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Floor Debate
January 23, 2009

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SENATOR ROBERT PRESIDING []

SENATOR ROBERT: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the twelfth day of the One Hundred First Legislature, First Session. Our chaplain for today is Senator Stuthman. Would you please rise. []

SENATOR STUTHMAN: (Prayer offered.) []

SENATOR ROBERT: Thank you. I call to order the twelfth day of the One Hundred First Legislature, First Session. Senators, please record your presence. Mr. Clerk, please record. []

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

SENATOR ROBERT: Thank you, Mr. Clerk. Are there any corrections for the Journal?
[]

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

SENATOR ROBERT: Thank you. Are there any messages, reports, or announcements? []

CLERK: Mr. President, I do have a Reference report referring LB501-679. I have hearing notices from the Revenue Committee, Business and Labor Committee, Transportation Committee, General Affairs Committee, all signed by the respective Chairpersons. I have a report of registered lobbyists this week, Mr. President, to be inserted as required by statute; and a series of reports received in the Clerk's Office, available for member review. That's all that I have, Mr. President. (Legislative Journal pages 271-277.) []

SENATOR ROBERT: Thank you, Mr. Clerk. We will now proceed to the first item on the agenda. Mr. Clerk. []

CLERK: Mr. President, the first motion this morning, Senator Christensen would move to withdraw LB18. [LB18]

SENATOR ROBERT: Senator Christensen, you're recognized. [LB18]

SENATOR CHRISTENSEN: Thank you, Chairman. I'd just like to ask that everybody

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vote to remove this bill. As I've got some additional information, I see there was a lot of work to do on this subject, so I'm just asking that you unanimously just remove it. Thank you. [LB18]

SENATOR ROBERT: Is there any discussion on the matter? If not, Senator Christensen to close. Senator Christensen waives closing. The question before the body is, shall LB18 be withdrawn? All those in favor vote yea; all those opposed vote nay. Have all those voted who wish? Mr. Clerk, please record. [LB18]

CLERK: 39 ayes, 0 nays, Mr. President, on the adoption of Senator Christensen's motion. [LB18]

SENATOR ROBERT: The bill is withdrawn. Mr. Clerk, we will proceed to General File. [LB18]

CLERK: Mr. President, LB1, introduced by Senator Wightman, as Chair of the Executive Board. (Read title.) The bill was reported directly to General File, Mr. President. [LB1]

SENATOR ROBERT: Senator Wightman, as Chair of the Executive Board, you're recognized to open on LB1. [LB1]

SENATOR WIGHTMAN: Thank you, Mr. President. Every year the Chair of the Executive Board brings, on behalf of the Revisor of Statutes, bills to repeal certain sections of the Nebraska statutes that are now obsolete. They're technical correction bills prepared by the Revisor of Statutes and, pursuant to our rules, are introduced by the Chairperson of the board and referred directly to General File. So there's been no committee hearings on these. Revisor bills include such things as a repeal of statutes or parts of statutes that have become obsolete, and this is a statutory measure and they do it perhaps to delete language that has been found unconstitutional as well, correcting internal references, and harmonizing provisions. This year there are three Revisor bills. They all deal with statutes that have become obsolete and, by saying this, it provides right in the statute, in these three instances at least, that there are termination dates on the statutes. By the terms of the statute themselves, they have terminated. And on each of these I will mention the termination date as provided by statute. So this year we have three. They'll be LB1, LB2, and LB3, and we'll be considering those. In each instance, as I say, they do provide for a termination date in each of these three. The first one that we have would repeal a section of the law, and the sections are set forth in the legislative bill, involving settlement escrow. These sections specifically terminated on July 1, 2004, so no one, no citizen of Nebraska, could bring any action that would involve these statutes because they're really not on the books, even though they are on the books. And by saying that I mean they've terminated, no legal proceeding could be brought under them. This happened to be one that provided for settlements through escrow arrangements in the district courts of various counties in Nebraska. So I am

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asking for your favorable vote to repeal these sections so they no longer appear in the books and so that our red books are not quite as large as they have been. Thank you, Mr. President. [LB1 LB2 LB3]

SENATOR ROBERT: Thank you, Senator Wightman. Is there anyone wishing to speak on LB1? Seeing none, Senator Wightman to close. [LB1]

SENATOR WIGHTMAN: I'll waive close. [LB1]

SENATOR ROBERT: Senator Wightman waives closing. You have heard the closing on the advancement of LB1 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all those voted who wish? Mr. Clerk, please record. [LB1]

CLERK: 42 ayes, 0 nays, Mr. President, on the advancement of LB1. [LB1]

SENATOR ROBERT: LB1 does advance. Next item, Mr. Clerk. [LB1]

CLERK: Mr. President, LB2, introduced by Senator Wightman, as Chair of the Executive Board. (Read title.) The bill was reported directly to General File, Mr. President. [LB2]

SENATOR ROBERT: Senator Wightman, as Chair of the Exec Board, you are recognized to open on LB2. [LB2]

SENATOR WIGHTMAN: Thank you, Mr. President. This the second of the three bills that I discussed in my opening remarks with regard to LB1. Section...or LB...LB2 would repeal the Nebraska Transit and Rail Advisory Council Act, which was commenced I believe under legislation provided, originally passed I think in 2001, but at any rate it...or in 1999 and revised in 2001. The sunset date was June 30, 2005, so that has been three and a half years ago. Again, nothing could happen under this act because, for all practical purposes, the act is no longer in existence. So I would ask for your support on that bill. [LB2 LB1]

SENATOR ROBERT: Thank you, Senator Wightman. Is there anyone wishing to speak on LB2? Seeing none, Senator Wightman, you're recognized to close. Senator Wightman waives closing. The question is, shall LB2 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish? Record, Mr. Clerk. [LB2]

CLERK: 41 ayes, 0 nays, Mr. President, on the advancement of LB2. [LB2]

SENATOR ROBERT: LB2 does advance. Next item, Mr. Clerk? [LB2]

CLERK: LB3, introduced by Senator Wightman, as Chair of the Executive Board. (Read

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title.) The bill was reported directly to General File. [LB3]

SENATOR ROBERT: Senator Wightman, once again, as Chair of the Executive Board, you are recognized to open on LB3. [LB3]

SENATOR WIGHTMAN: Thank you, Mr. President. The thought occurs to me that maybe these should be assigned to a freshman senator because they're a great confidence builder when you can get up and have three bills passed with little debate. So I assume all senators would like a few of these so I feel honored to be able to have these with...and I hope you'll remember that and do likewise on some of my later bills that come before this body. LB3 repeals the Nebraska Venture Capital Forum Act. I assume few of us in this body have dealt with that section, those sections. It is now obsolete because the statutory provisions specifically provide that it sunset on December 31, 2003. So again, I would appreciate your vote in passing this on to Select File. [LB3]

SENATOR ROBERT: Thank you, Senator Wightman. Is there anyone wishing to speak on LB3? Seeing none, Senator Wightman to close. Senator Wightman waives closing. The question is, for the body, shall LB3 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish? Record, Mr. Clerk. [LB3]

CLERK: 37 ayes, 0 nays, Mr. President, on the motion to advance LB3. [LB3]

SENATOR ROBERT: LB3 does advance. (Visitors introduced.) Next item, Mr. Clerk. [LB3]

CLERK: Mr. President, LB61, introduced by Senator Adams. (Read title.) Bill was introduced on January 8 of this year, at that time referred to the Education Committee for public hearing. The bill was advanced to General File. At this time, Mr. President, I have no amendments to the bill. [LB61]

SENATOR ROBERT: Thank you, Mr. Clerk. Senator Adams, you are recognized to open on LB61. [LB61]

SENATOR ADAMS: Thank you, Mr. President, members of the body. This is a relatively simple bill and it is very time-sensitive. By statute right now we certify the amount of state aid that goes to equalized school districts on February 1 and I would wish that we could stay right there. But economic realities have said we need to make a plan to make adjustments in what we pay out in state aid. This bill comes before you because, quite frankly, what we need to do is to move the certification date from February 1 to on or before April 1 for this year. Now if we do that, what that allows is, number one, the Education Committee to develop a plan to bring to you for amending state aid. It also

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allows the State Department of Education to do the modeling that we need for them to do to see how our changes are going to affect things. We need to get them working for us; hence, we move that date. We're also trying to look forward to the February 28 forecast, and so pushing things forward to on or before April 1 gives us time to implement a plan, to bring it to you, to debate it, to model it so that we can see where we're at. It's a relatively simple measure. I know that you probably will hear from some of your superintendents that would say we need numbers. I'm empathetic to that. And quite frankly, until this bill is enacted, the State Department of Education is working under the assumption that there will be a certification date of February 1 for TEEOSA, so they are running numbers. But you understand that most probably they're running numbers that are going to be false because we're going to have to make some adjustments. We're going to have to develop a plan for those adjustments. Between now and when this is enacted, I'm not going to encourage your superintendents to call the Department of Ed because every time they're answering the phone it means that they're not working on continuing recertification or helping us model what we need to have done. But I'm confident that the State Department of Education would give forth whatever information they have at this point that is reliable. But in the meantime, we need to get them working for the Education Committee and for all of us to help us model the numbers that we need that will be truer numbers that will fall into a plan that we think will help this budget situation that we're facing. Otherwise, we wouldn't be asking for this change in certification. Thank you, Mr. President. [LB61]

SENATOR ROBERT: Thank you, Senator Adams. We will now proceed to discussion on LB61. We have Senators Lautenbaugh, Nantkes, and Wallman. Senator Lautenbaugh, you're recognized. [LB61]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. As I often tell Senator Adams, I'm not an expert on education, which is why I thought I'd jump up and speak on this particular bill immediately. I do applaud him for bringing it, though, because this is a topic that we were discussing in a way just a couple of weeks ago and this does restore a logical order to how things are done, which I think was lacking. I think this is important, I think it's timely, and I think we should proceed ahead and I won't belabor the point. But thank you, Senator Adams, and I hope you'll all support this. [LB61]

SENATOR ROBERT: Thank you, Senator Lautenbaugh. Senator Nantkes, you are recognized. [LB61]

SENATOR NANTKES: Thank you, Mr. President. Senator Adams, thank you so much for your leadership and service as Chair of the Education Committee. I know you're going to do a tremendous job. So I put my light on, not in any way to be overly critical of the large undertaking that you've recently come into, but I just wanted to point out for the members that please pay attention. This type of legislation is much different than the

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Revisor bills that are more technical in nature that we have just advanced with little discussion. This has a great deal of substance included within it and, for example, what we do in terms of funding and support for K-12 education is, in fact, one of the most important things we do as a State Legislature. It is the only policy issue that rises to the level of constitutional importance. Therefore, the process which helps us to shape the level of support that is needed in that area should be very, very carefully considered. I probably will advance to...vote to advance the bill this morning, but I think it puts a serious cramp in negotiations that local districts are engaged in at the present time. By changing some of these dates, it has implications for local contracting, which I think we need to be very careful about as we proceed. And then what this change could do is, instead of letting state aid, based on needs of your individual school districts, drive the number that we're going to send out, I think instead it allows the executive to insert themselves and just plunk a number into what they think should be appropriate. And the change in the schedule and how this formula is laid out in conjunction with our budget structure and time line, this is a much more dramatic change than it may seem at first blush. So I hope members will take a moment to pause, to consider, and to talk to their local school boards and superintendents before they decide how to proceed. Thank you, Mr. President. [LB61]

SENATOR ROBERT: Thank you, Senator Nantkes. We have Senators Wallman and Harms. Senator Wallman, you are recognized. [LB61]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. What did we hear last year? You know, we didn't fully fund our education bills. And we have a record amount of money in the bank, so we took away money on the backs of our children. Does that bother me? Sure it does. Now we're tinkering around with when the certification dates are. And I appreciate Senator Adams' and the Education Committee's work, but, but what did we do? We put a record amount of money in the bank when we said we wouldn't have any money in the bank to fund education. So we're taking it away from the backs of our children and we're putting school boards and administrators at tremendous apprehension, what's going to happen, and record property taxes will result. Probably they'll overappropriate, maybe. We don't know. But this is...this is...I appreciate Danielle, Senator Nantkes' comments. This is a big thing, so be careful how you vote on this. And I don't think I can support it at the present time, till we have some more information on this and the Education Committee can give out some kind of a thing that we have more information. Thank you very much, Mr. President. [LB61]

SENATOR ROBERT: Thank you, Senator Wallman. Senator Harms, you're recognized to speak. [LB61]

SENATOR HARMS: Thank you, Mr. Chairman and colleagues. Senator Adams, would you yield? [LB61]

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SENATOR ROBERT: Senator Adams, will you yield to a question? [LB61]

SENATOR ADAMS: Yes. [LB61]

SENATOR HARMS: Thank you, Senator Adams. First, thank you for bringing this forward. Just a couple questions that I have that I'd like to have a dialogue or just have a discussion with you today. First of all, I support what you're doing. That's not the issue for me or any issue. But I just want to make sure that when we do our modeling and whatever we do in regard to the funding of K through 12, will we have this early enough so that we can have a fair, honest debate and have a chance to talk to our superintendents and people? Because the experience that we had last year, as you know, was very frustrating for many people. The funding formulas of K through 12 are extremely complex. Even after a year, and 33 years in education or longer, I still struggle a little bit with that formula. So I am in hopes, and that's why I'm asking, that when we do this, this time and we debate this budget in the future, will we have it as early as possible so it gives all of our new colleagues and those of us who are...been here for a few years the opportunity to really understand it and not at the last minute? [LB61]

SENATOR ADAMS: Thank you. Senator Harms, you raise...you raise a critical point because, really, in my opinion, one of the things that we're trying to do here with this move to on or before April 1 is get accurate numbers to school districts, as well as to us here on the floor, as quickly as possible so that when we come up with a plan here to the floor everybody has got what they need to see. And if we can...if we can get the State Department of Ed working for us on this with our proposed changes, so that we can do the modeling, the quicker we do that, the quicker we get a bill out, the more discussion we can have. [LB61]

SENATOR HARMS: Thank you very much, Senator Adams, because that was part of the issue, if you recall last year, that the numbers kept changing at the end and it was hard for us to...you had colored sheets of paper. That wasn't you that was doing this, but it was just...it was really very frustrating for me and I know for other people. I wasn't really sure that what I voted on would actually end up the same way. So that's really an encouragement. I know that's a tough challenge for you and I'll be very supportive and help you in any way that I can to resolve that issue, and thank you very much, Senator Adams. [LB61]

SENATOR ROBERT: Thank you, Senator Harms and Adams. Senator Lautenbaugh, you are recognized to speak. [LB61]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. I wonder if Senator Harms would yield to a question. [LB61]

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SENATOR ROBERT: Senator Harms, would you yield to a question from Senator Lautenbaugh? [LB61]

SENATOR HARMS: Yes, I will. [LB61]

SENATOR LAUTENBAUGH: Senator Harms, is it your understanding of this bill that it actually changes the education funding formula in any way? [LB61]

SENATOR HARMS: Pardon me? [LB61]

SENATOR LAUTENBAUGH: Does this bill change the education funding formula in any way? [LB61]

SENATOR HARMS: No. [LB61]

SENATOR LAUTENBAUGH: I wonder if Senator Adams would yield to a question. [LB61]

SENATOR ROBERT: Senator Adams. [LB61]

SENATOR ADAMS: Yes, I will. [LB61]

SENATOR LAUTENBAUGH: Thank you, Senator Adams, and this just underlines that when I said Senator Harms I meant Senator Adams. So, Senator Adams, (laughter) does this bill in any way change the funding formula? [LB61]

SENATOR ADAMS: No, it does not. [LB61]

SENATOR LAUTENBAUGH: Is the timing of...strike that, if you will. We had a conversation about education budgeting for the local school districts a few weeks ago, did we not? [LB61]

SENATOR ADAMS: We did. [LB61]

SENATOR LAUTENBAUGH: And as the matter now stands, the districts are asked to rely upon or are needing to rely upon calculations based upon a formula that we might change. Is that correct? [LB61]

SENATOR ADAMS: That's correct. [LB61]

SENATOR LAUTENBAUGH: So the purpose of this bill is to bring a little reality and clarity to the process of what...for the school districts themselves? [LB61]

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SENATOR ADAMS: That is...that is half of it. The other part of it is it allows us, the Education Committee, the opportunity to use the Department of Ed to do modeling for our proposed changes rather than working on numbers that, in reality, aren't going to mean much. [LB61]

SENATOR LAUTENBAUGH: So if we don't pass this bill, we're going to crank out numbers by February 1 to the school districts. Is that correct? [LB61]

SENATOR ADAMS: That's right. That's the law. [LB61]

SENATOR LAUTENBAUGH: And I think we've already had some conversations that we're going to be changing the formula in some way this year anyway. [LB61]

SENATOR ADAMS: Yes. [LB61]

SENATOR LAUTENBAUGH: So we're probably giving them unreliable numbers if we don't enact this. [LB61]

SENATOR ADAMS: You're right. [LB61]

SENATOR LAUTENBAUGH: Thank you, Senator Adams. [LB61]

SENATOR ROBERT: Thank you, Senators Lautenbaugh and Adams. Wishing to speak on this matter we have Senators Karpisek, Sullivan, and Nantkes. Senator Karpisek, you are recognized. [LB61]

SENATOR KARPISEK: Thank you, Mr. President. I would like to say that I did have a conference call with my superintendents yesterday morning. They appreciate what Senator Adams is trying to do here. We're trying to give them some time before they have to have their numbers put together so they don't have to send RIFs out and leave teachers hanging, not knowing if they're going to have a job. I just want to throw that out to say that I did talk to my superintendents. They would like to have harder numbers sooner, and I know that Senator Adams and Senator Heidemann also want to do that. It's not always easy and we all realize that, but I think that this bill is trying to help them, trying to get them a little more time before they have to make some decisions on something that is probably going to change down the road. So again, I had ten on the phone yesterday. They all understood. And I appreciate Senator Adams trying to give them a little easier time with their budget. Thank you, Mr. President. [LB61]

SENATOR ROBERT: Thank you, Senator Karpisek. Senator Sullivan, you are recognized. [LB61]

SENATOR SULLIVAN: Thank you, Mr. President and members of the body. As a

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member of the Education Committee, I speak in favor of LB61. Also, as a 12-year member of the Cedar Rapids School Board and half of that time as treasurer, I recognize the need for early certification. But also I realize the Legislature giveth and the Legislature taketh away, and nothing can be more disruptive to schools, school districts' planning as to depend on one number and then have it dashed away and have to deal with a low number. So I think that this will facilitate the planning greatly. That being said, what I have heard from administrators in my district, particularly mid-sized districts, is let the formula work. I've also heard expressed concern from some of our smaller districts that they're not sure that the formula will work to their advantage. But the bottom line is, yes, I think the formula needs to work, we need to see how the formula works. I think we need to work with hard numbers. This bill will allow for that. And but I also underscore the need for the Department of Education to be put on notice that those early numbers, even though they aren't going to be definite, be made available so that there can be some early indications of how the formula is working for school districts. Thank you. [LB61]

SENATOR ROBERT: Thank you, Senator Sullivan. (Doctor of the day introduced.) Returning to discussing, Senator Nantkes, you are recognized to speak. [LB61]

SENATOR NANTKES: Thank you, Mr. President, and thank you, members, I think for sharing some insight about conversations you have had with your local school officials, like Senator Karpisek mentioned on the record. And in rising this morning, I meant only to seek some clarity and may have caused some additional confusion, which is never what our legislative intent should be, but if I did, I want to apologize for that. I think that my main point is that we want to make clear during this stage of debate that the State Department of Education will still run the numbers in February but not certify them. That way then we as senators and our local school districts will know exactly what the formula calls for and what our local district should be getting under that formula. I know Senator Adams is committed to those meetings, but I just wanted to make sure that we had a confirmation there of this morning so that everybody was really in lockstep about the intent as we move forward. Thank you, Mr. President. [LB61]

SENATOR ROBERT: Thank you, Senator Nantkes. Senator Howard, you are recognized to speak. [LB61]

SENATOR HOWARD: Thank you, Mr. President. I rise in support of LB61. I would like to additionally stress the information that's been given to us regarding the early information and that it's released to the school districts as soon as possible. In this era of immediacy with our electronics, I think there's no reason to delay. And the earlier this information is available to all school districts I believe the more accurate it can be and the better formula that can be devised from this information. So I thank Senator for bringing this in, thank you, Senator Adams, and I think we'll work diligently to provide the best information as quickly as we possibly can. Thank you. [LB61]

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SENATOR ROBERT: Thank you, Senator Howard. Seeing no other lights on, Senator Adams, you are recognized to close on LB61. [LB61]

SENATOR ADAMS: Thank you, Mr. President. Colleagues, the only thing that I would say in conclusion is, first of all, I do support your understanding and appreciate your support and your understanding of this issue, and remember this. This is critical, not only on this bill but later on a bill that will come from the Education Committee that will recommend changes to the formula. And here's what you need to remember. Whatever adjustments we make will come from the Education Committee in conjunction with the Appropriations Committee to make a budget balance. It's our plan, and when I say "our" I mean the Education Committee and you folks, it's our plan. And what we're doing in changing this certification date is, in essence, giving us some elbow room so that we can develop a plan and get you good numbers and get good numbers out to your school districts. Thank you, Mr. President. [LB61]

SENATOR ROBERT: Thank you, Senator Adams. You have heard the closing on the advancement of LB61 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all those voted who wish? Mr. Clerk, please record. [LB61]

CLERK: 40 ayes, 1 nay, Mr. President, on the motion to advance the bill. [LB61]

SENATOR ROBERT: LB61 does advance. Mr. Clerk, do you have any items on your desk? [LB61]

CLERK: I do, Mr. President. Thank you. New A bill. (Read LB49A by title for the first time.) I have a hearing notice from the Natural Resources Committee signed by Senator Langemeier, as Chair. And committee reports: Natural Resources, chaired by Senator Langemeier, reports LB42, LB43, LB179, and LB180, all to General File, all having no amendments attached. That's all that I have, Mr. President. (Legislative Journal page 278.) [LB49A LB42 LB43 LB179 LB180]

SENATOR ROBERT: Thank you, Mr. Clerk. Next item on the agenda, please. []

CLERK: Mr. President, LB11 is a bill introduced by Senator Langemeier. (Read title.) Bill was introduced on January 8 of this year, at that time referred to the Banking, Commerce and Insurance Committee. Bill was advanced to General File. I have no amendments at this time, Mr. President. [LB11]

SENATOR ROBERT: Thank you, Mr. Clerk. Senator Langemeier, you are recognized to open on LB11. [LB11]

SENATOR LANGEMEIER: Mr. President and members of the body, I bring LB11 on

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behalf of the Nebraska Real Estate Commission and its members. This bill is very simple. The Nebraska Real Estate Commission is a cash-funded agency that sets their rates based on numbers of licensees in the state to continue their monitoring and regulation of the real estate industry, including audits. All those who testified were in favor of it. It takes the ceiling cap from \$150 annually to \$250, and that is it in its entirety, and I'd appreciate your support. Thank you, Mr. President. [LB11]

SENATOR ROBERT: Thank you, Senator Langemeier. Is there anyone wishing to discuss LB11? Seeing none, Senator Langemeier to...Senator Langemeier waives closing. The question before the body is, shall LB11 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish? Please record, Mr. Clerk. [LB11]

CLERK: 39 ayes, 0 nays, Mr. President, on the advancement of LB11. [LB11]

SENATOR ROBERT: LB11 does advance. Next item on the agenda? [LB11]

CLERK: LB29 by Senator Pahls. (Read title.) Introduced on January 8 of this year, at that time referred to the Banking, Commerce and Insurance Committee, advanced to General File. I have no amendments pending, Mr. President. [LB29]

SENATOR ROBERT: Thank you, Mr. Clerk. Senator Pahls, you are recognized to open on LB29. [LB29]

SENATOR PAHLS: Thank you, Mr. President and members of the body. LB29 would make one change in the Real Estate License Act. It would allow a broker, as well as an associate broker, to be a manager of a branch office. That basically is the bill. At the hearing, the bill was supported by both the Nebraska Real Estate Commission and the Nebraska Realtors Association. The bill was also endorsed by the Secretary of State, who serves as the chairman of that commission. Under Nebraska law, there are two types of real estate licenses: salesperson and broker. Each real estate company must have a broker referred to as a designated broker, under whom the licensees of salespersons and/or other broker licensees known as associate brokers are placed. Real estate agencies are increasingly opening up branch offices which allows for growth and the broadening of their services. With all the modern means of communication, it's logical and valuable to have the broker of the agency to manage the branch offices directly. This allows the broker to be more directly assured that the legal and ethical standards required by law are main (sic) consistently among the agency's various branch offices. Thank you. [LB29]

SENATOR ROBERT: Thank you, Senator Pahls. Is there anyone wishing to speak on LB29? Seeing none, Senator Pahls to close. Senator Pahls waives closing. The question for the body is, shall LB29 advance to E&R Initial? All those in favor vote aye;

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all those opposed vote nay. Have all those voted who wish? Mr. Clerk, please record. [LB29]

CLERK: 39 ayes, 0 nays, Mr. President, on the advancement of LB29. [LB29]

SENATOR ROBERT: LB29 does advance. Next item on the agenda. [LB29]

CLERK: LB30 is a bill introduced by Senator Pahls. (Read title.) Bill was introduced on January 8 of this year, referred to the Banking, Commerce and Insurance Committee for public hearing. The bill was advanced to General File. At this time I have no amendments, Mr. President. [LB30]

SENATOR ROBERT: Thank you, Mr. Clerk. Senator Pahls, you are recognized to open on LB30. [LB30]

SENATOR PAHLS: Thank you, Mr. President and members of the body. LB30 would make a change in how real estate licensees are disciplined by the Nebraska Real Estate Commission. Now the commission could suspend or revoke a license, it can censor a licensee, and it can enter into consent decrees. This bill would allow the commission to impose a civil fine along or in combination with these existing sanctions. Under the bill, a civil fine could be imposed for each violation, with the total fine not to exceed \$2,500 per complaint. Also as housekeeping changes, the bill would clarify various provisions, update internal references, and add customary language regarding investment of cash funds, disposition of fines, and procedures for recovery of unpaid fines. The bill would also repeal an internal reference to sanctions which were repealed in 1973. At the hearing, LB30 was supported by both the Nebraska Real Estate Commission and also by the Nebraska Realtors. Again, this bill was also supported by the Secretary of State, who does serve as the chairman of that commission. Most importantly, LB30 would provide for the Real Estate Commission to add fines to its remedy to impose against licensees. Currently the choices are quite limited. They can revoke, they can suspend, or they can cause suspension with addition of probation and continuing education classes. This subject has been closely studied by the Nebraska Realtors Association and by the Nebraska Real Estate Commission. We were told that about 40 states already allow this remedy to their real estate commissions. Under our current...currently, excuse me, currently our commission has limited flexibility to determine appropriate penalties. With this option of civil fines and the combination would give them, the commission would have more of a middle ground, more than the severe thing such as revoking or eliminating a licensee. Under the bill, the commission could use fines alone or in combination with other actions. A fine would be imposed on each violation for which the commission has made a finding of guilt, except that the total for such violations could not exceed \$2,500. We were told that this is below the authority of many states, although higher than some. From the commission's review of the range of authority of different states, a maximum fine for a complaint of \$2,500 is

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more on the conservative side of the ranges. As a point of information, many of the Nebraska state agencies have been given the authority by this body to impose civil fines or administrative penalties. Many agencies with which the Banking, Commerce and Insurance Committee is familiar have this authority, such as the Nebraska State Board of Public Accountancy, the Department of Banking and Finance, and the Department of Insurance. Thank you. [LB30]

SENATOR ROBERT: Thank you, Senator Pahls. We will now proceed to discussion on LB30. Senator Langemeier, you are recognized. [LB30]

SENATOR LANGEMEIER: Mr. President, members of the body, I rise in support of LB30. You see on the committee, I abstained from voting and I will do that again, as I am a licensee holder of this provision that would put new penalties upon licensees. I do support the bill; however, due to the fact they're rendering them on me, I think it's best that I just don't vote on that. And so with that, I would ask for your support of LB30. Thank you. [LB30]

SENATOR ROBERT: Thank you, Senator Langemeier. Are there any others wishing to discuss LB30? Seeing none...oh, excuse me. Senator Nelson, you are recognized. [LB30]

SENATOR NELSON: Thank you, Mr. President. Would Senator Pahls yield to a question? [LB30]

SENATOR ROBERT: Senator Pahls, will you yield to a question from Senator Nelson? [LB30]

SENATOR PAHLS: Yes. [LB30]

SENATOR NELSON: Do you happen to know, Senator, where the money that's derived from the fines will go? Will that go into the General Fund? Does it go elsewhere? [LB30]

SENATOR PAHLS: Yes. It does go in the permanent school fund. [LB30]

SENATOR NELSON: All right. [LB30]

SENATOR PAHLS: It does not go into General Fund. [LB30]

SENATOR NELSON: All right. [LB30]

SENATOR PAHLS: Permanent school fund. [LB30]

SENATOR NELSON: Thank you very much. I support the bill. [LB30]

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SENATOR PAHLS: Thank you. [LB30]

SENATOR ROBERT: Thank you, Senators Nelson and Pahls. Seeing no other lights on, Senator Pahls, do you wish to close? Senator Pahls waives closing. The question before the body shall be, shall LB30 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish? Mr. Clerk, please record. [LB30]

CLERK: 38 ayes, 0 nays, Mr. President, on the advancement of LB30. [LB30]

SENATOR ROBERT: LB30 does advance to E&R Initial. Next item on the agenda, Mr. Clerk? [LB30]

CLERK: Mr. President, LB49 is a bill introduced by Senator Fischer. (Read title.) Bill was introduced on January 8 of this year, at that time referred to the Transportation and Telecommunications Committee for hearing. The bill was advanced to General File without committee amendments, Mr. President. [LB49]

SENATOR ROBERT: Thank you, Mr. Clerk. Senator Fischer, you're recognized to open on LB49. [LB49]

SENATOR FISCHER: Thank you, Mr. President and members of the body. LB49 consolidates all motor vehicle and motor boat services into the county treasurer's office. These services include certificates of title, registrations, license plates, renewal decals, the notation and cancellation of liens, and the collection of taxes and fees for all types of vehicles. Forty-seven of the 93 counties have already combined vehicle titling and registration services into one office. These 46 (sic) counties title and register more than 60 percent of all of the vehicles in Nebraska. The other 46 counties still split up duties between the county clerks and treasurers. In the counties where the duties are split, the Department of Motor Vehicles has duplicate equipment in each office. When the vehicle titling and registration, or VTR, system was designed in the late 1980s, there was little attention paid to modifying the existing business process. Maintaining the existing processes has resulted in higher costs to modify and support that VTR system. Given the magnitude of the project and the fact that it was Nebraska's first major technology project, those decisions were probably right at that time. However, it is neither feasible nor reasonable to maintain this process. Maximizing technology through business process modification delivers the highest return on investment. The equipment that is now deployed is outdated and it needs replacement. In order to simplify oversight of the DMV system and reduce the amount of replacement equipment needed, the DMV wants to consolidate all DMV-related services to the county treasurer's office in those 46 counties where the duties are still split. This should result in better customer service and some direct hardware cost savings. The DMV has recently completed a hardware

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refresh relative to the county treasurers' VTR equipment. They replaced the green-screen terminals, known as dumb terminals, with PC-like products called thin clients. The hardware upgrade is one impetus for mandatory one-stop. As reflected in the fiscal note, there is a direct hardware cost savings reflected in LB49. The savings associated with moving all titling and registration functions to one office gives the DMV a cost-effective option to consider upgrading the existing dot matrix printers to a higher cost laser printer. Laser printers will allow the DMV to bar code all motor vehicle documents. Adding bar codes provides a value-added benefit for law enforcement and county personnel. Information in the bar codes can populate vehicle data fields on citations and accident reports. A bar code on both the driver's license and motor vehicle registration translates into the virtual elimination of data entry and further the e-citation project developed by the Crime Commission, State Patrol, and the DMV. The motor vehicle documents bar code is a key element in the development of the Department of Roads' e-accident reporting system. Scanning the bar code not only reduces the time law enforcement spends filling out reports; it enhances accuracy of information that is ultimately entered into both the JUSTICE database and the DMV driver record database. Bar-coded documents will also enhance processes in the county office because the bar code can be used to retrieve vehicle records, which will eliminate keystrokes and enhance the accuracy of the data. Thank you, Mr. President. [LB49]

SENATOR ROBERT: Thank you, Senator Fischer. Mr. Clerk, you have an amendment. [LB49]

CLERK: Mr. President, Senator Stuthman would move to amend with AM36. (Legislative Journal page 279.) [LB49]

SENATOR ROBERT: Senator Stuthman, you are recognized to open on your amendment. [LB49]

SENATOR STUTHMAN: Thank you, Mr. President, members of the body. My amendment is on page 3, line 14. What my amendment does is it strikes the year of implementation 2011 and inserts 2013. The reason that I have requested this is because I have been visiting with the county treasurers close to my area, the ones that have not implemented the one-stop system. They all do realize that, you know, it's going to be coming in the future and they're willing to do it. But, you know, at the present time some of them are not quite ready to do it, and I'll explain that in a little bit. But I think we do have 47 counties that have already done it and I'm very glad that they have done that, but they have seen that it's going to be coming and they have adjusted to it. And I'll explain some of the counties that I want to talk about as far as why they are not ready to do it, you know, by 2011. By 2011, some of the factors that are...need to be included in it is the fact that in 2010 is the election year for all of the county officials. The treasurer will be elected in 2010 and to take over the duties on January 1 of 2011. And the reason I made it to 2013 is the fact that that's in the middle of an election cycle, so the ones that

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are elected at that time, you know, can have time, you know, to work with it and get adjusted to it. But one of the things also that I'm very concerned with is this comes down to an unfunded mandate. The counties that I have visited with, and they are Colfax, Madison, Pierce, Boone, and Nance, and Platte County, those counties feel they're going to have to have additional staff in the treasurer's office to assume all of these duties. They're either going to have to make their part-time staff full-time staff. And there's one county that has the county treasurer, the deputy treasurer, and a part-time staff. She said she will have to make the part-time staff a full-time staff. The county board is not going to allow her to do that, so she thinks she's going to need some additional time to hopefully work that out. I visited with another county. That county had 410 registrations yesterday. That was just registrations. They've had more. But they feel that also at a time in the spring, like in January when the majority of the motor vehicle registrations come due, they feel there's going to be a longer waiting line, the people are not going to get addressed as soon as possible. They think they need to have some time to think this through and work it out. I have some counties that...I've got one county that's in the process of remodeling their courthouse and rebuilding it, and it won't get done until in 2011 sometime, so they won't be able to enact it because it does take a little bit more room in the county treasurer's office. My county, Platte County, will have enough room and they say it will work. But I think...I think we should allow these elected officials and these county board members to make the implementation as soon as possible but at their convenience, when they get things worked out, so they're not pushed up against the wall of January 1 of 2011. That is why I would like to have it changed to 2013. The majority of them have said it's a staffing issue. They're really concerned about that. And as a former board member, when it comes down to a staffing issue, that only means one thing: increase in property taxes. Because the individual--I will use an illustration--the part-time individual, if it went to a full-time situation then they're going to have to pay benefits, so that's going to be additional cost to the county. And it...but it may come, but I think if we give them some time to work things out it would be a lot better. I did have some of the counties say that, you know, they really praised the DMV because they're very wonderful to work with. That is a good thing. But I think the fact that each individual office has kind of got their own turf, what I would like to see is if some of these counties, you know, need additional staff in the treasurer's office, maybe a staff person from the clerk's office that has been doing this duty maybe should be transferred over. But that doesn't happen very easy. Every office is in control of their office and they put their own budgets together. So I am...I am...I'm asking you to consider the fact that we should allow them to have a little bit more time, mainly because this is a mandate, it's an unfunded mandate, and it's something that will cost some counties some money. I am sure of that. I also look back at one of the things that a lot of you were never involved in the discussion and that was of the Class I schools, LB126 several years ago, which was debated on the floor. A lot of the senators said, I think it's the right time that we close these Class I schools. And in the debate on the floor, asking some of the senators how many Class I's have you got in your district? Well, we don't have any; they closed on their own. But we got to a time when we forced

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Class I school districts to close and I think that creates a scar. I think if we allow them, you know, to do it when the time is right, and a lot of them were closing, you know, every year, a lot of the Class I school districts were closing at that time. So I think this is something with technology, is going to happen, but I don't know whether we should make it that it has to happen right away within another year and a half. The counties, you know, realize it's going to be coming and I think it will come. So that is why I would like to have the implementation date, you know, delayed another two years, being in the middle of an election cycle, giving those people that are newly elected to the office a chance to get adapted to the present workload and then to see what the new workload would be. I think that would be very important. And with that, those are...those are my comments on that and I would...I would ask that you consider this very seriously. I do realize it's going to happen but let's give them another couple years to do that. Thank you. [LB49]

SENATOR ROBERT: Thank you, Senator Stuthman. We will proceed with discussion on AM36. We have Senators Fischer, Pahls, and Loudon. Senator Fischer, you're recognized. [LB49]

SENATOR FISCHER: Thank you, Mr. President and members of the body. While I certainly appreciate Senator Stuthman's comments and I also appreciate his service as a former county commissioner from Platte County before he came to the Legislature, I must rise in opposition to his amendment. I rise in opposition for several reasons. Half the counties are already doing this. The counties have known that this has...this one-stop has been coming for many years. In fact, the DMV has been working with all the counties for three years on this project. The DMV is sending their new equipment, as I said in my opening, to the county treasurer's office. That is a cost savings for the Nebraska Department of Motor Vehicles that they only are sending it to the treasurer's office and not also to the clerk's office. The bill will not go into effect for two more years, so those counties that are affected still have two years to implement this. I'd like you all to look at your committee statements. You will see that there was no opposition to the bill at the committee hearing and the bill was supported by NACO. The DMV stated that they will continue to work with counties in implementing this, as they have been doing for the past three years. Two things I'd like to point out is that this is better for the customer. This is better for our constituents that they go to one office. It's time-saving, it's efficient, and it will help our constituents here in the state of Nebraska. And I believe it's our job to look for efficiencies and this bill provides efficiencies for the DMV. But, most importantly, if we do not pass the bill as it was introduced, it will cost millions of dollars for the DMV to try to upgrade that VTR system that I spoke about in my opening. By postponing the implementation date by two years, you have added on millions of dollars in cost, so I would ask that you reject the amendment. Thank you. [LB49]

SENATOR ROBERT: Thank you, Senator Fischer. (Visitors introduced.) Returning to discussion, we have Senators Pahls, Loudon, and Wallman. Senator Pahls, you are

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recognized. [LB49]

SENATOR PAHLS: Thank you, Mr. Chairman and members of the body. I do support Senator Fischer's concept. I think it's time that we start doing things on time. We need to change the old status quo: This is the way we've done it in the past; we can't do it because we don't have the know-how. We cannot do that anymore. I think we need to take a look at education and take a look at government and also business practices. Times are...they are a-changing, and we have to get on board with that. And one reason why I was sort...I smiled when I saw this bill, because I read the first line: The bill will streamline the county's practices and make the process more customer-friendly. This brought back dreams that I had last year, and I'm just going to play on this a little bit, when I had a bill called one-stop shop, because I was thinking about being customer-friendly and moving things along in the new era, the era of going to, if you want to go to a car dealer and buy a car, you can do everything there, everything at the car dealership, license, everything right there. It's called one-stop shop. This is one step in that direction. And I just was talking to a senator just a minute or so ago and he said, well, do any states do that? Of course! Thirty states already do that. This is not a new practice or some newfangled idea. In fact, I've had some discussions with our director of our Department of Motor Vehicles just to see if this is possible, and she did not have anything against the idea. She did not speak against it. The only thing she said is her computer system is so antiquated, this would cause it to collapse. But she and the car dealers supported this concept, of course with changes. So that goes to show you, we do need to be on the move. These counties, they do need to upgrade themselves and make it more what I call customer-friendly. This is just one step in the right direction, and the direction that most government agencies are going. The other day I was watching TV and I saw our Governor stand up on TV and he was saying right now if you want to reregister your car, all you got to do is it's on line. So we are on that right direction. So this is just one step, and I think, as Senator Fischer indicated, there has been enough time set aside to get this process in order. It is a little bit scary to me that if we are going to be resistant to change when, as I, in my simple mind, see this as not a unbelievable, unbelievable change. If that were true then some of the things we do, we wouldn't even be using these gadgets. We'd be using these red books when we had a question. Thank you. And I appreciate and I do support Senator Fischer's concept, also the director of the Motor Vehicles Department, department director. Thank you. [LB49]

SENATOR ROBERT: Thank you, Senator Pahls. (Visitors introduced.) Returning to discussion, we have Senators Louden and Wallman. Senator Louden, you are recognized. [LB49]

SENATOR LOUDEN: Thank you, Mr. President and members of the body. As we worked on this bill in the Transportation Committee, the question did come up about how soon this should be implemented. And as Senator Fischer pointed out, 47 counties already have it, which is about half; the other 46 haven't. But we have to take into

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account, there's a lot of counties out there, as Senator Stuthman said like they had 400-and-some registrations in one day, there's a lot of counties out there that don't have 400 registrations in probably two years, and some of them, there's some of those counties probably don't have over 4 registrations in a week. So are we going to force them to come along and do some of this work and do some budgeting to get this implemented here within a year and a half? Two thousand and eleven isn't that far...January 1, 2011, isn't that far away. In order to do that, the counties will have to do some budgeting. They'll probably have to either...either they'll let one person go out of the clerk's office and move them over into the county treasurer's office. Some of those counties, that's all there is in the county anyway, is two people, so it doesn't matter how you call it. And I'm wondering if this is something that really should be done with a time frame of a year and a half, whether you want to go to 2013. It doesn't say in the bill any place that it has to...that if it goes to 2013 that they got to wait until then. It just says they have until then to get it implemented. Up until now there never has been a time limit on when it had to be done. Now you're putting a time limit on when it has to be done and that's the difference. Forty-seven counties, or nearly half of them, a little over, have done it without a time frame on there and now they're trying to put a time frame on there to finish it up. I think we have to be very careful because we've done this with other issues. And as Senator Stuthman talked about the school situation, we closed up all...finally decided to close all the Class I's and we've been causing problems ever since then. So we have to be very careful when we put this into statutes on how far out that we give those people notice that they have to do something, and this is what it is, is an unfunded mandate. I think the amendment doesn't hurt a thing to this bill. It doesn't hurt a thing. They can still go ahead. If they're ready to implement the change then they can go ahead. And as far as the one-stop shopping or whatever that Senator Pahls speaks of, it's probably already in some of the bigger, bigger counties that can handle that. Now there could be some large counties, and I didn't check into it to see what they have to do, if they're having 400 people a day come in there, that's going to be a major operation to get that changed around. So I support the amendment that we switch this to at least 2013. It won't hurt anything to take a little bit more time, give those counties, and especially those counties that are at their maximum levy lid, a little bit more time to get this implemented. Thank you, Mr. President. [LB49]

SENATOR ROBERT: Thank you, Senator Loudon. Senator Wallman, you're recognized. [LB49]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. And I think some counties will thank Senator Stuthman. And most of us run on local control. Local county boards, local officials can make some of these decisions. And we put a date on them. Well, it's, granted, it's a year and a half away or so, but still it's our decision in this building to force them to do things, to our local counties? They got elected boards. They run their counties. They got clerks. They got treasurers. I think we have to give them a little time because this is an unfunded mandate. Trust me, software on computers costs

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money. It depends on how big a county you are, granted, but still you have to buy all this software, and if that's not in their budget...and like Senator Stuthman said, election is coming up for county board members. That will be another issue for them: expense. So I urge support for Senator Stuthman's amendment also. Thank you, Mr. President. [LB49]

SENATOR ROBERT: Thank you, Senator Wallman. Wishing to speak we have Senators Gay, Stuthman, Fischer, and Price. Senator Gay, you're recognized. [LB49]

SENATOR GAY: Thank you, Mr. President. I rise to oppose this amendment, not that I don't buy into local control for local governments. Of course I do. I've been also a county commissioner for 12 years and had to deal with these issues and there is a certain point, though, I think as a Legislature we have to decide. We found savings. We're showing you savings and we have to decide when we're going to implement that. Senator Loudon has a point. It probably would be good to have a little more time. But you know what? They've been going to this. You've heard 60 percent of the counties, that the titles right now are already under one-stop shopping. They knew this was coming. The state bought the software for them. And I will read from Director Neth's testimony: The DMV has recently completed a hardware refresh relative to the county treasurer's VTR equipment. We have replaced the green-screen terminals known as dumb terminals with PC-like product called thin clients. The hardware upgrade is one of the impetus for the mandatory one-stop. The savings associated with moving all titling and registration functions to one office gives the DMV a cost-effective option to consider upgrading the existing dot matrix printers to a higher cost laser printer. Laser printers will allow the DMV to bar code all motor vehicle documents. Adding bar codes to vehicle documents provides a value-added benefit to law enforcement and county personnel. Now I could go on with what was said in committee. The problem is, how long do we wait to do things? I mean, I don't like an unfunded mandate either. Today I've got a bill coming that I think is trying to pay for unfunded mandates. But at some point, if you're partners with the state, which county governments are, and we just heard earlier we made a change, we have to watch our own budget as well. That doesn't mean we're shoving a huge mandate down the counties here. The savings is in efficiencies and the savings costwise, if you look at the fiscal note, is probably nothing that....when we look at our budget, not a huge monster savings. But you got to start somewhere. And every time we go back and say local control, local control, you know, there is a point, though. But I look at the state-county relationship as more of a partnership. Some, of course, you know don't like everything that goes on in a partnership, but when you have all the counties out there, it's tough to bring everybody on board at once. So I would say 2011, as existing in LB49, is plenty of time to get this done. Senator Stuthman and Senator Loudon are doing a fine job bringing to your...and Senator Wallman. I commend them for bringing this to your attention. But the other side of the story is, how long do we wait until we finally implement some cost savings? Because I think if we're ever going to do some of these things, this is the year to do it, because we all know what's going to

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happen with the budget in the coming months ahead. So I would encourage you to vote against this amendment and to proceed on with LB49. If it goes...if it moves on, you'll get a chance to hear from your county and you can make a proper decision at that time on the next round of debate. Thank you, Mr. President. [LB49]

SENATOR ROBERT: Thank you, Senator Gay. Mr. Clerk, you have an announcement. [LB49]

CLERK: Mr. President, Natural Resources will hold an Executive Session now underneath the north balcony; Natural Resources Committee, north balcony, immediately. [LB49]

SENATOR ROBERT: Thank you. Returning to discussion, we have Senators Stuthman, Fischer, Price, and others. Senator Stuthman, you're recognized. [LB49]

SENATOR STUTHMAN: Thank you, Mr. President, members of the body. There are a couple of things that I failed to mention in my opening on this. One of those was the fact that some of the counties said that, you know, at that time of January 1, 2011, you know, the new license plates will be issued at that time, which does take some more help in the courthouse. It does take some more time. It doesn't take a lot more help but it does take some more time. But I want to talk a little bit about what Senator Gay had mentioned, was that...implement cost savings. Yes, there could be a cost savings to the state, but I tell you, we're dealing with the county part of it. We're dealing with the county part of it. And as I mentioned in my opening comments, you know, the counties really appreciate working with the DMV. They've been wonderful to work with. But I can't see how it can be a cost savings on the county level when the county has to hire additional staff. There's no way in the world that can be a cost savings. And I don't know, how about the group that has just come in, the freshmen senators? On the campaign trail, what did they hear about? Two years before that we had a lot of discussion. Everyone said, lower my property taxes, lower my property taxes, do something about my property taxes. But property taxes are assessed locally, collected locally, and spent locally. And this is an issue, what it's going to increase your property tax. Probably not a lot, but it will. It won't be a savings to the county. It will not be a savings to the county because there's going to be additional staff needed in the treasurer's office unless the clerk's office is willing to give up staff. Then it will be possibly a cost savings. But I am...I'm looking out for property taxpayers. I'm trying to, you know, help some of these counties, you know, that they do realize it's coming. Some of them are ready to implement it. But I think if we allow the counties to implement it, you know, in the next two years, they could implement it...start implementing it tomorrow. They can do that. Hopefully, we'll have them all done by 2013 but, to tell you the truth, I don't think so. I think the fact that they have to have them done, you know, by 2011, you know, will put some of the counties on a disadvantage. And some of the counties that I've stated, you know, the process of remodeling the courthouse, some of the counties will have to

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remodel, make additional space in their treasurer's office because they will not have the space to do that. So I think...I think this is something that is practical and it's going to happen and we want it to happen. We want the people, the county boards to work with their clerk and their treasurer and the DMV to accomplish this. But I think if we allow them to hopefully do it in their own fashion, in their own time frame within the next several years, then I think we will have a very good system operating. Thank you, Mr. President. [LB49]

SENATOR ROBERT: Thank you, Senator Stuthman. Senator Fischer, you are recognized. [LB49]

SENATOR FISCHER: Thank you, Mr. President and members of the body. I am still opposed to this amendment. As I said, it will be a cost of millions of dollars to the state of Nebraska. The equipment we're talking about belongs to the state. It belongs to the DMV. Right now, the DMV is trying to put new equipment into county treasurers' offices so it becomes more efficient, so we see a cost savings. If we delay the implementation of this bill there will be no reason for some of these counties to move forward. If we...if we add on another two years, that adds on cost because the DMV is going to have to come up and buy a software program that's going to be able to work with all the different types of computers that they currently have in the courthouses around the state of Nebraska. Remember, it's state equipment. It is not county equipment. I certainly don't believe that this is an unfunded mandate to the counties. I know in some of my counties that haven't moved forward on this yet, they may have to move a person. To say that the county clerk will have an extra person but they may not want to move that person to the county treasurer's office, what are we saying to people? We're saying that we're endorsing inefficiencies at the local level. If it's more efficient to move somebody from the county clerk's office over to a county treasurer's office, I'm sure our locally elected county boards and our locally elected people in our courthouse will make wise decisions and do so. They are very cognizant of property taxpayers and they are very responsible to our local property taxpayers. NACO, as I said earlier, our county officials association, supports this bill. Please remember, this is better for our constituents, it's better for customers. They don't have the hassle of running back and forth between offices. And please also remember that this is a cost savings and it is not an unfunded mandate. With that, Mr. President, I would yield some time to Senator Campbell. [LB49]

SENATOR ROBERT: Senator Campbell, you have 2 minutes and 20 seconds. [LB49]

SENATOR CAMPBELL: Mr. President and members of the body, I rise in opposition to AM36. I served on the Lancaster County Board for 16 years and we implemented the one-stop in the early nineties, and so I want to make a couple of comments based on our experience. Our first experience was that we could move staff from the clerk's office to the treasurer. There was no problem. Number two was that we all knew this was coming. From the early nineties this has been talked about in county official meetings

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for years and each county then knew that it was coming. And number three, the taxpayer in Lancaster County applauded this effort, and time and again they made that comment of how grateful they were that we were consolidating efforts and functions in county government and looking out for their tax dollar. Thank you, Mr. President. [LB49]

SENATOR ROBERT: Thank you, Senator Campbell. Senator Price, you are next and recognized. [LB49]

SENATOR PRICE: Thank you, Mr. President. Thank you, members of the body. A few statements, a few questions I have of clarification on this issue. I'd like to remind everybody, refresh rate on IT equipment in 36 months is obsolete. You're buying it all new. You're buying the software. You're buying new hardware. You're buying new training. So the state already spent money on this equipment. We're going to let it sit on shelves and buy it again, have to get more people trained, new operating systems? I don't believe that's good stewardship of tax dollars. I also ask that in the counties where we only had a few registrations in a month, are they too busy? The next thing is, as Senator Fischer said and others have said here, we're talking about moving people. Those people work for the county. Are we advocating that someone be underemployed in an office, sit there twiddling their thumbs on the tax dollar? Or should we be utilizing their skills and their efforts in a more prudent manner? And I would ask again, would this body believe it was good stewardship for the state to spend money, let that money sit on a shelf, do it again in a couple of years and have people underemployed? Thank you. [LB49]

SENATOR ROBERT: Thank you, Senator Price. Wishing to speak, we have Senators Campbell, Lautenbaugh, and Pirsch. Senator Campbell, you are next and you are recognized. Senator Campbell waives. Senator Lautenbaugh, you are next and you are recognized. Senator Lautenbaugh waives. Senator Pirsch, you are recognized. Senator Pirsch waives. Seeing no other lights on, Senator Stuthman, you're recognized to close on your amendment. [LB49]

SENATOR STUTHMAN: Thank you, Mr. President and members of the body. First of all, I want to thank everyone that got involved in the discussion this morning. I think this was a good exercise for the new senators to see how an amendment filed and how the debate discussion goes, and I appreciate that. I am looking out for the fact that I like to have people do the things when they feel that they're ready to do it. They know it's going to happen. And like Senator Campbell had stated, they implemented that in the nineties already, and I'm very proud of that. They felt it was the time to do that and they did it on their own. And I think we should allow some of these other counties to have that opportunity. They know it's coming. They know the situation of their courthouse. They know their people. They know the times when it's very busy. Yes, they've known about it for several years that this was coming, and there's been a number of the counties have just come on in the last half a year. So I think...I think this is something

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that they're going to do and I would like to see everyone do it in the next year, too, but I don't want to have to force these people to do it. I respect county boards, that they have enough intelligence to make a decision to do that. If it's a cost savings to the state of Nebraska, I am sure the county boards are willing to go along with it only if it's something that don't cost them extra. And I think by hopefully giving them a little bit more time, this will allow them to work things through, give them an opportunity to see whether there is a need to have an additional staff. One thing I don't want to do is to force the treasurers to do a lot more, work overtime without pay to accomplish this. So I'm just...I'm just asking you to think this thing through. It's going to happen, but why do we want to make it happen, you know, almost like right now, within the next two years, less than two years? I think we should give them the opportunity to hopefully think this thing through, which they have been doing, and, you know, to give them the date of 2013. So I am asking support on this amendment. There are 46 counties that don't have it yet. Half of them have it, and these half have probably had it beginning in the nineties already and it's worked out. But we're going to tell the other half of the counties that you will do it by January 1, 2011. All I'm asking is that we delay it for two years, hopefully giving the counties a little bit more time. There are some counties that were totally opposed to it and they will probably wait till they have to do it. But other counties said they could do it right now if they could convince the county board to add an additional staff person to the treasurer's office. So I'm asking you to take all of these things, consider it, and I would support your support on passage of this amendment. Thank you, Mr. President. [LB49]

SENATOR ROBERT: Thank you, Senator Stuthman. You've heard the closing on AM36. The question for the body shall be, shall AM36 be adopted? All those in favor vote aye; all opposed vote nay. Have all those voted who wish? Record, Mr. Clerk. [LB49]

CLERK: 4 ayes, 32 nays, Mr. President, on the amendment. [LB49]

SENATOR ROBERT: AM36 is not adopted. [LB49]

CLERK: I have nothing further pending on the bill at this time, Mr. President. [LB49]

SENATOR ROBERT: Seeing no lights on, Senator Fischer, you are welcome to...recognized to close on LB49. [LB49]

SENATOR FISCHER: Thank you, Mr. President and members of the body. I would ask that you vote in support of LB49 to advance it to General File. This is a bill that I believe is needed. It has support. No opposition came forward at the committee hearing, and I would ask you to vote yes. Thank you. [LB49]

SENATOR ROBERT: Thank you, Senator Fischer. You've heard the closing on LB49.

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The question shall be, shall LB49 advance to E&R Initial? All those in favor vote yea; all opposed vote nay. Have all those voted who wish? Mr. Clerk, please record. [LB49]

CLERK: 40 ayes, 0 nays, Mr. President, on the advancement of LB49. [LB49]

SENATOR ROBERT: LB49 does advance. Next item on the agenda. [LB49]

CLERK: Mr. President, LB50 is a bill by Senator Fischer. (Read title.) Bill was introduced on January 8 of this year, at that time referred to the Transportation and Telecommunications Committee. The bill was advanced to General File. At this time I have no amendments to the bill. [LB50]

SENATOR ROBERT: Senator Fischer, you are recognized to open on LB50. [LB50]

SENATOR FISCHER: Thank you, Mr. President, members of the body. LB50 is a simple bill. It adds to the definition of motor vehicle in the motor vehicle industry licensing statutes. The bill changes the definition found in Section 60-1401.02 to include an engine, transmission, or rear axle that is manufactured for installation in a motor vehicle with gross weight rating of more than 16,000 pounds. Essentially, we're talking about engines made for large trucks. Historically, motor vehicle dealers have operated within a franchise system, and it has been the intent of the Legislature for the parties within that system to interact under a fair and equitable balance. Under the current law, an engine manufacturer is not subject to the franchise laws that motor vehicle dealers are regulated by. Under a practice that is going on, engine manufacturers are entering into separate agreements with individual motor vehicle dealers to sell their engines in the dealer's vehicles. The dealer must train and equip his or her staff to handle the service on these engines. Because these engine manufacturers are currently outside the scope of the motor vehicle industry licensing statutes and the franchise laws, they are free to take their business away from the dealer with no cause whatsoever. What this additional language does is allow these motor vehicle manufacturers who enter into separate agreements with franchise dealers to be governed by the same franchise laws and come under the jurisdiction of the Motor Vehicle Industry Licensing Board. This will ensure that any problems that occur between the parties will be brought to the proper forum through the board. Thank you, Mr. President. [LB50]

SENATOR ROBERT: Thank you, Senator Fischer. You have heard the opening on LB50. Is there anyone wishing to speak? Seeing none, Senator Fischer. Senator Fischer waives closing. The question shall be, shall LB50 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish? Mr. Clerk, please record. [LB50]

CLERK: 37 ayes, 0 nays, Mr. President, on the advancement of LB50. [LB50]

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SENATOR ROBERT: LB50 does advance. Next item on the agenda. [LB50]

CLERK: Mr. President, LB62 was a bill introduced by Senator Adams. (Read title.) The bill was introduced on January 8 of this year, at that time referred to Education. The bill was advanced to General File. I do have Education Committee amendments pending. (AM15, Legislative Journal page 226.) [LB62]

SENATOR ROBERT: Thank you, Mr. Clerk. Senator Adams, you're welcome to open on LB62. [LB62]

SENATOR ADAMS: Thank you, Mr. President and members of the body. As I talk about the amendment and the bill at the same time, the purpose of this bill is to align dates, quite frankly. When the learning community language was passed, the concept of open enrollment was set to begin one year after the implementation of the learning community. And on the other side of that, option enrollment for the learning community was scheduled to end when the learning community begins. So the essence of this is, we've got a gap. We have a gap between the time option enrollment ends and open enrollment begins a year from now. What this bill does, and the amendment that follows with it, is to close that gap. And the effect would be this. After working with the superintendents in the metro area, this language, what it would do, is to extend option enrollment for one more year in the learning community. That's the only thing we're talking about here: the schools within the learning community. It would extend option enrollment one more year until the effective date of the implementation of open enrollment. The other thing that it does do, with the understanding of the superintendents within the learning community, under open enrollment when it goes into effect a year from now, school districts will still have the option to determine their capacity and their ability to take students from another school. That doesn't change. In addition to that, there will be a priority on determining from a list which students will, under open enrollment, get to move. And those priorities are: one, if they have siblings in that school district, and then two, enhancing the socioeconomic diversity within the building in the district. Now that's under open enrollment. What we're going to do is to extend option enrollment one more year for the learning community, but we're going to take those open enrollment criterion of siblings and socioeconomic diversity, and we're going to apply it to option enrollment over the next year. Now that's the language we've arrived at and the compromise and the understanding with the superintendents. That's the essence of the bill. And I'd be glad to answer questions. Thank you, Mr. President. [LB62]

SENATOR ROBERT: Thank you, Senator Adams. Mr. Clerk, do we have a committee amendment? [LB62]

CLERK: Mr. President, Senator Adams, the Chair of Education offers committee amendment, AM15. [LB62]

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SENATOR ROBERT: Senator Adams, as Chair of the Education Committee, you're recognized to open on AM15. [LB62]

SENATOR ADAMS: Thank you, Mr. President. As I indicated to you before, what this amendment very simply does, in response to some of the superintendents' concerns, is the matter of clarifying dates. We thought we had these right in the bill that we presented, but in discussions with the superintendents, they wanted additional clarification. So quite simply that's what this bill does. It clarifies the dates when all of these things will occur: when option enrollment ends, the option enrollment period, when open enrollment begins. Thank you, Mr. President. [LB62]

SENATOR ROBERT: Thank you, Senator Adams. Is anyone wishing to discuss AM15? We have some lights on. Senator Fulton, you're recognized. [LB62]

SENATOR FULTON: Thank you, Mr. President, members of the body. Would Senator Adams yield to a question or two? [LB62]

SENATOR ROBERT: Senator Adams, would you yield to a question from Senator Fulton? [LB62]

SENATOR ADAMS: Yes. [LB62]

SENATOR FULTON: Senator, I'd...just to let you know and others on the onset, I don't have a problem specifically with this bill, but it raises an opportunity with regard to education and what happened with the learning community the last go around. I wasn't in support of that bill or concept. It's passed, it's over. What I would like to ascertain here is the process that we engaged in last year, or whenever it was, last session, whether or not something could have been done differently to foresee the changes necessitated by LB62 in this session. So I guess, is the provision of LB62 and its accompanying amendment something that could have been foreseen during our discussion of the learning community in last session, Senator? [LB62]

SENATOR ADAMS: Quite simply, when the statute was created with all the things that was in it, this date alignment was a technical oversight. [LB62]

SENATOR FULTON: Okay. Thank you. And that happens. I've been here a short time and I've learned that things happen pretty fast. We are a fairly dynamic body. We can come back and change things at given dates. But for our own benefit, when things get moving very fast and if you're not comfortable, stand up and ask a question. Because there were a lot of things that happened with this learning community bill outside of the concept itself, which I suspect we will be coming back to revisit in years forward. Some of my colleagues in Lincoln have some concern, lingering concern, over what the

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learning community concept will mean with regard to state aid and how that will affect our school district. I think that's probably a like case in other school districts across Nebraska. So I guess what I'm saying here is, when we get moving really fast and you don't feel comfortable, we all have an obligation to stand up until we do feel comfortable. This learning community concept was something that we battled last year, we got through, and even so, there were some oversights that occurred. So I will end up supporting the amendment and the accompanying bill, but this is an opportunity to point out that dynamic of law making. Thank you, Mr. President. [LB62]

SENATOR ROBERT: Thank you, Senator Fulton. Wishing to speak, we have Senators Gay and Howard. Senator Gay, you are recognized. [LB62]

SENATOR GAY: Thank you, Mr. President. I rise in support of the amendment and the bill when we get to it, but as Senator Fulton alluded to, this is an opportunity to bring up the learning community and I don't do that in...I don't want to go into that whole thing. But I would like to take this opportunity to thank Senator Adams for working on this. This has been an issue that he's worked closely with administrators and to work this out, and just wanted to go on the record that he's been very helpful trying to find a solution. Whether we agree or disagree with the learning community, it is the law of the state of Nebraska and we can try to improve it, and this goes to that issue. There are other issues that will be coming and will have to be dealt with as well. But I just did want to rise quickly and tell him we appreciate his work throughout the summer to come to this bill and bring it early. And this is like the prior bill that we had. This alleviates some concern that administrators had about the open and option enrollment. So wanted to get that, and thank Senator Adams. Thank you, Mr. President. [LB62]

SENATOR ROBERT: Thank you, Senator Gay. Senator Howard, you're recognized. [LB62]

SENATOR HOWARD: Thank you, Mr. President. I rise in support of this amendment. You may notice on the committee statement that OPS did not testify in support, in opposition, or neutral. Their concern was addressed in this amendment and certainly they appreciate Senator Adams' willingness to work to correct this, and I thank him for that as well. Thank you. [LB62]

SENATOR ROBERT: Thank you, Senator Howard. Seeing no other lights on, Senator Adams, you are recognized to close on AM15. Senator Adams waives closing. The question for the body is, shall AM15 be adopted to LB62? All those in favor vote aye; those opposed vote nay. Have all those voted who wish? Mr. Clerk, please record. [LB62]

CLERK: 42 ayes, 0 nays, Mr. President, on the adoption of the committee amendments. [LB62]

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SENATOR ROBERT: Committee amendment AM15 is adopted. [LB62]

CLERK: I have nothing further on a bill, Mr. President. [LB62]

SENATOR ROBERT: Thank you, Mr. Clerk. There are no lights on. Senator Adams, you are welcome to close on LB62. [LB62]

SENATOR ADAMS: Thank you, Mr. President, and I'll keep this very short. Colleagues, I appreciate your support of the amendment and the bill as well. This is the first of several bills that I suspect that the Education Committee will be forwarding to the floor regarding the learning community, all of which we hope are bills that are designed, working with the superintendents, that are designed to make that transition a smoother one. Thank you, Mr. President. [LB62]

SENATOR ROBERT: Thank you, Senator Adams. You've heard the closing on LB62. The question before the body is, shall LB62 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish? Mr. Clerk, please record. [LB62]

CLERK: 42 ayes, 0 nays, Mr. President, on the advancement of LB62. [LB62]

SENATOR ROBERT: LB62 does advance. Mr. Clerk, next item on the agenda. [LB62]

CLERK: Mr. President, LB31 introduced by Senator Pahls. (Read title.) The bill was introduced on January 8 of this year, referred to the Banking, Commerce and Insurance Committee for public hearing. The bill was advanced to General File. There are committee amendments, Mr. President. (AM17, Legislative Journal page 258.) [LB31]

SENATOR ROBERT: Thank you, Mr. Clerk. Senator Pahls, you are recognized to open on LB31. [LB31]

SENATOR PAHLS: Thank you, Mr. President and members of the body. LB31 comes to us from the Nebraska State Board of Public Accountancy. It does two major things. First, the bill allows the greater mobility of CPAs across state line. Second, the bill makes cleanup changes throughout the Public Accountancy Act. In addition to the Nebraska State Board of Public Accountancy, the bill is also supported by the Nebraska Society of CPAs. Most significantly, the bill would allow out-of-state CPAs to exercise practice privileges in Nebraska, and the bill would also allow the board to grant for an accountant's temporary practice privileges in Nebraska. Individuals, along with their firms, who exercise these practices would be, by so doing, consent to the jurisdiction and disciplinary authority of the board. A Nebraska CPA would be subject to discipline by our board for improper acts committed in other states. An individual, while exercising

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these privileges in this state, who perform attestation services for a Nebraska client, may do so only through a firm which holds a permit issued by our board. Essentially, LB31 would amend the Public Accountancy Act to provide mobility to CPAs from outside of Nebraska so they can practice public accountancy in the state without the need to obtain licenses for...by reciprocity, register, or pay a fee to the Nebraska Board of Public Accountancy. However, most importantly, this legislation would outline and strengthen the jurisdiction of the Nebraska State Board of Public Accountancy over those of out-of-state CPAs practicing in Nebraska. Out-of-state licensed CPAs practicing in Nebraska would be permitted to practice with no notice, no fees, but also with no escape. Under current law, out-of-state CPAs can practice in Nebraska on a temporary basis for no set time and with very little oversight by our Nebraska board. LB31 would strengthen the Nebraska board's jurisdictions over out-of-state CPAs practicing in Nebraska. The bill is a good public policy that would add Nebraska to a national trend to allow CPAs more flexibility being able to move between states, but it would also protect the Nebraska citizens from out-of-state CPAs who may come in conflict with our laws...our laws, our rules, and our regulations. CPA mobility is being pushed nationwide. Here's an example how this would be a benefit for a person in the state of Nebraska. Let's say that you would move to another state and you like the Nebraska CPA who did work for you. This would allow that CPA, if you've moved to another state and we would approve this bill, that would allow that CPA to do the work for you. CPA mobility legislation has been enacted in over 30 states and it has been initiated in approximately 18 other states during this upcoming year, or will be. So that is an indication almost all states will have this act if we do pass it in the near future. LB31 also would amend sections throughout Nebraska's act to make updating and cleaning changes, excuse me, and cleanup changes. Among these the bill would provide that the annual registered permitholders and board members shall be made available by the board to permitholders instead of printed and mailed to them. The bill would change the name of the board's cash fund from Public Accountancy Fund to Certified Public Accountancy Fund. The bill would eliminate obsolete provisions throughout the act, including those regarding public accountants, who were as a group grandfathered in under the 1957...of whom the last one retired, has just retired. The bill would provide that it does not become operative until September 1, 2010. This will allow time for the rules and regulations to be developed. Thank you. [LB31]

SENATOR ROBERT: Thank you, Senator Pahls. Mr. Clerk, we have an amendment? [LB31]

CLERK: Mr. President, the Banking, Commerce and Insurance Committee amendments, AM17. [LB31]

SENATOR ROBERT: Senator Pahls, as Chair of the Banking, Commerce and Insurance Committee, you're recognized to open on AM17. [LB31]

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SENATOR PAHLS: Thank you, Mr. President, and members of the body. As previously stated, much of the bill is taken up with cleanup and clarification amendments in this act. The committee amendments would make one more clarification change. Section 1-155 prohibits the use of the title or designation E.A. if it would be confusing to the public about who is a properly credential CPA. The committee amendments were suggested by the Nebraska Society of Independent Accountants. They asked us to make clear that the restriction on the use of E.A., which probably refers to enrolled accountant, does not apply to enrolled agent. The amendment would provide that a person cannot call himself or herself an enrolled agent or an E.A. unless a person is so designated by the Internal Revenue Service. You may ask, who is an enrolled agent? An enrolled agent is a person who has earned the privilege of practicing, that is representing taxpayers before the Internal Revenue office. Enrolled agents, like attorneys and certified public accountants, are unrestricted as to which taxpayers they represent, what types of tax matters they can handle, and which IRS office they can practice before. Thank you. [LB31]

SENATOR ROBERT: Thank you, Senator Pahls. You've heard the opening on committee amendment AM17 to LB31. Is there anyone wishing to discuss the matter? Seeing none, Senator Pahls waives closing on AM17. The question for the body shall be, shall AM17 be adopted to LB31? All those in favor vote aye; those opposed vote nay. Have all those voted who wish? Mr. Clerk, please record. [LB31]

CLERK: 34 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB31]

SENATOR ROBERT: Committee amendment AM17 is adopted. [LB31]

CLERK: I have nothing further on a bill, Mr. President. [LB31]

SENATOR ROBERT: Senator Pahls, there are no lights on. You are recognized to close and he waives closing on LB31. The question for the body is, shall LB31 advance to E&R Initial? All those in favor vote aye; all opposed vote nay. Have all those voted who wish? Mr. Clerk, please record. [LB31]

CLERK: 37 ayes, 0 nays, Mr. President on the advancement of LB31. [LB31]

SENATOR ROBERT: LB31 does advance. Mr. Clerk, have you anything further? [LB31]

CLERK: I do, Mr. President. Your Committee on Government, Military and Veterans Affairs chaired by Senator Avery reports LB154 to General File with committee amendments attached. Health and Human Services Committee chaired by Senator Gay reports LB91 to General File and LB196 to General File. I have a new resolution, Mr. President, LR11, introduced by Senator Lathrop and others will be...it's with respect to continuation of the Developmental Disability Special Investigative Committee created by

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the Legislature at the end of last session. That will be referred to the Reference Committee for referral to standing committee for public hearing purposes. Enrollment and Review reports LB1-3 to Select File. I have a motion from Senator Pirsch with respect to LB672. He would like to withdraw it. That will be laid over. And I have a hearing notice from Judiciary Committee signed by Senator Ashford. And I also have, Mr. President, a confirmation report from the Natural Resources Committee signed by Senator Langemeier. And I also have a series of name adds: Senator Janssen to LB36; Senator Pirsch to LB91; Senator Howard, LB122; Senator Stuthman, LB300; Senator Nantkes, LB306, LB307; Senator Campbell, LB307; Senators Nelson, Harms, Council, Schilz, Stuthman, Janssen, to LB405, along with Senators Lathrop, McGill, Janssen, and Christensen; Senator Janssen to LB455; Senator Lathrop, LB579; Senator Dierks, LB605; Senators Nordquist and Mello to LB676; and Senator Fulton would like to withdraw his name from LB63. (Legislative Journal pages 280-286.) [LB154 LB91 LB196 LR11 LB1 LB2 LB3 LB672 LB36 LB91 LB122 LB300 LB306 LB307 LB405 LB455 LB579 LB605 LB676 LB63]

Mr. President, I have a priority motion. Senator Christensen would move to adjourn until Monday morning, January 26, 2009, at 10:00 a.m. []

SENATOR ROBERT: You've heard the motion before the body. The motion is to adjourn until Monday at 10:00 a.m. All those in favor signify by saying aye. Opposed, nay. The ayes have it. We are adjourned. []