hired by that local board, even though being paid with state dollars. This will allow those persons to have the health insurance and to be benefited by the state system of insurance and health and will just take care of the problem. Thank you. [LB572]

SENATOR LANGEMEIER: You have heard the opening on LB572. The floor is now open for discussion. Seeing no lights on, Senator Kruse, you're recognized to close. Senator Kruse waives closing. The question before the body is, shall LB572 advance? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB572]

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CLERK: 30 ayes, 0 nays, Mr. President, on the advancement of LB572. [LB572]

SENATOR LANGEMEIER: LB572 does advance. Mr. Clerk, LB1108. [LB572 LB1108]

CLERK: LB1108 by Senator Erdman. (Read title.) Introduced January 23 of this year, referred to Health and Human Services, advanced to General File. There are committee amendments, Mr. President. (AM1897, Legislative Journal page 751.) [LB1108]

SENATOR LANGEMEIER: Senator Erdman, you are recognized to open on LB1108. [LB1108]

SENATOR ERDMAN: Mr. President, members of the Legislature, LB1108 is a bill that clarifies provisions of LB247 from last year. Finally, for the first time in the history of our state, we decided to join this century in how we license mental health practitioners in allowing them to operate independently, and that was passed as an amendment to LB247 last year, creating that licensure opportunity. There were two inadvertent omissions in that bill, which was quite lengthy, and AM1897, which I believe is the committee amendment, corrects those and would be the necessary changes to correct some references, as well as an examination requirement in the law. Senator Johnson will have those amendments, and I will waive my closing on LB1108 when we get there. Thank you, Mr. President. [LB1108 LB247]

SENATOR LANGEMEIER: Thank you, Senator Erdman. Senator Johnson, you are recognized to open on the committee amendments offered by the Health and Human Services Committee, AM1897. [LB1108]

SENATOR JOHNSON: Thank you, Mr. President. And again, I will be brief. The committee amendment makes just technical changes to this bill. It adds harmonizing references to independent licensed mental health practitioners in two additional sections of the law. This amendment is simply technical in nature, as Senator Erdman suggested, and I would ask for your adoption of this amendment. [LB1108]

SENATOR LANGEMEIER: Thank you, Senator Johnson. You have heard the opening on LB1108 and the committee amendment offered, AM1897. The floor is now open for discussion. Seeing no lights on, Senator Johnson, you're recognized to close. Senator Johnson waives closing. The question before the body is, shall AM1897 be adopted to LB1108? All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB1108]

CLERK: 34 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB1108]

SENATOR LANGEMEIER: AM1897 is adopted. We return now to discussion on

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LB1108. There are no lights on. Senator Erdman has waived closing. The question before the body is, shall LB1108 be adopted? All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB1108]

CLERK: 34 ayes, 0 nays on the advancement of the bill, Mr. President. [LB1108]

SENATOR LANGEMEIER: LB1108 does advance. Continuing on the agenda to legislative confirmation reports. [LB1108]

CLERK: The Agriculture Committee reports on the appointment of Tamas Allan to the State Fair Board.

SENATOR LANGEMEIER: Senator Erdman, you are recognized to open on a confirmation report offered by the Agriculture Committee.

SENATOR ERDMAN: Mr. President and members of the Legislature, on February 26 the Agriculture Committee heard the reappointment of Tamas Allan, commonly referred to as Tam Allan, to the Nebraska State Fair Board. Mr. Allan was first appointed to fill a full term three years ago, a full term of three years, when his predecessor elected not to seek reappointment. He's eligible for reappointment to this and one additional three-year term. There is no statutory qualification, other than that the appointee satisfy the requirement of being a member of the business community of Lincoln. Mr. Allan is the owner at present of Village Development, a real estate development business in Lincoln. He is an attorney, member of the State Bar Foundation. He has been active in supporting performing arts as a member of the Nebraskaland Foundation. In 2002 the Nebraska Legislature passed LB1236. LB1236 reorganized what was previously the state Board of Agriculture to now the Nebraska State Fair Board. The State Fair Board has seven members, drawn from the county agricultural societies, that are nominated and selected by their district--four members appointed by the Governor, two of which are members of the Lincoln business community, one member is a member of the Omaha business community, and one is a member of the business community of the state at large. There are currently two ex officio members of the Fair Board, the Chairperson of the Arts Council and the Chancellor at the University of Nebraska-Lincoln or their designees. Mr. Allan appeared in person on February 26. The committee voted to recommend approval of his appointment or reappointment on a vote of 5-2. One member was absent from that vote. I was one of the five that voted to confirm or to reappoint Mr. Allan. As many of you are aware, we have been working tirelessly in the Ag Committee, and myself specifically as the Chair of the committee, on issues regarding the State Fair. Mr. Allan deserves to be reappointed. Mr. Allan is a representative, is a member of the Lincoln business community. His responsibilities during the last 14 months have generally been to represent the entire board of the State Fair Board, which is the responsibility that he has as a member of that board, but he is still a business member from the Lincoln community. As you are aware, there are other

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Lincoln business interests that have a different opinion of the State Fair or the location of the State Fair. I wholeheartedly support his appointment. I concur...or I would encourage you to do the same. If you have questions, I would do my best to answer them on this specific appointment, and will add some additional information on my closing. Thank you, Mr. President.

SENATOR LANGEMEIER: Thank you, Senator Erdman. You have heard the opening on the confirmation report offered by the Agriculture Committee. The floor is now open for discussion. Seeing no lights on, Senator Erdman, you are recognized to close.

SENATOR ERDMAN: Thank you, Mr. President and members of the Legislature. Let me reiterate what the Speaker said earlier today about some of the issues that will likely come before the Legislature, so that there is no doubt about what my plan is and what I believe the Agriculture Committee's plan is for this topic in general. There will be a bill that will be advanced to the floor of the Nebraska Legislature to resolve this discussion, this legislative session. Some media reports and others have misinterpreted that or tried to construe that to be something different than it is. And I want it to be clear for you as members of the Legislature that there will be a bill coming, it will take the form of LB1116. The members of the Agriculture Committee believe strongly, as I do, that this issue needs to be resolved this legislative session, and to that extent I am continually working all hours of the day, if necessary, to find solutions to this discussion. Mr. Allan has been a part of those conversations, as a representative of the Fair Board. I appreciate his passion and interest in the future of the Nebraska State Fair. I believe it is essential that we do that this session, and so for those of you that may be getting conflicting comments or may be sharing other comments, as well, we will resolve this, this legislative session. I encourage your support for Mr. Allan to be reappointed to the Nebraska State Fair Board. Thank you, Mr. President. [LB1116]

SENATOR LANGEMEIER: Thank you, Senator Erdman. You have heard the closing on the confirmation report offered by the Agriculture Committee. The question is, shall the confirmation report be adopted? All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal pages 959-960.) 31 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

SENATOR LANGEMEIER: The confirmation report is adopted. Mr. Clerk, items for the record.

CLERK: Mr. President, your Committee on Urban Affairs, chaired by Senator Friend, reports LB984 to General File, LB1101 to General File, and LR229CA to General File. Agriculture Committee, chaired by Senator Erdman, reports LB1027 to General File with amendments; LB1174 to General File with amendments. I do have amendments to be

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printed: Senator Christensen to LB1094; Senator Heidemann to LB961; Senator Raikes to LB988. I have a new resolution: Senator Burling would offer LR280. That will be laid over. Name adds, Mr. President: Senator Kruse would like to add his name to LB920; Senator Preister to LB920. (Legislative Journal pages 960-963.) [LB984 LB1101 LR229CA LB1027 LB1174 LB1094 LB961 LB988 LR280 LB920]

And I have a priority motion. Senator White would move to adjourn until Monday morning, March 17, at 10 a.m.

SENATOR LANGEMEIER: Members, you have heard the motion to adjourn until Monday, March 17, 2008, at 10 a.m. All those in favor say aye. All those opposed say nay. The ayes have it. We are adjourned.