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2002

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LINCOLN, NEBRASKA

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by

PATRICK J. O'DONNELL, CLERK

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LEGISLATURE

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| Dist. | Name | Address | Occupation | Counties |
|-------|--------------------------|--------------------|--|--|
| 1 | Floyd Vrtiska..... | Table Rock..... | Semi-retired Farmer..... | Cass*, Johnson, Nemaha, Otoe*, Pawnee, Richardson |
| 2 | Roger R. Wehrbein | Plattsmouth | Farmer/Feeder..... | Cass*, Otoe*, Sarpy* |
| 3 | Jon Bruning | Sarpy County | Attorney..... | Sarpy* |
| 4 | Kermit A. Brashear | Omaha..... | Attorney..... | Douglas* |
| 5 | Donald Preister..... | Omaha..... | Joy Creations Greeting Card..... Manufacturer | Douglas*, Sarpy* |
| 6 | Pam Brown..... | Omaha..... | Consultant..... | Douglas* |
| 7 | John Synowiecki | Omaha..... | Government Liaison Catholic..... Charities | Douglas* |
| 8 | Patrick Bourne | Omaha..... | Attorney..... | Douglas* |
| 9 | Chip Maxwell..... | Omaha..... | Development Director - Jesuit..... Middle School of Omaha | Douglas* |
| 10 | Deborah S. Suttle | Omaha..... | | Douglas* |
| 11 | Ernie Chambers..... | Omaha..... | Defender of the Downtrodden | Douglas* |
| 12 | Pamela Redfield | Omaha..... | | Douglas* |
| 13 | Lowen Kruse | Omaha..... | Ordained Minister..... | Douglas* |
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| 15 | Ray Janssen | Nickerson..... | Grocer..... | Dodge |
| 16 | Matt Connealy..... | Decatur..... | Farmer | Burt, Cuming, Stanton, Thurston, Washington* |
| 17 | Pat Engel..... | South Sioux City.. | | Dakota, Dixon, Wayne |

| Dist. | Name | Address | Occupation | Counties |
|--------------|--------------------|----------------|--|--|
| 18 | Douglas Cunningham | Wausa | Grocer | Douglas*, Washington* |
| 19 | Gene Tyson | Norfolk | | Madison |
| 20 | Jim Jensen | Omaha | Contractor | Douglas* |
| 21 | Carol Hudkins | Malcolm | Farmer | Lancaster*, Saunders* |
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| 23 | Curt Bromm | Wahoo | Attorney | Butler, Colfax*, Douglas*, Sarpy*, Saunders* |
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| 25 | Ron Raikes | Lincoln | Farmer | Lancaster* |
| 26 | Marian L. Price | Lincoln | Senator | Lancaster* |
| 27 | DiAnna Schimek | Lincoln | | Lancaster* |
| 28 | Chris Beutler | Lincoln | Lawyer and Businessman | Lancaster* |
| 29 | Mike Foley | Lincoln | Corporate Planning Analyst | Lancaster* |
| 30 | Dennis Byars | Beatrice | Director of Advocacy and Government Relations - Martin Luther Home Society, Inc. | Gage, Lancaster* |
| 31 | Mark Quandahl | Omaha | Lawyer | Douglas* |
| 32 | George Coordsen | Hebron | Farmer | Fillmore, Jefferson, Saline, Thayer |
| 33 | Carroll Burling | Kenesaw | Farmer/Rancher | Adams, Hall* |
| 34 | Bob Kremer | Aurora | Farmer/Cattle Feeder | Hall*, Hamilton, Merrick, Nance, Polk* |
| 35 | Ray Aguilar | Grand Island | Self-employed - Commercial Cleaning Service | Hall* |
| 36 | Jim D. Cudaback | Riverdale | Rental Property Owner | Buffalo*, Dawson* |
| 37 | Doug Kristensen | Minden | Attorney | Buffalo*, Kearney |

| Dist. | Name | Address | Occupation | Counties |
|--------------|-------------------------|----------------|---------------------------|--|
| 38 | Ed Schrock | Elm Creek | Farmer | Clay, Franklin, Gosper, Harlan, Nuckolls, Phelps, Webster |
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| 42 | Don Pederson | North Platte | Attorney | Lincoln |
| 43 | Jim Jones | Eddyville | Rancher | Blaine, Boyd, Brown, Cherry*, Custer, Holt*, Hooker, Keya Paha, Logan, Loup, McPherson, Rock, Thomas |
| 44 | Tom Baker | Trenton | Farmer - C Store Owner | Chase, Dawson*, Dundy, Frontier, Furnas, Hayes, Hitchcock, Perkins, Red Willow |
| 45 | D. Paul Hartnett | Bellevue | Consultant | Sarpy* |
| 46 | David Landis | Lincoln | College Instructor | Lancaster* |
| 47 | Philip Erdman | Bayard | Farmer | Arthur, Banner, Cheyenne, Deuel, Garden, Keith, Kimball, Morrill |
| 48 | Adrian Smith | Gering | Realtor | Scotts Bluff* |
| 49 | Wm. R. "Bob" Wickersham | Harrison | Attorney | Box Butte, Cherry*, Dawes, Grant, Scotts Bluff*, Sheridan, Sioux |

Clerk

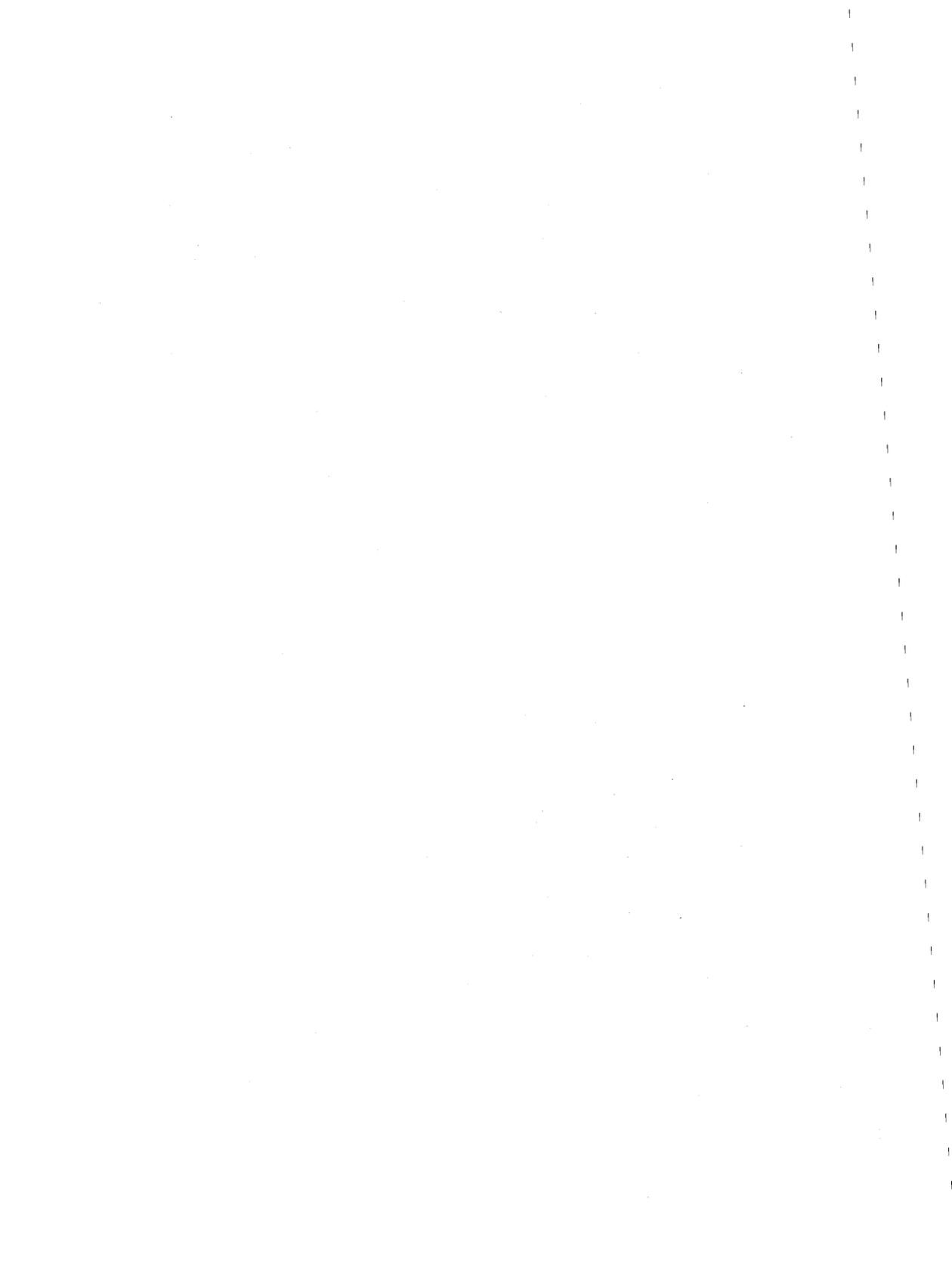
Patrick J. O'Donnell Lincoln

RULES
of the
NEBRASKA
UNICAMERAL
LEGISLATURE

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Patrick J. O'Donnell
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RULES OF THE NEBRASKA UNICAMERAL

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RULE 1--OFFICERS AND EMPLOYEES

A. Election of Officers

Section 1. Officers to Be Elected. (a) At the commencement of each regular session in odd-numbered years the Legislature shall nominate from the floor and elect by secret ballot the following officers:

Speaker
Chairperson of Committee on Committees
Chairperson of Executive Board
Vice Chairperson of Executive Board
6 Members of Executive Board (See footnote)

Before the ballot is taken each person so nominated may make a public statement to the Legislature indicating what the Legislature may expect from him or her in the area of the responsibility of such office. The officers so elected shall hold such office for a period of two years.

The Legislature elects two from Legislative Districts 1, 2, 15, 16, 21, 23 through 30, 32, 34, 35, and 46; two from Legislative Districts 3 through 14, 20, 31, 39, and 45; and two from Legislative Districts 17 through 19, 22, 33, 36 through 38, 40 through 44, and 47 through 49. Speaker is member of Board; Chairperson of Appropriations is nonvoting member. RRS 50-401.01.

(b) In the event a vacancy occurs on the Executive Board, the following shall apply:

(i) The Vice Chairperson shall serve as acting Chairperson upon the resignation or death of the Chairperson until the commencing of the next regular session of the Legislature, at which time the Legislature shall nominate from the floor and elect by secret ballot a Chairperson of the Executive Board for the balance of the original term.

(ii) Upon the resignation or death of the Speaker, during the interim, said position shall remain vacant until the next regular session or special session the Legislature convenes, at which time a Speaker shall be nominated from the floor and elected by secret ballot for the balance of the original term.

Upon the resignation or death of the Speaker during the session, a Speaker shall immediately be nominated from the floor and elected by secret ballot for the balance of the term.

(iii) In the event there is a vacancy of the Vice Chairperson of the Executive Board during the interim, said vacancy shall be filled pursuant to Rule 3, Section 7(c) until the commencing of the next regular session of the Legislature at which time the Legislature shall nominate from the floor and elect by secret ballot a Vice Chairperson of the Executive Board for the balance of the original term.

(iv) During session, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the

RULE 1

respective caucus from which the vacancy occurred, subject to approval of the Legislature. The individual so selected shall serve for the balance of the original term.

During the interim, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Executive Board. The individual so selected shall serve for the balance of the original term.

Sec. 2. Officers to Be Approved. In addition, the Legislature shall advise and consent to the recommendations of the Executive Board of the Legislative Council for the following officers:

Chief Clerk of the Legislature
Assistant Clerk of the Legislature
Sergeant at Arms
Chaplain Coordinator

Officers and employees recommended by the Executive Board. RRS 50-111.

Sec. 3. Voting on and Removal of Officers. (a) A majority vote of the elected members shall be required for the election of all officers of the Legislature. All officers shall hold their office until a successor is chosen or they are removed.

(b) Any officer of the Legislature may be recalled upon a two-thirds majority vote of the members elected to the Legislature provided no such recall shall be voted on until five legislative days after the motion to do so is placed in the Journal. The vacancy thus created shall be filled by a majority vote of the members.

Sec. 4. Officer's Oath. Each permanent officer shall take an oath to support the Constitution of the United States, and the constitution of the State of Nebraska, and to discharge faithfully the duties of his or her office according to the best of his or her ability.

B. Presiding Officer

Sec. 5. President of the Legislature. The Lieutenant Governor shall preside as President of the Legislature. The Speaker shall serve as acting President and preside when the Lieutenant Governor shall be absent, incapacitated, or shall be acting as Governor. All references herein made to the President shall be construed as meaning also the Speaker whenever he or she may preside.

RULE 1

Prohibited from presiding when acting as Governor. Const. Art. III, Sec. 10.

Duties and powers. RRS 50-113.

Sec. 6. Presiding Officer, Order in Designating. In the absence of both the Lieutenant Governor and the Speaker, the order of the presiding officer of the Legislature shall be as follows:

Chairperson of the Executive Board
Chairperson of Committee on Committees
Chairperson of Committee on Judiciary
Chairperson of Committee on Government, Military and Veterans Affairs
Chairperson of Committee on Appropriations
Chairperson of Committee on Revenue
Chairperson of Committee on Education
Chairperson of Committee on Banking, Commerce and Insurance
Chairperson of Committee on Natural Resources
Chairperson of Committee on Agriculture
Chairperson of Committee on Health and Human Services
Chairperson of Committee on General Affairs
Chairperson of Committee on Business and Labor
Chairperson of Committee on Urban Affairs
Chairperson of Committee on Transportation and Telecommunications

Sec. 7. Powers of Presiding Officer, Restrictions. All the powers herein conferred on the President shall be exercised by the presiding officer, except the authority to sign bills or resolutions passed by the Legislature.

Const. Art. III, Sec. 14.

Addressing the chair. Rule 2, Section 7.

Duties. RRS 50-113.

Sec. 8. Alternate Presiding Officers. The President may name any member to perform the duties of the presiding officer, but such delegation shall not extend beyond adjournment.

Sec. 9. Convening of Legislature, Quorum. The President shall take the chair each legislative day at the hour to which the Legislature shall have adjourned at the last sitting. He or she shall call the Legislature to order, and a quorum being present, shall proceed in the manner and order prescribed by these Rules. A majority of the members elected to the Legislature shall constitute a quorum.

Const. Art. III, Sec. 10.

RULE 1

Sec. 10. Absence of Quorum. If the President finds that a number less than a quorum is present, he or she shall so state, and a majority of the members present, if five in number, may compel the presence of all members subject to a call of the house.

Sec. 11. Order and Decorum. The President shall preserve order and decorum, and in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared.

Consent to enter chamber. Rule 2, Section 3.

Sec. 12. Overrule Ruling of the Chair. The President may speak to a point of order in preference to members, and shall decide the questions or order, subject to a challenge to the Legislature by any member, on which challenge no member may speak more than once, unless by leave of the Legislature. In the event of a challenge to a ruling of the chair, the ruling shall be restated and the question shall be phrased: "Shall the Chair be overruled?" A majority of those present shall be required to overrule the chair.

Sec. 13. Signing of Bills and Resolutions. The President shall sign, in the presence of the Legislature, while the same is in session and capable of transacting business, all bills and resolutions passed by the Legislature. All writs, warrants, and subpoenas issued by order of the Legislature shall be under his or her hand and seal, and attested to by the Clerk.

Only Lieutenant Governor or Speaker may sign bills. Const. Art. III, Sec. 14.

Sec. 14. Lieutenant Governor Voting, When. The Lieutenant Governor, when presiding, shall vote only when the Legislature is equally divided.

Const. Art. III, Sec. 10.

C. Speaker

Sec. 15. Speaker, Presiding, Privilege. The Speaker shall preside over the Legislature at such times and circumstances as is above set forth. He or she shall be privileged to speak at any stage of proceedings at any time incident to the duties and responsibilities of his or her office.

*Distribution of material by Clerk. Rule 2, Section 3g.
Excuse attendance at committee hearing. Rule 2, Section 4.
Power to refer bill back to committee. Rule 6, Section 3g.
Signing of bills. Const. Art. III, Sec. 14.*

RULE 1

Sec. 16. Report Order of Bills. (a) The Speaker, with the approval of the Executive Board, shall report to the Legislature the order in which bills and resolutions shall be considered on General File. The Speaker's orders, as approved, are final unless changed by a three-fifths vote of the elected members of the Legislature. General appropriation bills shall be given precedence over all other bills.

(b) The Speaker may, when sound judgment would so dictate, postpone the scheduled reconvening of the Legislature for up to forty-eight hours when (1) an emergency exists due to adverse weather or other causes, or (2) a quorum cannot be assembled within one half hour after the time to which the Legislature was to have convened.

(c) The Speaker shall prepare a daily legislative agenda and shall make every effort possible to deliver the agenda to the members of the Legislature not less than one day prior to the day for which the agenda was prepared.

Sec. 17. Speaker's Major Proposals. The Speaker shall be authorized to: (a) Designate up to five bills, or resolutions proposing to amend the Constitution, as major proposals during each legislative session. Determinations made by the Speaker pursuant to this subsection shall be limited to bills or resolutions previously designated as a senator priority or a general appropriation bill and approved by a vote of two-thirds of the Executive Board. During the 2001 Session, the Speaker may designate any of the redistricting bills as major proposals with the approval of two-thirds of the Executive Board. Provided, the Speaker shall be allowed to designate one additional major proposal which shall be limited to the bill dealing with redistricting of legislative districts subject to the approval of two-thirds of the Executive Board.

(b) Require each committee to which a major proposal has been referred to:

(1) hold a public hearing by a date certain as agreed to by the Speaker and committee chairperson.

(2) take action, including voting to advance the measure with or without amendments to the full Legislature, voting to indefinitely postpone the measure, or taking a vote on the measure that does not result in the measure's advancement or indefinite postponement. Committee action as defined above must be taken by a date certain as determined by the Speaker and committee chairperson.

(c) Determine the scheduling of the proposal and the order of amendments and motions to be considered.

RULE 1

D. Clerk of the Legislature

Sec. 18. Duties, Journal, Report on Employees. (a) The Clerk of the Legislature shall attend sessions, call the roll, and keep journal of proceedings.

(b) The Clerk of the Legislature shall print no paper or document, except bills and the daily Journal, unless authorized by a majority vote of the elected members of the Legislature, or by the Executive Board.

Preprinting of bills. Rule 5, Section 3.

(c) The Clerk of the Legislature shall have general charge, except as may be provided by law or by rule, of such parts of the Capitol and its passages as are or may be set apart for the use of the Legislature and its officers and employees.

(d) No communications or letters shall be read by the Clerk of the Legislature unless authorized by the Speaker or the Executive Board Chairperson.

General duties. RRS 50-114.

Distribute material, when authorized. Rule 2, Section 3g.

Fiscal notes, attach to bills. Rule 5, Section 6d.

Sec. 19. Journal, Governor's Messages, Amendments. (a) The Clerk shall prepare a daily Journal of the proceedings of the Legislature, which shall be printed and placed each day upon the desks of the members, and the presiding officer shall call in the regular order of business for corrections thereof. After corrections, if any are made, the Journal shall stand approved without motion.

Order of business. Rule 7, Section 1b.

(b) The Clerk shall enter in the daily Journal messages of the Governor in full, titles of bills, every vote, including the yeas and nays, and a brief statement of the contents of each resolution, petition, memorial, or other paper presented for the consideration of the Legislature.

Constitutional amendment, print in full. Const. Art. XVI, Sec. 1.

(c) The hour at which the Legislature adjourns shall be entered in the daily Journal.

(d) All amendments for which a vote is taken shall be entered in the daily Journal.

RULE 1

(e) All amendments and motions filed with the Clerk prior to the day a bill or resolution is considered shall be recorded in the daily Journal with the name of the introducer or introducers. The text of any amendment whose length is no more than ten pages shall be printed in the daily Journal. All amendments which are approximately ten pages or more shall be noted in the daily Journal as on file in the bill room or the Clerk's office.

(f) Additional copies of the daily Journal, to be mailed at the Clerk's direction, shall be supplied for the use of each member in such manner as shall be provided by the Legislature.

(g) The bound Journal of the session shall be prepared from the corrected daily Journal.

(h) A verbatim record of all debate and questions on all bills and resolutions, and amendments offered thereto, shall be made, transcribed, and preserved under the direction of the Clerk.

(i) A list of lobbyists who are registered shall be set forth in the Journal.

On registration of lobbyists. RRS 49-1480 through 49-1492.

Sec. 20. Assistant Clerk, Duties. The Assistant Clerk shall, in the absence of the Clerk, be authorized to exercise all the duties herein prescribed for the Clerk of the Legislature, including the signing of those papers which may require the signature of the Clerk of the Legislature.

RRS 50-115.

E. Other Offices

Sec. 21. Sergeant at Arms. (a) The Sergeant at Arms shall attend the Legislature during its sittings, to execute the commands of the Legislature from time to time, together with all such processes issued by authority thereof as shall be directed to him or her by the presiding officer, and shall enforce strictly the rules as they relate to privileges of the legislative chamber.

RRS 50-116.

(b) The Assistant Sergeant at Arms shall assist the Sergeant at Arms and in the absence of the latter, shall perform all of the duties herein prescribed for the Sergeant at Arms.

(c) Such other security guards as may be necessary shall be under the direction of the Speaker.

RULE 1

Compel attendance. Rule 2, Section 4.

Sec. 22. Chaplain Coordinator. The Chaplain Coordinator shall work in conjunction with organized Nebraska groups of Clergy to arrange for prayer at the beginning of each day of the legislative session.

Sec. 23. Other Employees, Hiring of. The Executive Board of the Legislative Council shall hire all employees of the Legislature except those subject to the procedure in Rule 1, Section 2. The salaries of permanent employees shall be determined by the Executive Board subject to the limits of the appropriation bill.

RRS 50-112.

RULE 2--RULES OF PROCEDURE

Section 1. Rules, Matters Not Covered. (a) At the commencement of each regular session, a motion shall be offered to adopt the rules of the preceding session as temporary rules. The motion to adopt temporary rules shall require a majority vote of the members. The temporary rules shall be in effect until such time as the permanent rules are adopted. The motion to adopt permanent rules and amendments to that motion shall require a majority vote of the elected members. In all matters not covered herein, the Legislature shall decide as to the procedure to be followed, the same to require the concurrence of a majority of the elected members.

(b) In the absence of a controlling rule to cover a specific situation and in the absence of controlling custom, usage, and/or precedent, the presiding officer may utilize Mason's Manual of Legislative Procedure as authority.

Overruling the chair. Rule 1, Section 12.

Presiding officer, duties. RRS 50-113.

Sec. 2. Rules, Suspension, Amendment. The rules may only be suspended by a three-fifths majority of the elected members by a machine vote, and such a motion shall not be amendable or divisible. The permanent rules may be amended by a three-fifths majority vote of the members elected; Provided, any proposed amendment must first be referred to the Committee on Rules for consideration and report.

Sec. 3. Chamber, Guests, Distributions of Material. (a) The legislative chamber shall consist of the entire floor of the legislative chamber including the space under the balcony on either side adjacent thereto, or any other space designated by the Legislature or the Executive Board thereof.

(b) No person shall be admitted to the floor of the Legislature, as described in this rule, except the following:

- (i) Members of the Legislature and their immediate families.
- (ii) Officers and employees of the Legislature.
- (iii) Reporters of regularly accredited newspapers and broadcasting stations.

(c) With the permission of the chair, members may invite guests to the legislative chamber to sit in those specially designated areas located in the rear of the chamber. When exercising this privilege, members should be sensitive to the matter under discussion on the floor and not have guests seated within the chamber who have a direct interest in the matter being discussed.

Any member may object to the presence of a guest within the chamber on the grounds that the guest has an interest in the matter being debated. If

RULE 2

the chair concurs with this judgment, the guest shall be asked to leave the chamber.

No registered lobbyist shall be admitted to the chamber.

(d) The Governor, state officers, former legislators, and other distinguished visitors may be admitted to the floor upon permission from the chair.

State officials appearing before committees. Rule 3, Section 14.

(e) No one shall be permitted to be seated beside members of the Legislature except members of their immediate families upon permission from the chair. When bills are being read on Final Reading, no one other than members of the Legislature shall be permitted on the floor of the Legislature, except for employees of the Clerk of the Legislature's office or as provided in Section 3(h) of this rule.

(f) No person, other than those hereinbefore excepted, shall be admitted to the members' cloak room or post office, unless accompanied by a member.

(g) No printed or written material of any nature may be placed on the desks of the members or distributed to them in the legislative chamber, unless such material clearly indicates on its face the person responsible for its distribution. The distribution must be approved by at least one member of the Legislature. The Speaker may authorize the Clerk to distribute material prepared by state agencies.

(h) Members shall remain in their seats during the Final Reading of a bill and until the vote thereon has been announced, except when excused by the President. During discussion of amendments or motions offered pursuant to Rule 6, Section 8, officers and employees of the Legislature shall be permitted on the floor of the Legislature and members may move about the legislative environs subject to a quorum call request by any member pursuant to Rule 7, Section 5. For purposes of this rule, legislative environs shall mean the Legislative Chamber, the Senate Lounge, and the hallway connecting those areas.

(i) No individual, other than a senator or officer of the Legislature, shall be allowed to address the Legislature except from the podium.

(j) The smoking of any tobacco product by any member or any other individual within the State Capitol is prohibited.

(k) The use of any mobile, portable, or wireless communication device that emits an audible signal, other than those authorized by the Legislative

RULE 2

Council or used by licensed medical persons on duty, is prohibited in the Chamber while the Legislature is in session.

Sec. 4. Attendance at Sessions. (a) Every member shall be present within the legislative chamber during the meetings of the Legislature and shall attend the regular meeting of the standing committee of which he or she is a member, unless excused by the Legislature, the Speaker, or the committee chairperson. Members who have been excused by the Legislature or the Speaker shall notify their committee chairperson that they will be absent.

(b) The presence of any member may be compelled, if necessary, by sending the Sergeant at Arms, or such other person or persons as the membership present may authorize, at the expense of such absent member, unless such excuse for nonattendance is made as the Legislature may judge sufficient, and in that case the expense shall be paid out of the contingent fund.

Sec. 5. Absent Members, Explanation of Vote. Members who are shown as excused and not voting may have inserted into the Journal how he or she would have voted had he or she been present.

Sec. 6. Expulsion of Members. No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense.

Const. Art. III, Sec. 10.

Sec. 7. Senator Desiring to Speak. (a) When a member desires to speak in debate or to deliver any matter to the Legislature, he or she shall rise from his or her seat and respectfully address himself or herself to "Mr. or Madame President." A member shall speak only when recognized and shall confine his or her remarks to the question before the Legislature.

(b) No member shall interrupt the business of the Legislature nor speak to another who has the floor, except when he or she may yield to a question. No guest will be introduced during the legislative session except dignitaries and such dignitaries shall only be introduced by the presiding officer, provided that the presiding officer can announce the presence of visiting groups or organizations at his or her discretion. Those individuals and groups not introduced may be inserted in the Journal by request. No member shall use profane or abusive language when speaking to or about another member.

Sec. 8. Transgression of Rules, Call Member to Order. If any member, in speaking or otherwise, transgresses the Rules of the Legislature, the presiding officer shall, or any member may, call such member to order, in

RULE 2

which case he or she shall immediately sit down, unless permitted on motion of another member to explain, and the Legislature shall, if appealed to, decide the case without debate. If the decision be in favor of the member called to order, he or she shall be at liberty to proceed, but not otherwise, and if the case requires it, he or she shall be liable to censure or such punishment as the Legislature may deem proper.

Sec. 9. Words Excepted To. If a member is called to order for words spoken in debate, the member calling him or her to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the Legislature, but he or she shall not be held to answer, nor be subject to the censure of the Legislature therefore, if further debate or other business shall have intervened.

Sec. 10. Time Limit on Speaking. Each member shall be allowed to speak up to three times for not more than five minutes on each occasion, upon any one question in deliberation during the legislative day, without leave of the Legislature, unless he or she be the mover, proposer, or introducer of the matter pending in which case he or she shall be permitted to speak in reply, but not until every other member choosing to speak shall have spoken. Provided, however, the mover, proposer, or introducer of the matter pending may speak for ten minutes when he or she first presents the matter to the Legislature.

Sec. 11. Personal Privilege. Personal privilege shall be, first, those affecting the rights, dignity, and integrity of the Legislature collectively; and second, the rights, reputation, and conduct of members individually. They shall have precedence over all other questions except motions to adjourn. Personal privilege shall not be used to permit any discussion or debate pertaining to any measure pending before the Legislature. All questions of privilege shall be channeled through the presiding officer, who shall determine their order of consideration.

RULE 3--COMMITTEES

Section 1. Committees in General. (a) Each committee of the Legislature is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Legislature, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, and to take such testimony, as it deems advisable. Each committee may make investigation into any matter within its jurisdiction, may report such hearings as may be had by it, and may present to the Legislature for its consideration any final reports and recommendations for action resulting from such investigations.

(b) A committee's subject-matter jurisdiction extends to all matters specified in the act creating the committee, or to all matters reasonably comprehended in the name of the committee. A committee's particular jurisdiction extends to any bill, resolution, or other measure referred to it by the Legislature, until final report of the measure has been made by the committee to the Legislature. A committee's particular jurisdiction shall also include review of the budgets of agencies, boards, and commissions reasonably encompassed in its subject matter jurisdiction.

(c) No committee may exercise any of the above mentioned powers in a manner contrary to the Rules of the Legislature or in a manner which exceeds the scope of the act defining the purpose of the committee.

(d) A committee may adopt the Model Committee Rules (Appendix A to Rule 3) as the rules to be used in governing the committee's activities.

Model Committee Rules-Appendix A on file in the Clerk's office.

Sec. 2. Appointment of Committees. (a) Beginning on February 1, 1998, at the commencement of each biennium, the Legislature shall elect a Committee on Committees to consist of thirteen members, one at large who shall be chairperson, and four from Districts Number 1, 2, 15, 21, 22, 24 through 30, 33 through 35, and 46; four from Districts Number 3 through 14, 20, 31, 39, and 45; and four from Districts Number 16 through 19, 23, 32, 36 through 38, 40 through 44, and 47 through 49.

(b) Immediately following chairmanship and Committee on Committees membership elections, the Committee shall meet and, by a majority vote of all its members, submit to the Legislature a preliminary report of appointments to the remaining standing and select committees, each with the number of members as hereinafter set forth, unless otherwise provided for by rule or by statute. On the following day the Committee on Committees shall meet and, by a majority vote of all its members, submit to the Legislature a final report for its approval, appointments to the standing and select committees, each with a number of members as hereinafter set forth, unless otherwise provided for by rule or by statute.

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Once the final report is presented to the Legislature, no amendments shall be considered. If the Legislature, by majority of the elected members, fails to adopt the final report of the Committee on Committees, such report shall be returned to Committee for further action.

(c) The membership of all standing and select committees shall be appointed at the beginning of each session beginning in odd-numbered years and shall continue until the regular session in the next subsequent odd-numbered year.

(d) During session, all vacancies on standing or select committees created by the death or resignation of a member shall be filled by a majority vote of all members of the Committee on Committees unless otherwise provided for by rule or statute. A vacancy within the Committee on Committees shall be filled by a meeting of the caucus established pursuant to Rule 3, Section 2(a).

During the interim, all vacancies on standing or select committees created by the death or resignation of a member shall be filled by a majority vote of all members of the Executive Board.

Sec. 3. Standing Committees. (a) The standing committees of the Legislature shall be as follows:

| | |
|---|-----------|
| Agriculture | 8 members |
| Appropriations | 9 members |
| Banking, Commerce and Insurance | 8 members |
| Business and Labor | 7 members |
| Education | 8 members |
| General Affairs | 8 members |
| Government, Military and Veterans Affairs | 8 members |
| Health and Human Services | 7 members |
| Judiciary | 8 members |
| Natural Resources | 8 members |
| Nebraska Retirement Systems | 6 members |
| Revenue | 8 members |
| Transportation and Telecommunications | 8 members |
| Urban Affairs | 7 members |

(b) The Speaker shall not be a regular member of a standing committee.

Sec. 4. Select Committees. (a) The select committees of the Legislature shall be as follows:

| | |
|-------------------------------|------------|
| Committee on Committees | 13 members |
| Enrollment and Review | 1 member |
| Reference | 9 members |
| Rules | 6 members |

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

(c) Committee on Committees.

(i) The Committee on Committees shall have authority to call before it a committee chairperson and discuss the workload of said committee. It shall hear and dispose of all written complaints filed with said committee by a senator against any committee chairperson. The Committee on Committees shall conduct said hearing in accordance with its own rules.

(d) Enrollment and Review.

(i) The Chairperson of Enrollment and Review shall report bills which have been engrossed for Final Reading and passage. In the absence of the Chairperson, the Vice Chairperson of the Judiciary Committee shall assume the duties of the Chairperson of the Enrollment and Review Committee.

(ii) The bill drafting service shall have supervision of and provide legal services for Enrollment and Review Committee.

(iii) The Chairperson of Enrollment and Review shall have authority, without being required to include the same specifically in his or her reports and recommendations to the Legislature, in accord with accepted usage:

- (A) To correct the spelling of words, to correct erroneous division and hyphenation of words, to capitalize or decapitalize words, to convert masculine or feminine referents to neutral gender when appropriate, and to change numbers from words to figures or from figures to words, in new and independent acts, in the new matter of amendatory acts, in standing committee reports, and in General File, Select File, and specific amendments.
- (B) To underscore or remove underscoring, as the case requires, in standing committee reports and in General File, Select File, and specific amendments.
- (C) When an amendment to add the emergency clause, the severability clause, or provide an operative date is adopted on Select File which does not spell out the standard clause or section and make the necessary change in the title, the Chairperson of Enrollment and Review shall also have the authority to add to the engrossed bill the standard clause or section, assigning to it the appropriate section number, and make the necessary change in the title as a matter of course without including such action in his or her reports and recommendations to the Legislature or making any special record thereof.

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- (D) To add and/or delete names of introducers to reflect action on the bill while the bill remains in the possession of the Legislature at any stage of consideration.
- (E) To reflect votes on Final Reading as they may occur pursuant to Rule 6, Section 10 and Rule 6, Section 15.

(e) Reference Committee.

(i) The Executive Board shall constitute the Reference Committee. The Reference Committee shall review each bill and resolution and either refer the matter to the appropriate committee or to General File. The appropriate committee is that committee which has subject-matter jurisdiction over the issue or which has traditionally handled the issue.

(ii) All nominations made to the Legislature by the Governor, requiring confirmation by the Legislature shall be referred to the appropriate standing committee and the same procedure shall be followed as governs the handling of other matters before standing committees, unless the Legislature shall otherwise direct by unanimous vote.

(iii) The Clerk of the Legislature's office shall be responsible for the collection of pertinent information on gubernatorial appointments. That information will be distributed to the appropriate standing committee prior to the time of the confirmation hearing. The Clerk's office shall be the "depository" for background information on the individual, a statement of financial interests if applicable, and other biographical information that the committee chair feels is appropriate for the committee to have before it during the confirmation process.

(iv) The committees to which a gubernatorial appointee has been referred for confirmation shall conduct a confirmation hearing. Each appointee shall be required to appear in person before the committee conducting the confirmation hearing. The appearance of the appointee may be waived for good cause shown by a majority vote of the members assigned to the committee conducting the hearing.

The committee shall prepare a report either approving or rejecting the appointment. Said report shall be filed with the Clerk of the Legislature. The Legislature shall then have the opportunity to accept or reject the report of the committee.

(v) Any appointment letter received by the Clerk of the Legislature during the last eight calendar days of any regular legislative session shall not be acted upon. Acknowledgment of receipt of the appointment shall be deferred until the next regular or special session of the Legislature.

(f) Rules Committee.

All proposed rules changes shall be set for public hearing within five legislative days after their referral to the committee. The hearing shall take place within fifteen legislative days after the referral, and the committee shall take final action on the proposal within ten legislative days after the hearing.

(g) Investigating Committees.

The Committee on Committees may appoint other select committees when authorized by the Legislature. No investigating committee of the Legislature shall be created except by resolution which shall set forth, with supporting statements, the reasons for and the purposes of the investigation, and no committee thus established shall function except during the interim between legislative sessions.

Sec. 5. Special Committees. (a) Special committees shall include all authorized committees other than standing and select committees. Unless otherwise specifically provided, special committees shall not have jurisdiction over legislative bills, but shall be subject to the same procedural rules as standing committees, insofar as they are applicable.

(b) The special committees authorized by statute as of January 1, 1980 are as follows:

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|--|-----------|
| Building Maintenance. RRS 81-185 | 6 members |
| Education Commission of the States. RRS 79-1504 | 3 members |
| Executive Board of the Legislative Council. RRS 50-401.01 | 9 members |
| Intergovernmental Cooperation. RRS 81-816 | 5 members |
| Legislative Program Evaluation. RRS 50-1204 | 5 members |

(c) The following special provisions shall be in force with regard to the following special committees:

(i) Intergovernmental Cooperation Committee.

In addition to the members of the Intergovernmental Cooperation Committee chosen in accordance with Section 81-816, the Executive Board may appoint temporary members to serve on such assignments as the chairperson shall direct.

(ii) The Executive Board is authorized to exercise jurisdiction over legislative bills and resolutions and hold hearings regarding such legislation when the issue presented by the legislative bill or resolution is one of general import to the Legislature and its operations as a whole. Such legislative hearings shall comply with the provisions in Rule 3, Sec. 13.

(iii) The Legislative Program Evaluation Committee is authorized to hold hearings, at the committee's discretion, to receive testimony regarding topics it has selected for review. Such hearings shall comply with the provisions in Rule 3, Sec. 13.

Sec. 6. Redistricting Committee. A special committee, to be known as the Redistricting Committee, is hereby created. During the 2001 redistricting process, the Redistricting Committee is authorized to introduce bills relating to redistricting, exercise jurisdiction over all bills

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relating to redistricting, hold hearings on all redistricting bills, and oversee the redistricting process.

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

The chairperson of the committee shall be appointed by the Executive Board. The vice chairperson shall be elected by the members of the committee, and he or she shall not be a member of the same political party as the chairperson.

The committee shall adopt administrative guidelines governing its affairs and activities and guiding the 2001 redistricting process. The committee shall continue in existence until all redistricting bills for which the Legislature has responsibility are passed and signed by the Governor. In the event of a successful legal challenge to any part of a redistricting plan, the committee shall be reconstituted according to this rule for the purpose of reformulating the plan so challenged.

Sec. 7. Meeting Times. (a) After consultation with the Speaker, the Committee on Committees shall publish a schedule of standing committee meetings, in such manner as to avoid, as far as possible, conflicts in the assignment of members to committees. Standing committees shall meet at 1:30 p.m. on weekdays, unless otherwise approved by the Legislature, except for the Nebraska Retirement Systems Committee, which shall meet as called by the chairperson.

(b) A standing committee which decides not to hold meetings on the appointed day shall report that decision to the Clerk of the Legislature.

(c) Any legislative committee shall be subject to the call of its chairperson or to the call of a majority of its members, in accordance with the notice and procedural requirements set forth in its committee rules.

Sec. 8. Chairperson, Vice Chairperson. (a) The chairperson of each standing and select committee shall be selected by secret ballot on the floor of the Legislature.

(b) The chairperson of a special committee shall be selected in the manner provided by the act authorizing the committee, or if not specified, by the Executive Board.

(c) Each committee shall elect from its membership a vice chairperson to serve in the absence of the chairperson.

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Sec. 9. Committee Quorum. A majority of the members of a committee shall constitute a quorum. A quorum must be present for the transaction of any committee business except a public hearing.

Sec. 10. Quorum at Committee Hearings. A quorum of committee members should be maintained throughout all committee hearings.

Sec. 11. Conduct During Committee Hearing. (a) The use of any mobile, portable, or wireless communication device, other than those authorized by the Legislative Council or used by licensed medical persons on duty, is prohibited in legislative hearing rooms during a meeting of a legislative committee.

Sec. 12. Temporary Appointments. (a) When a member is unable to serve, the chairperson of the committee, after a majority vote of the remaining members, shall request that such vacancy be filled by the Committee on Committees.

(b) A temporary appointment may be made by the Chairperson of the Committee on Committees for only one day when requested by a chairperson of a standing committee which lacks a quorum. When a member is appointed from an eight-member committee, the consent of the member to be appointed shall first be obtained. The temporary appointee shall have the right to vote only on the bill or bills that actually have been heard by the appointee and provided that the vote is taken on such bills on the day the bill or bills are heard. When such appointment is made in case of an incapacitated member, such appointee shall cease to be a member of such committee upon the return of the incapacitated member for whom he or she was appointed.

Sec. 13. Consideration and Correlation of Bills and Resolutions. (a) Committees shall consider and report without unnecessary delay all bills and resolutions referred to them. Committees shall be authorized to combine and to correlate the provisions of different bills and resolutions referred to them and related to the subject matter jurisdiction of the committee. Committees may, before taking final action on any bill or resolution, adopt amendments thereto, for the consideration of the Legislature.

(b) The chairperson of each committee shall set for hearing all bills and resolutions referred to the committee, except as provided for in Rule 1, Section 17.

Sec. 14. Public Hearing, Notice. Before taking final action on a bill, resolution, or gubernatorial appointment, a committee shall hold a public hearing thereon and shall give at least seven calendar days' notice, after the bill or pronouncement of the appointee shall have been printed, by

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publication in the Legislative Journal. No bill or resolution having been set for public hearing shall be withdrawn nor the hearing canceled within seven calendar days of the date set for said public hearing.

Sec. 15. State Officials Appearing Before Committees. State officials and department heads or their designees and state employees are encouraged to appear before any legislative committee to comment upon bills having an impact on the operations of the administrative agency or department for which they work.

Sec. 16. Executive Sessions and Closed Meetings. (a) Executive session shall mean any meeting or portion of a meeting which is closed to the general public, and the proceedings of which are not electronically recorded and transcribed, unless the committee so provides, but the records of which shall be available for public inspection. Executive sessions shall be open to members of the news media who may report on action taken and on all discussions in executive session.

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

Sec. 17. Report of Bill to Legislature. (a) In reporting a bill to the Legislature, whether with or without amendments, a committee shall by vote of a majority of its members, recommend that the bill be placed on General File or that the bill be indefinitely postponed.

(b) A report on a bill or resolution must be made to the Legislature within eight calendar days after the committee has taken final action upon the particular measure. Final action shall mean an affirmative vote of a majority of the committee members to advance a bill to General File with or without committee amendments or an affirmative vote of a majority of the committee members to indefinitely postpone the bill. A committee may reconsider any final action prior to the committee making a report on the bill or resolution to the Legislature, provided the reconsideration takes place within eight calendar days of the final action.

(c) No bill shall be reported by the committee to be placed on General File unless the amendments, if any, are approved as to form and draftsmanship by the Bill Drafter.

Sec. 18. Indefinitely Postponed Bills. If the committee action on a bill be to postpone indefinitely, the bill shall stand indefinitely postponed; except that such bill may be placed on General File or referred back to the

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committee by a three-fifths vote of the elected members upon motion made within three legislative days after the committee makes its report to the Legislature, or by a two-thirds vote of the elected members upon motion made more than three legislative days after such committee report. Not more than one bill shall be raised from committee on any one motion. A motion to raise cannot be amended to include any other bill or subject matter. A motion to raise must be disposed of by the Legislature within five legislative days after the motion is available for consideration or it shall be deemed defeated.

Sec. 19. Committee Statement. (a) The chairperson of each committee with the assistance of the legislative staff shall, when reporting a bill, submit with such bill a committee statement which shall contain, but need not be limited to, the following information:

- (1) the one-line title and number of the bill;
- (2) a roll call vote of final committee action taken on the bill;
- (3) the date of the public hearing on the bill;
- (4) a list of all individuals testifying for and against the bill and any organization they represent;
- (5) a summary of the bill's purpose and a description of all major provisions for change in the bill as written and as amended by the committee;
- (6) if committee amendments are to be introduced, a copy of the amendments and an explanation thereof.

(b) A copy of the proposed statement shall be distributed to each committee member within five days after final action on the bill has been taken by the committee. A minority or concurring statement bearing the signature or signatures of its proponents and setting forth objections to the bill, to proposed amendments, or to the majority statement may be filed by its author(s) with the Clerk of the Legislature at any time prior to the first hearing of the bill on General File.

(c) A copy of the committee statement and any minority statements submitted shall be distributed to each senator after filing with the Clerk of the Legislature. Copies of such statements shall be made available to the public.

Sec. 20. Request From Committee, Bills Held. (a) Except for the general appropriation bills necessary for the support of the state government for the biennium, the Legislature may, by vote of a majority of the elected members, request a status report from any committee at any time after said committee shall have been in possession of a bill or resolution for twenty legislative days.

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(b) Any senator may move that a bill be placed on General File twenty calendar days or more after the committee hearing, if the committee has not taken final action on the bill, and by a vote of a majority of the elected members, said bill shall be placed on General File. Final action taken by the committee following a motion filed pursuant to this subsection, and prior to when debate is initiated on the motion by the Legislature, shall take precedence over such motion. If, at the expiration of eight calendar days from the date final action was taken, the chairperson has not reported the bill, any senator may file with the Speaker a motion that the chairperson be compelled to submit a report. After determining that final action on the bill has been taken at least eight calendar days prior to the date the motion was submitted, the Speaker shall accept the motion and compel the chairperson to file the committee's report on the matter.

(c) Any time any member attempts to take a bill from committee to be placed on General File, the bill shall stand indefinitely postponed and shall not be subject to reconsideration if the motion fails to receive a majority vote of the members elected to the Legislature. The introducer of the bill must concur with any motion offered under this rule.

Sec. 21. Subpoena Procedure. It is within the inherent power of any legislative committee to gather information pursuant to its regular functions, and to conduct investigations of matters within its subject-matter jurisdiction.

A committee's power of subpoena should not be exercised unless the committee has determined that no other method of securing the desired information would be successful or practicable, and that the matter is of primary importance to the welfare of the State of Nebraska.

A committee of the Legislature conducting an investigation and gathering information, whether pursuant to legislative direction or pursuant to its regular functions of oversight and bill preparation, shall observe the following procedures in addition to regular committee procedures whenever subpoenas are issued:

(A) Issuance of Subpoenas.

(i) A committee may, by a majority vote of all of its members taken at a meeting properly called, issue a subpoena requiring a person to appear before the committee and be examined in reference to any matter within the scope of the inquiry or investigation being conducted by the committee, but only when the committee has received prior approval by a majority vote of the Executive Board to issue subpoenas in connection with the specific inquiry or investigation in question.

(ii) The committee may, in the same manner, issue a subpoena or subpoena duces tecum requiring any person to appear before the committee and bring with him or her any books, papers, or other documents pertinent thereto.

(iii) While the Legislature is in session, a committee deciding to issue subpoenas must promptly report each issuance to the Legislature. A record

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shall be made in the Journal reflecting the date the subpoena was issued, to whom it was issued, for what purpose it was issued, and the date on which testimony or production of documents is to take place. Under extraordinary circumstances, the identity of the person subpoenaed may be withheld from publication if necessary to protect the safety of an individual or the confidentiality of the matters to be heard.

(iv) A person subpoenaed to attend a hearing of a committee shall receive the same fees and allowances as a person subpoenaed to give testimony in an action pending in a court of record.

(B) Notice to Witnesses.

(i) Service of a subpoena requiring the attendance of a person at a hearing of a committee shall be made in the manner provided by law for the service of subpoenas in civil actions at least seven days prior to the date of the hearing unless a shorter period of time is authorized by a majority vote of all of the members of the committee in a particular instance when, in their opinion, the giving of seven days' notice is not practicable; but if a shorter period of time is authorized, the person subpoenaed shall be given reasonable notice of the hearing, consistent with the particular circumstances involved.

(ii) Any person who is served with a subpoena to attend a hearing of a committee shall also be served with a copy of the act defining the purpose of the committee, a copy of the rules under which the committee functions, a general statement informing him or her of the subject matter of the committee's investigation or inquiry, and a notice that he or she may be accompanied at the hearing by counsel of his or her own choosing.

(C) Conduct of the Hearing.

(i) No committee which has issued a subpoena directing a witness to appear at a hearing shall question the witness unless a quorum is present throughout the questioning.

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

(iii) The chairperson of the committee shall preside at all hearings and shall conduct the examination of witnesses himself or herself or supervise the examination by other members of the committee. The committee may, by a majority vote of all its members, authorize the questioning of a witness by the committee's counsel or by special counsel.

(D) Right to Counsel and Submission of Questions.

(i) Every witness at the hearing may be accompanied by counsel of his or her own choosing, who may advise the witness of his or her rights, subject to reasonable limitations which the committee may prescribe to prevent obstruction of or interference with the orderly conduct of the hearing.

(ii) Any witness at the hearing, or a witness' counsel, may submit to the committee proposed questions to be asked of the witness or any other

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witness relevant to the matters upon which there has been any questioning or submission of evidence, and the committee shall ask such of the questions as it deems appropriate and relevant to the subject matter of the hearing.

(E) Testimony.

(i) The committee shall cause a verbatim record to be made of all proceedings in which testimony or other evidence is demanded or offered, which record shall include rulings of the chair, questions of the committee and its counsel, the testimony or responses of witnesses, sworn written statements submitted to the committee and read into the record, and such other matters as the committee or its chair may direct.

(ii) All testimony given or offered at the hearing shall be under oath or affirmation if the witness has been subpoenaed, and in other cases if a majority of the committee members present at the hearing so decide.

(iii) The presiding member at the hearing may direct a witness to answer any relevant question or furnish any relevant book, paper, or other document, the production of which has been required by subpoena duces tecum. Unless the direction is overruled by a majority vote of the committee members present, disobedience shall constitute a contempt.

(iv) A witness at the hearing or his or her counsel, with the consent of a majority of the committee's members present at the hearing, may file with the committee for incorporation into the record of the hearing sworn written statements relevant to the purpose, subject matter, and scope of the committee's investigation or inquiry.

(v) Testimony and other evidence given or offered at a hearing closed to the public shall not be made public unless authorized by a majority vote of all of the members of the committee, which authorization shall also specify the form and manner in which the testimony or other evidence may be released.

(vi) A witness at a closed hearing, upon request and at his or her own expense, shall be furnished a transcript of his or her testimony at the hearing.

(F) Interested Persons.

(i) Any person whose name is mentioned or who is otherwise identified during the hearing and who, in the opinion of the committee, may be adversely affected thereby, may, upon his or her request or upon the request of any member of the committee, appear personally before the committee and testify in his or her own behalf, or, with the committee's consent, may file a sworn written statement of facts or other documentary evidence for incorporation into the record thereof.

(ii) Upon the consent of a majority of its members, a committee may invite any other person to appear at a hearing or submit a sworn written statement of facts or other documentary evidence for incorporation into the record thereof. No invitation to appear, and no request to appear, appearance, or submission of evidence shall limit in any way the committee's power of subpoena.

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(iii) Any person who appears before a committee pursuant to this section shall have all the rights, privileges, and responsibilities of a witness provided to all other witnesses.

(G) Contempt.

A person shall be in contempt if he or she:

(i) Fails or refuses to appear in compliance with a subpoena or, having appeared, fails or refuses to testify under oath or affirmation;

(ii) Fails or refuses to answer any relevant question or fails or refuses to furnish any relevant book, paper, or other document subpoenaed by or on behalf of a committee; or

(iii) Commits any other act or offense against a committee which, if committed against the Legislature, would constitute a contempt.

The chairperson of a committee may apply to the Legislature or, during the interim, to the district court of any county to compel obedience by proceedings for contempt.

(H) Penalties.

(i) A person guilty of contempt under the provision of these rules shall be subject to punishment pursuant to RRS 50-105 and 50-106 during the session, or to RRS 50-407 when the Legislature is not in session.

(ii) If a committee fails in any material respect to comply with the requirements of these rules, any person subject to a subpoena or a subpoena duces tecum who is injured by such failure shall be relieved of any requirement to attend the hearing for which the subpoena was issued or, if present, to testify or produce evidence therein; and such failure shall be a complete defense in any proceeding against such person for contempt or other punishment.

(iii) Any member or employee of the Legislature, other than the witness concerned or his or her counsel who knowingly violates subsections of these rules concerning the publication of testimony taken at a closed hearing, shall be in contempt of the Legislature or, if a member of the Legislature, shall be subject to sanction or suspension according to the statutes governing the Legislature. The Speaker on his or her own motion or on the application of any person claiming to have been injured or prejudiced by an unauthorized disclosure may institute proceedings for the determination of the issue and for the imposition of penalties provided herein. Nothing in this subsection shall limit any power which the Legislature may have to discipline a member or employee or to impose a penalty in the absence of action by a prosecuting officer or court.

(I) Limitation of Rules.

Nothing contained in this section shall be construed to limit or prohibit the acquisition of evidence or information by any committee by any lawful means not provided for herein.

RULE 4--RESOLUTIONS

Section 1. Identification. A resolution shall be designated as Legislative Resolution _____. All resolutions shall be numbered consecutively for each Legislature. All resolutions shall be introduced and read by the Clerk upon introduction and shall be printed in the Legislative Journal. Individual members shall be limited to eight resolutions per session. This limitation shall not apply to resolutions proposing an amendment to the Nebraska Constitution or to resolutions proposing interim studies.

73-74 Attorney General Opinion No. 13--Resolutions must be printed and read before a vote is taken.

Sec. 2. When Considered as a Bill. Resolutions which propose amendments to the state constitution, propose the ratification or rejection of amendments to the federal Constitution, or memorialize the Congress with regard to amendments to the U.S. Constitution, shall be considered and adopted in the same manner as bills.

*Const. Art. III, Secs. 13, 14; Art. IV, Sec. 15; Art. XVI, Sec. 1.
Cannot appropriate funds by resolution. Const. Art. III, Sec. 25.*

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

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

(c) Study resolutions shall be prioritized by the chairperson of the committee to which they are referred, and a report on those priorities shall be filed with the Clerk, on a form prescribed by the Clerk, prior to adjournment sine die. Also, the chairperson of each committee shall file with the Clerk, on a form prescribed by the Clerk, his or her committee's study plan for the highest prioritized interim studies referenced to such committee. This study plan shall be filed no later than thirty days after adjournment sine die. Unless otherwise agreed to, staff to interim studies conducted by standing committees shall be headed by the respective committee counsels. Legislative aides whose senators serve on such standing committees and legislative aides of other interested senators may be invited by the respective committee counsels to participate as staff in the conduct of the interim studies. The provisions of this section shall in

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no way limit the standing committees in their traditional prerogatives to conduct hearings and oversee matters and agencies that are within their subject matter jurisdiction.

(d) The Executive Board may, on its own behalf, conduct interim studies or create select interim committees to do so. Before creating a select interim committee, the Board shall consider whether the subject matter proposed for study by such a committee lies within the jurisdiction of one or more standing committee. To the extent possible, the jurisdiction of a select interim committee created by the Board shall be limited to subject matters that do not lie wholly within the jurisdiction of one or another standing committee. Membership on a select interim committee shall, to the extent possible, include senators who are both interested in serving on such a committee and are from the standing committees that have the most direct concern with the subject matter proposed for study. Select interim committees shall meet no later than five legislative days prior to adjournment sine die to organize and to review study plans. Staff to select interim committees shall be drawn from the Legislature's division staffs (e.g., fiscal, research, bill drafting), be based upon a joint plan submitted to the Executive Board by the division directors, may include other interested legislative staff, and shall be coordinated by the Legislative Research Division, and the chairpersons of the standing committees involved with the select interim committee.

(e) The Executive Board shall retain its traditional prerogatives to consider and refer study proposals arising from extraordinary circumstances after the deadlines established in this section.

(f) The chief sponsor of a study resolution, if not otherwise a member of the committee to which the resolution is referred, shall be an ex officio member of the committee during and only for the conduct of the study.

(g) On or before December 1 of each year, each standing and select interim committee shall file a report, on a form prescribed by the Clerk, with the Executive Board on the disposition of the study resolutions referred to them. These reports shall be printed in the Journal at the beginning of the next session of the Legislature.

(h) The results or final reports of studies conducted by standing committees may be prepared in a format of their choosing. Nine copies of each completed standing committee report shall be filed with the Legislative Reference Library. The results or final reports of studies conducted by select interim committees shall be prepared and published in a format prescribed by the Legislative Research Division, and copies of such studies will be indexed and filed with the Legislative Reference Library.

RRS 50-404.

Sec. 4. Enrollment and Review, Amended Resolutions. All resolutions, if amended, shall pass through the process of Enrollment and Review in the regular course of their consideration.

Sec. 5. Vote Required for Adoption. (a) All resolutions shall be adopted, individually or in groups as determined by the Speaker, by an affirmative vote of a majority of the members present and voting except for those specified in Section 2; Provided, upon the request by any member prior to the commencement of the vote, a resolution shall require an affirmative vote of a majority of the elected members. Resolutions specified in Section 2 shall be considered and adopted in the same manner as bills.

(b) Any resolution which is congratulatory or ceremonial in nature or which expresses the condolences of the Legislature shall be presumed adopted if, after five calendar days, following its being listed once on the daily agenda with a notation that such resolution is eligible for adoption pursuant to this rule, no member has requested that the resolution be scheduled for debate on the Speaker's agenda.

Sec. 6. Resolutions, Lay Over Requirement. Resolutions shall not be considered on the same day as introduction.

Sec. 7. Engrossed Resolutions. Only those resolutions specified in Sections 2 and 3 of this rule shall be engrossed unless otherwise ordered by the Legislature or unless the Clerk determines the nature of the resolution is such that upon its adoption it must be engrossed to properly achieve the purpose for which it was presented. All resolutions which are engrossed shall be enrolled and signed by the Lieutenant Governor or Speaker and certified to by the Clerk as to the date of final passage.

Const. Art. III, Sec. 14.

Sec. 8. Reference to Committee. Resolutions other than those covered by Sections 2 and 3 of this rule shall upon the recommendation of the Speaker of the Legislature be referred to the Reference Committee for referencing to the appropriate committee.

Sec. 9. Reviving Resolution Killed by Committee. If the standing committee report on a resolution be to postpone indefinitely, the resolution shall stand indefinitely postponed; Provided, that such resolution may be considered by the members of the Legislature if a majority vote of the elected members so direct, provided the motion is made within three legislative days after the committee makes its report to the Legislature. A motion to raise cannot be amended to include any other resolution or

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subject matter. The provisions of this section shall not apply to resolutions considered as bills pursuant to Rule 4, Section 2.

Sec. 10. Committee Statement. A committee, when reporting out a resolution, shall attach thereto a statement setting forth what is sought to be accomplished and the committee vote. The statement shall be set out in full in the Journal.

RULE 5--BILLS--GENERAL PROVISIONS

Section 1. Drafting of Bills. The Bill Drafter shall prepare all bills and amendments in proper form when requested by members of the Legislature, newly elected members of the Legislature, or heads of executive departments. No bills or major amendments shall be introduced or considered unless the same has been approved as to form and draftsmanship by the Bill Drafter. In order to shorten the length of sections, the Bill Drafter shall, in the drafting of new sections, make each paragraph a separate section except when to do so would be contrary to sound bill drafting practice. The Bill Drafter shall make available a continuing compilation of sections to which amendments are proposed so as to reduce unnecessary duplication of bills. This section index of bills drafted shall be available to all senators, newly elected senators, and other persons entitled to have bills drafted. After January 1 of each year no bill shall be drafted by the Bill Drafter unless requested or authorized by a member of the Legislature.

Sec. 2. Content and Form of Bills. (a) A bill shall be designated as Legislative Bill _____.

Style of bill. Const. Art. III, Sec. 13.

(b) No bill shall contain more than one subject and the same shall be clearly expressed in the title. No law shall be amended, unless the new act contains the section or sections as amended, and the section or sections so amended shall be repealed.

Const. Art. III, Sec. 13.

(c) An amendatory bill or constitutional provision shall be so prepared and printed as to show the new matter proposed, old matter to be retained, and old matter to be omitted from the statutes or constitution.

(d) Appropriations bills and "A" bills shall contain the following elements:

- (1) the phrase "there is hereby appropriated";
- (2) a specific fund type shall be identified and the fund shall be appropriated;
- (3) the amount to be appropriated from such fund shall be identified;
- (4) a specific budget program or a specific statement reflecting the purpose for expending such funds shall be identified; and
- (5) the time period during which such funds shall be expended shall be identified.

RRS 49-804.

Sec. 3. Revisor Correctional Bills, Preprinting. (a) Preceding each legislative session, the Chairperson or any member of the Executive Board of the Legislative Council, or if the Executive Board so requests, the

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senator who, in the preceding session served as Chairperson of the Judiciary Committee, shall sign as introducer the Revisor of Statutes' correctional bills. The Clerk of the Legislature shall number these bills consecutively beginning with number 1 and shall show the committee reference to be General File. The Clerk of the Legislature shall have these bills printed before the convening of the next regular session.

(b) In addition to causing to be printed the revisor bills, the Clerk shall number and cause to be printed all bills delivered to him or her by the Executive Board, provided said Board has referred said bills to a standing committee. No bill so printed shall be withdrawn until after the Legislature convenes.

Sec. 4. Introducers Signing Bills. (a) Members shall introduce only such bills as they are willing to endorse and support personally. The last name and district shall be used, unless an initial or name is necessary to identify the introducer. Any member may request to have his or her name added as cointroducer of a bill but only if the principal introducer has concurred, in writing, to that request.

(b) A standing committee or special committee may introduce a bill for any purpose, including at the request of another senator, provided said bill receives the endorsement of a majority of the committee members whose names shall be on the bill.

(c) No bill shall be introduced after the tenth legislative day of any session, except:

1. "A" bills, appropriation bills, and bills introduced at the request of the Governor may be introduced at any time;

2. A standing or special committee may request that the Legislature consider introduction of a bill. A vote of three-fifths of the elected members of the Legislature shall be required for such bill to be introduced, and a copy of the statement of intent for such bill must be placed on each member's desk before introduction of the bill is voted upon.

3. With the approval of a majority of its members, the Redistricting Committee established pursuant to Rule 3, Sec. 6, may introduce bills at any time during the course of the 2001 legislative session.

(d) Individual members shall not be limited as to bill introduction. Each committee shall be limited to 8 bills each session. Bills introduced as a result of an interim study of the Legislative Council shall be included within the limitations prescribed by this section. Special committees created as a result of an interim study resolution and as authorized by the Executive Board shall be considered as separate committees for purposes of the limitations prescribed by this section. Bills introduced under Rule 5, Section 3(a) and bills introduced at the request of the Governor will not be included in the limitation.

(e) The introducers of all bills must submit a statement of intent for each bill to the appropriate committee chairperson at least 24 hours prior to the bill's hearing. The statement of intent should discuss clearly and completely the purposes and effects of the bill.

Sec. 5. Scheduling of Bills, Priority Bills. (a) Each senator may designate one bill as a priority bill. Such priority bill need not be the designator's bill, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

(b) Each chairperson of those committees which are authorized to hold public hearings on bills may designate as priority bills two of the bills referenced to that committee and on which the committee has held a public hearing, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

(c) The Speaker may designate up to 25 additional priority bills.

(d) Priority bill designations may be made at any time prior to the annual designation deadline which shall be set each year by the Speaker. The designation deadline shall be prior to the 45th legislative day in the ninety day session and prior to the 30th legislative day in the sixty day session.

(e) A senator or committee may withdraw a priority designation at any time, but will not be allowed to designate another bill as a priority bill in its place. The Speaker may withdraw a priority designation made by the Speaker.

(f) All committees shall schedule priority bills for public hearing ahead of all unscheduled, nonpriority bills unless the person or committee making the priority designation shall otherwise agree.

(g) All bills not designated as priority bills shall be heard on General File in the order in which they are reported to the floor by the committees, unless the introducer of the bill and the Speaker agree to delay the hearing of a particular bill. This provision shall not be construed to prevent the Speaker from placing bills reported out of committee with two or less dissenting votes on a consent calendar. Any bill placed on consent calendar shall be removed at the written request of three or more senators.

(h) Priority bills shall generally be considered ahead of all other bills at each stage of debate, except as provided for in Rule 1, Section 17. Priority bills requiring the expenditure of appropriated funds shall be held on Final Reading until such time as the annual appropriations bills have been

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passed. A priority bill which fails to advance after two votes on General File, or after one vote on Select File, shall return to nonpriority status.

(i) No priority bill designated under this rule shall have priority over appropriations bills.

Sec. 6. Fiscal Analyst. (a) A copy of every bill introduced shall be transmitted by the Clerk to the Legislative Fiscal Analyst. The Legislative Fiscal Analyst shall review each bill and make an estimate of the anticipated change in state, county, or municipal expenditures or revenue under the provisions of the bill. The Legislative Fiscal Analyst shall prepare a statement to be known as a fiscal note to be attached to each bill prior to its public hearing by a committee, or its first consideration on General File if the bill is referred directly to General File. The fiscal note shall set forth the fiscal impact of the bill and the governmental subdivision affected by the fiscal impact as determined by the Legislative Fiscal Analyst. No bill which has a fiscal impact shall be heard by a committee or considered on General File unless the fiscal note is attached.

(b) In determining the fiscal impact of any bill, the Legislative Fiscal Analyst shall request the appropriate department or other entity of state government or subdivision thereof, or appropriate association which will be affected by the bill, to prepare the fiscal note within five calendar days.

(c) The Legislative Fiscal Analyst shall review the fiscal note so prepared and shall also request a review of such fiscal note by the Budget Division of the Department of Administrative Services. The statement by the Budget Division of the Department of Administrative Services shall be attached to and become a part of the fiscal note. The Legislative Fiscal Analyst shall include in the fiscal note any exceptions to the conclusions of the department or other entity and of the Budget Division of the Department of Administrative Services.

(d) The fiscal note shall be delivered by the Legislative Fiscal Analyst to the Clerk at least twenty-four hours prior to the public hearing on the bill or, in the event the bill is referred directly to General File, twenty-four hours prior to the first consideration of the bill on General File. The Clerk shall present the fiscal note to the principal introducer. If extenuating circumstances prevent the Legislative Fiscal Analyst from meeting this deadline, he or she shall present to the principal introducer an unofficial summary of all available fiscal information on the bill by this deadline and deliver to the Clerk the fiscal note when it is available. The Clerk shall attach the fiscal note to the bill and to all copies prepared for members.

(e) When amendments to a bill are adopted by the Legislature and such amendments would change the fiscal impact of the bill, the appropriate changes shall be made in the fiscal note each time the bill is advanced to

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Enrollment and Review or upon the written request of a member of the Legislature.

(f) When any bill proposes adoption of a new program or change of an existing program either of which would require an appropriation to implement in the ensuing fiscal year, an appropriation bill for the purposes of funding the provisions of such bill shall be prepared from the information contained in the fiscal note. Such appropriation bill shall be prepared at the direction of the Chairperson of the Appropriations Committee. Such bill shall be placed on General File and considered as introduced by the introducer of the original bill or by the committee which offered the amendments creating the expenditure, and shall bear the number of the original bill with the letter "A" added, and shall accompany the original bill through all stages of the legislative process. All bills for which an "A" bill is prepared shall be bracketed on Final Reading until the "A" bill is advanced to Final Reading.

(g) The authorization bill shall first be considered and if it should be passed on Final Reading then the "A" bill shall be read and voted on for final passage.

(h) The fiscal note shall be factual in nature, as brief and concise as may be, and shall, if possible, provide a reliable estimate in dollars and, in addition, it shall include both the immediate effect and, if determinable or reasonably foreseeable, the long range effect of the measure. If, after investigation, it is determined that no dollar estimate is possible, the fiscal note shall contain a statement to that effect, setting forth the reasons why no dollar estimate can be given.

(i) No comment or opinion shall be included in the fiscal note with regard to the merits of the measure for which the note is prepared, however, technical or mechanical defects may be noted.

(j) The subject matter of bills submitted to boards, commissions, departments, agencies, or other entities of the state by the Fiscal Analyst shall be kept in strict confidence by said agencies and by the office of Fiscal Analyst together with the content of the fiscal note itself and no information relating thereto shall be divulged by any official or employee prior to its introduction in the Legislature.

(k) To implement the provisions of and assure compliance with Art. III, Sec. 22 of the Nebraska Constitution (deficiency appropriations), and Art. IV, Sec. 7 of the Nebraska Constitution (appropriations in excess of Governor's request), the Appropriations Committee shall advise the Legislature of the number of votes required to assure passage of the same.

For creation of position. RRS 50-418.

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For duties of position. RRS 50-419.

Sec. 7. Governor's Budget Bill. The budget bill prepared by the Governor shall be shown as introduced by the Speaker of the Legislature at the request of the Governor.

Governor's budget message. Const. Art. IV, Sec. 7.

Sec. 8. Reading Title of Bills, Printing. Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member. The bill and all amendments thereto shall be printed and presented before the vote is taken upon its final passage and shall be read at large unless three-fifths of all of the members elected to the Legislature vote not to read the bill and all amendments at large.

Const. Art. III, Sec. 14.

Sec. 9. Engrossment of Bills. All bills, before being advanced to Final Reading and passage, shall be engrossed, and copies thereof showing new and stricken matter shall be made available to members.

Sec. 10. Expenditure of Legislative Funds. Those expenditures on which the Legislature votes shall require the approval of the majority of the elected members.

Sec. 11. Withdrawal of Bills. No bill, having been introduced, may be withdrawn except upon motion of the first introducer with the consent of his or her cointroducers. Such motion, when made, shall not be considered prior to the next succeeding legislative day, and, for its adoption, shall require the affirmative vote of a majority of those voting upon the question.

Withdrawal of bills set for hearing. Rule 3, Section 13.

Sec. 12. Division of Bills, Prohibited. No bill shall be divided into two or more bills.

Sec. 13. Holding of Bills. Unless otherwise disposed of, all bills on which no final action has been taken by the time of adjournment of the regular session in odd-numbered years shall be held over for consideration at the regular session convening in even-numbered years.

Sec. 14. Public Retirement Plans and Actuarial Studies. (a) Commencing with the 1997 legislative session, any bill proposing a structural change which impacts the benefits or funding status provided under a public retirement plan, or any bill proposing the creation of a new

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public retirement plan, shall be introduced only during the first ten days of a 90 day session.

(b) No bill for which an actuarial study is necessary to determine the cost of such proposed changes shall be enacted until an actuarial study has been conducted and the results reported to the Legislature.

(c) (i) The Nebraska Retirement Systems Committee may introduce amendments to an appropriations bill to fund actuarial studies for only those retirement systems which are or would be administered by the state. If such amendments are enacted, the results of the actuarial studies shall be reported to the Legislature by November 15 of that calendar year.

(ii) Actuarial studies required for changes to other public systems under the jurisdiction of the Nebraska Retirement Systems Committee but not administered by the state shall not be funded by the state.

RULE 6--BILLS--STAGES OF CONSIDERATION

Section 1. Introduction of Bills. Starting with regular sessions in odd-numbered years, bills shall be numbered consecutively starting with the number 1. Bills introduced in regular sessions in even-numbered years shall start with the number following the number of the last bill introduced in the preceding regular session of an odd-numbered year, (bills introduced in any special session shall start with the number 1) and shall be numbered consecutively as read by the Clerk. After introduction, bills requiring reference shall be delivered to the Reference Committee.

Sec. 2. Objection to Reference of Bills. (a) Any member may object to the reference of any bill or other proposition, and correction in case of error in reference may be made by the Legislature by unanimous consent, or by the vote of a majority of the elected members.

(b) Those bills and resolutions placed on General File by the Reference Committee will be bracketed for five calendar days, and if one senator requests a public hearing on one or more of these matters, they will then be referred to a committee. Bills on General File for which public hearings have not been requested will be handled as all bills on General File.

Sec. 3. General File. (a) The Clerk of the Legislature shall read the number and the title of the bill and the name of the principal introducer as it comes up for consideration on General File. A bill will not be read section by section unless requested by a member of the Legislature.

(b) Each section shall be open to amendment. Following the reading of the title of the bill, the introducer shall first be recognized for ten minutes to move to advance and explain the bill. The amendments, if any, recommended by standing committees, shall then be considered. The introducer's amendments, if any, shall be considered following the consideration of the standing committee amendments and any amendments thereto. Other amendments and motions permitted by these rules may then be offered and shall be considered after the introducer has explained the bill in the order in which they are filed with the Clerk, subject to the provisions of Rule 7, Section 3 and Rule 1, Section 17.

(c) Bills shall be listed and considered on General File in the order in which they shall be reported from the standing committees, except as modified by the Speaker; Provided, that any bill that comes up for debate for a second time, with the introducer present, shall be placed by the Clerk at the bottom of General File if said introducer asked for further time, unless otherwise directed by the Speaker.

Speaker determine order of bills. Rule 1, Section 16.

(d) During consideration of bills on either General or Select File, any member may move that the bill be passed over once and if the motion is

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carried by a majority of those voting, the bill shall be passed over and shall retain its place on the file.

(e) At any stage of consideration of a bill, a motion to bracket or to bracket to a day certain or to unbracket shall, if made by the primary introducer of the bill, require a majority of those voting. If made by other than the primary introducer, there shall then be required a majority vote of the elected membership. In any event, such motions shall alternatively be passed by unanimous consent of the body.

(f) In the event a motion to indefinitely postpone a bill is made before the bill is read on General File, such motion shall require the affirmative vote of a majority of the elected members.

(g) In the event a bill has become substantially a new and different bill by reason of amendments having been adopted, the Speaker may refer said bill to the Reference Committee who must refer the said bill to a proper committee for a public hearing; Provided, that a majority of the elected members may overrule the decision of the Speaker.

(h) If, in the opinion of the Speaker, the bill is in such form that it should properly be referred back to committee for further action, he or she may by order direct the same; Provided, that a majority of the elected members may overrule the decision of the Speaker. Any motion to amend a bill or any motion to amend an amendment shall require a majority vote of the elected members, except amendments which are substantially the same as any bill indefinitely postponed shall require a three-fifths vote of the elected members, unless proposed as part of a committee amendment.

(i) Any bill failing to receive 25 votes to be advanced to Enrollment and Review Initial after three attempts shall be indefinitely postponed.

The following votes shall be required to adopt the following motions affecting bills on General File:

MEM--Majority of Elected Members;
MTV--Majority of Those Voting.

GENERAL FILE

| | | Rule- Sec. |
|---|-----|---------------|
| On introduction of bill | | |
| Withdraw bill | MTV | 5-11 |
| On consideration of bill on General File | | |
| Move to pass over | MTV | 6-3d |

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| | | |
|--|------------|-------------|
| Move to change order | 3/5 | 1-16 |
| Move to indefinitely postpone before bill is read | MEM | 6-3f |
| Move to indefinitely postpone after bill is read | MTV | |
| Move to advance to E & R for review | MEM | 6-4 |
| Move to return to committee | MEM | |
| Move to reconsider (within one legislative day thereafter) (if after one legislative day, by suspension of the rules only) | MEM | 7-7a |
| Move to amend | 3/5 | 7-7a |
| Move to amend the amendment | MEM | 6-3h |
| Move to withdraw bill by first introducer | MEM | 6-3h |
| | MTV | 5-11 |
| If returned from Select File | | |
| Motion to amend | MEM | 6-5e |
| Motion to advance | MEM | 6-4 |
| Defeated bill, motion to reconsider | MEM | 7-7 |

Sec. 4. Enrollment and Review. Bills when advanced to Enrollment and Review shall be reviewed for recommendations relative to arrangement, phraseology, and correlation. Advancement to Enrollment and Review from General File for such purpose shall require a majority of the elected members. A motion to return to General File from Enrollment and Review shall, for adoption, require the concurrence of a majority of the elected members.

Sec. 5. Select File. When the Legislature considers bills on Select File, any of the following motions shall be in order.

(a) A motion to approve or reject any or all of the changes recommended by the Chairperson of Enrollment and Review.

(b) A motion to adopt an amendment to a bill or an amendment to an amendment which shall require a majority vote of the elected members, except amendments which are substantially the same as any bill indefinitely postponed shall require a three-fifths vote of the elected members.

(c) A motion to recommit to the proper standing committee.

(d) A motion to postpone indefinitely.

(e) Motions made pursuant to subsections b, c, and d hereof may be adopted only upon the affirmative vote of a majority of the elected members.

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(f) Amendments recommended by Enrollment and Review shall not be read by the Clerk except upon the request of a member of the Legislature.

(g) Notwithstanding any other provision contained in this section, if the Enrollment and Review Committee returns a bill to Select File from engrossment, then only the specific Enrollment and Review Committee amendments may be considered.

(h) Any bill failing to receive 25 votes to be advanced to Enrollment and Review Final after two attempts shall be indefinitely postponed.

The following votes shall be required to adopt the following motions affecting bills on Select File:

SELECT FILE

| | | Rule- Sec. |
|--|------------|-----------------------|
| Motion to advance to E & R for engrossing if machine vote requested | MEM | 2-1 |
| Motion to act on E & R amendment | MTV | 6-5a |
| Motion to amend | MEM | 6-5b |
| Motion to recommit to a standing committee | MEM | 6-5c |
| Motion to indefinitely postpone | MEM | 6-5d |
| On bill returned from E & R for engrossing & Final Reading | | |
| Motion to return for specific amendment | MEM | 6-6 |
| Motion to adopt specific amendment | MEM | 6-6 |

Sec. 6. Return to Select File. (a) On a motion to return a bill to Select File for a specific amendment, a majority of the elected members must concur. No other amendment shall be considered when the bill is so returned. Such amendment when considered may be adopted by a majority vote of the elected members, except an amendment which is substantially the same as any bill indefinitely postponed shall require a three-fifths vote of the elected members.

(b) A point of order to determine the germaneness of a specific amendment may be considered during a motion to return a bill to Select File for specific amendment.

Sec. 7. Final Reading. No bill shall be voted on for final passage until:

(a) After five legislative days following the introduction of the bill.

(b) One legislative day after its reference to Final Reading.

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(c) Printed copies of the bill in its final form, as amended, shall have been available to members and on their desks for at least one legislative day.

Const. Art. III, Sec. 14.

Sec. 8. Final Reading, Motions. (a) On Final Reading the bill shall be read at large with all amendments thereto before the vote is taken, unless three-fifths of all of the members elected to the Legislature vote to dispense with the at large reading under this section. The Speaker shall designate on the published agenda which bills will be considered for a vote without an at large reading. This vote shall be taken on each bill individually without amendment, motion, or debate. If the Legislature confirms the Speaker's designation, the title of the bill will be read, and the final vote will be taken with voting being held open for three minutes. If the motion on any bill fails to receive the support of three-fifths of the elected members of the Legislature, then such bill and all amendments thereto will be read at large prior to the vote being taken.

(b) At any time before the roll call shall have begun on Final Reading of the bill, it shall be in order to move:

(1) To recommit the bill to Enrollment and Review to correct an error and for reengrossment.

(2) To recommit the bill to the proper standing committee, with or without instructions.

(3) To recommit the bill to Select File for specific amendment, which amendment may be adopted by a vote of a majority of the elected members.

(4) Any bill returned to Select File for a specific amendment, may if the amendment is rejected, be readvanced to Final Reading without going through Enrollment and Review. A motion to so advance shall require the concurrence of a majority of the elected members.

Members to remain in their seat. Rule 2, Section 3h.

No one to be seated beside member during Final Reading. Rule 2, Section 3e.

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The following votes shall be required to adopt the following motions affecting bills on Final Reading:

FINAL READING

| | | Rule- Sec. |
|---|-----|---------------|
| To return to standing committee | MEM | 6-8 |
| To return to E & R to correct an error | MEM | 6-8 |
| To return to Select File for specific amendment | MEM | 6-6 |
| To pass on Final Reading | MEM | 6-9 |
| With emergency clause attached | 2/3 | 6-10 |
| Creation of state office | 2/3 | |
| <i>Const. Art. IV, Sec. 27</i> | | |
| Motion to reconsider (when failed on Final Reading) | 3/5 | 7-7 |
| Override Governor's veto | 3/5 | 6-11 |
| "A" bills considered | | 5-6 |

Sec. 9. Question on Final Reading. The question after the Final Reading of a bill shall be: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'" If the emergency clause is contained in the bill, the words "with the emergency clause attached" shall be added to the question.

Majority of elected members required. Const. Art. III, Sec. 13.

Sec. 10. Emergency Clause, Votes Required. When a bill containing the emergency clause does not receive the required two-thirds constitutional majority on Final Reading, then the emergency clause shall be considered stricken, and the bill without the emergency clause shall be pending on Final Reading, and the question then shall be, "Shall the bill pass with the emergency clause stricken?"

Const. Art. III, Sec. 27.

Sec. 11. Governor's Veto, Further Legislative Action. (a) Upon the day of receipt of a message from the Governor announcing his or her veto of a bill, or on any of the next five legislative days in the same annual session, any member may move that the bill so vetoed be taken up for passage in the form presented to the Governor. The Legislature shall decide upon the motion no later than five legislative days, in the same annual session, after receipt of the message from the Governor announcing his or her veto of the bill, whereupon the question shall be, "Shall the bill pass notwithstanding the objections of the Governor?" No bill vetoed by the Governor shall be taken up by the Legislature for any purpose other than

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passage of the bill notwithstanding the objections of the Governor or for override of a line-item veto.

Three-fifths vote of the elected members required to pass bill over Governor's veto. Const. Art. IV, Sec. 15. See also Art. IV, Sec. 7.

The Governor may disapprove any item or items of appropriation contained in bills passed by the Legislature, and the item or items so disapproved shall be stricken therefrom, unless re-passed in the manner prescribed in case of disapproval of bills.

Const. Art. IV, Sec. 15.

(b) On the sixth legislative day following the receipt of a veto message, or within five calendar days following the sine die adjournment of a legislative session, the Clerk shall transmit to the Secretary of State all vetoed bills and line-item vetoed bills wherein no motion to override has been offered, or upon which a motion to override has been unsuccessful.

Sec. 12. Bills, Passed Over Governor's Veto. Should the Legislature pass a bill over the objections of the Governor by the necessary constitutional majority, it shall so certify and deposit the same with the Secretary of State.

RRS 84-503.

Sec. 13. Certificates. Whenever the Legislature shall override a line-item veto, on any bill as provided for in Article IV, Section 15, the Clerk of the Legislature shall cause to be placed on such bill a certificate in content and form as provided for in RRS 84-503 and shall list the items so overridden by section, page, and line.

In addition to such certificate, the Clerk of the Legislature shall note on each line, when the Legislature votes to override, a stamp reading "line-item veto overridden" and place thereon the date and his or her initials.

Sec. 14. Appropriations Bills, Procedure After Veto. (a) Whenever the Governor shall have vetoed more than one item in an appropriation bill, the Appropriations Committee shall review said veto and the Chairperson of the Appropriations Committee shall report within one legislative day to the Legislature on its fiscal implications, and affect on operations. If the Appropriations Committee by majority vote decides to recommend to the Legislature an override of the veto on any portion of such an appropriation bill, the Chairperson of the Appropriations Committee or his/her designee shall first be permitted an opportunity to move that the entire bill become law notwithstanding the line-item veto therein.

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(b) If such motion fails or is not offered, the Chairperson of the Appropriations Committee or his/her designee shall then introduce motions to override selected portions of the vetoed bill.

(c) Any member of the Legislature may then offer a motion to override the veto of the bill or any portion thereof if the Appropriations Committee by majority action decides not to recommend overriding the veto of the bill or the veto of that portion of the bill.

(d) It shall require 30 votes of the elected members to amend a veto override motion that includes another line-item veto.

Sec. 15. Constitutional Amendments, Votes Required. When a proposed constitutional amendment does not receive the required four-fifths constitutional majority necessary to submit such proposed amendment to the electors at a special election, then the special election language of the bill shall be stricken, and the bill shall be pending on Final Reading, and the question shall be, "Shall the bill pass providing for the submission of such proposition at the next general election?"

Constitutional Amendment. If proposition is to submit amendment to electorate at special election fails to receive 4/5 plurality, then amend bill to provide for general election when adoption is by 3/5 plurality.
RRS 49-236.

RULE 7--PROCEEDINGS AND MOTIONS

(A) Order of Business

Section 1. Meeting Time, Restrictions. (a) The Legislature shall meet annually at 10:00 a.m. on the first Wednesday after the first Monday in January of each year and thereafter on each legislative day at 9:00 a.m., unless otherwise ordered by a majority vote of its members present and voting thereon. The Legislature shall remain in session until it shall adjourn sine die, but in no event shall it remain in session for longer than ninety (90) legislative days in odd-numbered years or sixty (60) legislative days in even-numbered years. This limitation may be suspended by a four-fifths vote of the elected senators. Each day the Legislature convenes shall be considered a legislative day.

Const. Art. III, Sec. 10.

(b) The order of business of the Legislature shall be as follows; except as otherwise provided by the Speaker.

- a. Prayer by the Chaplain
- b. Roll call
- c. Call for correction of the Journal
- d. Petitions and memorials
- e. Notice of committee hearings and reports
- f. Bills on Final Reading
- g. Resolutions
- h. Introduction of bills and reading by title
- i. Consideration of bills on Select File
- j. Motions to reconsider
- k. Motions to advance bills from committee
- l. Other pending motions
- m. Unfinished business, including messages on President's desk
- n. Consideration of bills on General File
- o. Miscellaneous business

(c) Messages from the Governor may be received at any stage of the proceedings.

(d) Upon call for the introduction of bills, any member or any standing or special committee may introduce one or more bills.

Introduction of bills. Rule 6, Section 1.

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(B) Voting Machine

Sec. 2. Voting, Electric Roll Call. (a) All votes shall be taken viva voca unless otherwise provided for herein. Questions shall be distinctly put in this form, to wit: "Those who are in favor of the question say 'aye'; those who are opposed to the question say 'nay.' "

(b) If a machine vote is called for or if the presiding officer is in doubt, he or she shall cause the result to be obtained by means of the electric roll call system, and in such event shall accept only machine tallied votes except that voice votes shall be accepted on a motion before the house while the house is under call. The presiding officer may vote by voice. Only the totals shall be printed in the Journal. Once having voted aye or nay, senators may call in a change to not voting prior to the locking of the voting board.

(c) Upon the final passage of a bill, or of a resolution if the same required the same consideration as a bill, the vote shall be by yeas and nays, and the electric roll call system shall be used. Voice votes shall be accepted on Final Reading.

(d) Whenever the "ayes" and "nays" are taken by machine vote, no member shall be permitted to vote after the decision is announced by the presiding officer or the Clerk. Votes not registered on the electric roll call system shall not be counted for or against a proposition. In announcing such vote, the Clerk shall announce the ayes, the nays, those present and not voting, those absent and not voting, and those excused and not voting, and on any action to advance or amend bills, these totals shall be set forth in the Journal. Voice votes shall be accepted on roll call or record votes. All roll call votes of the comprised membership shall be taken in alphabetical order starting with the first name that begins with the letter "A" or the letter closest to "A," except that any member may request a roll call vote in reverse alphabetical order unless the introducer of the motion under consideration objects. A roll call in reverse alphabetical order shall start with the member's name that begins with "Z" or the letter closest to "Z."

(e) Only senators physically in the legislative chamber may vote.

(C) Motions

Sec. 3. Motion, in Writing, Withdrawal. (a) A motion shall be either stated by the presiding officer or read by the Clerk before a vote is taken. All motions shall be submitted in writing if requested by the presiding officer or any senator.

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Once motions are stated they may be withdrawn or modified by the mover before a decision, amendment, or ordering of a vote has been made. A motion to reconsider may be withdrawn only with unanimous consent or a majority vote of the elected members.

When a question is under debate, no motion shall be considered except one of the following, which motions shall take precedence in the order stated.

- a. To recess
- b. To adjourn
- c. For cloture
- d. To reconsider
- e. For the previous question
- f. To postpone to a time certain
- g. To recommit to a committee
- h. To amend
- i. To postpone indefinitely

Such motions shall have precedence in the order in which they are arranged except as provided for in Rule 1, Section 17. Motions to postpone indefinitely and amend do not yield to each other.

When any of the following motions shall be made, any action on such motion shall be delayed at least one legislative day and the motion shall be printed in the Legislative Journal:

- a. Motion to postpone indefinitely on General File or Select File, unless the introducer(s) of the bill, or the committee chairperson in the case of committee bills, request(s) that the motion to postpone indefinitely be considered immediately without the one day delay.
- b. Motion to place on General File pursuant to Rule 3, Section 20(b).
- c. Motion to place bills on General File, notwithstanding the action of a standing committee.

(b) When a motion or other proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order.

(c) Amendments to the title shall be made by the Enrollment and Review Committee.

(d) No motion, proposition, or subject, different from that under consideration, shall be admitted under color of amendment. Any amendment that is not germane is out of order. Germane amendments relate only to details of the specific subject of the bill and must be in a

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natural and logical sequence to the subject matter of the original proposal. A nongermane amendment includes one that relates to a substantially different subject.

(e) Any member may call for the division of a question, which shall be divided if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Legislature. Once a division is ordered by the presiding officer, each component shall be treated as a separate and distinct proposition. For purposes of germaneness, even if a question is germane prior to a request for division, each and every other component or proposition of the divided question will be subject to germaneness rulings. Once a vote or change has occurred on any of the divisible questions, the remaining divided sections may not be withdrawn without a majority of those voting or without unanimous consent. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall not preclude an amendment or a motion to strike out or insert. Such call for division shall not be allowed when considering motions under Rule 6, Section 6.

(f) When motions are made for reference of the same subject to a select committee and to a standing committee, the question on reference to the standing committee shall be considered first.

Sec. 4. Shall the Debate Cease. The previous question shall be in this form, "Shall the debate now close?"

The previous question shall be made only in the normal course of speaking order and shall be in order when demanded by five or more members, and must be sustained by the vote of a majority of the elected members, and until decided shall, except as provided in this section of this rule, preclude further debate and all amendments and motions, except one motion to adjourn. The presiding officer may rule the previous question out of order if in the presiding officer's opinion a full and fair debate has not been afforded, due to the complexity of the subject matter. The ruling of the presiding officer shall be subject to overrule in accordance with Rule 1, Section 12 of these rules.

On a previous question there shall be no debate. All incidental questions of order, arising after a motion is made for a previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

When the previous question shall have been ordered on a proposition under debate, the mover, proponent, or introducer of such proposition shall be given the right to close the debate thereon.

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After a motion to indefinitely postpone a bill has been offered, and the introducer of the motion has made his or her opening remarks on the motion, the principal introducer of the bill shall immediately be permitted to speak for five minutes on such motion.

Sec. 5. Call of the House. (a) A call of the house may be made by any member in the manner following: "I move for a call of the house." The presiding officer shall direct that the board be cleared and the members shall then vote on placing themselves under call. If a majority of the senators present and voting, vote in favor of such a motion, then the Legislature shall be deemed to be under call. Each member present shall indicate his or her presence upon the electric roll call system and shall remain in his or her seat during the call. After the Clerk shall note the names of the absentees, proceedings under the call may be suspended at any time by a majority vote of the members then present, and when so suspended shall not again be ordered on the proposition pending, except by a majority vote of the members elected. The President may declare a motion to place the house under call out of order if all of the absentees were to vote on one side of the question and if their combined vote would be insufficient to change a result of the vote.

(b) When a member is recognized to close on a motion and requests a call of the house, the time spent waiting for the members to record their presence shall be counted against the member's closing time.

Lieutenant Governor votes only when Legislature equally divided. Rule 1, Section 14.

Voice vote while house under call. Rule 7, Section 2b.

Sec. 6. Postpone to Time Certain. No motion to postpone to a time certain, to commit, or to postpone indefinitely being decided, shall again be allowed on the same day at the same stage of the bill or proposition.

Sec. 7. Reconsideration. (a) When a question has been decided, it shall be in order for any member voting with the prevailing side, or not voting, to move for a reconsideration thereof. A motion to reconsider must be made on the same day the original question was decided or on the next legislative day, except when it be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading. In such case, it must be made on the same day the original question was decided or on one of the next three legislative days. A motion to reconsider must be disposed of by the Legislature within five legislative days after making the same or it shall be deemed defeated. If the Legislature shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent.

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Motion to reconsider cannot be withdrawn without leave. Rule 7, Section 3.

(b) Every motion to reconsider shall take preference over all other questions, except a motion to recess, to adjourn, or for cloture.

(c) For its adoption, a motion to reconsider shall require the vote of a majority of the elected members, except:

- i Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading, then a three-fifths vote shall be required for adoption.
- ii Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading with the emergency clause attached, but which received the constitutional majority with the emergency clause stricken and the purpose of the motion is to again add the emergency clause, then a two-thirds vote of the elected members shall be required for adoption.
- iii Where such motion be to reconsider the vote on a motion to pass a bill notwithstanding the objections of the Governor or for override of a line-item veto, then a three-fifths vote shall be required for adoption.
- iv Where such motion be to reconsider the vote on a motion to suspend the rules, then a three-fifths vote shall be required for adoption.

(d) For a bill on General File, no motion to reconsider shall be in order until the bill has failed to advance three times; for a bill on Select File, no motion to reconsider shall be in order until the bill has failed to advance two times; for a bill passed on Final Reading, no motion to reconsider shall be in order except by the introducer of the bill, for technical or clarifying amendments.

(e) Whenever a bill is returned from the Governor for further action pursuant to the Legislature's request for such return, motions for reconsideration necessarily incident to opening a bill for further action shall be admitted regardless of the time limitation otherwise imposed by this rule.

Sec. 8. Strike the Enacting Clause. A motion to strike the enacting clause, if adopted, is equivalent to rejection of the bill. It shall not have precedence over a motion to amend nor a motion to indefinitely postpone.

Sec. 9. Motions to Adjourn or Recess. A motion to adjourn shall be in order, except:

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- a. While a member is speaking.
- b. When a motion to adjourn or recess has just been defeated.
- c. After the Final Reading of a bill and during roll call thereon.

A motion to adjourn to a time certain shall have precedence over a motion to adjourn. A motion to recess shall take precedence over either of such motions. Successive motions to adjourn or recess are never in order for dilatory purposes.

When a motion to adjourn or recess has been made, the Speaker shall be privileged to speak to the motion prior to any vote on such motion. A motion to adjourn or recess is not debatable.

A motion to adjourn or recess shall be adopted if approved by a majority of members voting.

Sec. 10. Cloture. At any stage of consideration the principal introducer of the bill under consideration, a cointroducer with the consent of the principal introducer, or the chairperson of the committee, if the bill is introduced by that committee, may move for a cloture to the presiding officer after eight hours of debate on the bill at that stage of consideration, except that the appropriation bills introduced by the Appropriations Committee shall be subject to a cloture motion after twelve hours of debate at that stage of consideration. The presiding officer shall immediately recognize such introducer or chairperson and shall then order debate on the pending amendment or motion to cease. A vote on the cloture motion shall be taken immediately. A two-thirds majority of the elected members shall be required for the cloture motion to be successful. A motion for cloture shall be in order except while a member is speaking, and a motion for cloture is not debatable. If the motion for cloture is successful, a vote on the pending matter shall be taken immediately, without debate. If the pending matter is an amendment to an amendment, following a vote on the amendment to the amendment, a vote shall be taken on the original amendment. If the original amendment has been divided, then the vote shall be on the original undivided amendment being considered. Finally, a vote on the advancement of the bill shall be taken.

A motion for cloture shall have precedence over all other motions except a motion to recess or adjourn.

An unsuccessful motion for cloture shall result in the debate on the bill ending for the day. When the Speaker chooses to resume debate on the bill, successive motions for cloture shall not be in order until two additional hours of debate on the bill has occurred.

Sec. 11. Motions and Amendments for Dilatory Purposes. Motions and amendments shall not be filed for dilatory purposes. If more than two

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amendments and/or motions are offered to a bill or resolution, the principal introducer of the bill or resolution may raise a point of order stating that he or she believes the amendments and/or motions are being used for dilatory purposes. If, in the opinion of the Speaker, the motions and/or amendments are not dilatory, debate on the pending measure shall continue. If the Speaker has reason to believe that one or more of the amendments and/or motions are dilatory, the Speaker shall consult with the principal introducer of the original bill or resolution and the principal introducers of the amendment and/or motions in an attempt to reach an accord as to which amendments and/or motions should be considered by the Legislature. For that purpose, the Speaker may temporarily remove the entire bill or resolution from the agenda. After consultation, the Speaker shall forthwith decide which, if any, amendments and/or motions are dilatory and shall rule such amendments and/or motions out of order. A motion to overrule the chair on any decision made pursuant to this section is not in order except that a ruling of the chair may be challenged by an introducer of amendments and/or motions ruled to be dilatory in which instance the challenge shall be to all amendments and/or motions included in the Speaker's ruling. The consultation and the Speaker's ruling subsequent to consultation provided for in this section, shall in no case result in a bill or resolution being removed from the agenda for more than the current legislative day. Any amendment and/or motion ruled out of order by the Speaker shall not in any form, version, or substance be in order if again offered by any member at the same stage of debate. A motion to overrule the chair after a ruling is out of order.

RULE 8--APPROPRIATIONS PROCESS

Section 1. Purpose. The purpose of this rule is to provide a procedure for the Legislature to develop appropriations for all state agencies, boards, and commissions. Such procedure shall consider the need to (1) continue the services and financial assistance provided by state agencies and programs, (2) restrict the growth in state appropriations, and (3) provide for the efficient and effective use of state revenue by utilizing standing committee subject matter expertise in the review of agency, board, and commission budget requests.

Sec. 2. Appropriations Committee Report. The Legislature's Appropriations Committee, by majority vote of its members, shall annually prepare a report summarizing the recommended total General Fund appropriation for each year of the following biennium. Such report shall include information based upon the committee's initial review of (1) state agency, board, and commission budget requests, (2) the Governor's budget, (3) the estimated revenue receipts for each year of the following biennium, (4) General Fund reserve requirements, (5) express obligations, and (6) economic conditions affecting the State of Nebraska.

Sec. 3. Report, When Required. The report required in Section 2 of this rule shall be printed in the Legislative Journal and presented to each member of the Legislature by the Chairperson of the Appropriations Committee between twenty and thirty legislative days after the Governor presents his or her budget during sessions in odd-numbered years and between fifteen and twenty legislative days after the Governor's budget presentation during session in even-numbered years.

Sec. 4. Standing Committee Appropriations Review. (a) Each standing committee may hold a budget request review hearing on the agency, board, and commission budgets reasonably encompassed in its subject matter jurisdiction. Any such review hearing shall not be held until the Appropriations Committee has held its public hearing on that agency, board, or commission. The chairperson of the standing committee shall coordinate the scheduling of such hearings with the Chairperson of the Appropriations Committee. The standing committee shall obtain a determination from the Executive Board that the budget to be reviewed is within its subject matter jurisdiction. The standing committee may recommend to the Legislature amendments to proposed appropriations.

(b) Standing committee amendments, if any, must be filed by the sixth legislative day following the placement of appropriations bills on General File. Standing committee amendments shall be printed in the Journal and shall be considered by the Legislature no sooner than the eighth legislative day following the placement of the appropriations bills on General File. Standing committee amendments shall be considered by the Legislature after Appropriations Committee amendments but before all other

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amendments. Standing committee amendments shall be considered in the order of filing.

(c) The Appropriations Committee shall make available to the appropriate standing committee all currently available information at its disposal.

Sec. 5. Bills, Held on Final Reading. The report of the Appropriations Committee shall include a recommended dollar amount of the General Fund biennium appropriation which shall be allocated for the funding of "A" bills, bills that result in the net reduction of revenue to the General Fund, tax expenditure bills, and amendments to the appropriations bills as reported to General File by the Appropriations Committee. During a 90 day session, all "A" bills which, when considered with their companion bill, appropriate general funds resulting in a net loss; all bills resulting in the reduction of revenue to the General Fund; and all tax expenditure bills shall not be read on Final Reading until the appropriations bills are passed by the Legislature. Provided the Appropriations Committee shall place appropriations bills on General File no later than the 70th legislative day in a 90 day session and the 40th legislative day in a 60 day session. If this deadline is not met, the Legislature shall consider the appropriations bills as introduced by the Governor. During a 60 day session, all "A" bills which, when considered with their companion bill, appropriate general funds resulting in a net loss; all bills resulting in the reduction of revenue to the General Fund; all tax expenditure bills; and all appropriations bills shall not be read on Final Reading prior to the 45th legislative day. The appropriations bills shall be passed no later than the 80th legislative day in a 90 day session and the 50th legislative day in a 60 day session. The appropriations provided for in an "A" bill shall be for not less than two fiscal years.

Sec. 6. Bill, Setting Tax Rates. The Legislature's tax rate bill shall be passed no later than the 85th legislative day in a 90 day session and the 55th legislative day in a 60 day session.

Sec. 7. Financial Status Report. Beginning with the legislative day following the reporting of the appropriations bills to General File, there shall be attached to the daily agenda of the Legislature a General Fund Financial Status, prepared by the Legislative Fiscal Analyst under the supervision of the Chair of the Appropriations Committee. The Financial Status shall include current estimates of beginning funds available, plus estimated revenue, less the Appropriations Committee recommended budget and express obligations for the biennial period under consideration, to arrive at the calculated variance from the minimum reserve for the General Fund as specified by law. The Financial Status shall also include a listing of other legislation on Select File and Final Reading, and Speaker's Major Proposals on General File that would deduct from or add to General

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Funds available above the minimum reserve requirement, should the bills pass.

In addition to data for the budget period under consideration, the Financial Status shall include data for the ensuing two years following the biennial budget period. Such data shall consist of projections of available balances, annual net receipts, and annual expenditures, based on the assessment of the Legislative Fiscal Analyst of the provisions of current law as it may relate to projected revenues and expenditures. Prior to attaching the first Financial Status to the agenda, the data and the assumptions for the ensuing years beyond the budget biennium and methods for arriving at estimates shall be reviewed by the Chair and the Vice Chair of the Appropriations and Revenue committees and shall be approved by a majority of the membership of each such committee. Upon mutual agreement by the Chairs of the Appropriations Committee and Revenue Committee, the projections may be reconsidered pursuant to the provisions of this section.

RULE 9--SPECIAL SESSIONS

Section 1. Purpose. The purpose of this rule is to establish special procedures for the Legislature to utilize during a special session. This rule recognizes the necessity of the Legislature to address the business for which it is called together in an expeditious and fair fashion and provides that certain legislative procedures established for regular sessions shall not unduly burden the activities of the Legislature during a special session.

Sec. 2. Convening of the Legislature. Pursuant to the directive contained in the proclamation issued by the Governor, either upon the concurrence of two-thirds of the members of the Legislature according to the procedure established by section 50-125 or upon the call of the Governor under the authority of Article IV, section 8, of the Nebraska Constitution, the Legislature shall convene in special session. The first item of business shall be the introduction of bills and resolutions, both of which shall be numbered consecutively beginning with the number one. Bills and resolutions offered by the Speaker at the request of the Governor or offered pursuant to the statement filed with the Secretary of State and agreed to by two-thirds of the members of the Legislature shall be introduced ahead of all other proposals. After introduction, all bills and resolutions shall be handled in the manner provided in this rule. Bills shall be introduced only during the first three days of the session. Resolutions which are not considered and adopted in the same manner as bills may be introduced at any time during the session.

Sec. 3. Resolution Considered as a Bill. Resolutions which propose amendments to the state constitution, propose the ratification or rejection of amendments to the federal Constitution, or memorialize the Congress with regard to amendments to the U.S. Constitution, shall be considered and adopted in the same manner as bills.

Sec. 4. Committee Hearings. Within one legislative day following the introduction of bills and resolutions, or pronouncement of a gubernatorial appointment, the Reference Committee shall review each bill, resolution, and gubernatorial appointment and refer the matter to the appropriate standing committee. The committee to which the bill, resolution, or gubernatorial appointment is referred shall provide as much public notice of the time and place of the hearing on the matter as is reasonable under the circumstances by publication in the Legislative Journal, but in no case shall the hearing be more than five calendar days after the date the bill, resolution, or gubernatorial appointment has been referred to the committee.

Sec. 5. Report of Bill or Resolution to Legislature. The committee to which a bill or resolution has been referred shall make a report on the bill or resolution to the Legislature within twenty-four hours after the committee has taken final action on the matter. If, at the expiration of twenty-four hours from the time final action was taken, the chairperson

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has not reported the bill or resolution, any senator may file with the Speaker a motion that the chairperson be compelled to submit a report. After determining that final action on the bill or resolution has been taken at least twenty-four hours prior to the time the motion was submitted, the Speaker shall accept the motion and compel the chairperson to file the committee's report on the matter.

Sec. 6. Indefinitely Postponed Bills and Resolutions. If the committee action on a bill or resolution is to postpone indefinitely, the bill shall stand indefinitely postponed, except that such bill or resolution may be placed on General File or referred back to the committee by a majority vote of the elected members. Not more than one bill or resolution shall be raised from committee on any one motion. A motion to raise shall not be amended to include any other bill, resolution, or subject matter. A motion to raise shall take precedence in order over all other motions, except a motion to adjourn.

Sec. 7. Bills and Resolutions Held by Committee. If the committee has not taken final action on a bill or resolution within two days after the committee hearing, any senator may move that the bill or resolution be placed on General File. If a majority of the elected members vote in favor of the motion, the bill shall be placed on General File.

Sec. 8. Pending Proposals Indefinitely Postponed. At the conclusion of a special session, all bills and resolutions which have not been enacted shall stand indefinitely postponed and shall not carry over to the next legislative session.

Sec. 9. Rules Controlling When Conflict Exists. When a conflict exists between the provisions of this rule and other provisions of the Rules of the Nebraska Legislature, the provisions of this rule shall apply.

RULE 10--ELECTION CONTESTS AND QUALIFICATIONS CHALLENGES

Section 1. Election Contests and Qualifications Challenges. (a) An election contest shall place in issue only the validity of the results of an election of a member to the Unicameral Legislature. An election contest shall only determine which candidate was properly elected to the Legislature and shall be seated.

(b) A qualifications challenge shall place in issue only the qualifications of a person elected as a member of the Legislature under the Constitution. A qualifications challenge shall only determine whether a person elected to the Legislature is qualified to hold or retain the seat.

(c) Election contests and qualifications challenges shall be brought and conducted as provided in these rules.

(d) Each election contest and qualifications challenge filed with the Clerk shall be referred by the Clerk to the Reference Committee, who in turn shall refer the matter to a specially created committee to consider such contest or challenge. The committee shall consist of an odd number of members, shall have a minimum of five members and shall consist of members appointed by the Executive Board. The chairperson of such committee shall be appointed by the Executive Board.

(e) The special committee may adopt rules to govern election contests and qualifications challenges, provided that such committee rules must be consistent with these rules, must be filed with the Clerk within twenty-four hours of adoption, and must be made available to all parties and to the public.

Sec. 2. Initiating Election Contests. (a) Election contests may be brought only by an unsuccessful candidate.

(b) Election contests may be brought only by the procedures and within the time limits established by the Nebraska statutes. Notice of intention to contest shall be served on the person certified as elected to the Legislature from the representative district within the time limits established by law.

(c) Within forty days following the general election contested, each contestant shall file with the Clerk of the Legislature a petition of election contest and shall serve such petition on the purported winner. A petition of election contest shall allege the contestant's qualifications to bring the contest and to serve as a member of the Legislature, that he/she alleges that a mistake, violation of election laws, or fraud was committed in specified precincts in the counting, return or canvass of the votes or that some other specified irregularity occurred in the conduct of the election in specified precincts. A petition of election contest shall contain a prayer specifying the relief requested and the precincts in which a recount or

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other inquiry is desired. A petition of election contest shall be verified by affidavit swearing to the belief that the allegations are true, and shall be accompanied by proof of service on all respondents.

(d) A petition of contest may not be amended to cure a defect under the statutory requirements. A petition of election contest, if filed and served subsequent to the notice of intention to contest, may not raise points not expressed in the notice.

Sec. 3. Initiating Qualifications Challenges. (a) Qualifications challenges may be brought only by an unsuccessful candidate.

(b) Qualifications challenges must be brought within forty days following the general election contested.

(c) A qualifications challenge shall be brought by filing a petition of qualifications challenge with the Clerk, and by serving a copy of the petition on the purported winner. The petition must be accompanied by proof of personal service upon the respondent member and must be verified by affidavit swearing to the truth of the allegations or based upon information and belief. A petition of qualifications challenge shall set forth the grounds on which the respondent member is alleged to be constitutionally unqualified, the qualifications of the petitioner to bring the challenge, and a prayer for relief.

Sec. 4. Contests and Challenges - Due Process. (a) Election contests and qualifications challenges shall be heard and determined as expeditiously as possible under adversary procedures wherein each party to the proceedings has a reasonable opportunity to present his claim, any defense and arguments, and to respond to those of his opponents. All parties may be represented by counsel.

(b) Election contests and qualifications challenges shall be heard and determined in accordance with the applicable provisions of the Nebraska statutes, the Nebraska Constitution, and the United States Constitution. Judicial decisions which bear on a point of law in a contest or challenge shall be admissible in the arguments of the parties and the deliberations and decisions of the committee. Judicial decisions applicable to a point of law or to a fact situation to the committee shall be given weight as precedent.

(c) The committee shall give notice of all rules, timetables or deadlines adopted by the committee. Notice under this subsection shall be in writing and shall be given either personally with receipt, or by certified mail (return receipt requested) addressed to the party at his or her place of residence and to his or her attorney of record at his or her office if so requested by the party.

Sec. 5. Committee Proceedings and Powers in Contests and Challenges. (a) All proceedings of the committee concerning election contests and qualifications challenges may be recorded and transcribed. Copies of the transcript shall be made available to the members of the committee and to the parties.

(b) The committee may dismiss an election contest or qualifications challenge, or may determine to proceed to a recount or other inquiry. The committee may limit the issues to be determined in a contest or challenge, except that where a recount is conducted in an election contest, any precinct timely requested by any party to be recounted shall be recounted by the committee.

(c) In conducting inquiries, investigations and recounts in election contests and qualifications challenges, the committee shall have the power to compel the attendance of witnesses and the production of books, papers, ballots, documents and records, by subpoena signed by the chairperson of the committee as provided by Rule 3, Section 20. In conducting proceedings in election contests and qualifications challenges, the committee may utilize the legislative powers to gather information as provided by Rule 3, Section 20.

(d) The committee may allow any person authorized to take depositions of any necessary witnesses, as may be permitted by law. In recounting the ballots in any election contest, however, no person other than a member of the committee or officer of the Legislature shall handle any ballots, tally sheets, or other election materials without the consent of the committee. The responsibility for the actual recounting of ballots may not be delegated.

(e) The committee shall maintain a record of proceedings in every election contest and qualifications challenge. Such record shall include all notices and pleadings, roll call votes, all reports and dissents, and all documents which were admitted into the proceeding. The committee shall file the record with the Clerk of the Legislature upon the adoption of its final report. The record shall then be available for examination in the Clerk's office.

(f) With the approval of the Executive Board, the committee may employ staff assistants to include clerks, court reporters, professional staff and other personnel as deemed necessary.

Sec. 6. Adoption of Reports in Contests and Challenges. (a) All final decisions of the committee regarding an election contest or qualification challenge shall be reported in writing to the Legislature, and approved by a majority of the members of the committee. Reports shall include a

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specific recommendation to the Legislature as to the disposition of the contest or challenge.

(b) Any member of the committee may file a dissent from a report of the committee, a minority report, or a special concurrence with the majority report or with any minority report.

(c) Reports of the committee shall be filed with the Clerk of the Legislature, printed and placed on the members' desks, along with any dissents, minority reports or special concurrences. The report shall be listed on the agenda under the heading "Report of Election Contest" or "Report of Qualifications Challenge." The report as filed with the Clerk, shall not be considered for two legislative days prior to any consideration by the Legislature.

(d) The Legislature shall adopt the majority report or a minority report in an election contest or qualifications challenge or shall refuse to adopt any report filed and re-refer the contest or challenge to the committee for further proceedings or for a modified report. Reports as filed by the committee are non-amendable. If the Legislature fails to adopt a report, the matter shall automatically be rereferred to committee for further consideration.

(e) Each party to a contest or challenge may file with the Clerk of the Legislature within 15 days of the filing of the final report a detailed statement of attorney's fees and expenses incurred by said party in connection with the case. The committee shall make recommendations to the Legislature concerning reimbursement of attorney's fees and the expenses of the parties. Such recommendation shall not exceed a sum that is reasonable, just and proper.

MOTIONS

| Type of Motion | Vote Required | Rule- Sec. |
|---|---|---------------|
| FINAL READING | | |
| Adopt bill | 25 | 6-9 |
| Adopt bill with emergency clause | 33 | 6-10 |
| Override gubernatorial veto | 30 | 6-11 |
| Return to Select File | | |
| for specific amendment | 25 | 6-8 |
| Return to standing committee | 25 | 6-8 |
| GENERAL FILE | | |
| Advance to E & R for review | 25 | 6-4 |
| Amendment to amendment | 25 | 6-3 |
| Amendment to bill | 25 | 6-3 |
| Indefinitely postpone | Simple Majority | |
| Return to committee | 25 | 6-3 |
| SELECT FILE | | |
| Adopt E & R amendment | 25 if requested | 6-5 |
| Advance to E & R for engrossing | | |
| if machine vote requested | 25 | 2-1 |
| Amendment to amendment | 25 | 6-5 |
| Amendment to bill | 25 | 6-5 |
| Indefinitely postpone | 25 | 6-5 |
| SPECIAL MOTIONS | | |
| Adopt resolutions | Simple Majority unless otherwise requested | 4-5 |
| Call of the Legislature | Simple Majority | 7-5 |
| Cease debate | 25 | 7-4 |
| Change the Speaker's order of bills (Agenda) | 30 | 1-16 |
| Cloture | 33 | 7-10 |
| Extension of legislative session | 40 | 7-1 |
| Introduce bill after ten day limitation | 30 | 5-4 |
| Motion to adjourn | Simple Majority | 7-9 |
| Overrule the chair | Majority of those present | 1-12 |
| Place bill held in committee on General File | 25 | 3-20 |
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CARRYOVER

LEGISLATION

**Bill Titles, Resolutions, and
Subject and Section Indexes
Introduced in the
Ninety-Seventh Legislature, First Session, 2001,
and Pending Before the
Ninety-Seventh Legislature, Second Session, 2002**

January 9, 2002

STATUS OF CARRYOVER

BILLS

AND

RESOLUTIONS

**Introduced in the
Ninety-Seventh Legislature, First Session, 2001
and pending before the
Ninety-Seventh Legislature, Second Session, 2002**

General File (175): (400A) (273 462 - 01/09/2002) (429 429A - 01/30/2002)
(523 - 02/01/2002) 125 124 791 287 287A 227 259 21 21A 452 93 406 482 446
326 326A 417 58 589 474 413 500 22 22A 241 241A 440A 712 830 355 848
848A 549A 436 436A 568 251 814 235 385 458 112 604 491 499 616 547 547A
123 57 95 283 470 470A 661 752 99 161 188 20 545 719 826 176 88 157 157A
575 648 649 670 480 810 427 66 221 351 12 12A 281 780 391 558 LR4CA 835
473 175 371 546 684 196 316 533 91 507 507A 674 727 634 580 580A 325 796
704 707 722 479 825 109 455 185 72 633 399 399A 557 388 553 766 178 293
345 688 29 783 816 481 404 778 787 373 777 584 14 19 564 565 272 272A 754
754A 454 805 530 530A 682 756 763 205 524 611 803 426 627 206 642 824
758 758A 315 460 207 600 600A 82 82A 619 384 453

Enrollment & Review Initial (0).

Select File (10): 435 435A 400 87 397 298 86 563 305 305A

Enrollment & Review Final (0).

Final Reading (2): 277 277A

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Business and Labor (8): 153 350 370 415 456 492 626 675

Education (50): 30 94 248 271 330 364 369 378 380 394 401 421 467 469 476
513 519 520 521 522 532 535 560 578 602 609 613 625 643 647 650 654 660
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Health and Human Services (15): 164 255 301 322 328 331 396 423 529 548 583
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403 412 434 471 496 497 501 503 517 534 566 567 577 581 595 599 605 607
608 610 696 718 723 738 753 767 769 775 779 784 785 786 795 815 823 834
842 843 844 846 847

Legislative Program Evaluation (0).

Natural Resources (11): 132 512 555 628 632 644 645 709 762 764 837

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Redistricting (0).

Revenue (22): 28 120 121 139 141 174 282 290 332 392 422 487 498 502 510
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Transportation and Telecommunications (28): 26 44 64 102 147 160 184 190 265
274 291 307 311 312 320 425 439 447 488 490 494 636 679 724 741 774 776
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Urban Affairs (5): 323 729 806 807 811

Resolutions Reported for Further Consideration (0).

Resolutions Failed (0).

(Totals in parentheses include bills, A bills, and resolutions of each section.)

TITLES TO BILLS

LEGISLATIVE BILL 12. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to correctional facilities; to amend section 83-181, Reissue Revised Statutes of Nebraska; to provide requirements for dispensing medications; and to repeal the original section.

LEGISLATIVE BILL 12A. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 12, Ninety-seventh Legislature, First Session, 2001.

LEGISLATIVE BILL 14. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to law enforcement; to amend section 81-1403, Revised Statutes Supplement, 2000; to require certain proceedings to be open to the public; and to repeal the original section.

LEGISLATIVE BILL 16. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Attorney General; to amend section 32-507, Reissue Revised Statutes of Nebraska, and section 32-609, Revised Statutes Supplement, 2000; to provide for the election of the Attorney General on a nonpartisan basis; and to repeal the original sections.

LEGISLATIVE BILL 18. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 23-3406, 24-1106, 25-1140.09, 27-609, 28-104, 28-202, 28-303, 29-1822, 29-2005, 29-2006, 29-2020, 29-2282, 29-2407, 29-2801, 29-3205, 29-3920, 29-3928, 29-3929, 29-3930, and 55-480, Reissue Revised Statutes of Nebraska, and sections 27-803, 28-105, 28-201, 29-3931, and 83-4,143, Revised Statutes Supplement, 2000; to change a penalty from death to maximum of life imprisonment without possibility of parole; to change conspiracy provisions; to provide for restitution and standards for sentencing; to harmonize provisions; to eliminate capital punishment provisions; to repeal the original sections; and to outright repeal sections 24-1105, 29-2519 to 29-2521.01, 29-2521.03 to 29-2522, 29-2524 to 29-2524.02, 29-2527, 29-2528, 29-2532 to 29-2546, 29-2811, and 83-1,132, Reissue Revised Statutes of Nebraska, and sections 28-105.01, 29-2521.02, 29-2523, and 29-2525, Revised Statutes Supplement, 2000.

LEGISLATIVE BILL 19. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to employment; to amend sections 13-1102, 20-113, 20-131, 23-2525, 23-2531, 23-2541, 48-1101 to 48-1107, 48-1107.02, 48-1108, 48-1110 to 48-1126, 79-2,123, 81-1355, 81-1356, and 85-9,175, Reissue Revised Statutes of Nebraska, and sections 20-139 and 25-2602.01, Revised Statutes Supplement, 2000; to rename an act; to define a term; to prohibit employment discrimination based on sexual orientation; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and

to outright repeal section 48-1109, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 20. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.22, Reissue Revised Statutes of Nebraska; to change sales tax provisions relating to magazines and journals; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 21. Introduced by Suttle, 10; Hilgert, 7; Thompson, 14.

A BILL FOR AN ACT relating to public health and welfare; to require application for and implementation of a federal medicaid option as prescribed.

LEGISLATIVE BILL 21A. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 21, Ninety-seventh Legislature, First Session, 2001.

LEGISLATIVE BILL 22. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to deaf and hard of hearing persons; to amend sections 20-150 to 20-154, 20-156, 48-1102, and 55-424, Reissue Revised Statutes of Nebraska, and sections 20-159, 25-2407, 71-4720.01, 71-4727, 71-4728, and 71-4732, Revised Statutes Supplement, 2000; to provide for the licensure and regulation of interpreters; to provide intent; to redefine a term; to create a board; to provide powers and duties; to provide for a civil penalty and appeal procedures; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 22A. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 22, Ninety-seventh Legislature, First Session, 2001.

LEGISLATIVE BILL 26. Introduced by Redfield, 12; Smith, 48; Erdman, 47.

A BILL FOR AN ACT relating to electronic mail; to amend section 28-1310, Reissue Revised Statutes of Nebraska; to prohibit acts relating to unsolicited electronic mail and advertising; to provide for civil actions; to provide and change penalties; to harmonize provisions; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 27. Introduced by Redfield, 12.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-509, Reissue Revised Statutes of Nebraska; to change magistrate examination provisions; to harmonize provisions; to repeal the original section; and to outright repeal sections 29-501 to 29-503, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 28. Introduced by Redfield, 12; Jones, 43; Cunningham,

18; Jensen, 20; Bruning, 3; Smith, 48.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2106, Reissue Revised Statutes of Nebraska, and section 77-2004, Revised Statutes Supplement, 2000; to change an exemption amount subject to inheritance tax; to create a fund; to provide funding to counties; to eliminate an obsolete provision; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal section 77-2040, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 29. Introduced by Redfield, 12; Schimek, 27; Byars, 30; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to labor; to amend section 48-838, Reissue Revised Statutes of Nebraska; to change collective bargaining representation provisions; and to repeal the original section.

LEGISLATIVE BILL 30. Introduced by Redfield, 12; Byars, 30; Schimek, 27; Bruning, 3.

A BILL FOR AN ACT relating to postsecondary education; to adopt the In the Line of Duty Dependent Education Act; and to provide severability.

LEGISLATIVE BILL 35. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to authorize construction projects for the Youth Rehabilitation Centers at Geneva and Kearney as prescribed; to appropriate funds for housing, renovations, and site improvements; and to declare an emergency.

LEGISLATIVE BILL 37. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to eminent domain; to amend section 19-709, Reissue Revised Statutes of Nebraska; to change provisions relating to powers of cities of the first and second classes and villages; and to repeal the original section.

LEGISLATIVE BILL 40. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to crimes and punishments; to state findings; to prohibit distribution of certain thermometers; and to provide a penalty.

LEGISLATIVE BILL 42. Introduced by Landis, 46.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-605, Reissue Revised Statutes of Nebraska, and section 60-601, Revised Statutes Supplement, 2000; to define terms; to provide for a rebuttable presumption of negligence for use of a mobile telephone as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 44. Introduced by Landis, 46.

A BILL FOR AN ACT relating to alternative fuels; to amend section 66-688, Reissue Revised Statutes of Nebraska; to change an application fee; and to repeal the original section.

LEGISLATIVE BILL 57. Introduced by Redfield, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 33-126.05 and 77-2701, Revised Statutes Supplement, 2000; to exempt copies of public records from sales and use taxation; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 58. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to insurance; to amend section 44-501.02, Reissue Revised Statutes of Nebraska; to change provisions relating to valued policies; and to repeal the original section.

LEGISLATIVE BILL 62. Introduced by Bruning, 3.

A BILL FOR AN ACT relating to the death penalty; to amend sections 29-2532, 29-2533, 29-2542, and 29-2543, Reissue Revised Statutes of Nebraska; to change the method of inflicting the death penalty as prescribed; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 63. Introduced by Bruning, 3; Redfield, 12.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-905, Reissue Revised Statutes of Nebraska; to change provisions relating to operating a motor vehicle to avoid arrest; to change penalty provisions; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 64. Introduced by Bruning, 3.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,110, Reissue Revised Statutes of Nebraska; to change penalty provisions relating to motor vehicle impoundment; and to repeal the original section.

LEGISLATIVE BILL 66. Introduced by Bruning, 3.

A BILL FOR AN ACT relating to protection orders; to amend section 42-924, Reissue Revised Statutes of Nebraska; to change provisions relating to violations and penalties; and to repeal the original section.

LEGISLATIVE BILL 72. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to labor; to amend section 48-212, Reissue Revised Statutes of Nebraska; to change lunch period requirements; and to repeal the original section.

LEGISLATIVE BILL 74. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to the Nebraska Hospital-Medical Liability Act; to amend section 44-2828, Reissue Revised Statutes of Nebraska; to change the statute of limitations for malpractice or professional negligence actions as prescribed; and to repeal the original section.

LEGISLATIVE BILL 77. Introduced by Brashear, 4; Schimek, 27.

A BILL FOR AN ACT relating to elections; to amend sections 10-703.01, 18-2521, 19-3002, 19-3005, 19-3006, 19-3011, 32-224, 32-234, 32-908, 32-909, 32-911, 32-919, 32-933, 32-941, 32-943, 32-950, 32-1001, 32-1009, 32-1010, 32-1013, 32-1019, 32-1020, 32-1535, and 32-1545, Reissue Revised Statutes of Nebraska, and sections 32-238 and 32-1027, Revised Statutes Supplement, 2000; to change the hours during which the polls are open; to change restrictions on the release of election results; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 79. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1009 and 29-820, Reissue Revised Statutes of Nebraska, and sections 28-1006 and 28-1012, Revised Statutes Supplement, 2000; to change provisions relating to offenses against animals; and to repeal the original sections.

LEGISLATIVE BILL 80. Introduced by Brashear, 4; Hilgert, 7.

A BILL FOR AN ACT relating to the Nebraska Hospital-Medical Liability Act; to amend sections 44-2825, 44-2829, and 44-2830, Reissue Revised Statutes of Nebraska; to change the amount recoverable under the act; to change funding provisions; and to repeal the original sections.

LEGISLATIVE BILL 82. Introduced by Brashear, 4; Hilgert, 7.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-519, Reissue Revised Statutes of Nebraska; to change provisions and penalties relating to criminal mischief; and to repeal the original section.

LEGISLATIVE BILL 82A. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to appropriations; to reduce appropriations to aid in carrying out the provisions of Legislative Bill 82, Ninety-seventh Legislature, First Session, 2001.

LEGISLATIVE BILL 86. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-201, Revised Statutes Supplement, 2000; to provide penalties for criminal attempt; and to repeal the original section.

LEGISLATIVE BILL 87. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-504, Reissue Revised Statutes of Nebraska; to change provisions relating to

preliminary hearings; and to repeal the original section.

LEGISLATIVE BILL 88. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to inheritance tax; to limit access to certain court records and information as prescribed; to provide for confidentiality; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 91. Introduced by Wickersham, 49; Bromm, 23; Coordsen, 32; Erdman, 47; Kremer, 34.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend section 77-4108, Reissue Revised Statutes of Nebraska, and section 77-4103, Revised Statutes Supplement, 2000; to extend benefits to certain cooperatives; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 93. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the Legislature; to amend section 50-1302, Revised Statutes Supplement, 2000; to change provisions relating to a committee report; and to repeal the original section.

LEGISLATIVE BILL 94. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to schools; to amend section 79-237, Reissue Revised Statutes of Nebraska; to change provisions relating to the option enrollment program; and to repeal the original section.

LEGISLATIVE BILL 95. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,211.08, Revised Statutes Supplement, 2000; to change provisions relating to consumption of alcoholic beverages and open containers as prescribed; to define a term; and to repeal the original section.

LEGISLATIVE BILL 99. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to construction liens; to amend sections 52-131, 52-135, and 52-136, Reissue Revised Statutes of Nebraska; to require notice of recording to a contracting owner by a claimant; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 102. Introduced by Bromm, 23; Vrtiska, 1.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,114, Reissue Revised Statutes of Nebraska; to provide a size, weight, and load exemption for authorized emergency vehicles as prescribed; and to repeal the original section.

LEGISLATIVE BILL 109. Introduced by Bruning, 3; Bourne, 8; Wickersham, 49.

A BILL FOR AN ACT relating to the Judges Retirement Act; to amend section 24-708, Revised Statutes Supplement, 2000; to change provisions relating to retirement age and benefits; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 110. Introduced by Baker, 44.

A BILL FOR AN ACT relating to lawyers; to establish a fund for client protection; to provide for payment of claims; and to establish trust fund requirements and audits.

LEGISLATIVE BILL 112. Introduced by Baker, 44; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to correctional services; to amend section 83-183, Reissue Revised Statutes of Nebraska; to change provisions relating to work arrangements for persons committed to the Department of Correctional Services; and to repeal the original section.

LEGISLATIVE BILL 116. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to landlord and tenant; to amend sections 76-1401 to 76-1409, 76-1411, 76-1414, 76-1415, 76-1417, 76-1419, 76-1420, 76-1425, 76-1428, 76-1431, 76-1436, and 76-1448, Reissue Revised Statutes of Nebraska, and section 76-1416, Revised Statutes Supplement, 2000; to change provisions relating to termination of rental agreements; to provide powers and duties; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 117. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to the Nebraska Probate Code; to amend sections 30-2352 and 30-24,101, Reissue Revised Statutes of Nebraska; to change provisions relating to renunciation of succession and the right of retainer; and to repeal the original sections.

LEGISLATIVE BILL 120. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-201, 77-1343, 77-1360.01, 77-5023, and 79-1016, Revised Statutes Supplement, 2000; to change provisions relating to valuation of agricultural and horticultural land; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 121. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3446 and 79-1025, Revised Statutes Supplement, 2000; to change the base limitation applicable to school districts and other political subdivisions; to change the basic allowable growth rate for school districts; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 123. Introduced by Wickersham, 49; Connealy, 16.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.15, Revised Statutes Supplement, 2000; to provide a sales and use tax exemption for certain political subdivisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 124. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1704.01, Revised Statutes Supplement, 2000; to change information on and duties related to tax statements; and to repeal the original section.

LEGISLATIVE BILL 125. Introduced by Kristensen, 37; Smith, 48; Redfield, 12.

A BILL FOR AN ACT relating to elections; to amend section 32-1525, Reissue Revised Statutes of Nebraska; to change restrictions on exit polls and other interviews with voters on election day; and to repeal the original section.

LEGISLATIVE BILL 132. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-438 and 37-440, Revised Statutes Supplement, 2000; to change provisions relating to entry permits; to authorize a fee; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 139. Introduced by Janssen, 15; Baker, 44; Cunningham, 18; Tyson, 19.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2702.17, Reissue Revised Statutes of Nebraska, and section 77-2702.07, Revised Statutes Supplement, 2000; to exempt certain United States Postal Service delivery charges from sales and use taxes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 140. Introduced by Robak, 22; Burling, 33; Connealy, 16; Cunningham, 18; Dierks, 40; Hilgert, 7; Hudkins, 21; Janssen, 15; Dw. Pedersen, 39; Price, 26; Schimek, 27; Schrock, 38; Smith, 48; Stuhr, 24.

A BILL FOR AN ACT relating to agriculture; to state intent; and to provide for a state meat inspection pilot program.

LEGISLATIVE BILL 141. Introduced by Schrock, 38; Baker, 44; Bruning, 3; Burling, 33; Cudaback, 36; Cunningham, 18; Erdman, 47; Foley, 29; Janssen, 15; Kruse, 13; Price, 26; Smith, 48; Stuhr, 24.

A BILL FOR AN ACT relating to the Nebraska educational savings plan trust; to amend sections 77-2716, 85-1801, 85-1804, and 85-1807, Revised Statutes Supplement, 2000; to change income tax adjustments; to provide for legislative appropriations; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 144. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Supplement, 2000; to delete obsolete language; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 145. Introduced by Robak, 22; Beutler, 28; Byars, 30; Price, 26; Schimek, 27; Suttle, 10; Thompson, 14.

A BILL FOR AN ACT relating to mental health regions; to provide services to inmates in jails and detention centers; and to provide intent.

LEGISLATIVE BILL 147. Introduced by Vrtiska, 1; Janssen, 15.

A BILL FOR AN ACT relating to license plates; to provide for Shriner's license plates.

LEGISLATIVE BILL 150. Introduced by Jensen, 20; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-318, Reissue Revised Statutes of Nebraska, and section 28-405, Revised Statutes Supplement, 2000; to change provisions relating to sexual assault and controlled substances schedules; and to repeal the original sections.

LEGISLATIVE BILL 153. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to labor organizations; to require certain employees to pay for collective bargaining and contract enforcement as prescribed; to define terms; and to provide powers and duties.

LEGISLATIVE BILL 157. Introduced by Cudaback, 36; Vrtiska, 1.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-112, Reissue Revised Statutes of Nebraska, and section 60-110, Revised Statutes Supplement, 2000; to change provisions relating to certificates of title; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 157A. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 157, Ninety-seventh Legislature, First Session, 2001.

LEGISLATIVE BILL 158. Introduced by Robak, 22; Dw. Pedersen, 39; Suttle, 10; Thompson, 14.

A BILL FOR AN ACT relating to corrections; to create the Community Criminal Justice Treatment Task Force; to provide intent and establish duties; and to provide a termination date.

LEGISLATIVE BILL 159. Introduced by Robak, 22; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-3506, 29-3507, 29-3511, 29-3516, and 29-3521, Reissue Revised Statutes of

Nebraska, and section 29-3523, Revised Statutes Supplement, 2000; to redefine terms; to change provisions relating to the expungement of certain criminal history record information as prescribed; to provide duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 160. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-311.10, Reissue Revised Statutes of Nebraska, and sections 60-301 and 60-311.11, Revised Statutes Supplement, 2000; to provide for the issuance of message plates for utility trailers; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 161. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to the Political Subdivisions Tort Claims Act; to amend sections 13-922 and 13-926, Reissue Revised Statutes of Nebraska; to change amounts recoverable as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 164. Introduced by Robak, 22; Schimek, 27; Thompson, 14.

A BILL FOR AN ACT relating to medical assistance; to state intent; to define terms; and to provide for assistance for persons with a medically improved disability as prescribed.

LEGISLATIVE BILL 174. Introduced by Revenue Committee: Wickersham, 49, Chairperson; Dierks, 40; Hartnett, 45; Janssen, 15; Landis, 46; Raikes, 25; Redfield, 12.

A BILL FOR AN ACT relating to corporations; to amend sections 21-303, 21-319, and 21-328, Reissue Revised Statutes of Nebraska, and section 77-2701, Revised Statutes Supplement, 2000; to change and eliminate provisions relating to occupation taxes and provide for a corporate income tax; to eliminate a definition; to harmonize provisions; to repeal the original sections; and to outright repeal sections 21-306 and 21-329, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 175. Introduced by Hudkins, 21; Cunningham, 18; Wehrbein, 2.

A BILL FOR AN ACT relating to wineries; to amend section 53-304, Revised Statutes Supplement, 2000; to change provisions relating to required payments; and to repeal the original section.

LEGISLATIVE BILL 176. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-2501, Reissue Revised Statutes of Nebraska; to change provisions relating to eminent domain; to provide an exemption for certain sanitary and improvement district projects; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 178. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to motor vehicle registration; to amend sections 60-320, 60-320.01, and 60-321, Reissue Revised Statutes of Nebraska, and sections 60-302, 60-1901, and 60-1902, Revised Statutes Supplement, 2000; to change provisions relating to In Transit decals as prescribed; to provide duties; and to repeal the original sections.

LEGISLATIVE BILL 184. Introduced by Janssen, 15; Cudaback, 36; Schrock, 38.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-3002 and 60-3006, Revised Statutes Supplement, 2000; to provide an exemption from motor vehicle taxes and fees for Purple Heart recipients; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 185. Introduced by D. Pederson, 42; Cudaback, 36; Dierks, 40; Engel, 17; Hilgert, 7; Kremer, 34; Dw. Pedersen, 39; Schimek, 27; Wehrbein, 2; Wickersham, 49; Bruning, 3; Foley, 29; Erdman, 47.

A BILL FOR AN ACT relating to railroads; to require a minimum number of persons for a train crew; and to provide penalties.

LEGISLATIVE BILL 188. Introduced by Byars, 30.

A BILL FOR AN ACT relating to the Nebraska Mental Health Commitment Act; to amend section 83-1025, Reissue Revised Statutes of Nebraska; to change provisions relating to filing petitions; and to repeal the original section.

LEGISLATIVE BILL 189. Introduced by Byars, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for adult basic education programs; and to declare an emergency.

LEGISLATIVE BILL 190. Introduced by Byars, 30; Bromm, 23; Kremer, 34; Schimek, 27.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-4,182 and 60-6,272, Reissue Revised Statutes of Nebraska; to authorize enforcement of occupant protection system requirements as a primary action; to provide for court costs; to harmonize provisions; to repeal the original sections; and to outright repeal section 60-6,271, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 195. Introduced by Dierks, 40; Wehrbein, 2.

A BILL FOR AN ACT relating to agriculture; to provide for recommendations for an agriculture continuing education program; and to provide powers and duties for the Department of Agriculture.

LEGISLATIVE BILL 196. Introduced by Dierks, 40; Cunningham, 18.

A BILL FOR AN ACT relating to agricultural lands; to amend section 76-1520, Revised Statutes Supplement, 2000; to require certain partnerships to file a statement of agricultural activity and real estate holding; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original section.

LEGISLATIVE BILL 205. Introduced by Wickersham, 49; Raikes, 25; Wehrbein, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.01, Reissue Revised Statutes of Nebraska; to change the income tax rate; and to repeal the original section.

LEGISLATIVE BILL 206. Introduced by Wickersham, 49; Raikes, 25; Wehrbein, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.02, Revised Statutes Supplement, 2000; to change the sales and use tax rate; and to repeal the original section.

LEGISLATIVE BILL 207. Introduced by Wickersham, 49; Raikes, 25; Wehrbein, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.01, Reissue Revised Statutes of Nebraska, and section 77-2701.02, Revised Statutes Supplement, 2000; to change the income tax and sales and use tax rates; and to repeal the original sections.

LEGISLATIVE BILL 208. Introduced by Agriculture Committee: Dierks, 40, Chairperson; Burling, 33; Schimek, 27; Schrock, 38; Vrtiska, 1.

A BILL FOR AN ACT relating to livestock; to amend sections 54-703, 54-705, and 54-751 to 54-753, Reissue Revised Statutes of Nebraska, and section 54-744, Revised Statutes Supplement, 2000; to provide powers and duties for certain departments; to change provisions relating to the disposal of the carcasses of dead animals; to provide for registration of livestock disposal facilities and rendering substations; to authorize standards and county powers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 212. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to child abuse and neglect; to amend sections 28-715, 28-719 to 28-722, and 28-725, Reissue Revised Statutes of Nebraska, and sections 28-710, 28-713, 28-713.01, and 43-3709, Revised Statutes Supplement, 2000; to change provisions relating to reports and the central register; to provide for a tracking system; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 221. Introduced by Tyson, 19.

A BILL FOR AN ACT relating to crimes and offenses; to amend section

28-1221, Reissue Revised Statutes of Nebraska, and section 28-1213, Revised Statutes Supplement, 2000; to change provisions relating to explosives; to change provisions and penalty provisions relating to threatening to use explosives; and to repeal the original sections.

LEGISLATIVE BILL 224. Introduced by General Affairs Committee: Janssen, 15, Chairperson; Cunningham, 18; Quandahl, 31; Redfield, 12; Schrock, 38.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1203, Reissue Revised Statutes of Nebraska; to terminate a fund; to provide for the remittance of fines to the permanent school fund and for a transfer of funds; and to repeal the original section.

LEGISLATIVE BILL 227. Introduced by Thompson, 14; Aguilar, 35; Brown, 6; Burling, 33; Dierks, 40; Jensen, 20; Preister, 5; Price, 26; Raikes, 25; Redfield, 12; Schimek, 27; Schrock, 38; Suttle, 10.

A BILL FOR AN ACT relating to the Nebraska Clean Indoor Air Act; to amend sections 71-5701, 71-5702, 71-5703, and 71-5708, Reissue Revised Statutes of Nebraska, and section 71-5707, Revised Statutes Supplement, 2000; to define a term; to change designated smoking area provisions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 228. Introduced by Thompson, 14; Hilgert, 7; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Nebraska Commission on Law Enforcement and Criminal Justice.

LEGISLATIVE BILL 231. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-179, Reissue Revised Statutes of Nebraska; to extend closing hours as prescribed; and to repeal the original section.

LEGISLATIVE BILL 235. Introduced by Byars, 30.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-521 and 71-524, Reissue Revised Statutes of Nebraska, and sections 71-519, 71-520, 71-522, and 71-523, Revised Statutes Supplement, 2000; to change provisions relating to newborn screening for metabolic diseases, food supplements and treatment, and fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 241. Introduced by Price, 26.

A BILL FOR AN ACT relating to the Nebraska Cosmetology Act; to amend sections 71-348, 71-357, 71-366, 71-367, 71-368, 71-369, 71-394, 71-397, 71-3,102, 71-3,103, 71-3,105, 71-3,107, 71-3,109, 71-3,117, 71-3,120, 71-3,136, 71-3,138, 71-3,139, 71-3,140, 71-3,141, 71-3,145, 71-3,147, 71-3,150, 71-3,151, 71-3,154, 71-3,155, and 71-3,159, Reissue Revised Statutes of Nebraska, and

sections 71-340, 71-341, 71-342, 71-343, 71-351, 71-352, 71-362, 71-364, 71-371, 71-374, 71-377, 71-381, 71-382, 71-386, 71-387, 71-3,137, 71-3,169, 71-3,174, 71-3,177, and 71-3,179, Revised Statutes Supplement, 2000; to provide for licensure for esthetics instructors and schools of esthetics; to change provisions relating to penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 241A. Introduced by Price, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 241, Ninety-seventh Legislature, First Session, 2001.

LEGISLATIVE BILL 248. Introduced by Wickersham, 49; Raikes, 25.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1003 and 79-1018.01, Revised Statutes Supplement, 2000; to change provisions relating to other actual receipts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 251. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to elections; to amend sections 32-560, 32-572, 32-605, 32-615, 32-616, 32-625, and 85-1514, Reissue Revised Statutes of Nebraska; to change provisions relating to vacancies; to harmonize provisions; to repeal the original sections; and to outright repeal section 32-626, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 255. Introduced by Jensen, 20; Byars, 30.

A BILL FOR AN ACT relating to disabled persons; to adopt the Community-Based Neurobehavioral Rehabilitation Implementation Act.

LEGISLATIVE BILL 259. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to counties; to authorize license and occupation taxes as prescribed.

LEGISLATIVE BILL 262. Introduced by Preister, 5.

A BILL FOR AN ACT relating to the Nebraska Emergency Planning and Community Right to Know Act; to amend sections 81-15,191, 81-15,193, and 81-15,214, Reissue Revised Statutes of Nebraska; to define a term; to change provisions relating to the source and use of certain funds; to provide powers and duties; to state intent; to provide a termination date; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 264. Introduced by Stuhr, 24; Hudkins, 21; Janssen, 15; Price, 26; Robak, 22; Schimek, 27; Suttle, 10; Thompson, 14; Tyson, 19.

A BILL FOR AN ACT relating to tattooing and body piercing; to amend section 28-101, Revised Statutes Supplement, 2000; to define terms; to prohibit the

performance of tattooing and body piercing on minors as prescribed; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 265. Introduced by Stuhr, 24; Dierks, 40; Jones, 43.

A BILL FOR AN ACT relating to license plates; to provide for Nebraska Pioneer Farm Family License Plates; to provide powers and duties for the Department of Motor Vehicles; and to provide fees.

LEGISLATIVE BILL 271. Introduced by Bromm, 23; Baker, 44; Dierks, 40; Foley, 29; Hartnett, 45; Kremer, 34; Dw. Pedersen, 39; Preister, 5; Redfield, 12; Tyson, 19; Aguilar, 35.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-908 and 77-3806, Reissue Revised Statutes of Nebraska, and sections 77-2715.07 and 77-2734.03, Revised Statutes Supplement, 2000; to adopt the Elementary and Secondary Scholarship Assistance Act; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 272. Introduced by Thompson, 14; Aguilar, 35; Bourne, 8; Brashear, 4; Byars, 30; Chambers, 11; Hilgert, 7; Jensen, 20; Kruse, 13; Dw. Pedersen, 39; Preister, 5; Price, 26; Raikes, 25; Robak, 22; Suttle, 10.

A BILL FOR AN ACT relating to juveniles; to amend section 85-107, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Juvenile Justice Institute Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 272A. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 272, Ninety-seventh Legislature, First Session, 2001.

LEGISLATIVE BILL 273. Introduced by Schrock, 38; Burling, 33; Chambers, 11; Cunningham, 18; Dierks, 40; Schimek, 27; Vrtiska, 1; Cudaback, 36.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-954, 16-230, and 17-563, Reissue Revised Statutes of Nebraska, and sections 28-401, 28-405, and 81-2,147.06, Revised Statutes Supplement, 2000; to provide for cultivation of industrial hemp; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 274. Introduced by Wehrbein, 2; Schimek, 27.

A BILL FOR AN ACT relating to railroad crossings; to prohibit the obstruction of highways in cities of the first and second class and villages and certain rural highways; to provide penalties; to provide exemptions; to eliminate certain provisions relating to cities of the second class and villages; to harmonize provisions; and to outright repeal section 17-225, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 276. Introduced by Redfield, 12; Baker, 44; Bromm, 23;

Burling, 33; Byars, 30; Coordsen, 32; Cudaback, 36; Dierks, 40; Foley, 29; Jensen, 20; Kremer, 34; Price, 26; Quandahl, 31; Smith, 48; Stuhr, 24; Thompson, 14; Tyson, 19.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-512 and 28-620, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 2000; to adopt the Personal Identity Defense Act; to create the offense of identity fraud; to change provisions relating to theft by deception and unauthorized use of a financial transaction device; to change and provide penalties; to provide for civil recourse; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 277. Introduced by Redfield, 12; Aguilar, 35; Burling, 33; Cunningham, 18; Dierks, 40; Erdman, 47; Foley, 29; Hilgert, 7; Kremer, 34; Price, 26; Quandahl, 31; Smith, 48; Suttle, 10; Tyson, 19; Baker, 44; Bruning, 3; Jones, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2732, Reissue Revised Statutes of Nebraska, and sections 77-2715.02 and 77-2716.01, Revised Statutes Supplement, 2000; to change income tax rate schedules and deduction amounts; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 277A. Introduced by Redfield, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 277, Ninety-seventh Legislature, First Session, 2001.

LEGISLATIVE BILL 281. Introduced by Connealy, 16.

A BILL FOR AN ACT relating to divorce; to amend section 42-351, Reissue Revised Statutes of Nebraska; to change court jurisdiction provisions; and to repeal the original section.

LEGISLATIVE BILL 282. Introduced by Wickersham, 49; Jensen, 20; Wehrbein, 2; Price, 26.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 2000; to provide income tax adjustments for long-term care insurance premiums; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 283. Introduced by Transportation and Telecommunications Committee: Bromm, 23, Chairperson; Baker, 44; Byars, 30; Hudkins, 21; Jones, 43.

A BILL FOR AN ACT relating to state government; to amend sections 13-1203, 39-102, 39-103, 39-202, 39-204, 39-892, 39-1101, 39-1302, 39-2215, 39-2602, 60-631, 60-6,118, 60-6,120, 66-821, 74-1310, 74-1405.02, 76-1224, 81-701.01, 81-701.02, 81-701.04, and 81-710, Reissue Revised Statutes of Nebraska, and sections 39-1110, 49-506, 81-101, and 81-102, Revised Statutes Supplement,

2000; to rename the Department of Roads; to provide a duty for the Transportation and Telecommunications Committee of the Legislature; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 287. Introduced by Thompson, 14; Bourne, 8; Byars, 30; Connealy, 16; Kruse, 13; Price, 26; Robak, 22; Schimek, 27; Schrock, 38; Suttle, 10.

A BILL FOR AN ACT relating to health care; to adopt the Post-Organ-Transplant Program Act; and to state intent.

LEGISLATIVE BILL 287A. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 287, Ninety-seventh Legislature, First Session, 2001.

LEGISLATIVE BILL 288. Introduced by Thompson, 14; Aguilar, 35; Bourne, 8; Byars, 30; Connealy, 16; Kruse, 13; Kremer, 34; Preister, 5; Price, 26; Robak, 22.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Organ and Tissue Donor Awareness and Education Fund.

LEGISLATIVE BILL 290. Introduced by Jones, 43; Baker, 44; Bromm, 23; Bruning, 3; Dierks, 40; Vrtiska, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-201, 77-1343, 77-5023, and 79-1016, Revised Statutes Supplement, 2000; to change provisions relating to valuation of agricultural and horticultural land; to change school state aid calculations; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 291. Introduced by Aguilar, 35; Cudaback, 36; Cunningham, 18; Hilgert, 7; Jones, 43; Quandahl, 31; Tyson, 19; Wickersham, 49; Erdman, 47.

A BILL FOR AN ACT relating to motor vehicles; to amend section 12-1301, Revised Statutes Supplement, 2000; to provide for license plates recognizing service in the United States Armed Forces; to rename a fund; and to repeal the original section.

LEGISLATIVE BILL 293. Introduced by Aguilar, 35; Byars, 30.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-4,182, Reissue Revised Statutes of Nebraska, and section 60-601, Revised Statutes Supplement, 2000; to prohibit riding on vehicles as prescribed; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 296. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to crimes; to amend section 28-101, Revised

Statutes Supplement, 2000; to create the offense of disarming an officer; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 297. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to state institutions; to amend sections 81-107, 83-172, 83-178, 83-1,106, 83-4,109, 83-4,110, 83-4,111, 83-4,112, 83-4,115, 83-4,123, 83-910, and 84-906, Reissue Revised Statutes of Nebraska, and section 81-101, Revised Statutes Supplement, 2000; to change and eliminate provisions relating to the Department of Correctional Services; to change provisions relating to inmate treatment and rights and inmate classification; to create the Legislative Advisory Committee for Corrections; to create the Inmate Disciplinary Appeal Board; to provide powers and duties; to change provisions relating to inmate appeals; to change provisions relating to administrative procedure; to harmonize provisions; to repeal the original sections; and to outright repeal section 83-905, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 298. Introduced by Bruning, 3.

A BILL FOR AN ACT relating to fees; to amend section 33-101, Revised Statutes Supplement, 2000; to change fees charged by the Secretary of State; and to repeal the original section.

LEGISLATIVE BILL 301. Introduced by Tyson, 19; Jensen, 20.

A BILL FOR AN ACT relating to the Engineers and Architects Regulation Act; to amend sections 81-3449 and 81-3453, Revised Statutes Supplement, 2000; to change exempted activities as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 304. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 2000; to prohibit the sale and transfer of fetal tissue as prescribed; to provide penalties; to harmonize provisions; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 305. Introduced by Education Committee: Raikes, 25, Chairperson; Brashear, 4; Coordsen, 32; Price, 26; Stuhr, 24; Suttle, 10; Wickersham, 49; and Wehrbein, 2.

A BILL FOR AN ACT relating to schools; to amend sections 9-812, 13-519, 79-761, 79-8,127, 79-8,128, 79-8,130, 79-8,136, 79-1001, 79-1003, 79-1007.02, 79-1018.01, 79-1028, 79-1072.01, 79-1204, 79-1241, and 79-1241.01, Revised Statutes Supplement, 2000; to change provisions relating to the Education Innovation Fund; to provide for exceeding a budget limitation; to provide for teacher salary supplements, a team, and a pilot program; to change provisions relating to mentor teacher programs, the Master Teacher program, and state aid; to define terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 305A. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in

carrying out the provisions of Legislative Bill 305, Ninety-seventh Legislature, First Session, 2001; and to declare an emergency.

LEGISLATIVE BILL 306. Introduced by Smith, 48; Bruning, 3; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to gambling; to amend section 83-162.06, Revised Statutes Supplement, 2000; to transfer funds as prescribed; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 307. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to cities of the primary class; to prohibit railroad companies from obstructing highways in cities of the primary class; to provide a penalty; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 311. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to railroads; to state intent; to provide for monitoring and reporting of possible discontinued or abandoned rail service; and to provide departmental duties.

LEGISLATIVE BILL 312. Introduced by Coordsen, 32; Hilgert, 7.

A BILL FOR AN ACT relating to motor vehicles; to provide for firefighter license plates.

LEGISLATIVE BILL 315. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1001, Revised Statutes Supplement, 2000; to provide for identification of students with limited English proficiency; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 316. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-6,205, Reissue Revised Statutes of Nebraska; to change provisions relating to hearings for driving under the influence of alcohol; and to repeal the original section.

LEGISLATIVE BILL 320. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-696, Reissue Revised Statutes of Nebraska; to change penalty provisions for failure to report an accident; and to repeal the original section.

LEGISLATIVE BILL 321. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to the Nebraska Hospital-Medical Liability Act; to amend section 44-2810, Reissue Revised Statutes of Nebraska; to change provisions relating to malpractice as professional negligence; and to repeal the original section.

LEGISLATIVE BILL 322. Introduced by Suttle, 10; Brown, 6; Price, 26; Robak, 22.

A BILL FOR AN ACT relating to child care programs; to amend sections 43-2605, 43-2607, 43-2608, 43-2617, and 71-1908, Reissue Revised Statutes of Nebraska, and sections 29-2264, 71-542, 71-1909 to 71-1911, 71-1912 to 71-1913.01, 71-1914 to 71-1917, 71-6721, 71-6735, and 81-502, Revised Statutes Supplement, 2000; to create the Child Care Licensure Act; to provide requirements; to redefine a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 323. Introduced by Suttle, 10; Schimek, 27.

A BILL FOR AN ACT relating to community development; to create the Neighborhood Development Act; to create a fund; and to provide powers and duties.

LEGISLATIVE BILL 325. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend sections 14-374 and 14-420, Reissue Revised Statutes of Nebraska; to change provisions relating to acquisition of property and zoning changes; to provide duties; to define terms; and to repeal the original sections.

LEGISLATIVE BILL 326. Introduced by Suttle, 10; Foley, 29.

A BILL FOR AN ACT relating to education; to adopt the Nebraska Read, Educate, and Develop Youth Act.

LEGISLATIVE BILL 326A. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 326, Ninety-seventh Legislature, First Session, 2001.

LEGISLATIVE BILL 327. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to juveniles; to amend section 43-801, Reissue Revised Statutes of Nebraska; to change provisions relating to parental liability; and to repeal the original section.

LEGISLATIVE BILL 328. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to public health and welfare; to provide for a self-directed care system for disabled medicaid beneficiaries; and to provide powers and duties.

LEGISLATIVE BILL 330. Introduced by Redfield, 12; Price, 26.

A BILL FOR AN ACT relating to students; to prohibit use or display of social security numbers as prescribed.

LEGISLATIVE BILL 331. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to the State Board of Health; to amend sections 71-2602, 71-2603, 71-2606, 71-2607, and 71-2610, Reissue Revised Statutes of Nebraska, and sections 71-2601 and 71-2610.01, Revised Statutes Supplement, 2000; to change the membership, terms of membership, powers, and duties of the board; to provide powers and immunity from liability; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 332. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.07 and 77-2716, Revised Statutes Supplement, 2000; to provide an income tax credit and income tax adjustment for long-term care insurance premiums; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 333. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to public health; to amend sections 28-1420, 28-1421, 28-1423 to 28-1426, and 28-1428, Reissue Revised Statutes of Nebraska, and section 28-1422, Revised Statutes Supplement, 2000; to change and eliminate provisions relating to tobacco licenses; to provide duties; to change license fees; to change and create penalties; to create a fund; to harmonize provisions; to repeal the original sections; and to outright repeal section 28-1429, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 336. Introduced by Bromm, 23; Engel, 17; Kremer, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to Central Community College; and to state intent.

LEGISLATIVE BILL 338. Introduced by Quandahl, 31; Smith, 48; Redfield, 12; Erdman, 47.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-180.02, Reissue Revised Statutes of Nebraska; to change provisions relating to minors; and to repeal the original section.

LEGISLATIVE BILL 340. Introduced by Quandahl, 31; Dw. Pedersen, 39; Erdman, 47; Smith, 48; Bruning, 3.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-608, Reissue Revised Statutes of Nebraska; to provide for prosecution for criminal impersonation as prescribed with respect to abortion; and to repeal the original section.

LEGISLATIVE BILL 341. Introduced by Quandahl, 31; Dw. Pedersen, 39; Erdman, 47; Smith, 48; Bruning, 3.

A BILL FOR AN ACT relating to abortion; to amend sections 28-327, 28-327.01, and 28-327.03, Revised Statutes Supplement, 2000; to change provisions relating to voluntary and informed consent, printed materials,

notification, and civil liability; to eliminate provisions requiring school districts to provide written information; to repeal the original sections; and to outright repeal section 71-6909, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 342. Introduced by Quandahl, 31; Dw. Pedersen, 39; Erdman, 47; Smith, 48; Bruning, 3.

A BILL FOR AN ACT relating to abortion; to amend section 71-6906, Reissue Revised Statutes of Nebraska; to change provisions relating to notification; to eliminate provisions requiring school districts to provide written information; to repeal the original section; and to outright repeal section 71-6909, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 343. Introduced by Kristensen, 37; Bromm, 23; Jensen, 20.

A BILL FOR AN ACT relating to employment; to provide immunity in actions relating to job references; and to define terms.

LEGISLATIVE BILL 344. Introduced by Hilgert, 7; Suttle, 10.

A BILL FOR AN ACT relating to public health and welfare; to provide for implementing a federal medicaid option as prescribed; and to appropriate funds.

LEGISLATIVE BILL 345. Introduced by Robak, 22.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-601, Revised Statutes Supplement, 2000; to prohibit the use of a fuel power booster delivery system on a motor vehicle; and to repeal the original section.

LEGISLATIVE BILL 347. Introduced by Robak, 22.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-180.07, Reissue Revised Statutes of Nebraska, and section 53-1,104, Revised Statutes Supplement, 2000; to change provisions relating to prosecutions for sale of liquor to a minor and retail license suspension; and to repeal the original sections.

LEGISLATIVE BILL 348. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to relating to courts; to amend sections 7-111, 22-417, 23-2504, 24-345, 24-507 to 24-509, 24-519, 24-520, 24-703, 24-709, 24-1002, 29-103, 29-403, 29-812, 29-3901, 30-2218, 30-2402, 33-106.02, 42-108, 43-2,123, 49-502, 49-801, 72-240.14, 76-706, and 77-2019, Reissue Revised Statutes of Nebraska, and sections 11-119, 11-125, 11-126, 23-120, 23-121, 23-1114.03 to 23-1114.06, 23-2518, 24-228, 24-513, 24-701, 24-706, 24-709.02, and 76-723, Revised Statutes Supplement, 2000; to transition the office of the clerk of the district court from a county-reimbursed to a state-reimbursed position; to create the position of clerk of the courts; to eliminate the position of clerk magistrate and election of clerks of the district courts; to require a study; to provide intent; to provide duties; to eliminate

obsolete requirements; to harmonize provisions; to repeal the original sections; and to outright repeal section 32-524, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 350. Introduced by Redfield, 12; Raikes, 25.

A BILL FOR AN ACT relating to education; to provide for collective bargaining deadlines as prescribed; to provide a duty for the State Department of Education; and to provide for agreements.

LEGISLATIVE BILL 351. Introduced by Brashear, 4; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1204.04, Reissue Revised Statutes of Nebraska; to change a penalty relating to unlawful possession of a firearm on school grounds; and to repeal the original section.

LEGISLATIVE BILL 352. Introduced by Brashear, 4; Chambers, 11; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-3601, 29-3603, and 29-3604, Reissue Revised Statutes of Nebraska, and section 29-3602, Revised Statutes Supplement, 2000; to provide for a driver's safety training program as pretrial diversion; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 353. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1439.02, 28-1439.03, and 81-2004.05, Reissue Revised Statutes of Nebraska, and sections 28-431, 60-1901, and 60-1903.01, Revised Statutes Supplement, 2000; to provide for the disposition of certain forfeited money and property; and to repeal the original sections.

LEGISLATIVE BILL 355. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to the Political Subdivisions Tort Claims Act; to amend sections 13-919 and 13-920, Reissue Revised Statutes of Nebraska; to change limitation of action provisions; and to repeal the original sections.

LEGISLATIVE BILL 356. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to the death penalty; to amend sections 29-2532, 29-2533, 29-2542, and 29-2543, Reissue Revised Statutes of Nebraska; to change the method of inflicting the death penalty; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 361. Introduced by Landis, 46.

A BILL FOR AN ACT relating to trusts; to amend sections 12-1107 and 30-3701, Revised Statutes Supplement, 2000; to adopt the Uniform Trust Code; to eliminate the Nebraska Trustees' Powers Act; to harmonize provisions; to provide an operative date; to provide severability; to repeal the original sections;

and to outright repeal sections 30-2820 to 30-2826, Reissue Revised Statutes of Nebraska, and section 30-2819, Revised Statutes Supplement, 2000.

LEGISLATIVE BILL 364. Introduced by Wickersham, 49; Raikes, 25; Wehrbein, 2.

A BILL FOR AN ACT relating to the State Scholarship Award Program Act; to amend section 85-993.01, Reissue Revised Statutes of Nebraska; to change provisions relating to allocation of funds; and to repeal the original section.

LEGISLATIVE BILL 367. Introduced by Raikes, 25; Brown, 6.

A BILL FOR AN ACT relating to state government; to provide for creation of a price index.

LEGISLATIVE BILL 369. Introduced by Robak, 22; Bromm, 23; Jones, 43; Burling, 33.

A BILL FOR AN ACT relating to schools; to amend section 79-234, Reissue Revised Statutes of Nebraska, and section 79-473, Revised Statutes Supplement, 2000; to change provisions relating to annexation; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 370. Introduced by Price, 26.

A BILL FOR AN ACT relating to unemployment benefits; to amend section 48-601, Reissue Revised Statutes of Nebraska, and section 48-602, Revised Statutes Supplement, 2000; to provide for birth and adoption unemployment benefits; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 371. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-123.14, 53-167.03, 53-169, and 53-171, Reissue Revised Statutes of Nebraska; to change provisions relating to craft breweries and deposits; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 373. Introduced by Schrock, 38; Bruning, 3; Hartnett, 45; Kremer, 34; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to public power districts; to amend section 70-662, Reissue Revised Statutes of Nebraska, and section 70-604, Revised Statutes Supplement, 2000; to change certain name and charter amendment requirements; and to repeal the original sections.

LEGISLATIVE BILL 378. Introduced by Robak, 22; Hudkins, 21; Coordsen, 32; Dierks, 40; Baker, 44; Erdman, 47; Connealy, 16; Kremer, 34; Vrtiska, 1; Bromm, 23; Wickersham, 49; Jones, 43.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1003, 79-1015.01, and 79-1072.01, Revised Statutes Supplement, 2000; to define terms; to change provisions relating to

calculation of the local effort rate; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 379. Introduced by Connealy, 16.

A BILL FOR AN ACT relating to retired state employees; to amend section 84-1613, Revised Statutes Supplement, 2000; to provide medicare supplement insurance for retired state employees; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 380. Introduced by Janssen, 15; Connealy, 16; Hartnett, 45; D. Pederson, 42; Price, 26; Tyson, 19.

A BILL FOR AN ACT relating to schools; to state intent relating to countywide school districts; and to provide duties.

LEGISLATIVE BILL 381. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-209 and 29-3520, Reissue Revised Statutes of Nebraska; to change provisions relating to fingerprint and description reporting and criminal history record information; and to repeal the original sections.

LEGISLATIVE BILL 384. Introduced by Quandahl, 31; Bruning, 3; Cudaback, 36; Kristensen, 37; Redfield, 12; Wickersham, 49; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to condemnation; to prohibit use of condemnation for certain utility property.

LEGISLATIVE BILL 385. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the rule against perpetuities; to amend section 76-2005, Reissue Revised Statutes of Nebraska; to provide for an exclusion from the rule for certain trusts as prescribed; and to repeal the original section.

LEGISLATIVE BILL 388. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-107, 60-108, 60-310, 60-311.12, 60-315, and 60-319, Reissue Revised Statutes of Nebraska, and sections 60-311.23, 60-315.01, and 60-328, Revised Statutes Supplement, 2000; to change provisions relating to registration and certificates of title; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 391. Introduced by Jensen, 20; Aguilar, 35; Quandahl, 31; Schimek, 27; Vrtiska, 1.

A BILL FOR AN ACT relating to public school buildings; to adopt the Nebraska Schools Construction Alternatives Act.

LEGISLATIVE BILL 392. Introduced by Smith, 48; Aguilar, 35; Bruning, 3; Burling, 33; Dierks, 40; Erdman, 47; Dw. Pedersen, 39; Schrock, 38; Vrtiska, 1; Jones, 43; Cunningham, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1371, Revised Statutes Supplement, 2000; to change provisions relating to valuation of agricultural land and horticultural land; and to repeal the original section.

LEGISLATIVE BILL 394. Introduced by Smith, 48; Aguilar, 35; Brown, 6; Bruning, 3; Burling, 33; Hartnett, 45; Kruse, 13; Dw. Pedersen, 39; Price, 26; Redfield, 12; Robak, 22; Stuhr, 24.

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Reissue Revised Statutes of Nebraska; to change provisions relating to student records; and to repeal the original section.

LEGISLATIVE BILL 395. Introduced by Smith, 48; Aguilar, 35; Brown, 6; Erdman, 47; Dw. Pedersen, 39; D. Pederson, 42.

A BILL FOR AN ACT relating to elections; to amend section 32-914, Reissue Revised Statutes of Nebraska; to require a voter to present proof of identity prior to voting; and to repeal the original section.

LEGISLATIVE BILL 396. Introduced by Suttle, 10; Price, 26.

A BILL FOR AN ACT relating to nursing; to amend sections 44-2803, 44-2824, 44-2827, 71-1,132.18, and 71-1,132.47, Reissue Revised Statutes of Nebraska, and sections 71-168, 71-168.02, 71-1,103, 71-1,132.05, 71-1,132.07, 71-1,132.08, 71-1,132.11, 71-1,147.57, 71-1,147.58, 71-1,198, 71-1,339, 71-1405, 71-2610.01, and 71-5191, Revised Statutes Supplement, 2000; to adopt the Advanced Practice Registered Nurse Act; to eliminate the Advanced Practice Registered Nurse Act, the Nebraska Certified Nurse Midwifery Practice Act, and provisions relating to certified registered nurse anesthetists and clinical nurse specialists; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 71-1729, 71-1734, 71-1738, 71-1739, 71-1744 to 71-1754, 71-1756, 71-1757, and 71-1759 to 71-1765, Reissue Revised Statutes of Nebraska, and sections 71-1704 to 71-1708, 71-1709.01 to 71-1710, 17-1712, 71-1714, 71-1716 to 71-1716.03, 71-1716.05, 71-1717, 71-1718.01, 71-1718.02, 71-1721, 71-1721.07, 71-1722 to 71-1727, 71-1730, 71-1731, 71-1735 to 71-1737, 71-1740, 71-1743, 71-1755, and 71-1758, Revised Statutes Supplement, 2000.

LEGISLATIVE BILL 397. Introduced by Preister, 5.

A BILL FOR AN ACT relating to the State Employees Collective Bargaining Act; to amend section 81-1380, Reissue Revised Statutes of Nebraska; to change special master provisions; and to repeal the original section.

LEGISLATIVE BILL 399. Introduced by Cunningham, 18; Byars, 30; Jensen, 20; Price, 26; Suttle, 10; Thompson, 14.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Outpatient Surgical Procedures Data Act.

LEGISLATIVE BILL 399A. Introduced by Cunningham, 18.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 399, Ninety-seventh Legislature, First Session, 2001.

LEGISLATIVE BILL 400. Introduced by Brown, 6; Bruning, 3; Jensen, 20; Suttle, 10.

A BILL FOR AN ACT relating to the Quality Child Care Act; to amend section 43-2601, Reissue Revised Statutes of Nebraska, and section 43-2606, Revised Statutes Supplement, 2000; to change provisions relating to training; to provide for licensure tiers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 400A. Introduced by Brown, 6.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 400, Ninety-seventh Legislature, First Session, 2001.

LEGISLATIVE BILL 401. Introduced by Kristensen, 37; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 32-510, 85-103, 85-103.01, 85-301, 85-966, 85-1403, 85-1404, 85-1410, 85-1413, 85-1414, and 85-1416, Reissue Revised Statutes of Nebraska; to create the Nebraska Higher Education Board of Regents; to provide for the termination of the Coordinating Commission for Postsecondary Education, the Board of Regents of the University of Nebraska, and the Board of Trustees of the Nebraska State Colleges; to create, transfer, and eliminate powers and duties; to provide intent; to provide a duty for the Education Committee of the Legislature; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 402. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-509, 28-510, 28-518, 71-2060, and 79-1042, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 2000; to create the offense of unlawfully taking motor vehicle fuel; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 403. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to corrections; to amend section 29-2252, Reissue Revised Statutes of Nebraska, and section 29-2262, Revised Statutes Supplement, 2000; to adopt the Community-Based Alternative Sanctions Act; to eliminate the Community Correctional Facilities and Programs Act; to harmonize provisions; to repeal the original sections; to outright repeal sections 47-601, 47-602, and 47-604 to 47-618, Reissue Revised Statutes of Nebraska, and section 47-603, Revised Statutes Supplement, 2000; and to declare an emergency.

LEGISLATIVE BILL 404. Introduced by Stuhr, 24; Schrock, 38; Kremer, 34.

A BILL FOR AN ACT relating to water; to state findings; to provide for appointment of a task force and a study.

LEGISLATIVE BILL 406. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to state administrative departments; to amend section 81-1108, Revised Statutes Supplement, 2000; to repeal provisions relating to the employee buy-out program; to harmonize provisions; to repeal the original section; and to outright repeal section 81-1392, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 407. Introduced by Nebraska Retirement Systems Committee: Bruning, 3, Chairperson; Bourne, 8; Erdman, 47; Stuhr, 24; Wehrbein, 2; Wickersham, 49.

A BILL FOR AN ACT relating to retirement; to amend section 79-927, Reissue Revised Statutes of Nebraska, and sections 23-2306, 79-902, 79-910, and 84-1307, Revised Statutes Supplement, 2000; to change provisions relating to membership, participation, and service; to define and redefine terms; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 412. Introduced by Robak, 22.

A BILL FOR AN ACT relating to civil actions; to define terms; to state findings and intent; and to provide immunity from liability for volunteers as prescribed.

LEGISLATIVE BILL 413. Introduced by Robak, 22.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-419, Reissue Revised Statutes of Nebraska; to change provisions relating to ingesting a controlled substance; and to repeal the original section.

LEGISLATIVE BILL 414. Introduced by Stuhr, 24; Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to create the Organic Agriculture Task Force; to provide powers and duties; to provide for termination of the task force; and to declare an emergency.

LEGISLATIVE BILL 415. Introduced by Stuhr, 24; Connealy, 16; Kremer, 34; Schimek, 27; Vrtiska, 1.

A BILL FOR AN ACT relating to farm labor contractors; to amend sections 48-1707, 48-1709, 48-1711, 48-1712, and 48-1714, Reissue Revised Statutes of Nebraska; to eliminate licensure requirements and a fund; to change prohibited acts; to harmonize provisions; to repeal the original sections; and to outright repeal sections 48-1704 to 48-1706, 48-1710, and 48-1713, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 417. Introduced by Business and Labor Committee: Connealy, 16, Chairperson; Chambers, 11; Dierks, 40; Hartnett, 45; Preister, 5; Vrtiska, 1.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-139, Reissue Revised Statutes of Nebraska, and section 48-115, Revised Statutes Supplement, 2000; to redefine a term; to change settlement provisions;

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

LEGISLATIVE BILL 421. Introduced by Wickersham, 49; Dierks, 40; Kremer, 34; Price, 26; Raikes, 25; Suttle, 10; Coordsen, 32; Cunningham, 18.

A BILL FOR AN ACT relating to school finance; to amend sections 77-3442, 79-1008.02, 79-1015.01, and 79-1031, Revised Statutes Supplement, 2000; to change the calculation of local effort rate; to adjust levy amounts; to change a duty to provide estimates; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 422. Introduced by Wickersham, 49; Dierks, 40; Jones, 43; Kremer, 34; Vrtiska, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 79-1016, Revised Statutes Supplement, 2000; to change the calculation of state aid value; and to repeal the original section.

LEGISLATIVE BILL 423. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to the Nebraska Clean Indoor Air Act; to amend sections 71-5702 to 71-5706 and 71-5708 to 71-5713, Reissue Revised Statutes of Nebraska, and section 71-5707, Revised Statutes Supplement, 2000; to redefine terms; to change designated smoking area provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 425. Introduced by Connealy, 16; Redfield, 12.

A BILL FOR AN ACT relating to license plates; to provide for firefighter license plates; and to provide a fee.

LEGISLATIVE BILL 426. Introduced by Connealy, 16; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to peace officers; to adopt the Peace Officer Employer-Employee Relations Act.

LEGISLATIVE BILL 427. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-608, Reissue Revised Statutes of Nebraska; to authorize enforcement of federal orders on federal lands as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 428. Introduced by Government, Military and Veterans Affairs Committee: Schimek, 27, Chairperson; Aguilar, 35; Brown, 6; Quandahl, 31; Smith, 48; Vrtiska, 1; and Erdman, 47.

A BILL FOR AN ACT relating to recall elections; to amend sections 31-787 to 31-792 and 32-1303 to 32-1308, Reissue Revised Statutes of Nebraska; to change provisions relating to calling and holding recall elections; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 429. Introduced by Janssen, 15; Baker, 44; Cunningham, 18; Vrtiska, 1.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1725, Reissue Revised Statutes of Nebraska; to change provisions relating to alternative payment systems; and to repeal the original section.

LEGISLATIVE BILL 429A. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 429, Ninety-seventh Legislature, First Session, 2001.

LEGISLATIVE BILL 434. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to sex offenders; to amend sections 28-317, 28-318, 28-801, 28-1010, and 29-2221, Reissue Revised Statutes of Nebraska, and sections 28-105, 29-2923, 29-2925, 29-2926, 29-2928, 29-2929, 29-2930, and 47-603, Revised Statutes Supplement, 2000; to adopt the Habitual Sex Offender Act; to provide penalties; to provide duties for the Department of Health and Human Services; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 435. Introduced by Agriculture Committee: Dierks, 40, Chairperson; Burling, 33; Cunningham, 18; Schrock, 38; Vrtiska, 1.

A BILL FOR AN ACT relating to agricultural tenants; to amend section 75-109, Revised Statutes Supplement, 2000; to adopt the Agricultural Suppliers Lease Protection Act; to change powers of the Public Service Commission; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 435A. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 435, Ninety-seventh Legislature, First Session, 2001.

LEGISLATIVE BILL 436. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-2622 to 2-2625, 2-2629, 2-2632, 2-2635 to 2-2643, 2-2645, 2-2646, 2-2649, 81-2,173, and 81-2,177.01, Reissue Revised Statutes of Nebraska, and section 2-2626, Revised Statutes Supplement, 2000; to define and redefine terms; to change complaint, procedure, and licensure provisions relating to pesticides; to change apiary inspection certificate and colony registration provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 2-2644 and 2-2655, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 436A. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to appropriations; to reduce appropriations to aid

in carrying out the provisions of Legislative Bill 436, Ninety-seventh Legislature, First Session, 2001.

LEGISLATIVE BILL 437. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to the Nebraska Pure Food Act; to amend section 81-2,283, Reissue Revised Statutes of Nebraska, and sections 81-2,239 and 81-2,240, Revised Statutes Supplement, 2000; to define a term; to prohibit certain mislabeling; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 439. Introduced by Transportation and Telecommunications Committee: Bromm, 23, Chairperson; Baker, 44; Byars, 30; Jones, 43; Dw. Pedersen, 39; Robak, 22.

A BILL FOR AN ACT relating to the State Highway Commission; to amend sections 39-1106 and 39-1108, Reissue Revised Statutes of Nebraska; to change provisions relating to compensation and meetings; and to repeal the original sections.

LEGISLATIVE BILL 440A. Introduced by Byars, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 440, Ninety-seventh Legislature, First Session, 2001.

LEGISLATIVE BILL 445. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to administrative rules and regulations; to amend sections 84-901, 84-905.01, 84-906.01, 84-907, 84-907.04, 84-907.06, 84-908, and 84-920, Reissue Revised Statutes of Nebraska; to define a term; to create a legislative committee and provide duties as prescribed; to change and eliminate provisions relating to review of proposed rules and regulations; to harmonize provisions; to repeal the original sections; and to outright repeal section 84-907.07, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 446. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to aeronautics; to amend sections 3-239, 3-501, 3-508, 3-511, 3-513, and 3-514, Reissue Revised Statutes of Nebraska; to change provisions relating to airport projects and funding; to provide and change powers and duties; to define terms; to eliminate obsolete references; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 447. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to natural resources districts; to provide for acquisition of county roads through arbitration; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 452. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to medical liens; to amend section 52-401,

Reissue Revised Statutes of Nebraska; to provide for liens for chiropractors; and to repeal the original section.

LEGISLATIVE BILL 453. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to attorneys at law; to adopt the Attorney-Client Conference Act; and to provide civil and criminal liability.

LEGISLATIVE BILL 454. Introduced by Bruning, 3; Smith, 48.

A BILL FOR AN ACT relating to presidential electors; to amend section 32-714, Reissue Revised Statutes of Nebraska; to change provisions relating to ballots cast by presidential electors; and to repeal the original section.

LEGISLATIVE BILL 455. Introduced by Bruning, 3.

A BILL FOR AN ACT relating to certified public accountants; to amend sections 1-114, 1-115, 1-118, 1-119, and 1-124, Reissue Revised Statutes of Nebraska, and section 1-116, Revised Statutes Supplement, 2000; to change provisions relating to qualifications, examinations, and fees; to eliminate obsolete provisions; to change and eliminate provisions relating to reexamination fees; to harmonize provisions; to repeal the original sections; and to outright repeal section 1-120, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 456. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-194, 48-1,102, and 48-1,103, Reissue Revised Statutes of Nebraska, and section 48-1,107, Revised Statutes Supplement, 2000; to create a fund; to change provisions relating to state agency claims; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 458. Introduced by Baker, 44.

A BILL FOR AN ACT relating to water wells; to amend sections 46-1225 and 46-1237.03, Reissue Revised Statutes of Nebraska; to eliminate a reporting requirement; to change a provision relating to payment of costs; and to repeal the original sections.

LEGISLATIVE BILL 460. Introduced by Beutler, 28; Vrtiska, 1.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1072.03, Revised Statutes Supplement, 2000; to eliminate provisions relating to applicable allowable reserve percentages; to harmonize provisions; to repeal the original section; and to outright repeal section 79-1027, Revised Statutes Supplement, 2000.

LEGISLATIVE BILL 462. Introduced by Dw. Pedersen, 39; Engel, 17; Erdman, 47; Foley, 29; Bruning, 3; Jones, 43.

A BILL FOR AN ACT relating to abortion; to amend section 28-101, Revised Statutes Supplement, 2000; to restrict or prohibit the use of human fetal tissue as

prescribed; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 467. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to schools; to amend section 79-215, Revised Statutes Supplement, 2000; to change provisions relating to contracting for education costs as prescribed; and to repeal the original section.

LEGISLATIVE BILL 469. Introduced by Wickersham, 49; Beutler, 28.

A BILL FOR AN ACT relating to education; to create the Program for Summer Learning; to provide duties for educational service units and the State Department of Education; and to state intent relating to appropriations.

LEGISLATIVE BILL 470. Introduced by Transportation and Telecommunications Committee: Bromm, 23, Chairperson; Baker, 44; Byars, 30; Hudkins, 21; Jones, 43; and Thompson, 14; Smith, 48.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to amend sections 60-1303, 81-2003, and 81-2005, Reissue Revised Statutes of Nebraska; to change and provide powers and duties for officers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 470A. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 470, Ninety-seventh Legislature, First Session, 2001.

LEGISLATIVE BILL 471. Introduced by Dw. Pedersen, 39; Thompson, 14.

A BILL FOR AN ACT relating to the juvenile justice system; to amend sections 43-251.01, 43-258, 43-401, 43-403, 43-404, 43-405, 43-407, 43-408, 43-416, 43-417, 83-107.01, 83-905, and 83-905.01, Reissue Revised Statutes of Nebraska, and sections 43-245, 43-286, 43-2411, and 83-4,125, Revised Statutes Supplement, 2000; to change provisions relating to placement, confinement, and parole of juveniles; to transfer and rename the secure youth confinement facility and fund; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 473. Introduced by Tyson, 19.

A BILL FOR AN ACT relating to search warrants; to amend sections 29-812, 29-813, 29-814.04, 29-814.06, 29-817, and 29-821, Reissue Revised Statutes of Nebraska; to authorize sworn written affidavits by facsimile transmission; to authorize issuance by facsimile transmission; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 474. Introduced by Erdman, 47; Baker, 44; Bruning, 3; Cunningham, 18; Dierks, 40; Jones, 43; Kremer, 34; Schrock, 38; Smith, 48;

Vrtiska, 1; Wickersham, 49.

A BILL FOR AN ACT relating to the Nebraska Wheat Development, Utilization, and Marketing Board; to amend sections 2-2304 and 2-2305, Reissue Revised Statutes of Nebraska; to change the membership of the board; to change terms of office; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 476. Introduced by Hilgert, 7; Preister, 5; Quandahl, 31.

A BILL FOR AN ACT relating to education; to state findings; and to require instruction on infant handling.

LEGISLATIVE BILL 479. Introduced by Hudkins, 21; Aguilar, 35; Baker, 44; Bourne, 8; Bromm, 23; Brown, 6; Bruning, 3; Burling, 33; Byars, 30; Connealy, 16; Cudaback, 36; Cunningham, 18; Dierks, 40; Engel, 17; Erdman, 47; Janssen, 15; Jones, 43; Kruse, 13; Kremer, 34; Dw. Pedersen, 39; Preister, 5; Price, 26; Quandahl, 31; Raikes, 25; Redfield, 12; Robak, 22; Schrock, 38; Smith, 48; Stuhr, 24; Suttle, 10; Thompson, 14; Tyson, 19; Schimek, 27; Foley, 29; Coordsen, 32.

A BILL FOR AN ACT relating to mental health; to amend sections 83-338 and 83-1037, Reissue Revised Statutes of Nebraska, and section 29-1823, Revised Statutes Supplement, 2000; to change provisions relating to the commitment of persons to the custody of the Department of Health and Human Services; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 480. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to cities of the second class and villages; to amend section 17-966, Reissue Revised Statutes of Nebraska; to change the membership of facility boards; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 481. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to cities and villages; to amend section 19-4801, Revised Statutes Supplement, 2000; to change provisions relating to the issuance of citations for code violations; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 482. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the State Athletic Commissioner; to amend sections 81-8,130, 81-8,133, and 81-8,139, Reissue Revised Statutes of Nebraska, and sections 81-8,130.01 and 81-8,133.01, Revised Statutes Supplement, 2000; to authorize the commissioner to set fees as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 487. Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Supplement, 2000; to provide an income tax credit

for earned income; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 488. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Motor Vehicle Safety Responsibility Act; to amend sections 60-321, 60-501, 60-502, 60-504, 60-511, 60-512, 60-513, 60-514, 60-520, 60-523, 60-525, 60-531, 60-532, 60-533, 60-536, 60-538, 60-539, 60-540, 60-542, 60-545, 60-546, 60-547, 60-550, 60-550.01, 60-552, 60-553, 60-554, 60-555, 60-556, 60-558, 60-560, 60-565, 60-567, 60-568, 60-569, and 60-1515, Reissue Revised Statutes of Nebraska, and sections 60-302 and 60-544, Revised Statutes Supplement, 2000; to provide for additional registration fees; to define terms; to create the motor vehicle insurance identification data base; to provide duties for the Department of Motor Vehicles and insurance companies; to provide penalties; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 490. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,304, Reissue Revised Statutes of Nebraska; to change provisions relating to size, weight, and load; and to repeal the original section.

LEGISLATIVE BILL 491. Introduced by Bromm, 23; Baker, 44; Vrtiska, 1.

A BILL FOR AN ACT relating to highways and bridges; to amend section 39-1349, Reissue Revised Statutes of Nebraska; to change provisions relating to the letting of contracts; and to repeal the original section.

LEGISLATIVE BILL 492. Introduced by Schimek, 27; Janssen, 15; Dw. Pedersen, 39; Hartnett, 45.

A BILL FOR AN ACT relating to the State Employees Collective Bargaining Act; to amend section 81-1373, Reissue Revised Statutes of Nebraska, and section 81-1348, Revised Statutes Supplement, 2000; to create a bargaining unit of employees of the Nebraska veterans homes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 494. Introduced by Jones, 43; Baker, 44; Bruning, 3; Cudaback, 36; Erdman, 47; Dw. Pedersen, 39; Smith, 48.

A BILL FOR AN ACT relating to motor vehicle registration; to amend sections 60-305.09 and 60-320, Reissue Revised Statutes of Nebraska, and sections 60-308 and 60-311, Revised Statutes Supplement, 2000; to provide for five-year issuance of license plates; to change provisions relating to record keeping; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 496. Introduced by Tyson, 19; Baker, 44; Bruning, 3; Burling, 33; Byars, 30; Cudaback, 36; Cunningham, 18; Dierks, 40; Engel, 17; Erdman, 47; Hudkins, 21; Jensen, 20; Jones, 43; Dw. Pedersen, 39; Quandahl, 31; Schrock, 38; Smith, 48; Stuhr, 24; Vrtiska, 1; Wickersham, 49.

A BILL FOR AN ACT relating to concealed weapons; to amend section 28-1202, Reissue Revised Statutes of Nebraska, and section 60-4,119, Revised Statutes Supplement, 2000; to adopt the Concealed Handgun Permit Act; to provide penalties; to change and harmonize provisions relating to concealed weapons; to provide for distinct operator's licenses; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 497. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to the Nebraska Evidence Rules; to amend section 27-1103, Reissue Revised Statutes of Nebraska; to require interrogations to be electronically recorded; and to repeal the original section.

LEGISLATIVE BILL 498. Introduced by Bourne, 8; Brown, 6; Hartnett, 45; Hilgert, 7; Preister, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 2000; to exempt certain clothing and footwear from sales and use taxation; to provide for a review of the exemption; and to repeal the original section.

LEGISLATIVE BILL 499. Introduced by Erdman, 47; Baker, 44; Dierks, 40; Foley, 29; Smith, 48; Tyson, 19.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-1306, Reissue Revised Statutes of Nebraska; to repeal provisions regarding names displayed on commercial trucks and truck-tractors; to eliminate a penalty; to harmonize provisions; to repeal the original section; and to outright repeal sections 60-305.12 and 60-305.13, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 500. Introduced by Erdman, 47; Baker, 44; Dierks, 40; Schrock, 38; Tyson, 19; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-405, Revised Statutes Supplement, 2000; to change provisions relating to controlled substances; and to repeal the original section.

LEGISLATIVE BILL 501. Introduced by Dierks, 40; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to law enforcement; to amend sections 53-1,121 and 83-1020, Reissue Revised Statutes of Nebraska; to change provisions relating to the custody and placement of intoxicated and mentally ill dangerous persons; to provide duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 502. Introduced by Hilgert, 7; Preister, 5.

A BILL FOR AN ACT relating to natural gas; to amend section 77-2704.13, Reissue Revised Statutes of Nebraska, and sections 77-2701 and 77-2702.07, Revised Statutes Supplement, 2000; to exempt natural gas from sales and use taxes; to impose an excise tax on natural gas; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 503. Introduced by Hilgert, 7; Cunningham, 18; Maxwell, 9; Dw. Pedersen, 39; Engel, 17.

A BILL FOR AN ACT relating to autopsies; to amend sections 71-1339 and 71-1341, Revised Statutes Supplement, 2000; to change provisions relating to the control of remains as prescribed; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 504. Introduced by Schrock, 38; Jones, 43; Kremer, 34; Preister, 5; Stuhr, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Natural Resources.

LEGISLATIVE BILL 507. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to provide for an audit of tax incentive programs.

LEGISLATIVE BILL 507A. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 507, Ninety-seventh Legislature, First Session, 2001.

LEGISLATIVE BILL 510. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend section 77-4106, Reissue Revised Statutes of Nebraska; to disallow refunds of certain sales tax; and to repeal the original section.

LEGISLATIVE BILL 512. Introduced by Preister, 5; Schimek, 27.

A BILL FOR AN ACT relating to energy resources; to state intent; to define terms; to provide powers and duties for electric utilities; to provide for a net-metering system; and to provide severability.

LEGISLATIVE BILL 513. Introduced by Suttle, 10; Raikes, 25.

A BILL FOR AN ACT relating to education; to amend section 13-808, Reissue Revised Statutes of Nebraska, and sections 13-2530, 77-1601, 77-1776, 77-3442, 77-3446, 79-528, 79-1003, 79-1007.01, 79-1007.02, 79-1008.02, 79-1028, 79-1029, 79-1072.01, and 79-10,105, Revised Statutes Supplement, 2000; to change provisions relating to joint entity bonds, budget and spending limitations, reports, state aid, and lease-purchase agreements; to harmonize provisions; to eliminate a hearing; to repeal the original sections; to outright repeal section 77-1601.02, Revised Statutes Supplement, 2000; and to declare an emergency.

LEGISLATIVE BILL 517. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to court procedure; to amend sections 25-2303 and 25-2304, Revised Statutes Supplement, 2000; to change provisions relating

to proceedings in forma pauperis; to harmonize provisions; to repeal the original sections; and to outright repeal sections 25-2305 to 25-2307, Revised Statutes Supplement, 2000.

LEGISLATIVE BILL 519. Introduced by Jensen, 20; Bromm, 23; Jones, 43; Robak, 22; Wickersham, 49.

A BILL FOR AN ACT relating to schools; to amend section 79-1005.01, Revised Statutes Supplement, 2000; to change state aid calculations; and to repeal the original section.

LEGISLATIVE BILL 520. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1003, 79-1007.01, 79-1007.02, 79-1008.01, 79-1008.02, and 79-1072.01, Revised Statutes Supplement, 2000; to change provisions relating to calculation of local system formula need; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 521. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1026, Revised Statutes Supplement, 2000; to change provisions relating to applicable allowable growth percentage; and to repeal the original section.

LEGISLATIVE BILL 522. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1026, Revised Statutes Supplement, 2000; to change provisions relating to allowable growth rates; and to repeal the original section.

LEGISLATIVE BILL 523. Introduced by Wehrbein, 2; Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to adopt and ratify the Southern Dairy Compact; and adopt enabling provisions.

LEGISLATIVE BILL 524. Introduced by Byars, 30; Aguilar, 35; Preister, 5; Schimek, 27; Smith, 48.

A BILL FOR AN ACT relating to public health and welfare; to provide for community action services as prescribed.

LEGISLATIVE BILL 528. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715, Reissue Revised Statutes of Nebraska, and sections 77-2701, 77-2715.02, 77-2715.07, and 77-2716.01, Revised Statutes Supplement, 2000; to change income tax calculations; to change income tax rates and schedules; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 77-2716.03, Reissue Revised Statutes of

Nebraska.

LEGISLATIVE BILL 529. Introduced by Jensen, 20; Brown, 6; Preister, 5; Smith, 48.

A BILL FOR AN ACT relating to employment; to adopt the Employment Screening and Protection Act.

LEGISLATIVE BILL 530. Introduced by Suttle, 10; Aguilar, 35; Burling, 33; Byars, 30; Connealy, 16; Cunningham, 18; Engel, 17; Erdman, 47; Foley, 29; Dw. Pedersen, 39; Quandahl, 31; Robak, 22; Smith, 48.

A BILL FOR AN ACT relating to public health and welfare; to state findings; to create the Mental and Behavioral Health and Substance Abuse Services Task Force; to provide duties; and to provide a termination date.

LEGISLATIVE BILL 530A. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 530, Ninety-seventh Legislature, First Session, 2001.

LEGISLATIVE BILL 531. Introduced by Vrtiska, 1; Byars, 30; Coordsen, 32; Dierks, 40; Engel, 17; Erdman, 47; Hartnett, 45; Hilgert, 7; Janssen, 15; Jensen, 20; Jones, 43; Kremer, 34; D. Pederson, 42; Quandahl, 31; Raikes, 25; Redfield, 12; Schimek, 27; Smith, 48; Stuhr, 24; Wehrbein, 2.

A BILL FOR AN ACT relating to state government; to amend section 81-188.04, Revised Statutes Supplement, 2000; to change provisions relating to depreciation charges; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 532. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1016 and 79-1022, Revised Statutes Supplement, 2000; to provide for changes to adjusted valuation as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 533. Introduced by Janssen, 15; Cudaback, 36; Jensen, 20; Redfield, 12; Schimek, 27; Schrock, 38; Wickersham, 49.

A BILL FOR AN ACT relating to the Local Civic, Cultural, and Convention Center Financing Act; to amend section 13-2705, Revised Statutes Supplement, 2000; to change grant approval conditions; and to repeal the original section.

LEGISLATIVE BILL 534. Introduced by Quandahl, 31; Brown, 6; Bruning, 3; Engel, 17; Jensen, 20; D. Pederson, 42.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 18-1729 and 60-4,182, Reissue Revised Statutes of Nebraska, and sections 60-601 and 60-680, Revised Statutes Supplement, 2000; to authorize local authorities to pass traffic regulation ordinances and resolutions relating to

photographic evidence as prescribed; to provide penalties and procedures; to provide collection procedures for fines; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 535. Introduced by Dierks, 40; Cunningham, 18; Jones, 43; Stuhr, 24; Tyson, 19.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1018.01, Revised Statutes Supplement, 2000; to change provisions relating to other actual receipts; and to repeal the original section.

LEGISLATIVE BILL 545. Introduced by Janssen, 15; Burling, 33; Cudaback, 36; Hudkins, 21.

A BILL FOR AN ACT relating to the Nebraska County and City Lottery Act; to amend sections 9-606.01, 9-631, 9-631.01, and 9-642.01, Reissue Revised Statutes of Nebraska, and section 9-1,104, Revised Statutes Supplement, 2000; to change provisions relating to licensure of lottery workers and sales outlet locations; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 546. Introduced by Janssen, 15; Cunningham, 18.

A BILL FOR AN ACT relating to gambling; to amend sections 9-201, 9-211, 9-213, 9-228, 9-230.01, 9-231, 9-232.01, 9-241.05, 9-255.02, 9-255.04, 9-255.05, 9-255.08, 9-301, 9-304, 9-306.01, 9-309, 9-311, 9-324, 9-326, 9-331, 9-340.02, 9-347, 9-347.01, 9-349, 9-401, 9-410, 9-420, 9-423, 9-601, and 9-623, Reissue Revised Statutes of Nebraska, and sections 9-226, 9-232.02, 9-233, 9-255.06, 9-322, 9-328, 9-329, 9-418, 9-425, and 9-620, Revised Statutes Supplement, 2000; to change provisions relating to cease and desist orders, emergency suspension orders, special event bingo, licensure requirements, prize and expense limitations, reporting requirements, licensed distributor sales and purchases, pickle card unit deliveries, and gross proceeds; to authorize the collection and prorating of certain fees, the sale or donation of disposable paper bingo cards as prescribed, and civil actions for violations of the Nebraska County and City Lottery Act; to define and redefine terms; to provide powers and duties; to eliminate provisions relating to license and permit suspensions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 9-227, 9-323, and 9-419, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 547. Introduced by Landis, 46.

A BILL FOR AN ACT relating to insurance; to amend sections 44-6603 and 44-6606, Reissue Revised Statutes of Nebraska, and section 28-631, Revised Statutes Supplement, 2000; to redefine terms for purposes of insurance fraud provisions; to change a fee provision; and to repeal the original sections.

LEGISLATIVE BILL 547A. Introduced by Landis, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in

carrying out the provisions of Legislative Bill 547, Ninety-seventh Legislature, First Session, 2001.

LEGISLATIVE BILL 548. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-516.01, Revised Statutes Supplement, 2000; to provide requirements for Alzheimer's special care units; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 549A. Introduced by Byars, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 549, Ninety-seventh Legislature, First Session, 2001; and to reduce appropriations.

LEGISLATIVE BILL 553. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to motor vehicle registration; to amend sections 60-301 and 60-330, Revised Statutes Supplement, 2000; to redefine a term; to change provisions relating to trucks; and to repeal the original sections.

LEGISLATIVE BILL 555. Introduced by Schrock, 38; Hudkins, 21; Kremer, 34; Stuhr, 24.

A BILL FOR AN ACT relating to power districts; to amend section 70-627.02, Reissue Revised Statutes of Nebraska; to provide for collection of funds for decommissioning of a nuclear power facility; and to repeal the original section.

LEGISLATIVE BILL 556. Introduced by Burling, 33; Hudkins, 21; Quandahl, 31; Smith, 48; Erdman, 47.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1359 and 77-1361, Revised Statutes Supplement, 2000; to change provisions relating to valuation of agricultural land and horticultural land; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 557. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to respiratory care; to amend section 71-1,235, Revised Statutes Supplement, 2000; to provide an exemption from licensure requirements; and to repeal the original section.

LEGISLATIVE BILL 558. Introduced by Vrtiska, 1; Aguilar, 35; Brown, 6; Burling, 33; Quandahl, 31; Schimek, 27; Smith, 48.

A BILL FOR AN ACT relating to the Election Act; to amend sections 10-703.01, 29-1401.02, 32-303, 32-802, 32-819, 32-942, and 32-943, Reissue Revised Statutes of Nebraska, and section 29-1401, Revised Statutes Supplement, 2000; to change provisions relating to wages for election workers, petition procedures, registration of voters, notice of election, correcting errors on ballots, and absentee ballots; to harmonize provisions; to repeal the original

sections; and to outright repeal section 29-1401.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 559. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to elections; to amend sections 32-1003 and 32-1119, Reissue Revised Statutes of Nebraska; to change provisions relating to counting and recounting votes; and to repeal the original sections.

LEGISLATIVE BILL 560. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1001, 79-1003, 79-1007.02, 79-1028, and 79-1072.01, Revised Statutes Supplement, 2000; to provide for extended contract days; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 561. Introduced by Robak, 22.

A BILL FOR AN ACT relating to elections; to amend section 32-1203, Reissue Revised Statutes of Nebraska; to require the state to reimburse the counties for election expenses relating to constitutional amendments; and to repeal the original section.

LEGISLATIVE BILL 563. Introduced by Robak, 22.

A BILL FOR AN ACT relating to insurance; to amend section 44-793, Revised Statutes Supplement, 2000; to change provisions relating to coverage of mental health conditions; and to repeal the original section.

LEGISLATIVE BILL 564. Introduced by Baker, 44.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2261, 29-4002, 29-4003, 29-4004, 29-4005, 29-4006, 29-4007, 29-4009, 29-4010, and 29-4013, Revised Statutes Supplement, 2000; to change provisions relating to sex offenders and the Sex Offender Registration Act; to change and provide duties for the Nebraska State Patrol, county sheriffs, the courts, and the Department of Correctional Services; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 565. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to citations; to amend sections 18-1741.03, 29-423, and 32-1549, Reissue Revised Statutes of Nebraska; to prohibit inclusion of social security numbers on citations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 566. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to unborn children; to prohibit the use of the term "fetus" by public school employees; and to provide a penalty.

LEGISLATIVE BILL 567. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to fetuses; to amend sections 28-329, 28-330, 30-3417, 43-504, 44-2821, and 71-6901, Reissue Revised Statutes of Nebraska, and sections 28-325 to 28-327.01, Revised Statutes Supplement, 2000; to change references to unborn child to fetus; and to repeal the original sections.

LEGISLATIVE BILL 568. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 19-2903 and 19-2905, Reissue Revised Statutes of Nebraska, and sections 13-504, 13-506, 13-511, 77-3442, 79-10,110, and 84-304, Revised Statutes Supplement, 2000; to change budget and audit provisions; to eliminate a board that has terminated; to harmonize provisions; to repeal the original sections; to outright repeal section 13-504.01, Revised Statutes Supplement, 2000; and to declare an emergency.

LEGISLATIVE BILL 571. Introduced by Janssen, 15; Schrock, 38.

A BILL FOR AN ACT relating to cemeteries; to amend section 12-515, Reissue Revised Statutes of Nebraska; to change provisions relating to acquisitions by condemnation; and to repeal the original section.

LEGISLATIVE BILL 572. Introduced by Hudkins, 21; Cunningham, 18.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101.02 and 53-123.11, Reissue Revised Statutes of Nebraska, and section 53-103, Revised Statutes Supplement, 2000; to change provisions relating to farm wineries; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 575. Introduced by Aguilar, 35; Hartnett, 45; Janssen, 15; Quandahl, 31; Tyson, 19.

A BILL FOR AN ACT relating to municipalities; to amend sections 16-669, 16-670, 19-2404, and 19-2405, Reissue Revised Statutes of Nebraska; to change provisions relating to assessments and bonds; and to repeal the original sections.

LEGISLATIVE BILL 577. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-3001 and 29-3004, Reissue Revised Statutes of Nebraska; to change provisions relating to postconviction proceedings; to provide for performance of fingerprint and forensic DNA testing; and to repeal the original sections.

LEGISLATIVE BILL 578. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to schools; to amend section 79-220, Reissue Revised Statutes of Nebraska, and section 79-214, Revised Statutes Supplement, 2000; to change provisions relating to entrance requirements; and to repeal the original sections.

LEGISLATIVE BILL 580. Introduced by Tyson, 19.

A BILL FOR AN ACT relating to the Radiation Control Act; to amend sections 71-3503, 71-3508.03, 71-3517, and 71-3519, Reissue Revised Statutes of Nebraska; to change provisions relating to licensure, registration, enforcement, fees, and administrative costs; to define a term; to provide duties; to provide and change penalties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 580A. Introduced by Tyson, 19.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 580, Ninety-seventh Legislature, First Session, 2001; to provide for a reduction in appropriations; and to declare an emergency.

LEGISLATIVE BILL 581. Introduced by Tyson, 19.

A BILL FOR AN ACT relating to husband and wife; to amend section 42-380, Reissue Revised Statutes of Nebraska; to change provisions relating to surnames; and to repeal the original section.

LEGISLATIVE BILL 583. Introduced by Byars, 30.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-3706, 71-3707, and 71-6115, Reissue Revised Statutes of Nebraska, and sections 71-101, 71-111, 71-117, 71-118, 71-1,132.07, 71-374, 71-1718.01, 71-4715, and 71-6065, Revised Statutes Supplement, 2000; to provide for the Governor to appoint members to professional examining boards; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 584. Introduced by Smith, 48; Aguilar, 35; Baker, 44; Burling, 33; Coordsen, 32; Cunningham, 18; Erdman, 47; Dw. Pedersen, 39; Quandahl, 31; Redfield, 12; Robak, 22; Schrock, 38; Tyson, 19; Vrtiska, 1; Wickersham, 49; Bourne, 8.

A BILL FOR AN ACT relating to motorcycles and mopeds; to amend sections 60-4,182, 60-6,279, 60-6,280, 60-6,281, and 60-2125, Reissue Revised Statutes of Nebraska, and section 60-4,127, Revised Statutes Supplement, 2000; to require eye protection as prescribed; to change provisions relating to protective helmets and motorcycle operator licensure; to change and provide penalties; to provide duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 587. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to adopt the Agricultural Contract Unfair Practices Act.

LEGISLATIVE BILL 588. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to adopt the Rural Initiative Act; and to provide a termination date.

LEGISLATIVE BILL 589. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to the Livestock Brand Act; to amend sections 54-193, 54-198, 54-199, 54-1,100, 54-1,102, 54-1,105, 54-1,108, and 54-1,110, Revised Statutes Supplement, 2000; to change provisions relating to publications, brands, and fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 591. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to animal damage control; to amend sections 23-358.01, 81-2,236, 81-2,237, and 81-2,238, Reissue Revised Statutes of Nebraska; to change animal damage control program provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 592. Introduced by Agriculture Committee: Dierks, 40, Chairperson; Burling, 33; Chambers, 11; Cunningham, 18; Schimek, 27; Schrock, 38; Vrtiska, 1; and Connealy, 16; Cudaback, 36; Wehrbein, 2.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-4806, 2-4808, and 2-4812, Reissue Revised Statutes of Nebraska; to adopt the Agricultural Production Contract Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 595. Introduced by Thompson, 14; Bourne, 8; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-251.01, 43-258, 43-274, 43-281, 43-284, 43-290, 43-2,113, and 43-408, Reissue Revised Statutes of Nebraska, and sections 43-254 and 43-286, Revised Statutes Supplement, 2000; to consolidate and change provisions relating to preadjudication and postadjudication costs associated with juveniles; to change provisions relating to disposition options and placement or commitment review; to harmonize provisions; to repeal the original sections; and to outright repeal section 43-2,101, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 597. Introduced by Hilgert, 7; Kruse, 13; Dw. Pedersen, 39; Price, 26; Raikes, 25; Robak, 22; Schimek, 27; Stuhr, 24; Suttle, 10; Thompson, 14; Burling, 33.

A BILL FOR AN ACT relating to behavioral health services; to state intent relating to pay rates; and to provide duties.

LEGISLATIVE BILL 599. Introduced by Brashear, 4; at the request of the Governor.

A BILL FOR AN ACT relating to juvenile corrections; to amend sections 43-251.01, 43-258, 43-401, 43-403, 43-405, 43-407, 43-408, 43-416, 83-107.01, 83-905, and 83-905.01, Reissue Revised Statutes of Nebraska, and sections 43-245 and 43-286, Revised Statutes Supplement, 2000; to define terms; to provide for secure youth treatment facilities; to transfer a facility; to harmonize provisions; to state intent; to rename a fund; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 600. Introduced by Coordsen, 32; Baker, 44; Bromm, 23; Burling, 33; Connealy, 16; Cunningham, 18; Dierks, 40; Erdman, 47; Janssen, 15; Jones, 43; Kremer, 34; Raikes, 25; Schrock, 38; Smith, 48; Stuhr, 24; Vrtiska, 1; Hudkins, 21.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-112, 77-201, 77-1343, 77-1359, 77-1361, 77-1362, 77-1363, 77-1371, 77-5023, and 79-1016, Revised Statutes Supplement, 2000; to state intent; to change and eliminate provisions relating to valuation of agricultural land and horticultural land; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 77-1360.01, Revised Statutes Supplement, 2000.

LEGISLATIVE BILL 600A. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 600, Ninety-seventh Legislature, First Session, 2001.

LEGISLATIVE BILL 601. Introduced by Kremer, 34; Aguilar, 35; Brown, 6; Jensen, 20; Jones, 43; Smith, 48.

A BILL FOR AN ACT relating to health care; to adopt the Health Care Prompt Payment Act.

LEGISLATIVE BILL 602. Introduced by Hartnett, 45; Dw. Pedersen, 39; Price, 26; Suttle, 10; Thompson, 14.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1003, Revised Statutes Supplement, 2000; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 604. Introduced by Legislative Program Evaluation Committee: Engel, 17, Chairperson; Coordsen, 32; Beutler, 28; Price, 26; Wehrbein, 2.

A BILL FOR AN ACT relating to the Department of Correctional Services; to amend section 83-915, Reissue Revised Statutes of Nebraska; to change provisions relating to investment of inmate funds and surplus trust funds; to create a fund; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 605. Introduced by Cunningham, 18; Burling, 33; Dierks, 40; Engel, 17; Erdman, 47; Hartnett, 45; Price, 26; Schrock, 38; Smith, 48; Stuhr, 24; Tyson, 19; Wickersham, 49.

A BILL FOR AN ACT relating to littering; to amend section 28-523, Revised Statutes Supplement, 2000; to provide additional penalties; and to repeal the original section.

LEGISLATIVE BILL 607. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act;

to amend section 83-182.01, Reissue Revised Statutes of Nebraska; to change provisions relating to structured programming; and to repeal the original section.

LEGISLATIVE BILL 608. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to juvenile justice; to amend sections 28-929, 28-930, 28-933, 43-418, and 43-421, Reissue Revised Statutes of Nebraska, and sections 28-309, 28-931, 28-931.01, and 28-932, Revised Statutes Supplement, 2000; to change provisions relating to offenses against another person and parole violation hearings; and to repeal the original sections.

LEGISLATIVE BILL 609. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1008.01 and 79-1008.02, Revised Statutes Supplement, 2000; to change provisions relating to equalization aid and the minimum levy adjustment; and to repeal the original sections.

LEGISLATIVE BILL 610. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to corrections; to provide duties for the Department of Correctional Services relating to prisoner release or parole; and to create a fund.

LEGISLATIVE BILL 611. Introduced by Dw. Pedersen, 39; Thompson, 14.

A BILL FOR AN ACT relating to the Department of Correctional Services; to state findings; to provide for correctional improvement studies.

LEGISLATIVE BILL 612. Introduced by Jensen, 20; Byars, 30; Schimek, 27; Suttle, 10.

A BILL FOR AN ACT relating to medical assistance; to state findings; to define terms; to provide for coverage for anti-obesity drugs; and to provide duties.

LEGISLATIVE BILL 613. Introduced by Redfield, 12; at the request of the Governor.

A BILL FOR AN ACT relating to schools; to amend sections 9-812 and 79-761, Revised Statutes Supplement, 2000; to change provisions relating to the Education Innovation Fund and the mentor teacher program; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 616. Introduced by Price, 26.

A BILL FOR AN ACT relating to roads; to amend section 39-1803, Reissue Revised Statutes of Nebraska; to authorize road maintenance agreements between counties, cities, and villages as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 619. Introduced by Bruning, 3.

A BILL FOR AN ACT relating to retirement; to amend sections 16-1005, 16-1006, 16-1013, and 18-1723, Reissue Revised Statutes of Nebraska, and sections 13-2401 and 84-1503, Revised Statutes Supplement, 2000; to change provisions relating to contributions by police officers of cities of the first class and cities of the first class; to authorize retirement systems for police officers of cities of the second class and villages; to change a vesting schedule; to provide duties; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 622. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Judges Retirement Act; to amend section 24-703, Reissue Revised Statutes of Nebraska; to change provisions relating to contributions and a fee; to provide duties; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 625. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to schools and school districts; to adopt the Encouraging Paraeducators to Teach Program Act.

LEGISLATIVE BILL 626. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to wages; to require minimum wages for employees of certain state contractors.

LEGISLATIVE BILL 627. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to state government; to provide a minimum wage for state employees.

LEGISLATIVE BILL 628. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Environmental Protection Act; to amend sections 81-1505 and 81-1506, Reissue Revised Statutes of Nebraska; to provide for regulation of dredge and fill materials as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 630. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to state funds; to amend section 45-621, Reissue Revised Statutes of Nebraska; to provide for transfers from the Nebraska Collection Agency Fund to the General Fund; and to repeal the original section.

LEGISLATIVE BILL 631. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Secretary of State.

LEGISLATIVE BILL 632. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend

sections 37-101 and 37-102, Reissue Revised Statutes of Nebraska; to change the number of members and their qualifications; to require the Legislature to redistrict the state for purposes of appointing members to the commission; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 633. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to labor; to amend section 48-1203, Reissue Revised Statutes of Nebraska; to change the minimum wage; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 634. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Natural Resource Enhancement Fund; to amend sections 2-2627, 2-2635, 2-2638, 2-2641, and 81-2,162.06, Reissue Revised Statutes of Nebraska, and sections 2-15,122, 2-15,123, and 2-2634, Revised Statutes Supplement, 2000; to increase fees as prescribed; to allocate money to the fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 635. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Natural Resources.

LEGISLATIVE BILL 636. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to license plates; to provide for Nebraska Natural Heritage License Plates; to provide powers and duties for the Department of Motor Vehicles and the Game and Parks Commission; and to provide fees.

LEGISLATIVE BILL 642. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to child abuse; to amend section 28-725, Reissue Revised Statutes of Nebraska, and section 28-726, Revised Statutes Supplement, 2000; to provide for disclosure of certain information and immunity as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 643. Introduced by Beutler, 28; Stuhr, 24.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1001, 79-1003, 79-1007.02, and 79-1072.01, Revised Statutes Supplement, 2000; to provide reimbursement for summer enrichment programs and before-and-after-school programs; to define terms; to provide duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 644. Introduced by Preister, 5.

A BILL FOR AN ACT relating to recycling; to adopt the Electronic Equipment Recycling Act; and to provide severability.

LEGISLATIVE BILL 645. Introduced by Preister, 5.

A BILL FOR AN ACT relating to electricity; to amend section 79-1035.01, Revised Statutes Supplement, 2000; to provide for a renewable portfolio standard; to provide for renewable energy credits; to provide duties for the Nebraska Power Review Board; to provide for penalties and civil actions; to change provisions relating to the permanent school fund; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 647. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to educational service units; to amend sections 79-1201 and 79-1217, Revised Statutes Supplement, 2000; to assign counties to educational service units; to change provisions relating to legal voters; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 648. Introduced by D. Pederson, 42.

A BILL FOR AN ACT relating to municipalities; to amend sections 19-2408 to 19-2411, 19-2414, and 19-2415, Reissue Revised Statutes of Nebraska; to change provisions relating to combined improvements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 649. Introduced by D. Pederson, 42.

A BILL FOR AN ACT relating to municipal improvements; to amend sections 19-2402 and 19-2403, Reissue Revised Statutes of Nebraska; to change provisions relating to sanitary sewer extension districts and water extension districts; and to repeal the original sections.

LEGISLATIVE BILL 650. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to education; to amend sections 79-101 and 79-215, Revised Statutes Supplement, 2000; to provide for special-purpose education programs; to provide duties for the Department of Health and Human Services and the State Department of Education; to define terms; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 651. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to property taxation; to amend section 32-519, Reissue Revised Statutes of Nebraska, and section 77-1340, Revised Statutes Supplement, 2000; to authorize the resumption of assessment duties in certain counties; to restrict the assumption of assessment duties to certain counties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 653. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to state funds; to amend section 9-531, Uniform Commercial Code; to provide for transfers from the Uniform Commercial Code Cash Fund to the Records Management Cash Fund; and to repeal the original section.

LEGISLATIVE BILL 654. Introduced by Kremer, 34.

A BILL FOR AN ACT relating to schools; to amend section 79-458, Revised Statutes Supplement, 2000; to change provisions relating to transfer of land by petition; and to repeal the original section.

LEGISLATIVE BILL 655. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to state government; to amend section 84-613, Reissue Revised Statutes of Nebraska, and section 81-179, Revised Statutes Supplement, 2000; to change provisions relating to the Building Renewal Allocation Fund and the Cash Reserve Fund; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 658. Introduced by Robak, 22.

A BILL FOR AN ACT relating to gaming; to amend sections 9-607 and 28-1101, Reissue Revised Statutes of Nebraska; to change provisions relating to lotteries and gambling; to redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 660. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1007.01, 79-1007.02, 79-1025, 79-1026, 79-1029, 79-1108.02, 79-1241.01, and 79-1243, Revised Statutes Supplement, 2000; to change provisions relating to basic allowable growth rate; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 661. Introduced by Jensen, 20; Hudkins, 21; Schimek, 27.

A BILL FOR AN ACT relating to economic development; to provide for a task force and study of the Interstate 80 corridor; to state intent; and to declare an emergency.

LEGISLATIVE BILL 662. Introduced by Erdman, 47; Engel, 17; Hudkins, 21; Jones, 43; Kremer, 34; Quandahl, 31; Redfield, 12; Smith, 48; Stuhr, 24.

A BILL FOR AN ACT relating to county assessors; to amend section 23-3201, Reissue Revised Statutes of Nebraska, and section 77-1340, Revised Statutes Supplement, 2000; to change procedures for the transfer of the assessment function to the Property Tax Administrator; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 669. Introduced by Byars, 30.

A BILL FOR AN ACT relating to deaf and hard of hearing persons; to recognize American Sign Language as a distinct and separate language; and to authorize schools to offer courses in American Sign Language as prescribed.

LEGISLATIVE BILL 670. Introduced by Janssen, 15; Cunningham, 18.

A BILL FOR AN ACT relating to cities of the second class and villages; to

amend sections 17-107 and 17-208, Reissue Revised Statutes of Nebraska; to change provisions relating to the appointment of officers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 674. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to homesteads; to amend sections 77-3507 to 77-3509, Revised Statutes Supplement, 2000; to change homestead exemption income eligibility; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 675. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to labor; to amend section 48-818, Reissue Revised Statutes of Nebraska; to change provisions relating to findings of the Commission of Industrial Relations; and to repeal the original section.

LEGISLATIVE BILL 676. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the State Department of Education; to provide for transfers; and to declare an emergency.

LEGISLATIVE BILL 679. Introduced by Bromm, 23; Jones, 43; Tyson, 19.

A BILL FOR AN ACT relating to the Nebraska Public Safety Wireless Communication System Act; to amend section 86-1804, Reissue Revised Statutes of Nebraska; to change legislative intent; and to repeal the original section.

LEGISLATIVE BILL 680. Introduced by Robak, 22; Baker, 44; Cunningham, 18; Schrock, 38.

A BILL FOR AN ACT relating to gambling; to amend section 9-829, Reissue Revised Statutes of Nebraska, and section 77-3001, Revised Statutes Supplement, 2000; to eliminate a prohibition relating to the sale of lottery tickets by vending or dispensing devices; to redefine a term; and to repeal the original sections.

LEGISLATIVE BILL 682. Introduced by Jensen, 20; Robak, 22; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 37-424, 42-917, 44-773, 44-774, 71-5008, 71-5025, 81-2213, 83-162.02, 83-4,148, 83-1006, 83-1040, 83-1201, 83-1202, 83-1203 to 83-1211, and 83-1212.01 to 83-1226, Reissue Revised Statutes of Nebraska, and sections 9-812, 28-416, and 83-162.04, Revised Statutes Supplement, 2000; to adopt the Nebraska Behavioral Health Services Act; to repeal the Alcoholism, Drug Abuse, and Addiction Services Act, the Nebraska Comprehensive Community Mental Health Services Act, the Rehabilitation and Support Mental Health Services Incentive Act, and provisions relating to alcoholism, drug abuse, and addiction services, behavioral health services, public health services, and developmental

disabilities services; to transfer the Developmental Disabilities Services Act and provisions regarding the Compulsive Gamblers Assistance Fund, the Nebraska Advisory Commission on Compulsive Gambling, the State Alcoholism and Drug Abuse Advisory Committee, the State Mental Health Planning and Evaluation Council, and the regional governing boards; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 29-434, 71-5001 to 71-5007, 71-5009, 71-5010, 71-5012 to 71-5024, 71-5026, 71-5028 71-5032, 71-5034 to 71-5052, 71-7502, 71-7502.01, 71-7514, 71-7516, 71-7517, 71-7518.01 to 71-7518.09, 71-7521, 71-7529, 83-158.01, 83-159, 83-160, 83-161.02, 83-162.01, 83-162.03, 83-163 to 83-169, 83-1202.01, and 83-1212, Reissue Revised Statutes of Nebraska, and sections 71-5009.01, 71-5027, 71-5033, 71-5053, 71-5055 to 71-5057, and 83-162.06, Revised Statutes Supplement, 2000; and to declare an emergency.

LEGISLATIVE BILL 683. Introduced by Hilgert, 7; Engel, 17; Foley, 29; Hartnett, 45; Kruse, 13; Dw. Pedersen, 39; Thompson, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for awards under the Postsecondary Education Award Program Act.

LEGISLATIVE BILL 684. Introduced by Jones, 43; Baker, 44; Erdman, 47; Schrock, 38; Smith, 48; Wickersham, 49.

A BILL FOR AN ACT relating to equine activities; to amend section 25-21,253, Revised Statutes Supplement, 2000; to change provisions relating to warning signs; and to repeal the original section.

LEGISLATIVE BILL 685. Introduced by Jones, 43; Tyson, 19; Aguilar, 35.

A BILL FOR AN ACT relating to insurance; to amend section 44-513.02, Reissue Revised Statutes of Nebraska; to change provisions relating to prescription drugs; and to repeal the original section.

LEGISLATIVE BILL 686. Introduced by Nebraska Retirement Systems Committee: Bruning, 3, Chairperson; Bourne, 8; Erdman, 47; Stuhr, 24; Wehrbein, 2; Wickersham, 49.

A BILL FOR AN ACT relating to retirement; to amend sections 24-703, 79-948, 79-966, 79-968, 79-971, 79-973, 79-976, 79-977, and 81-2017, Reissue Revised Statutes of Nebraska, and sections 79-901, 79-916, 79-934, 79-947, 79-958, 79-963, and 79-967, Revised Statutes Supplement, 2000; to change provisions relating to actuarial valuations, contributions, and funds; to create a fund; to eliminate and combine certain funds and accounts; to provide duties; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-969, 79-970, and 79-972, Reissue Revised Statutes of Nebraska, and section 79-975, Revised Statutes Supplement, 2000.

LEGISLATIVE BILL 687. Introduced by Nebraska Retirement Systems Committee: Bruning, 3, Chairperson; Bourne, 8; Erdman, 47; Stuhr, 24; Wehrbein, 2; Wickersham, 49.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2307 and

84-1308, Reissue Revised Statutes of Nebraska; to provide intent; to change contributions as prescribed; to provide duties; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 688. Introduced by Transportation and Telecommunications Committee: Bromm, 23, Chairperson; Baker, 44; Hudkins, 21; Jones, 43; Dw. Pedersen, 39; Robak, 22.

A BILL FOR AN ACT relating to motor vehicle certificates of title; to amend sections 60-117, 60-129, 60-130, 60-131, 60-315, and 60-2603, Reissue Revised Statutes of Nebraska, and sections 60-106 and 60-302, Revised Statutes Supplement, 2000; to change provisions relating to salvage certificates of title; to define and redefine terms; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 689. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1001, 79-1008.01, and 79-1008.02, Revised Statutes Supplement, 2000; to provide for indexed formula need; to provide for a minimum levy adjustment as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 690. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1007.01 and 79-1007.02, Revised Statutes Supplement, 2000; to change provisions for calculation of formula need; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 691. Introduced by Jensen, 20; Brown, 6; Dw. Pedersen, 39; Thompson, 14; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services; and to declare an emergency.

LEGISLATIVE BILL 695. Introduced by Connealy, 16.

A BILL FOR AN ACT relating to agriculture; and to adopt the Certified Safe Farms Act.

LEGISLATIVE BILL 696. Introduced by Landis, 46.

A BILL FOR AN ACT relating to wrongful death actions; to amend section 30-810, Reissue Revised Statutes of Nebraska; to delineate the measure of recovery; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 697. Introduced by Robak, 22; Hilgert, 7.

A BILL FOR AN ACT relating to schools; to state intent; to provide for school safety plans; to create a fund; to provide for grants; and to declare an emergency.

LEGISLATIVE BILL 698. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to nursing facilities; to amend section 71-7609, Revised Statutes Supplement, 2000; to provide for a study of increasing costs related to medicaid patients in nursing facilities; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 700. Introduced by Janssen, 15; Cudaback, 36; Jensen, 20; D. Pederson, 42; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to public buildings; to amend sections 81-175, 81-177, 81-183, 81-186, 81-191.01, 81-1108.33, 81-1709, 85-304, 85-414, 85-417, and 85-1515, Reissue Revised Statutes of Nebraska, and sections 49-506, 49-617, 72-812, 72-816, 72-2102, 77-2602, 81-101, 81-102, 81-173, 81-174, 81-176, 81-178 to 81-182, 81-184, 81-185, 81-187, 81-188.01 to 81-188.06, and 81-190, Revised Statutes Supplement, 2000; to create the Department of Building Renewal; to eliminate the Task Force for Building Renewal; to transfer powers and duties, personnel, and the Deferred Building Renewal Act; to create a fund; to change funding provisions; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal section 81-1108.05, Revised Statutes Supplement, 2000; and to declare an emergency.

LEGISLATIVE BILL 701. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1028, Revised Statutes Supplement, 2000; to change provisions relating to applicable allowable growth rate exceptions; and to repeal the original section.

LEGISLATIVE BILL 704. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Nebraska State Capitol Environs District; to amend section 90-303, Reissue Revised Statutes of Nebraska; to change the district specifications; and to repeal the original section.

LEGISLATIVE BILL 705. Introduced by Beutler, 28; Foley, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Health and Human Services.

LEGISLATIVE BILL 707. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to political activities; to amend sections 32-1601, 32-1603, 32-1604, and 32-1606, Reissue Revised Statutes of Nebraska, and sections 32-1604.01, 49-1463.01, 49-14,124, and 49-14,125, Revised Statutes Supplement, 2000; to redefine a term; to change provisions regarding campaign expenditures and public funds; to provide for late fees; to change powers and duties of the Nebraska Accountability and Disclosure Commission; to eliminate unconstitutional provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 32-1614, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 708. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to education; to amend section 9-812, Revised Statutes Supplement, 2000; to adopt the Teacher Tuition Reimbursement Act; to provide for funding; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 709. Introduced by Stuhr, 24; Jones, 43; Kremer, 34; Vrtiska, 1.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3234, Revised Statutes Supplement, 2000; to provide eminent domain restrictions; and to repeal the original section.

LEGISLATIVE BILL 712. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to the Tax Commissioner; to amend section 77-3807, Reissue Revised Statutes of Nebraska; to clarify rule and regulation authority; and to repeal the original section.

LEGISLATIVE BILL 715. Introduced by Redfield, 12; Baker, 44; Quandahl, 31; Stuhr, 24.

A BILL FOR AN ACT relating to schools; to amend section 9-812, Revised Statutes Supplement, 2000; to adopt the Recruiting Educators to Nebraska Act; to create a fund; to change provisions relating to the Education Innovation Fund; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 718. Introduced by Hilgert, 7; Kruse, 13.

A BILL FOR AN ACT relating to criminal procedure; to require an advisement from a court prior to a plea of guilty or nolo contendere as prescribed.

LEGISLATIVE BILL 719. Introduced by Hilgert, 7; Beutler, 28.

A BILL FOR AN ACT relating to the Small Employer Health Insurance Availability Act; to amend section 44-5256, Reissue Revised Statutes of Nebraska; to provide an exemption; and to repeal the original section.

LEGISLATIVE BILL 721. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to medical registries; to amend sections 81-649, 81-673, and 81-690, Reissue Revised Statutes of Nebraska; to change provisions relating to privacy rights; and to repeal the original sections.

LEGISLATIVE BILL 722. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to military leave; to provide for a study; and to declare an emergency.

LEGISLATIVE BILL 723. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to sentencing; to authorize applications to the

Board of Pardons by inmates to commutation of sentences as prescribed; and provide duties for the Board of Parole.

LEGISLATIVE BILL 724. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-311, Revised Statutes Supplement, 2000; to provide for generic organizational license plates; to provide duties and fees; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 725. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2106, Reissue Revised Statutes of Nebraska, and section 77-2004, Revised Statutes Supplement, 2000; to change the distribution of estate tax revenue; to change the exempt amount for inheritance tax purposes; and to repeal the original sections.

LEGISLATIVE BILL 726. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to retirement; to amend section 81-2016, Revised Statutes Supplement, 2000; to provide for the transfer of retirement benefits between state agencies as prescribed; to change provisions relating to Nebraska State Patrol retirement system membership; to provide powers and duties; and to repeal the original section.

LEGISLATIVE BILL 727. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2702.13, Revised Statutes Supplement, 2000; to change the manner of taxing sales of prepaid telephone calling arrangements through vending machines; to provide a penalty; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 728. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the Nebraska State Patrol Retirement Act; to amend section 81-2027.03, Reissue Revised Statutes of Nebraska; to change the current benefit adjustment as prescribed; to harmonize provisions; to eliminate an obsolete reference; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 729. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to zoning; to amend sections 16-901 and 16-902, Reissue Revised Statutes of Nebraska, and section 23-114, Revised Statutes Supplement, 2000; to authorize counties to cede zoning authority to cities of the first class; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 731. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to elections; to amend sections 14-2104, 23-3534, 32-567 to 32-569, 32-571, and 85-1514, Reissue Revised Statutes of

Nebraska, and sections 32-570 and 79-1217, Revised Statutes Supplement, 2000; to change provisions relating to vacancies in office; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 732. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the Nebraska Visitors Development Act; to amend sections 81-1254, 81-1255, and 81-1263, Reissue Revised Statutes of Nebraska; to change provisions relating to funds; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 736. Introduced by Price, 26.

A BILL FOR AN ACT relating to the Special Education Act; to amend section 79-1115, Revised Statutes Supplement, 2000; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 738. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to corrections; to amend section 83-1,110, Reissue Revised Statutes of Nebraska; to state intent; to change provisions relating to parole; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 741. Introduced by Landis, 46.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-311, 75-313, and 75-318, Reissue Revised Statutes of Nebraska; to change provisions relating to certificates of convenience and necessity; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 745. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to schools; to amend sections 79-8,126, 79-8,127, 79-8,128, 79-8,130, 79-8,134, 79-8,135, and 79-8,137, Revised Statutes Supplement, 2000; to change provisions relating to the Master Teacher program and the Attracting Excellence to Teaching Program; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 746. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1007.01 and 79-1007.02, Revised Statutes Supplement, 2000; to change provisions for calculation of formula need; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 747. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1015.01, Revised Statutes Supplement, 2000; to change provisions relating to local effort rate; and to repeal the original section.

LEGISLATIVE BILL 748. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1001, 79-1007.01, 79-1007.02, 79-1008.01, 79-1009, 79-1026, 79-1032, and 79-1072.03, Revised Statutes Supplement, 2000; to change provisions relating to calculation of state aid, allowable growth rates, and the Hardship Fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 752. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to courts; to amend sections 24-301 and 24-505.01, Reissue Revised Statutes of Nebraska; to change provisions relating to judge eligibility; and to repeal the original sections.

LEGISLATIVE BILL 753. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to fetuses; to amend sections 28-329, 28-330, 30-3417, 43-504, 44-2821, and 71-6901, Reissue Revised Statutes of Nebraska, and sections 28-325 to 28-327.01, Revised Statutes Supplement, 2000; to change references to unborn child to fetus; and to repeal the original sections.

LEGISLATIVE BILL 754. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-106, Revised Statutes Supplement, 2000; to change provisions relating to misdemeanor sentences being served in a Department of Correctional Services institution; and to repeal the original section.

LEGISLATIVE BILL 754A. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to appropriations; to reduce appropriations to aid in carrying out the provisions of Legislative Bill 754, Ninety-seventh Legislature, First Session, 2001.

LEGISLATIVE BILL 756. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to criminal procedure; to provide procedures relating to the testimony of a jailhouse informer.

LEGISLATIVE BILL 758. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to the Fertilizers and Soil Conditioners Administrative Fund; to amend section 81-2,162.27, Reissue Revised Statutes of Nebraska; to authorize an additional fund use; to state legislative findings and intent; and to repeal the original section.

LEGISLATIVE BILL 758A. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 758, Ninety-seventh Legislature, First Session, 2001.

LEGISLATIVE BILL 762. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to environmental audits; to amend section 25-21,255, Revised Statutes Supplement, 2000; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 763. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to water; to amend sections 46-241, 46-242, 46-257, and 54-2412, Revised Statutes Supplement, 2000; to change provisions relating to storage facilities and livestock waste control facilities; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 764. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to drainage; to amend sections 18-503 and 18-509, Reissue Revised Statutes of Nebraska; to grant powers to cities, villages, and natural resources districts relating to run-off waters; to change provisions relating to fees; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 766. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to agricultural vehicles; to amend section 60-328, Revised Statutes Supplement, 2000; to provide reciprocal immunity from registration and display requirements; and to repeal the original section.

LEGISLATIVE BILL 767. Introduced by Jensen, 20; Chambers, 11; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to crimes and punishments; to adopt the Substance Abuse and Crime Prevention Act; and to state intent relating to funding.

LEGISLATIVE BILL 769. Introduced by Thompson, 14; Suttle, 10.

A BILL FOR AN ACT relating to the Office of Juvenile Services; to amend sections 29-2246, 29-2250, 29-2252, 29-2253, 29-2270, 29-2273, 43-274, 43-2,113, 43-401, 43-403, 43-404, 43-405, 43-408, 43-413, 43-420, 43-421, 43-422, 43-423, 68-1732, 83-107.01, 83-108, and 83-364, Reissue Revised Statutes of Nebraska, and sections 29-2271, 29-2272, 43-260, 43-411, 43-2411, and 81-101, Revised Statutes Supplement, 2000; to create the Office of Juvenile Services as an executive department; to rename the administrator; to transfer functions; to transfer juvenile probation; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 29-2249.04 and 43-2,123.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 770. Introduced by Jensen, 20; Hudkins, 21.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 20-164, 23-3402, 29-3705, 29-3915, 43-247, 43-248, 43-251, 43-254.01, 53-1,120, 81-1850, 83-306, 83-312, 83-321, 83-336, 83-337, 83-338, 83-339, 83-340.01, 83-349, 83-350, 83-351, 83-357, 83-380.01, 83-1001, 83-1002,

83-1004 to 83-1007.01, 83-1009, 83-1010 to 83-1012, 83-1014, 83-1017, 83-1018, 83-1020, 83-1021, 83-1022, 83-1025, 83-1027 to 83-1029, 83-1035 to 83-1046, 83-1052 to 83-1054, 83-1056, 83-1057, 83-1060, 83-1065, 83-1067, 83-1068, 83-1071 to 83-1074, 83-1078 to 83-1080, and 84-1211, Reissue Revised Statutes of Nebraska, and sections 29-1823, 43-245, 43-250, 80-605, 83-1003, 83-1008, 83-1016, 83-1019, 83-1023, 83-1024, 83-1026, 83-1047 to 83-1051, 83-1055, 83-1058, 83-1059, 83-1061, 83-1062, 83-1064, 83-1066, and 83-1069, Revised Statutes Supplement, 2000; to transfer the Nebraska Mental Health Commitment Act; to change and eliminate provisions relating to the act; to provide powers and duties relating to custody under the act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 83-318, 83-1009.01, 83-1009.02, 83-1070, and 83-1077.01, Reissue Revised Statutes of Nebraska, and sections 83-1013 and 83-1015, Revised Statutes Supplement, 2000.

LEGISLATIVE BILL 774. Introduced by Kruse, 13; Burling, 33; Hartnett, 45; McDonald, 41; Preister, 5; Schrock, 38; Suttle, 10.

A BILL FOR AN ACT relating to driving under the influence; to amend sections 28-1465, 28-1466, 37-1254.01, 60-4,164, and 60-6,211.01, Reissue Revised Statutes of Nebraska, and section 60-6,196, Revised Statutes Supplement, 2000; to change provisions relating to measuring blood-alcohol or breath-alcohol concentrations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 775. Introduced by Kruse, 13; Burling, 33; Preister, 5; Suttle, 10.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-707 and 28-710, Revised Statutes Supplement, 2000; to change provisions relating to child abuse; and to repeal the original sections.

LEGISLATIVE BILL 776. Introduced by Kruse, 13; Burling, 33; Preister, 5; Suttle, 10.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-497.01, 60-4,182, 60-6,108, and 60-6,211.02, Reissue Revised Statutes of Nebraska; to change penalties for persons under twenty-one years of age driving under the influence; to change the applicability of the Nebraska Rules of the Road; and to repeal the original sections.

LEGISLATIVE BILL 777. Introduced by Kremer, 34; Baker, 44; Burling, 33; Hudkins, 21; Jones, 43; Stuhr, 24.

A BILL FOR AN ACT relating to the Nongame and Endangered Species Conservation Act; to amend section 37-806, Reissue Revised Statutes of Nebraska; to change procedures for determination of a species to be endangered or threatened; and to repeal the original section.

LEGISLATIVE BILL 778. Introduced by Kremer, 34; Baker, 44; Burling, 33; Erdman, 47; Jones, 43; Stuhr, 24.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend

section 37-801, Reissue Revised Statutes of Nebraska, and section 37-201, Revised Statutes Supplement, 2000; to provide for the confidentiality and disclosure of certain information; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 779. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to court procedures; to provide for confidential communications in cases of domestic violence and sexual assault as prescribed.

LEGISLATIVE BILL 780. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to legal notices; to amend section 33-142, Reissue Revised Statutes of Nebraska; to change provisions relating to legal rates for published notices; and to repeal the original section.

LEGISLATIVE BILL 782. Introduced by Beutler, 28; Vrtiska, 1.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-1412, Reissue Revised Statutes of Nebraska; to adopt the Community Scholarship Partnership Program Act; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 783. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to job training grants; to amend sections 81-1203 and 81-1204, Reissue Revised Statutes of Nebraska; to provide additional disclosure requirements; and to repeal the original sections.

LEGISLATIVE BILL 784. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to divorce; to amend sections 42-364, 43-2,113, 43-2911, and 43-2915, Reissue Revised Statutes of Nebraska; to change child custody determination, parenting plan, and costs provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 785. Introduced by Erdman, 47; Jones, 43; Redfield, 12; Smith, 48; Tyson, 19.

A BILL FOR AN ACT relating to railroads; to amend section 74-308, Reissue Revised Statutes of Nebraska; to change provisions relating to eminent domain; and to repeal the original section.

LEGISLATIVE BILL 786. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-913, Reissue Revised Statutes of Nebraska; to provide penalties for introducing contraband into a detention facility; to change provisions relating to implements of escape; to define a term; and to repeal the original section.

LEGISLATIVE BILL 787. Introduced by Jones, 43; Bruning, 3; Hudkins, 21; Kremer, 34; Schrock, 38; Stuhr, 24.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-455, Reissue Revised Statutes of Nebraska; to change provisions relating to limited permits; and to repeal the original section.

LEGISLATIVE BILL 789. Introduced by Smith, 48; Erdman, 47; Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for mental health services as prescribed; and to declare an emergency.

LEGISLATIVE BILL 791. Introduced by Janssen, 15; Baker, 44; Cunningham, 18; Engel, 17; Hartnett, 45; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to the State Lottery Act; to amend section 9-812, Revised Statutes Supplement, 2000; to change provisions relating to the transfer of funds; and to repeal the original section.

LEGISLATIVE BILL 795. Introduced by Beutler, 28; Suttle, 10; Thompson, 14; Price, 26.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-1201, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 2000; to prescribe methods of firearm storage; to provide duties for retail sellers of firearms; to provide penalties; to harmonize provisions; to provide for applicability; and to repeal the original sections.

LEGISLATIVE BILL 796. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to elected officials; to amend sections 19-616, 32-1303, and 32-1304, Reissue Revised Statutes of Nebraska, and section 32-628, Revised Statutes Supplement, 2000; to provide for vacancies in office for unexcused absences from municipal meetings; to change provisions relating to recall petitions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 798. Introduced by Kremer, 34; Aguilar, 35; Bourne, 8; Bruning, 3; Smith, 48.

A BILL FOR AN ACT relating to insurance; to amend sections 44-371 and 44-1089, Reissue Revised Statutes of Nebraska; to change provisions relating to claims of creditors; and to repeal the original sections.

LEGISLATIVE BILL 801. Introduced by Coordsen, 32; Chambers, 11; Kristensen, 37.

A BILL FOR AN ACT relating to retirement; to adopt the Employees of Elected Constitutional Offices Supplemental Retirement Plan Act; to provide retirement benefits for employees of constitutional offices; and to provide a penalty.

LEGISLATIVE BILL 802. Introduced by Robak, 22; Janssen, 15.

A BILL FOR AN ACT relating to gambling; to amend sections 9-301, 9-303, 9-307, 9-313, 9-317, 9-331 to 9-334, 9-336, 9-337, 9-340, 9-340.02, 9-345.02,

9-348, 9-349 to 9-352, 9-607, 9-651, and 28-1101, Reissue Revised Statutes of Nebraska, and sections 9-315, 9-322, 9-329, 9-329.02, 9-338, 9-345.01, 9-345.03, and 9-346, Revised Statutes Supplement, 2000; to change provisions relating to the Nebraska Pickle Card Lottery Act and the Nebraska County and City Lottery Act; to authorize the use of electronic pickle card devices and lottery equipment as prescribed; to change provisions relating to keno; to define and redefine terms; to provide and change powers and duties; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 803. Introduced by Agriculture Committee: Dierks, 40, Chairperson; Cunningham, 18; Schimek, 27; Schrock, 38; Vrtiska, 1; and Jones, 43; Wehrbein, 2.

A BILL FOR AN ACT relating to agriculture; to adopt the Nebraska Pork Industry Development Act.

LEGISLATIVE BILL 805. Introduced by Dierks, 40; Baker, 44; Quandahl, 31.

A BILL FOR AN ACT relating to petitions; to amend sections 32-629 to 32-630, 32-1404, 32-1409, and 32-1546, Reissue Revised Statutes of Nebraska, and section 32-628, Revised Statutes Supplement, 2000; to change provisions relating to signers, circulators, and verification of petitions; to change penalty provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 806. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Connealy, 16; Erdman, 47; Janssen, 15; Preister, 5; Quandahl, 31; Redfield, 12.

A BILL FOR AN ACT relating to the Municipal Natural Gas Regulation Act; to amend section 19-4601, Reissue Revised Statutes of Nebraska; to rename the act; and to repeal the original section.

LEGISLATIVE BILL 807. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Connealy, 16; Erdman, 47; Janssen, 15; Preister, 5; Quandahl, 31; Redfield, 12.

A BILL FOR AN ACT relating to the Municipal Natural Gas Regulation Act; to amend section 19-4601, Reissue Revised Statutes of Nebraska; to rename the act; and to repeal the original section.

LEGISLATIVE BILL 810. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Connealy, 16; Erdman, 47; Janssen, 15; Preister, 5; Quandahl, 31; Redfield, 12.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend sections 31-727, 31-730, and 31-739, Reissue Revised Statutes of Nebraska; to change provisions relating to district actions and formation, trustees, and the deposit of funds; to create a fund; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 811. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Connealy, 16; Erdman, 47; Janssen, 15; Preister, 5; Quandahl,

31; Redfield, 12; and Tyson, 19.

A BILL FOR AN ACT relating to building codes; to amend sections 18-132, 18-1915, 23-172, 71-6403, 71-6405, and 81-2104, Reissue Revised Statutes of Nebraska; to incorporate and adopt different standards under the state building code; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 812. Introduced by Cunningham, 18; Baker, 44; Burling, 33; Dierks, 40; Erdman, 47; Jones, 43; Raikes, 25; Smith, 48; Stuhr, 24; Tyson, 19.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1007.01, Revised Statutes Supplement, 2000; to change provisions relating to adjusted formula students; and to repeal the original section.

LEGISLATIVE BILL 813. Introduced by Cunningham, 18; Janssen, 15; Stuhr, 24; Tyson, 19; Wickersham, 49.

A BILL FOR AN ACT relating to public financing; to amend section 13-808, Reissue Revised Statutes of Nebraska, and sections 13-2530 and 13-2531, Revised Statutes Supplement, 2000; to adopt the Public Facilities Construction and Finance Act; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 814. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-177, Revised Statutes Supplement, 2000; to change provisions relating to the sale of alcoholic liquor near churches, colleges, and universities as prescribed; to define a term; and to repeal the original section.

LEGISLATIVE BILL 815. Introduced by Schrock, 38; Brown, 6; Jensen, 20; Kremer, 34; Robak, 22; Wehrbein, 2; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to drug paraphernalia; to amend section 28-439, Reissue Revised Statutes of Nebraska; to include anhydrous ammonia as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 816. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to elevator safety; to amend sections 48-418 to 48-418.11, Reissue Revised Statutes of Nebraska; to adopt the Elevator Regulation Act; to transfer and eliminate provisions relating to elevators; to provide an operative date; to repeal the original sections; and to outright repeal sections 48-418.12 and 48-418.14, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 823. Introduced by Foley, 29; Aguilar, 35; Baker, 44; Bromm, 23; Bruning, 3; Burling, 33; Coordsen, 32; Cudaback, 36; Dierks, 40; Engel, 17; Erdman, 47; Hartnett, 45; Hilgert, 7; Hudkins, 21; Jensen, 20; Jones, 43; Kremer, 34; Maxwell, 9; Dw. Pedersen, 39; Preister, 5; Quandahl, 31; Redfield, 12; Schrock, 38; Smith, 48; Stuhr, 24; Tyson, 19; Vrtiska, 1;

Kristensen, 37.

A BILL FOR AN ACT relating to wrongful death; to amend section 30-809, Reissue Revised Statutes of Nebraska; to provide that the term person includes an unborn child for purposes of wrongful death actions; and to repeal the original section.

LEGISLATIVE BILL 824. Introduced by Foley, 29; Aguilar, 35; Baker, 44; Bromm, 23; Bruning, 3; Burling, 33; Coordsen, 32; Cudaback, 36; Cunningham, 18; Dierks, 40; Engel, 17; Erdman, 47; Hartnett, 45; Hilgert, 7; Hudkins, 21; Jensen, 20; Jones, 43; Kremer, 34; Maxwell, 9; Dw. Pedersen, 39; Preister, 5; Quandahl, 31; Redfield, 12; Schrock, 38; Smith, 48; Stuhr, 24; Tyson, 19; Vrtiska, 1; Kristensen, 37.

A BILL FOR AN ACT relating to homicide; to amend sections 28-302 and 28-305, Reissue Revised Statutes of Nebraska, and section 28-306, Revised Statutes Supplement, 2000; to redefine the term person to include an unborn child; to provide certain exceptions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 825. Introduced by Foley, 29.

A BILL FOR AN ACT relating to insurance; to require coverage for reproductive health care.

LEGISLATIVE BILL 826. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to state government; to amend section 84-1604, Reissue Revised Statutes of Nebraska; to change provisions relating to eligibility for state insurance benefits; and to repeal the original section.

LEGISLATIVE BILL 830. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-311.11, Revised Statutes Supplement, 2000; to change provisions relating to personalized message license plates; and to repeal the original section.

LEGISLATIVE BILL 834. Introduced by Bromm, 23; Cunningham, 18; Dierks, 40.

A BILL FOR AN ACT relating to agriculture research; to state intent; to provide for double damages for saboteurs and acts of terrorism.

LEGISLATIVE BILL 835. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to the Political Subdivisions Self-Funding Benefits Act; to amend sections 13-1601 to 13-1603, 13-1608, 13-1609, 13-1613, 13-1615, 13-1617 to 13-1623, and 13-1625, Reissue Revised Statutes of Nebraska, and section 13-1614, Revised Statutes Supplement, 2000; to authorize joint plan sponsored employee benefit plans; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 837. Introduced by Bromm, 23; Hudkins, 21.

A BILL FOR AN ACT relating to the Department of Natural Resources; to amend sections 46-233, 46-239, 46-640, 46-641, and 61-206, Revised Statutes Supplement, 2000; to change provisions relating to notice and hearings; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 839. Introduced by Foley, 29; Beutler, 28.

A BILL FOR AN ACT relating to telecommunications; to amend section 75-156, Revised Statutes Supplement, 2000; to require certain telecommunications companies to provide an informational statement as prescribed; to provide duties for the Public Service Commission; and to repeal the original section.

LEGISLATIVE BILL 841. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2702.17, 77-2704.07, 77-2704.13, 77-2704.24, 77-3506.02, 77-3509.01 to 77-3509.03, 77-3511, 77-3521, 77-3522, and 77-3529, Reissue Revised Statutes of Nebraska, and sections 77-2701, 77-2702.07, 77-2702.13 to 77-2702.15, 77-2703, 77-2715.02, 77-2715.07, 77-3501, 77-3510, 77-3512 to 77-3514, 77-3516, 77-3523, and 77-5304, Revised Statutes Supplement, 2000; to change income tax, sales and use tax, and homestead provisions; to eliminate sales tax exemptions as prescribed; to create an income tax credit; to change income tax rates; to provide a homestead exemption; to harmonize provisions; to provide severability; to provide an operative date; to repeal the original sections; and to outright repeal sections 77-2704.03, 77-2704.04, 77-2704.22, and 77-2704.36 to 77-2704.38, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 842. Introduced by Brashear, 4; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to divorce; to amend section 42-364, Reissue Revised Statutes of Nebraska; to change child custody determination provisions; and to repeal the original section.

LEGISLATIVE BILL 843. Introduced by Brashear, 4; Bourne, 8.

A BILL FOR AN ACT relating to agents; to adopt the Uniform Athlete Agents Act; to provide penalties; to provide an operative date; and to provide severability.

LEGISLATIVE BILL 844. Introduced by Brashear, 4; Chambers, 11.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-112, Revised Statutes Supplement, 2000; to change provisions relating to enhanced penalties and procedure; and to repeal the original section.

LEGISLATIVE BILL 846. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-507, Reissue Revised Statutes of Nebraska; to change provisions relating to burglary; and to repeal the original section.

LEGISLATIVE BILL 847. Introduced by Brashear, 4; Beutler, 28; Bromm, 23; Smith, 48.

A BILL FOR AN ACT relating to crimes; to amend sections 81-1423, 81-1841, 81-1844, 81-1845, and 81-1848, Reissue Revised Statutes of Nebraska, and section 29-119, Revised Statutes Supplement, 2000; to change provisions relating to victim's rights; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 848. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to attorneys at law; to amend section 7-102, Reissue Revised Statutes of Nebraska; to change admission requirements; and to repeal the original section.

LEGISLATIVE BILL 848A. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 848, Ninety-seventh Legislature, First Session, 2001.

CARRYOVER RESOLUTIONS

LEGISLATIVE RESOLUTION 2CA. Introduced by Quandahl, 31; Schimek, 27.

THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2002 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 7:

III-7 "At the general election to be held in November 1964, one-half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature. When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary of ~~not to exceed one thousand~~ two thousand dollars per month during the term of his or her office. In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than ~~his or her salary~~ their salaries and expenses, and employees of the Legislature shall receive no compensation other than their ~~salary~~ salaries or per ~~diem~~ diems."

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

"A constitutional amendment to change the salary for members of the Legislature.

For

Against".

LEGISLATIVE RESOLUTION 4CA. Introduced by Landis, 46.

THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2002 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article XIII, section 2:

XIII-2 "(1) Notwithstanding any other provision in ~~the~~ this Constitution, the Legislature may authorize any county or incorporated city or village, including cities operating under home rule charters, to acquire, own, develop, and lease real and personal property suitable for use by manufacturing or industrial enterprises and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing such property by construction, purchase, or otherwise. The

Legislature may also authorize such county, city, or village to acquire, own, develop, and lease real and personal property suitable for use by enterprises as determined by law if such property is located in blighted areas as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued. Any real or personal property acquired, owned, developed, or used by any such county, city, or village pursuant to this section shall be subject to taxation to the same extent as private property during the time it is leased to or held by private interests, notwithstanding the provisions of Article VIII, section 2, of ~~the~~ this Constitution. The acquiring, owning, developing, and leasing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof.

(2) Notwithstanding any other provision in this Constitution, the Legislature may also authorize any county, city, or village to acquire, own, develop, and lease real and personal property suitable for use by charitable nonprofit enterprises as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued. Any real or personal property acquired, owned, developed, or used by any such county, city, or village pursuant to this section shall be subject to taxation to the same extent as private property of the same character during the time it is leased to or held by private interests, notwithstanding the provisions of Article VIII, section 2, of this Constitution. The acquiring, owning, developing, and leasing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof.

(3) Notwithstanding any other provision in ~~the~~ this Constitution, the Legislature may also authorize any incorporated city or village, including cities operating under home rule charters, to appropriate from local sources of revenue such funds as may be deemed necessary for an economic or industrial development project or program subject to approval by a vote of a majority of the registered voters of such city or village voting upon the question. For purposes of this provision, funds from local sources of revenue shall mean funds raised from general taxes levied by the city or village and shall not include any funds received by the city or village which are derived from state or federal sources."

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

"A constitutional amendment to authorize the use of revenue bonds to develop and lease property for use by nonprofit enterprises as determined by law.

For

Against".

LEGISLATIVE RESOLUTION 5CA. Introduced by Baker, 44.

THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2002 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VII, section 6:

VII-6 "No lands now owned or hereafter acquired by the state for educational purposes shall be sold except at public auction under such conditions as the Legislature shall provide. The general management of all lands set apart for educational purposes shall be vested, ~~under the direction of in~~ the Legislature, ~~in a board of five members to be known as the Board of Educational Lands and Funds. The members shall be appointed by the Governor, subject to the approval of the Legislature, with such qualifications and for such terms and compensation as the Legislature may provide or~~ such other entity as the Legislature may provide."

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

"A constitutional amendment to eliminate constitutional references to the Board of Educational Lands and Funds and to vest the management of educational lands in the Legislature or such other entity as the Legislature provides.

For

Against".

LEGISLATIVE RESOLUTION 6CA. Introduced by Schimek, 27; Janssen, 15; Aguilar, 35; Bourne, 8; Connealy, 16; Cudaback, 36; Cunningham, 18; Hilgert, 7; Dw. Pedersen, 39; Robak, 22; Schrock, 38; Thompson, 14.

THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2002 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 24:

III-24 "(1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for other purposes as directed by the Legislature. No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the

members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.

(5) Nothing in the statutes or Constitution of Nebraska shall be construed to prohibit or restrict gaming operated by a federally recognized Indian tribe in Nebraska on lands within the limits of the tribe's Indian reservation recognized as of October 1988, or on real property in Knox County and Boyd County held by the Secretary of the Interior in trust for the benefit of the Ponca Tribe, and over which the tribe has jurisdiction when such gaming is conducted in accordance with federal law."

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

"A constitutional amendment to permit gaming on Indian lands.

For

Against".

LEGISLATIVE RESOLUTION 8CA. Introduced by Kristensen, 37.

THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2002 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article XIII, section 1, add a new section 18 to Article VII, and repeal Article VII, sections 10, 13, and 14:

VII-18 "On or after July 1, 2003, the general government of the University of Nebraska and the Nebraska state colleges shall, under the direction of the Legislature, be vested in the Nebraska Higher Education Board of Regents. The board shall be composed of not less than eight nor more than sixteen regents who shall be elected or appointed as provided by law. In addition a student representative of each campus of the University of Nebraska and each state college shall serve on the board as a nonvoting member."

XIII-1 "The state may, to meet casual deficits, or failures in the revenue, contract debts never to exceed in the aggregate one hundred thousand dollars, and no greater indebtedness shall be incurred except for the purpose of repelling invasion, suppressing insurrection, or defending the state in war, and provision shall be made for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose, or from other sources of revenue, which law providing for the payment of such interest by such tax shall be irrevocable until such debt is paid, ~~except~~ ; ~~PROVIDED~~, that if the Legislature determines by a three-fifths vote of the members elected thereto that (1) the need for construction of highways in this state requires such action, it may authorize the issuance of bonds for such construction, and for the payment of the interest and the retirement of such bonds it may pledge any tolls to be received from such

highways or it may irrevocably pledge for the term of the bonds all or a part of any state revenue closely related to the use of such highways, such as motor vehicle fuel taxes or motor vehicle license fees and (2) the construction of water retention and impoundment structures for the purposes of water conservation and management will promote the general welfare of the state, it may authorize the issuance of revenue bonds for such construction, and for the payment of the interest and the retirement of such bonds it may pledge all or any part of any state revenue derived from the use of such structures. The Nebraska Higher Education ; AND PROVIDED FURTHER, that the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, and the State Board of Education may issue revenue bonds to construct, purchase, or otherwise acquire, extend, add to, remodel, repair, furnish, and equip dormitories, residence halls, single or multiple dwelling units, or other facilities for the housing and boarding of students, single or married, and faculty or other employees, buildings and structures for athletic purposes, student unions or centers, and for the medical care and physical development and activities of students, and buildings or other facilities for parking, which bonds shall be payable solely out of revenue, fees, and other payments derived from the use of the buildings and facilities constructed or acquired, including buildings and facilities heretofore or hereafter constructed or acquired, and paid for out of the proceeds of other issues of revenue bonds, and the revenue, fees, and payments so pledged need not be appropriated by the Legislature, and any such revenue bonds heretofore issued by either of such boards are hereby authorized, ratified, and validated. Bonds for new construction shall be first approved as the Legislature shall provide."

VII-10, 13, and 14 "Article VII, sections 10, 13, and 14, of the Constitution of Nebraska are repealed."

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

"A constitutional amendment to create the Nebraska Higher Education Board of Regents and to eliminate references in the constitution to the Coordinating Commission for Postsecondary Education, the Board of Regents of the University of Nebraska, and the Board of Trustees of the Nebraska State Colleges.

For

Against".

LEGISLATIVE RESOLUTION 14CA. Introduced by Hartnett, 45; Brown, 6; Smith, 48; Wehrbein, 2; Schimek, 27; Erdman, 47.

THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2002 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 2:

VIII-2 "Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 1 or 4, of this Constitution or any other provision of this Constitution to the contrary: (1) The property of the state and its governmental subdivisions shall constitute a separate class of property and shall be exempt from taxation to the extent such property is used by the state or governmental subdivision for public purposes authorized to the state or governmental

subdivision by this Constitution or the Legislature. To the extent such property is not used for the authorized public purposes, the Legislature may classify such property, exempt such classes, and impose or authorize some or all of such property to be subject to property taxes or payments in lieu of property taxes except as provided by law; (2) the Legislature by general law may classify and exempt from taxation property owned by and used exclusively for agricultural and horticultural societies and property owned and used exclusively for educational, religious, charitable, or cemetery purposes, when such property is not owned or used for financial gain or profit to either the owner or user; (3) household goods and personal effects, as defined by law, may be exempted from taxation in whole or in part, as may be provided by general law, and the Legislature may prescribe a formula for the determination of value of household goods and personal effects; (4) the Legislature by general law may provide that the increased value of land by reason of shade or ornamental trees planted along the highway shall not be taken into account in the assessment of such land; (5) the Legislature, by general law and upon any terms, conditions, and restrictions it prescribes, may provide that the increased value of real property resulting from improvements designed primarily for energy conservation may be exempt from taxation; (6) the value of a home substantially contributed by the United States Department of Veterans Affairs for a paraplegic veteran or multiple amputee shall be exempt from taxation during the life of such veteran or until the death or remarriage of his or her surviving spouse; (7) the Legislature may exempt from an intangible property tax life insurance and life insurance annuity contracts and any payment connected therewith and any right to pension or retirement payments; (8) the Legislature may exempt inventory from taxation; (9) the Legislature may define and classify personal property in such manner as it sees fit, whether by type, use, user, or owner, and may exempt any such class or classes of property from taxation if such exemption is reasonable or may exempt all personal property from taxation; (10) no property shall be exempt from taxation except as permitted by or as provided in this Constitution; ~~and~~ (11) the Legislature may by general law provide that a portion of the value of any residence actually occupied as a homestead by any classification of owners as determined by the Legislature shall be exempt from taxation; and (12) the Legislature may by general law, and upon any terms, conditions, and restrictions it prescribes, provide that the increased value of historically significant real property resulting from improvements designed primarily for the purpose of renovating, rehabilitating, or preserving such property may be, in whole or in part, exempt from taxation."

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

"A constitutional amendment to authorize exemption of increased value of historically significant real property from property taxation.

For

Against".

LEGISLATIVE RESOLUTION 16CA. Introduced by Beutler, 28.

THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2002 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of

the State of Nebraska for approval or rejection:

To amend Article III, sections 7 and 19 and add a new section 31 to Article III:

III-7 "At the general election to be held in November 1964, one-half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature. When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall ~~where~~ when necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary of ~~not to exceed~~ one thousand dollars per month during the term of his or her office until his or her compensation is changed in the manner provided by Article III, section 31, of this Constitution. In addition to his or her ~~salary~~ compensation, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than ~~his or her salary~~ the compensation provided by this section and Article III, section 31, of this Constitution and expenses, ; and employees of the Legislature shall receive no compensation other than their salary or per diem."

III-19 "The Legislature shall never grant any extra compensation to any public officer, agent, or servant after the services have been rendered nor to any contractor after the contract has been entered into, except that retirement benefits of retired public officers and employees may be adjusted to reflect changes in the cost of living and wage levels that have occurred subsequent to the date of retirement.

The compensation of any public officer, including any officer whose compensation is fixed by the Legislature, shall not be increased or diminished during his or her term of office, except that when there are members elected or appointed to ~~the Legislature or~~ the judiciary, or officers elected or appointed to a board or commission having more than one member, and the terms of such members commence and end at different times, the compensation of all members of ~~the Legislature, of~~ the judiciary, or of such board or commission may be increased or diminished at the beginning of the full term of any member thereof and except as provided in Article III, section 31, of this Constitution.

Nothing in this section shall prevent local governing bodies from reviewing and adjusting vested pension benefits periodically as prescribed by ordinance.

The surviving spouse of any retired public officer, agent, or servant, who has retired under a pension plan or system, shall be considered as having pensionable status and shall be entitled to the same benefits which may, at any time, be provided for or available to spouses of other public officers, agents, or servants who have retired under such pension plan or system at a later date, and such benefits shall not be prohibited by the restrictions of this section or of Article XIII, section 3 of ~~the this Constitution, of Nebraska.~~

III-31 "(1) There is hereby created the Ethics and Compensation Review Commission. The members of the commission shall be appointed by the Governor. There shall be two members appointed from each congressional district and three members from the state at large. Members of the commission shall serve for terms of six years, except that of the members initially appointed,

one from each of the congressional districts and one of the at-large members shall be appointed for terms of two years. No more than five members of the commission may belong to the same political party at any one time, and no elected official or employee of the state or any political subdivision or registered lobbyist may serve as a member. The term of an existing member shall terminate on the date a new member is appointed. A member may serve no more than two terms on the commission and shall receive no compensation for the performance of his or her duties but may be reimbursed for actual and necessary expenses.

(2) The Ethics and Compensation Review Commission shall prepare and present to the Legislature prior to November 1, 2003, a legislative code of ethics which shall be adopted by the Legislature at the beginning of the legislative session in the year 2004 as part of its permanent rules. The code of ethics shall include procedures for implementing such code. After January 1, 2006, the Legislature may modify the code of ethics as it deems necessary or advisable to effectuate Article III, sections 10 and 16, of this Constitution. The Legislature shall maintain the code of ethics in its permanent rules or maintain an altered code of ethics approved by the commission.

(3) After the Ethics and Compensation Review Commission has presented a code of ethics to the Legislature and a code of ethics has been adopted as part of the Legislature's permanent rules, the commission shall review compensation for members of the Legislature and submit a report to the Governor and the Legislature recommending any adjustment to such compensation the commission deems appropriate. The Legislature may by legislative bill approve, disapprove, or reduce the recommended adjustment but may not increase the recommended adjustment. Adjustments shall not become effective until so approved by the Legislature, and when so approved shall become effective three calendar months following the end of the legislative session in which the adjustments were approved. The commission shall review and submit a report recommending any adjustment to compensation every fourth year."

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

"A constitutional amendment to create the Ethics and Compensation Review Commission, to change provisions relating to compensation for members of the Legislature, and to provide for the adoption of a legislative code of ethics.

For
Against".

LEGISLATIVE RESOLUTION 18CA. Introduced by Smith, 48; Engel, 17; Erdman, 47.

THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2002 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VII, section 10:

VII-10 "(1) The general government of the University of Nebraska shall, under the direction of the Legislature, be vested in a board of ~~twelve not less than six nor more than eight~~ regents to be designated the Board of Regents of the University of Nebraska. Eight regents, who shall be elected from and by districts as herein provided. The Governor shall appoint four regents. One appointed

regent shall be a full-time student attending one of the campuses of the University of Nebraska, and one appointed regent shall serve from each of the three congressional districts. In addition, and three students of the University of Nebraska who shall serve as nonvoting members. Such nonvoting student members shall consist of the student body president of the University of Nebraska at Lincoln, the student body president of the University of Nebraska at Omaha, and the student body president of the University of Nebraska Medical Center.

(2) The terms of office of elected members shall be for six years. The term of office of the appointed student regent shall be one year. The term of office of the other three appointed regents shall be three years, except that for the initial terms commencing in 2003, one regent shall be appointed for one year, one regent shall be appointed for two years, and one regent shall be appointed for three years. ~~each.~~ The terms of office of the nonvoting student members shall be for the period of service as student body president. Their duties and powers shall be prescribed by law; and they shall receive no compensation, but may be reimbursed their actual expenses incurred in the discharge of their duties.

(3) The Legislature shall divide the state, along county lines, into as many compact regent districts, as there are regents provided by the Legislature, of approximately equal population, which shall be numbered consecutively. The Legislature shall redistrict the state after each federal decennial census. Such districts shall not be changed except upon the concurrence of a majority of the members of the Legislature. In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature. Whenever the state is so redistricted the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term."

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

"A constitutional amendment to change the membership of the Board of Regents of the University of Nebraska.

For

Against"

LEGISLATIVE RESOLUTION 21CA. Introduced by McDonald, 41.

THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2002 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article IV, section 1:

IV-1 "The executive officers of the state shall be the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, and the heads of such other executive departments as set forth herein or as may be established by law. The Legislature may provide for the placing of the above named officers as heads over such departments of government as it may by law establish. Employees of political subdivisions of the state, including employees of school districts, shall not be considered executive officers for purposes of this section.

The Governor, Lieutenant Governor, Attorney General, Secretary of State, Auditor of Public Accounts, and State Treasurer shall be chosen at the general election held in November 1974, and in each alternate even-numbered year thereafter, for a term of four years and until their successors shall be elected and qualified.

Each candidate for Governor shall select a person to be the candidate for Lieutenant Governor on the general election ballot. In the general election one vote shall be cast jointly for the candidates for Governor and Lieutenant Governor. The Governor shall be ineligible to the office of Governor for four years next after the expiration of two consecutive terms for which he or she was elected.

The records, books, and papers of all executive officers shall be kept at the seat of government. Executive officers shall reside within the State of Nebraska during their respective terms of office. Officers in the executive department of the state shall perform such duties as may be provided by law.

The heads of all executive departments established by law, other than those to be elected as provided herein, shall be appointed by the Governor, with the consent of a majority of all members elected to the Legislature, but officers so appointed may be removed by the Governor. Subject to the provisions of this Constitution, the heads of the various executive or civil departments shall have power to appoint and remove all subordinate employees in their respective departments."

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

"A constitutional amendment to state that employees of political subdivisions, including employees of school districts, are not executive officers under Article IV, section 1, of the Nebraska Constitution.

For

Against".

FIRST DAY - JANUARY 9, 2002

LEGISLATIVE JOURNAL

**NINETY-SEVENTH LEGISLATURE
SECOND SESSION**

FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 9, 2002

PRAYER

The prayer was offered by Pastor Gary Fugman, First Presbyterian Church, Lyons, Nebraska.

PRESENTATION OF COLORS

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

ROLL CALL

Pursuant to the provisions of Article III, Section 10 of the Constitution of Nebraska, the Ninety-Seventh Legislature, Second Session of the Legislature of Nebraska, assembled in the George W. Norris Legislative Chamber of the State Capitol at the hour of 10:00 a.m., on Wednesday, January 9, 2002, and was called to order by President Heineman.

The roll was called and the following members were present:

| | | |
|------------------------|---------------------|---------------------|
| Aguilar, Raymond | Engel, L. Patrick | Price, Marian L. |
| Baker, Thomas C. | Erdman, Philip | Quandahl, Mark |
| Beutler, Chris | Foley, Mike | Raikes, Ronald E. |
| Bourne, Patrick J. | Hartnett, D. Paul | Redfield, Pam |
| Brashear, Kermit | Hudkins, Carol L. | Robak, Jennie |
| Bromm, Curt | Janssen, Ray | Schimek, DiAnna R. |
| Brown, Pam | Jensen, Jim | Schrock, Ed |
| Bruning, Jon | Jones, James E. | Smith, Adrian |
| Burling, Carroll | Kremer, Bob | Stuhr, Elaine |
| Byars, Dennis M. | Kristensen, Doug | Suttle, Deborah S. |
| Chambers, Ernie | Kruse, Lowen | Synowiecki, John F. |
| Connealy, Matt | Landis, David M. | Thompson, Nancy |
| Coordsen, George | McDonald, Vickie D. | Tyson, Gene |
| Cudaback, Jim D. | Pedersen, Dwite | Vrtiska, Floyd P. |
| Cunningham, Douglas D. | Pederson, Don | Wehrbein, Roger R. |
| Dierks, Merton L. | Preister, Don | Wickersham, Bob |

The following member was excused:

Maxwell, Chip

MOTION - Adopt Temporary Rules

Senator Hudkins moved that the rules, as now in our possession, be adopted for today only, Wednesday, January 9, 2002.

The motion prevailed.

RESIGNATION

November 20, 2001

Governor Mike Johanns
P.O. Box 94848
Lincoln, Nebraska 68509-4848

Dear Governor Johanns,

I hereby submit my resignation as Legislator of Legislative District 7 to take effect on the 27th of November, 2001.

Sincerely,
(Signed) John Hilgert
District 7

MESSAGE FROM THE GOVERNOR

December 21, 2001

President, Speaker Kristensen
and Members of the Legislature
State Capitol
Lincoln NE 68509

Dear President, Speaker Kristensen and Members:

I hereby appoint John F. Synowiecki to fill the vacancy in the 7th Legislative District created by the resignation of Senator John Hilgert. This appointment will take effect January 7, 2002.

Sincerely,
(Signed) Mike Johanns
Governor

say/

GUBERNATORIAL APPOINTMENT

Greetings To All Who Shall See These Presents Know Ye, that I, Mike Johanns, on behalf of the State of Nebraska and as Governor, do hereby appoint John F. Synowiecki as Senator for Legislative District #7.

| DISTRICT/NAME | ELECTED |
|--------------------------|---------------------------|
| 1 Floyd P. Vrtiska | November 7, 2000 |
| 2 Roger R. Wehrbein | November 3, 1998 |
| 3 Jon C. Bruning | November 7, 2000 |
| 4 Kermit Brashear | November 3, 1998 |
| 5 Don Preister | November 7, 2000 |
| 6 Pam Brown | November 3, 1998 |
| 7 John F. Synowiecki | Appointed January 7, 2002 |
| 8 Patrick J. Bourne | November 3, 1998 |
| 9 Chip Maxwell | November 7, 2000 |
| 10 Deborah S. Suttle | November 3, 1998 |
| 11 Ernie Chambers | November 7, 2000 |
| 12 Pam Redfield | November 3, 1998 |
| 13 Lowen Kruse | November 7, 2000 |
| 14 Nancy Thompson | November 3, 1998 |
| 15 Ray Janssen | November 7, 2000 |
| 16 Matt Connealy | November 3, 1998 |
| 17 L. Patrick Engel | November 7, 2000 |
| 18 Douglas D. Cunningham | November 7, 2000 |
| 19 Gene Tyson | November 7, 2000 |
| 20 Jim Jensen | November 3, 1998 |
| 21 Carol L. Hudkins | November 7, 2000 |
| 22 Jennie Robak | November 3, 1998 |
| 23 Curt Bromm | November 7, 2000 |
| 24 Elaine Stuhr | November 3, 1998 |
| 25 Ronald E. Raikes | November 7, 2000 |
| 26 Marian L. Price | November 3, 1998 |
| 27 DiAnna R. Schimek | November 7, 2000 |
| 28 Chris Beutler | November 3, 1998 |
| 29 Mike Foley | November 7, 2000 |
| 30 Dennis M. Byars | November 3, 1998 |
| 31 Mark Quandahl | November 7, 2000 |
| 32 George Coordsen | November 3, 1998 |
| 33 Carroll Burling | November 7, 2000 |
| 34 Bob Kremer | November 3, 1998 |
| 35 Raymond Aguilar | November 7, 2000 |
| 36 Jim D. Cudaback | November 3, 1998 |
| 37 Doug Kristensen | November 7, 2000 |
| 38 Ed Schrock | November 3, 1998 |
| 39 Dwite Pedersen | November 7, 2000 |
| 40 Merton L. Dierks | November 3, 1998 |
| 41 Vickie D. McDonald | Appointed August 10, 2001 |
| 42 Don Pederson | November 3, 1998 |
| 43 James E. Jones | November 7, 2000 |
| 44 Thomas C. Baker | November 3, 1998 |
| 45 D. Paul Hartnett | November 7, 2000 |
| 46 David M. Landis | November 3, 1998 |
| 47 Philip Erdman | November 7, 2000 |
| 48 Adrian Smith | November 3, 1998 |
| 49 Bob Wickersham | November 7, 2000 |

MESSAGES FROM THE GOVERNOR

November 19, 2001

President, Speaker Kristensen
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear President, Speaker Kristensen and Senators:

Contingent upon your approval, the following individual has been appointed
Director of Veterans Affairs.

APPOINTEE:

John A. Hilgert, 4116 S. 19th St, Omaha NE 68107

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

November 29, 2001

President, Speaker Kristensen
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Kristensen and Members:

Contingent upon your approval, the following individual has been appointed
to the Nebraska Transit and Rail Advisory Council.

APPOINTEE:

Gary A. Ruegg, 16314 Seward Circle, Omaha NE 68118

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

November 29, 2001

President, Speaker Kristensen

and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Kristensen and Members:

Contingent upon your approval, the following individuals have been reappointed as members of the Board of Emergency Medical Services.

APPOINTEES:

Robert Dunn, 1500 Brighton Ave, Lincoln NE 68506
Richard J. Sheehy, 1115 Oswego, Hastings NE 68901
Michael Westcott, M.D., 9742 Ascot Dr, Omaha NE 68114
Shawn Baumgartner, 1928 8th Ave, Scottsbluff NE 69361

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

November 29, 2001

President, Speaker Kristensen
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Kristensen and Members:

Contingent upon your approval, the following individual has been appointed to the Dry Bean Commission.

APPOINTEE:

Kenneth L. Rhoades, 1097 Rd West P North, Big Springs NE 69122

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

November 29, 2001

President, Speaker Kristensen
and Members of the Legislature

State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Kristensen and Members:

Contingent upon your approval, the following individual has been appointed to the State Electrical Board.

APPOINTEE:

Richard L. Wolfe, 1300 Plum Ridge Rd, Lincoln NE 68527

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

November 29, 2001

President, Speaker Kristensen
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Kristensen and Members:

Contingent upon your approval, the following individual has been appointed to the Commission of Industrial Relations.

APPOINTEE:

Loren L. Lindahl, 942 Hackberry, Wahoo NE 68066

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

December 3, 2001

President, Speaker Kristensen
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Kristensen and Members:

Contingent upon your approval, the following individuals have been appointed to the Board of Public Roads Classifications and Standards.

APPOINTEES:

*Arthur Yonkey, RR 1 Box 172 A, Hickman NE 68372

*Gene Acklie, 1419 Ave O, Scottsbluff NE 69361

Alan D. Doll, 1320 Maple Dr, Blair NE 68008

Dean T. Lux, 741 Locust, North Bend NE 68649

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

*Reappointment

December 4, 2001

President, Speaker Kristensen
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Kristensen and Members:

Contingent upon your approval, the following individual has been appointed to the Game and Parks Commission.

APPOINTEE:

William L. Grewcock, 2123 Mullen Rd, Omaha NE 68124

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

December 4, 2001

President, Speaker Kristensen
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Kristensen and Members:

Contingent upon your approval, the following individual has been appointed to the Nebraska Arts Council.

APPOINTEE:

Louise Bereuter, 1652 County Road Z, Cedar Bluffs NE 68015

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

January 7, 2002

President, Speaker Kristensen
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Kristensen and Senators:

Please withdraw Lon Fields' name from confirmation to the State Emergency Response Commission due to his resignation.

Thank you.

Sincerely,
(Signed) Mike Johanns
Governor

say/

ATTORNEY GENERAL'S OPINIONS

Opinion #01038

DATE: November 27, 2001

SUBJECT: Status of the Nebraska State Board of Agriculture as a state agency or private corporation; application of various state statutes to that Board.

REQUESTED BY: Senator Don Pederson
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Dale A. Comer, Assistant Attorney General

You have requested our opinion on "a number of issues surrounding the

Nebraska State Fair Board," and you indicate, in your opinion request, that you anticipate introducing legislation in regard to those issues during the 2002 legislative session. We will separately set out and discuss each of your questions below. Several of your questions also include explanatory comments which we will include with the question.

QUESTION 1

Is the State Fair Board a private corporation or a state agency?

The territorial board was created in statute as a "body corporate," but this designation no longer exists in statute. The Nebraska Supreme Court ruled in 1984 that the current State Fair Board is a private corporation, but the board continues to receive benefits (state-owned fairground land and facilities rent free and appropriations/allocations from the general fund and the 309 funds) from the State of Nebraska, which is (sic) generally only available to state agencies.

The Nebraska State Board of Agriculture (commonly known as the State Fair Board)(hereinafter the "Board") has existed since legislation creating the Board was passed in 1858 when Nebraska was still a territory. ***Crete Mills v. Nebraska State Board of Agriculture***, 132 Neb. 244, 271 N.W. 684 (1937)(containing a discussion of the legislation creating the Board over time). The current statute creating the Board, which has remained unchanged since 1983, states:

There shall be held prior to April 1 of each year, a meeting of the State Board of Agriculture, together with the president of each county society, or delegate therefrom duly authorized, who shall for the time being be ex officio members of the State Board of Agriculture, for the purpose of deliberating and consulting as to the wants, prospects, and conditions of the agricultural interests throughout the state. Such meeting shall be held in every odd-numbered year at the capital of the state, and in every even-numbered year at such location as the board may determine. At such annual meeting the several reports from the subordinate societies shall be delivered to the president of the board. The president and delegates shall at this meeting elect suitable persons to fill all vacancies in the board. The president shall also have the power to call meetings of the board whenever he or she may deem it expedient. The state fair shall be held at or near the city of Lincoln, in Lancaster County, under the direction and supervision of the State Board of Agriculture, upon the site and tract of land, selected and now owned by the state for that purpose and known as the state fairgrounds. The board may, at its discretion, hold or dispense with the holding of the fair, in any year.

Neb. Rev. Stat. § 2-101 (1997). In addition, Neb. Rev. Stat. § 2-102 (1997) provides:

The officers of the board shall consist of a president, vice president,

secretary, and treasurer, and such others as the board may deem necessary. They shall be elected at the annual meeting of the board, and shall hold their offices for the period of one year and until their successors are elected and qualified. The board shall determine by lot the time that each member shall serve so that the term of service of one-half of the members shall expire annually on the day of the annual meeting.

With respect to your first question regarding the nature of the Board, the Nebraska Supreme Court indicated in *State ex rel. Marsh v. Nebraska State Board of Agriculture*, 217 Neb. 622, 350 N.W.2d 535 (1984), that the Board was a private business association as contemplated by the Uniform Disposition of Unclaimed Property Act, rather than a public corporation under that Act. More significantly, in *Crete Mills v. Nebraska State Board of Agriculture*, 132 Neb. 244, 271 N.W. 684 (1937), the court held that the Board was "essentially a private corporation" which was not immune from suit under the doctrine of sovereign immunity. *Id.* at 256, 271 N.W. 689. In *Crete Mills*, the court based its holding, in part, upon the fact that the Board was a self-perpetuating body whose officers were selected by the Board rather than by the political officers or electors of the state, and upon the fact that the Board was not required to abide by various funding procedures required of state agencies by the Nebraska Constitution. The court stated:

It is obvious, therefore, that neither the inherent nature of the Nebraska state board of agriculture, the manner in which its perpetuity is accomplished, the character of the business carried on, the method of its performance, nor the purpose sought to be attained, in any manner determines its character to be that of a public governmental agency, to which the principle of exemption from suit without assent of the state is applicable.

Crete Mills at 250, 251, 271 N.W. 687. The factors that influenced the court in the *Crete Mills* case still exist, and consistent with that decision, we have indicated in previous opinions that, in our view, the Board is neither a state agency nor a political subdivision of the State of Nebraska. Op. Att'y Gen. No. 99038 (August 19, 1999); Op. Att'y Gen. No. 91087 (November 21, 1991); Op. Att'y Gen. No. 47 (March 27, 1985); 1977-78 Rep. Att'y Gen. 229 (Opinion No. 151, dated December 20, 1977). As a result, in response to your first question, we believe that the Board is a private corporation and not a state agency.

QUESTION 2

Has the Nebraska Legislature enacted legislation that provides "special or exclusive privileges" to a corporation, association, or individual, in violation of the Nebraska Constitution, Art. III, Section 18? Neb. Rev. Stat. Sec. 77-2704.16, exempts the board, by name, from paying state sales tax.

In our opinion to Senator Beutler dated December 24, 1985, we indicated that is has been and continues to be our policy that we will not issue legal opinions to state legislators concerning the constitutionality of existing statutes. Op. Att'y Gen. No. 157 (December 24, 1985). That policy is based upon the constitutional function of the Legislature in enacting rather than enforcing legislation, and also upon the practical consideration that we may be called upon to defend the constitutionality of existing laws. In the present instance, it appears to us that a response to your second question would involve us in offering an opinion on the constitutionality of existing legislation. Therefore, for the reasons set out in our opinion to Senator Beutler in 1985, we must respectfully decline to do so. However, in the event that you draft proposed legislation in this area during the next legislative session, we will respond to specific questions regarding that legislation at that time.

QUESTION 3

If the board is considered a private corporation, does a conflict exist between the provisions and the general fund appropriations and 309 fund allocations provided to the board? *The constitution also prohibits the state from giving or loaning its credit to aid any individual, association or corporation.*

The focus of your third question is apparently art. XIII, § 3 of the Nebraska Constitution which provides that "[t]he credit of the state shall never be given or loaned in aid of any individual, association, or corporation" We gather that you question the propriety of state general fund appropriations and 309 fund allocations to a private entity such as the Board.¹

There are two aspects to an analysis of state expenditures under art. XIII, § 3, and the first aspect involves the state's credit. In that regard, the purpose of art. XIII, § 3 is to prevent the state or any of its political subdivisions from extending the state's credit to private enterprise. *Callan v. Balka*, 248 Neb. 469, 536 N.W.2d 47 (1995). "It is designed to prohibit the state from acting as a surety or guarantor of the debt of another." *Haman v. Marsh*, 237 Neb. 699, 718, 467 N.W.2d 836, 850 (1991). It applies to the State and all of its political subdivisions. *State ex rel. Beck v. City of York*, 164 Neb. 223, 82 N.W.2d 269 (1957).

The Nebraska Supreme Court has established a three-part test for

¹ From materials provided by your staff, we understand that your reference to "309 fund allocations" is a reference to the state's Deferred Building Renewal Act under which state funds collected primarily from cigarette taxes are used for the renewal and maintenance of state-owned buildings. Neb. Rev. Stat. §§ 81-173 to 81-191.01 (1996, Cum. Supp. 2000). That Act originated in 1977 Neb. Laws LB 309.

determining whether an expenditure violates the credit aspect of art. XIII, § 3 of the Nebraska Constitution. To establish a violation of that constitutional provision, it must be shown that (1) the credit of the state (2) is given or loaned (3) in aid of any individual, association, or corporation. *Callan*, 248 Neb. at 476, 536 N.W.2d at 51; *Haman*, 237 Neb. at 719, 467 N.W.2d at 850. In that context, there is a distinction between the loaning of state funds and the loaning of the state's credit. The loan of state funds places the state in the position of a creditor, and the loan of state's credit places the state in the position of debtor. *Callan*, 248 Neb. at 476, 536 N.W.2d at 51; *Haman*, 237 Neb. at 719, 720, 467 N.W.2d at 850. In addition, the prohibition against the pledge of the state's credit does not hinge upon whether the expenditure at issue achieves a "public purpose" when the pledge benefits a private individual, association or corporation. *Haman*, 237 Neb. at 722, 467 N.W.2d at 852. Instead, the key focus of art. XIII, § 3 in that context is whether the state stands as a creditor through the expenditure of its funds, or as a debtor by the extension of credit in the interest of private parties. *Callan*, 248 Neb. at 479, 536 N.W.2d at 53; *Haman*, 237 Neb. at 718, 722, 467 N.W.2d at 852. (1991).

When the state expends general fund appropriations or 309 fund allocations for the benefit of the Board, it appears to us that the state acts as a creditor to the Board with respect to those expenditures, and not a debtor. Under those circumstances, the state is not in the position of debtor to the Board, nor is the state in the position of surety or guarantor for the Board's debt. As a result, we do not believe that the appropriation of general fund monies or 309 fund allocations to the Board involves lending the credit of the state, and for that reason, such appropriations do not violate the credit aspect of art. XIII, § 3 of the Nebraska Constitution.

An analysis under art. XIII, § 3 does not end at that point, however. "Closely related to the prohibition against the giving or lending of the state's credit . . . Is the principle of law that public funds cannot be expended for private purposes." *Haman*, 237 Neb. at 722, 467 N.W.2d at 851. That constitutional principle involves the expenditure of state funds in contrast to the extension of credit. *Id.* While the state constitution contains no express provision against expending public funds for private purposes, that principle "is grounded on the 'fundamental concepts of our constitutional system.'" *State ex rel. Douglas v. Thone*, 204 Neb. 836, 842, 286 N.W.2d 249, 252 (1979)(quoting *Beck v. City of York*, 164 Neb. 223). That principle also emanates from art. XIII, § 3. *Haman*, 237 Neb. at 722, 467 N.W.2d at 851.

There is no hard and fast rule for ascertaining whether a proposed expenditure of public funds is for a public purpose. The Nebraska Supreme Court has indicated that "[a] public purpose has for its objective the promotion of the public health, safety, morals, security, prosperity, contentment, and the general welfare of all the inhabitants." *Platte Valley Public Power & Irrigation District v. County of Lincoln*, 144 Neb. 584, 589, 14 N.W.2d 202, 205 (1944). The court has also indicated that it is for the Legislature to determine in the first instance what is and what is not a

public purpose. *State ex rel. Douglas v. Thone*, 204 Neb. 836, 286 N.W.2d 249 (1979).

In the present case, the Board has existed by statute since territorial days, and is statutorily charged with supervising and directing the operation of the Nebraska State Fair on the State Fairgrounds owned by the State of Nebraska. Given those duties and the Board's close ties to state government over the years, we cannot say that there clearly is no public purpose involved in general fund appropriations to the Board or in 309 fund allocations to the Board for the renewal and maintenance of state-owned buildings on the state fairgrounds. Consequently, we do not believe that such appropriations or allocations violate the second aspect of art. XIII, § 3 of the Nebraska Constitution.

QUESTION 4

If the Board is considered a state agency and since they receive state funds, are they bound by state laws in regard to open meetings laws and hiring practices?

1. Public Meetings Statutes

The Nebraska Public Meetings Statutes, Neb. Rev. Stat. §§ 84-1408 through 84-1414 (1999, Cum. Supp. 2000), require public bodies in Nebraska to publish notice of their meetings, hold their meetings in public, and generally conduct their business in full view of the citizens of the state. Under those statutes, a "public body" subject to the meetings provisions includes "all independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies, now or hereafter created by the Constitution of Nebraska, statute, or otherwise pursuant to law." Neb. Rev. Stat. § 84-1409 (1)(c) (1999). Since the Board is created by statute, the definition of public body in § 84-1409 (1)(c), together with the fact that the Board receives state monies, would lend some credence to the notion that the Board is subject to the Public Meetings Statutes. On the other hand, the Nebraska Supreme Court clearly indicated in the *Crete Mills* case that the Board is a private corporation and not a state agency, and the Public Meetings Statutes normally apply to governmental bodies, and not to private organizations. In the face of that uncertainty, *Nixon v. Madison County Agricultural Society*, 217 Neb. 37, 348 N.W.2d 119 (1984) is helpful.

In the *Nixon* case, the Nebraska Supreme Court considered whether county agricultural societies in Nebraska were subject to the Public Meetings Statutes. The court noted that such societies were organized under the Nebraska Statutes, and that such societies could obtain the proceeds of a tax to be levied by the county board.² The court then stated:

² A review of the statutes cited by the Nebraska Supreme Court in the *Nixon* case from the 1982 Cumulative Supplement to the Nebraska Statutes indicates that, under § 2-201, a county board was required to levy a tax for a

Although a county agricultural society resembles a private corporation in some respects, the statutory provisions which grant such a society the right to receive support from the public revenue give it a public character.

Nixon, 217 Neb. at 39, 348 N.W.2d at 119. On the basis of that right to receive support from the public revenue, the court then held that a county agricultural society was subject to the Public Meetings Statutes as a public body under § 84-1409 (1) (c). Consistent with the *Nixon* case, we have also indicated in previous opinions that public bodies statutorily characterized as "public corporations" or public bodies with a right to receive public funds were subject to the Public Meetings Statutes. Op. Att'y Gen. No. 97012 (February 14, 1997)(Hospital Authority which was a "public corporation" and which received funds from a city was subject to Public Meetings Statutes); Op. Att'y Gen. No. 219 (July 23, 1984)(County Extension Service which had a right to county funds under certain circumstances was subject to Public Meetings Statutes).

The present situation involving the Board is distinguishable, however, from the situation before the court in the *Nixon* case. For one thing, while the Board does receive general fund monies and 309 fund allocations, it has no right to levy a tax for its support and no statutory right to public revenue. Moreover, the Nebraska Supreme Court has clearly indicated that the Board is a private corporation. The Board's lack of any statutory right to public revenue, coupled with its status as a private corporation, ultimately lead us to believe that, while the issue presents a close question, the Board is not a public body which is subject to the Public Meetings Statutes. Obviously, if that result is of concern to you, you may wish to consider remedial legislation.

2. State Hiring Practices

We are unsure what you mean by "hiring practices" in connection with your Question 4. However, since the Board is a private corporation and not a state agency, we do not believe that the Board is subject to the provisions of the State Personnel System. In that regard, we indicated in a previous opinion that we did not believe that the Governor would have authority over a Board employee for purposes of extending that employee's accumulated leave under the State Personnel System. Op. Att'y Gen. No. 47 (March 27, 1985). That opinion was based upon the fact that the Board is not a state agency under the *Crete Mills* decision.

county agricultural society under certain circumstances. That tax was assessed, levied and collected as with other county taxes.

QUESTION 5

Although the board has autonomy in managing the fair and carrying out its other responsibilities, the Legislature remains the ultimate authority over the board. If the board is considered a state agency, is there a conflict of interest with two state senators currently serving on the state fair board?

Again, we are not entirely sure what you mean by the term "conflict of interest" in your final question. If that reference is in regard to the Conflicts of Interest section of the Nebraska Political Accountability and Disclosure Act, Neb. Rev. Stat. §§ 49-1493 to 49-14,104 (1998, Cum. Supp. 2000), we do not believe that legislators who are also members of the Board are subject to conflict of interest concerns with respect to decisions which they make as members of the Board, since the Board is a private corporation and not a state agency. On the other hand, it seems to us that members of the Legislature who are also Board members with an interest in the Board's affairs could be subject to provisions of the Accountability and Disclosure Act with respect to their duties as legislators, since a number of the provisions of that Act require disclosures regarding businesses with which a public official is associated. *See, e.g.*, Neb. Rev. Stat. § 49-1496 (Cum. Supp. 2000)(Statement of financial interests to be filed by public officials must include information about "any business with which the individual was associated.") We suggest that any specific questions in this area be referred to the Accountability and Disclosure Commission, the agency with enforcement authority under the Act.

To the extent that your use of the term "conflict of interest" implicates separation of powers questions under art. II, § 1 of the Nebraska Constitution, we have previously indicated in an opinion to Senator Schellpeper that, in our view, he could serve on the Board and in the Legislature simultaneously without violating the Nebraska Supreme Court's decision in *State ex rel. Spire v. Conway*, 238 Neb. 766, 472 N.W.2d 403 (1991) or art. II, § 1 of the Nebraska Constitution. Op. Att'y Gen. No. 91087 (November 21, 1991). That latter opinion was also based upon the notion that the Board is a private corporation and not a state agency.

Sincerely yours,
DON STENBERG
Attorney General

(Signed) Dale A. Comer
Assistant Attorney General

cc. Patrick J. O'Donnell
Clerk of the Legislature
05-01-21

Opinion #01040

DATE: December 17, 2001

SUBJECT: Constitutionality Of Legislation Which Would Terminate Current Terms Of Office For Members Of The Nebraska Board Of Educational Lands And Funds And Create New Terms Of Office For Members Of That Board.

REQUESTED BY: Senator Tom Baker
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Dale A. Comer, Assistant Attorney General

In your opinion request letter, you state that it is your intention to "introduce legislation pertaining to the Nebraska Board of Educational Lands and Funds" during the upcoming legislative session. The purpose of that legislation will be "to establish new district boundaries [for election of members of the Board of Educational Lands and Funds] based upon the number of school land acres per county across the state." You also note that there are "currently five appointed members on the Board of Educational Lands and Funds." In that context, you ask: "[w]ould it be constitutional to appoint new board members once the new districts are determined thus eliminating current terms or would existing members be required to fill out their current terms?"

Article VII, § 6 of the Nebraska Constitution pertains to the Board of Educational Lands and Funds (the "Board"), and states:

No lands now owned or hereafter acquired by the state for educational purposes shall be sold except at public auction under such conditions as the Legislature shall provide. The general management of all lands set apart for educational purposes shall be vested, under direction of the Legislature, in a board of five members to be known as the Board of Educational Lands and Funds. The members shall be appointed by the Governor, subject to approval of the Legislature, with such qualifications and for such terms and compensation as the Legislature may provide.

The statutes dealing with the Board and school lands are found generally at Neb. Rev. Stat. §§ 72-201 through 72-269 (1996, Cum. Supp. 2000). Section 72-201 creates the qualifications for Board members and sets their term of office at five years. Section 72-201 also currently provides that four members of the Board shall be appointed from Nebraska's congressional districts as they existed on January 1, 1961, and that a fifth member of the Board shall be appointed from the state at large.

You have not provided us with any specific proposed legislation in connection with your opinion request. However, we assume, from the question which you posed to us, that your legislative bill would end the terms of office of current Board members as of a particular date. The bill would then create new terms of office, commencing at a particular date, for Board members appointed out of the new districts which you have described. For the reasons discussed below, we do not believe that such a proposal would violate the Nebraska Constitution.

The general rule with respect to change of the term for a public office is set out in 67 C.J.S. *Officers* § 70 (1978), which states:

The sovereign power creating an office may change its tenure in the absence of constitutional restriction, and such power may be exercised subject to constitutional limitations. *Accordingly, the legislature may change the term of an office during the term of an incumbent, even though the effect of the change is to curtail the unexpired term of an incumbent, and even though the power to appoint is given by the constitution to a local authority. However, this power is not available where the constitution fixes the duration of the term.*

(Emphasis added).

Nebraska cases appear to follow the general rule stated above. *Hamilton v. Foster*, 155 Neb. 89, 50 N.W.2d 542 (1951); *State ex rel. Comstock v. Stewart*, 52 Neb. 243, 71 N.W. 998 (1897); *Douglas County v. Timme*, 32 Neb. 272, 49 N.W. 266 (1891). In the *Stewart* case, which dealt with city council members in Lincoln, the court stated:

... " in the absence of any constitutional prohibition or affirmative provision fixing the term of office of any officer or his compensation, the legislature may change such term or compensation, and such change of term or compensation will apply as well to the officers then in office as to those to be thereafter elected." The same principle applies to the offices of councilmen. The official tenure of such officers is not fixed by the constitution, and hence may be shortened or terminated at the will of the legislature.

Stewart, 52 Neb at 255, 71 N.W. at 1002, 1003 (quoting *Douglas County v. Timme*, 32 Neb. at 275, 49 N.W. 267).

In the present instance, art. VII, § 6 of the Nebraska Constitution creates a Board of Educational Lands and Funds consisting of five members, and vests management of all lands set apart for educational purposes in that Board, under direction of the Legislature. We do not believe that those aspects of the Board can be altered by the Legislature through a statutory change. On the other hand, art. VII, § 6 also specifically allows the Legislature to provide for the terms of office and compensation of Board members. As a result, it appears to us that, under the authorities cited above, the Legislature could constitutionally end the

terms of office for current Board members at a particular date, while providing that new Board members out of new districts will commence new terms of office at a particular date.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

cc. Patrick J. O'Donnell
Clerk of the Legislature
05-14-21

Opinion #01041

DATE: December 26, 2001

SUBJECT: Nebraska Pork Industry Development Act, LB 803 -
Authority to Promulgate and Enforce Regulations, and
Constitutionality

REQUESTED BY: M.L. Dierks, Nebraska State Senator

WRITTEN BY: Don Stenberg, Attorney General
William R. Barger, Assistant Attorney General

You have requested the opinion of this office regarding the constitutionality of granting a nonprofit corporation certain powers under the Nebraska Pork Industry Development Act (hereinafter "the Act"). This bill, LB 803, as amended by AM 1079, purports to designate a state pork association for Nebraska pork producers and to describe this organization's duties and powers. Our analysis herein will focus solely on the version of LB 803 amended by AM 1079, as you requested.

You have posed two specific questions. First, you ask whether LB 803 § 9(3) properly delegates authority to promulgate and enforce rules and regulations to a nonprofit corporation which is not a state agency. Second, you ask whether, if the current scheme in LB 803 § 9(3) is improper, the legislature can grant the authority to promulgate and enforce rules and regulations to a state agency, while maintaining the authority to collect and spend pork checkoff funds within the nonprofit corporation.

The Act describes a recognized state association of pork producers for the purpose of accepting check off funds from the federal National Pork Board, and prescribes procedures by which the Nebraska pork industry may finance programs of pork promotion, research and information. LB 803 §§ 2 & 3. To remain consistent with recent changes to the federal pork promotion program administered by the federal Secretary of Agriculture, it is necessary

to establish a separate Nebraska board for administering checkoff funds which is distinct from the lobbying, candidate endorsement and member services formerly provided by the state association. LB 803 § 3(4). Formation of a nonprofit corporation to represent pork producers and administer checkoff funds, named the Nebraska Pork Industry Development Board (hereinafter "the Board"), is encouraged by the Act. LB 803 § 3(5) & § 4(1). The Nebraska Director of Agriculture would review documents submitted by any nonprofit corporation seeking to be the recognized state association, the Director would make a recommendation to the Governor, and the Governor would designate a single nonprofit corporation as the recognized state association. LB 803 §§ 7 & 5. The designated association would receive funds procured by the federal Pork Promotion, Research, and Consumer Information Act of 1985, or procured by the state through the Nebraska Pork Industry Development Act, if the federal act ceases to collect assessments. 7 U.S.C. § 4802(16), 7 U.S.C. § 4809(c), LB 803 §§ 10(1) & 12. The Board would have the powers and duties described in Section 9 of LB 803, including as relevant to your specific inquiries, the following authority:

"Sec. 9. The powers and duties of the board shall include the following:

...
 (3) To adopt and promulgate such rules and regulations as are necessary to enforce the state act in accordance with the Administrative Procedure Act;"

I. NONPROFIT CORPORATION'S AUTHORITY TO PROMULGATE AND ENFORCE REGULATIONS

Your first question is whether § 9(3) of the Act properly delegates authority to promulgate and enforce rules and regulations to a nonprofit corporation which is not a state agency. Initially, we must briefly consider whether or not the nonprofit corporation is a state agency. The Nebraska Nonprofit Corporation Act describes the general powers granted to a nonprofit corporation. Neb. Rev. Stat. § 21-1928 (Reissue 1997). Nonprofit corporations may only be incorporated for the purposes described by statute, which include charitable, educational or agricultural purposes and commercial or trade associations. Neb. Rev. Stat. § 21-1927(b). There is no mention in the Nebraska Nonprofit Corporation Act that these corporations may promulgate or enforce rules and regulations upon non-stockholders. All powers granted to a nonprofit corporation are granted by the state through the Nebraska Constitution and the mentioned statutes. *Clark v. Lincoln Liberty Life Ins. Co.*, 139 Neb. 65, 69, 296 N.W. 449, 453 (1941), citing Neb. Const. art. XII, § 1.

A state agency is granted the authority to promulgate rules and regulations under the Administrative Procedures Act. Neb. Rev. Stat. 84-901 et. seq (Reissue 1999). A state agency includes boards, commissions, departments, officers, divisions and other administrative offices of the state government. Unless they are constitutionally created officers or agencies, agencies have

only that authority explicitly granted by statute. *F & T, Inc., v. Nebraska Liquor Control Com'n*, 7 Neb. App. 973, 981, 587 N.W.2d 700, 706 (1998). The Nebraska Supreme Court describes this authority:

The Legislature does have power to authorize an administrative or executive department to make rules and regulations to carry out an expressed legislative purpose, or for the complete operation and enforcement of a law within designated limitations.

Kwik Shop, Inc. V. City of Lincoln, 243 Neb. 178, 186, 498 N.W.2d 102, 108 (1993).

It does not appear that a nonprofit corporation can be considered a state agency, at least not for the purposes of promulgating and enforcing rules and regulations under the Administrative Procedures Act. State agencies which have received a specific grant of authority to promulgate rules and regulation are the only agencies which can utilize the Administrative Procedures Act. Neb. Rev. Stat. § 84-901(1). The grant of authority to the legislature to create executive branch agencies in Neb. Const. art. III, § 1 is separate and distinct from the legislature's authority to provide for the existence of corporations in Neb. Const. art. XII, § 1. Many state statutes describe what a state agency is, but none of these mention nonprofit corporations as state agencies. See Neb. Rev. Stat. § 25-1802 (Reissue 1995) (awards fees and expenses in suits against state, and defines what state entities are subject to these suits); Neb. Rev. Stat. § 49-1424 (Reissue 1998) (defines governmental body for purposes of accountability and disclosure act) and Neb. Rev. Stat. § 81-2703 (Reissue 1999) (defines state agency for purposes of government effectiveness act).

We have examined a similar question regarding the constitutionality of a legislative delegation of rule making authority to a nonprofit corporation in a prior opinion of this office. In that opinion a nonprofit corporation, which would operate a one-call notification system under a proposed One-call Notification System Act, could not constitutionally be authorized to promulgate rules or regulations which would have any legal effect. Op. Att'y Gen. No. 92129 (December 22, 1992). We see no reason the Board, a nonprofit corporation, should be any different from the nonprofit corporation discussed in our prior opinion.

Considering all of the above authorities, in our opinion it is very likely that creating a nonprofit corporation to promulgate and enforce rules and regulations administering the Act, without the involvement of any governmental agency, would be an unconstitutional delegation of authority. Further, any such regulations purportedly promulgated by the Board would not be enforceable by the Board or any other entity.

II. NONPROFIT CORPORATION'S ABILITY TO ADMINISTER PORK CHECKOFF FUNDS

You further inquire whether the legislature can grant the authority to promulgate and enforce regulations to a state agency, if the LB 803 § 9 provisions delegating such authority to a nonprofit corporation are improper. Your question specifically asks if the Board can engage in the collection and expenditure of pork checkoff funds.

You mention the Nebraska Department of Agriculture as a potential state agency to administer the pork promotion program. Using the Department of Agriculture (hereinafter "the Department") as an example, in our opinion, so long as the legislature properly delegates the authority to promulgate and enforce rules and regulations to the Department, it could administer the Act. *County Cork, Inc. v. Nebraska Liquor Control Com'n*, 250 Neb. 456, 459, 550 N.W.2d 913, 916 (1996). In delegating administrative authority, the Nebraska Supreme Court has stated that: "The limitations of the powers granted and the standards by which the granted powers are to be administered must, however, be clearly and definitely stated in the authorizing act." *Lincoln Dairy Co. v Finigan*, 170 Neb. 777, 104 N.W.2d 227 (1960).

The amount of authority which the Department and the Board would have is dependent upon the existence of a federal pork assessment scheme. If the U.S. Secretary of Agriculture, through the National Pork Board, is the entity which will be collecting assessments from Nebraska pork producers, then it appears, under the current Act, the Board would be the recipient of funds. 7 U.S.C. § 4803. If the Act were amended as suggested herein, the Department would be the likely recipient. The federal statutes require that the entity receiving the funds from assessments be the Governor-designated state association, be an organization organized under Nebraska law, and be recognized as representing the pork producers of Nebraska. 7 U.S.C. § 4802(16). It appears that either the Department or the Board could be the recipient of the funds. The Board, if it were the assessment recipient, would not have the authority to assess checkoff funds under the Pork Promotion, Research and Consumer Information Act itself. That authority rests solely with the Secretary of Agriculture. 7 U.S.C. § 4803. The Secretary of Agriculture or the U.S. Attorney General would be responsible for enforcing the payment of assessments by Nebraska pork producers. 7 U.S.C. § 4815.

Since the authority rests with the Secretary of Agriculture to collect assessments, it would appear that the fund management and disbursement provisions of LB 803 would be utilized by the Board, much like similar federal rules are utilized by the Nebraska Pork Producers Association currently. The Act must comply with and follow the federal statute and regulations, as any conflicts would result in the Act being partially or totally preempted. In describing the Supremacy Clause of the US Constitution, U.S. Const., art. VI, cl. 2, the Supreme Court has stated: "Federal preemption of state law may be either express or implied, and 'is compelled whether Congress' command is explicitly stated in the statute's language or implicitly contained in its structure and purpose.'" *Gade v. National Solid Wastes Management Ass'n*, 505 U.S. 88, 98, 112 S. Ct. 2374, 120 L. Ed. 2d 73

(1992). In effect, the Board may receive the checkoff funds in compliance with U.S.C. § 4801 et. seq. and expend those funds in compliance with the federal scheme and LB 803 requirements.

If the Secretary of Agriculture, or any other federal agency, no longer assesses pork checkoff funds from producers under a federal program, then the Act's assessment provisions appear to come into effect. LB 803 §§ 10 to 16. At that time, the Board would have the authority and responsibility of assessing and collecting check-off funds from producers under the Act. LB 803 §§ 9 & 12. However, as stated above, the Board, as a private nonprofit corporation, would have no authority to enforce violations of LB 803. Further, we believe the legislature's granting of assessment authority to a nonprofit corporation, through the delegation of rule making authority, is an unconstitutional delegation of power.

If LB 803 is amended to allow the Department or any other state agency to be the entity responsible for assessment and collection of checkoff funds from producers, upon the termination of such federal assessment, in our opinion the problems described above would be eliminated. We are aware of no legal prohibition precluding the legislature from authorizing the Department or other state agency to contract with the recognized state pork association to receive, disburse, and otherwise manage checkoff funds the Department or another agency had collected. Any such contract would have to comply with the Act, and with any regulations promulgated by the administering state agency. The Board would have the authority, under contract and the regulatory supervision of the the administering state agency, to properly manage and expend the checkoff funds collected.

III. CONCLUSION

The Act provides for the Board, a nonprofit corporation, to be the recognized state association for pork producers. The Act grants the Board the authority to assess and collect checkoff funds from Nebraska pork producers, by rule and regulation. This grant of authority to the Board is, in our opinion, an unconstitutional delegation of authority to a private entity which is not a state agency. Further, any rules or regulations purportedly promulgated by the Board would be unenforceable and void.

Under the current federal assessment scheme, the Secretary of Agriculture is responsible for assessing and collecting the checkoff funds from Nebraska pork producers. The Board could be the recognized state association receiving funds from the federal program under the Act, but would derive virtually all of its authority from the federal act and regulations. The Department could also be the recipient of checkoff funds under the federal act, and could properly promulgate rules and regulations to administer those funds. If the federal assessment scheme ended, then a state checkoff scheme could be approved under the Act. Although, in our opinion, the Board is not able to promulgate rules and regulations to enforce a state checkoff assessment, it is possible that the legislature could grant a state agency the

authority to collect and assess checkoff funds from pork producers. The legislature could authorize the transfer of funds to the Board for management and disbursement, under the supervision of the designated agency.

Sincerely,
DON STENBERG
Attorney General
(Signed) William R. Barger
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature
14-189-TM

Opinion #02001

DATE: January 3, 2002

SUBJECT: Impact of Passage of Initiative Petition Measures
Proposing to Amend the Nebraska Constitution to
Authorize Video or Electronic Gambling devices

REQUESTED BY: Senator Ray Janssen
Nebraska Legislature

WRITTEN BY: Don Stenberg, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion concerning the effect of passage of two initiative measures which propose to amend the Nebraska Constitution to authorize the use of video or electronic gambling devices. The first petition, filed with the Secretary of State on November 6, 2001, proposes to amend the Nebraska Constitution to add a new section 25 to Article XV which, if approved, would create the "Nebraska Video and Electronic Gaming Commission" [the "Commission"]. The Commission, appointed by the Governor with approval of a majority of the Legislature, would be empowered "to establish policy for the conduct of video and electronic gaming in the State of Nebraska." Under the initiative, "video and electronic gaming devices" could only be authorized "on premises licensed to sell alcoholic liquor for consumption on the premises. . . ." "No more than ten video and electronic gaming devices [could] be placed in any licensed location." The second petition, filed with the Secretary of State on December 26, 2001, proposes to add a new article to the Nebraska Constitution providing that "any community may establish and conduct gaming using player activated electronic gaming devices. . . ." This initiative provides for the creation of a "gaming commission" to regulate such gambling, which would be allowed "only on premises which are licensed to sell alcoholic liquor for consumption on the premises and shall be conducted

only by [licensed] persons and entities. . . ." "Player activated electronic gaming devices" is defined as "all forms of gaming devices where the element of chance is a product of a computer process running contemporaneously with the play and where the game is activated by the player or players thereof."

Initially, you request advice on the effect of passage of either of these initiatives "on the allowance of Class III gaming in general," and whether, if adopted, "Class III gaming [would] be allowed in its entirety in the state?" The term "Class III gaming" is contained in the federal statutory scheme governing the conduct of Indian gaming known as the Indian Gaming Regulatory Act, 25 U.S.C. §§ 2701-2721 ["IGRA" or the "Act"]. IGRA divides gaming into three classes: (1) "class I gaming," which includes social gaming for minimal prizes and traditional gaming conducted at tribal ceremonies or celebrations; (2) "class II gaming," which is defined to include "the game of chance commonly known as bingo (whether or not electronic, computer, or other technologic aids are used in connection therewith) . . . including (if played in the same location) pull-tabs, lotto, punch boards, tip jars, instant bingo, and other games similar to bingo . . . "; and (3) "class III gaming," which "means all forms of gaming that are not class I gaming or class II gaming." 25 U.S.C. § 2703(6)-(8). Class I gaming on Indian lands is within the jurisdiction of the tribes and is not subject to the Act. *Id.* § 2710(a)(1). Class II gaming is within the jurisdiction of the tribes if "such Indian gaming is located within a State that permits such gaming for any purpose by any person, organization, or entity . . ." and is authorized by a tribal ordinance or resolution, subject to the provisions of the IGRA and oversight by the National Indian Gaming Commission. *Id.* § 2710(a)(2), (b)(1)(A), (B). Class III gaming activities are "lawful on Indian lands only if such activities are" authorized by a tribal ordinance or resolution, "located in a State that permits such gaming for any purpose by any person, organization, or entity," and "conducted in conformance with a Tribal-State compact entered into by the Indian Tribe and the State. . . ." *Id.* at § 2710(d)(1)(A)-(C).

"Class III gaming" is a term defined in the IGRA. The IGRA governs the conduct of gaming by Indian tribes on Indian lands. Apart from the conduct of gaming by Indian tribes on Indian lands, the term "Class III gaming" has no relevance to the conduct of gaming activities in the State of Nebraska. Thus, in response to your initial question, we conclude that passage of either of the initiative amendments would not allow "Class III gaming" in the State "in its entirety," as the term "Class III gaming" has no application to the conduct of gaming in Nebraska apart from gaming conducted by Indian tribes on Indian lands under the provisions of the IGRA.

Your second question concerns the effect of passage of the proposed constitutional amendments allowing video or electronic gambling "on the legality of these types of gaming on Native American land. . . ." The first initiative measure would authorize the use of "video or electronic gaming devices" throughout Nebraska "on premises licensed to sell alcoholic liquor

for consumption on the premises. . . ." The second initiative would allow communities to "establish and conduct gaming using player activated electronic gaming devices," provided such gaming is "conducted only on premises which are licensed to sell alcoholic liquor for consumption on the premises" by licensed persons or entities. The video or player activated electronic gaming devices the initiatives propose to authorize would constitute Class III gaming as defined in the IGRA. Pursuant to the IGRA, an Indian tribe must, prior to engaging in Class III gaming, negotiate a compact with the State governing the conduct of such gaming. 25 U.S.C. § 2710(d)(1); *See also* Neb. Rev. Stat. § 9-1,106 (1996)(authorizing the Governor, or his or her designated representative, to negotiate compacts with Indian Tribes for the conduct of Class III gaming as defined in the IGRA).

The State has consistently taken the position that the IGRA requires the State to negotiate a compact only for the conduct of those specific types of Class III gaming which the State "permits" to be conducted "for any purpose by any person, organization, or entity." 25 U.S.C. § 2710(d)(1)(B). The State's view that only those specific forms of Class III gaming which are permitted under Nebraska law are subject to negotiation is consistent with decisions of both the Eighth Circuit Court of Appeals and the Ninth Circuit Court of Appeals. *United States v. Santee Sioux Tribe of Nebraska*, 135 F.3d 558 (8th Cir.), *cert. denied* 525 U.S. 813, 119 S. Ct. 48, 142 L. Ed. 2d 37 (1998); *Cheyenne River Sioux Tribe v. State of South Dakota*, 3 F.3d 273 (8th Cir. 1993); *Rumsey Indian Rancheria of Wintum Indians v. Wilson*, 41 F.3d 421 (9th Cir. 1994), *amended on denial of rehearing and rejection of suggestion for rehearing en banc* 64 F.3d 1250, 1258 (1995), *cert. denied sub nom Sycuan Band of Mission Indians v. Wilson*, 521 U.S. 1118, 117 S. Ct. 2508 (1997); *Coeur D'Alene Tribe v. State of Idaho*, 51 F.3d 876 (9th Cir. 1995).

Should one or both of the proposed initiative measures garner sufficient valid signatures to be placed on the ballot, and obtain voter approval, the Nebraska Constitution would be amended to authorize gambling activity involving the use of certain "video or electronic gaming devices" or "player activated electronic gaming devices. To the extent such devices involve forms of Class III gaming as defined in the IGRA, an Indian tribe could request the State to negotiate a compact for the conduct of the new specific forms of Class III gaming activity permitted as a result of adoption of one or both initiatives.

Very truly yours,
DON STENBERG
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

pc: Patrick O'Donnell
Clerk of the Legislature

07-365-18

REPORTS

The following reports were received by the Legislature:

Administrative Services, Department of

Comprehensive Annual Financial Report
Progress Report on Wireless Communication System

Agriculture, Department of

Agricultural Opportunities and Value-Added Partnerships Act - Annual Report
Beginning Farmer Tax Credit Act - Second Annual Report, July 2000-June 2001
Legislative Program Evaluation Committee Final Report - State Board of Agriculture (State Fair Board)

Auditor of Public Accounts

NE Department of Correctional Services Cornhusker State Industries - FY 2001
NE Department of Correctional Services - FY 2001
NE Dairy Industry Development Board - FY 2001
NE Lottery - FY 2001
NE State Patrol - FY 2001
NE Workers' Compensation Court - FY 2001
Advisory Letter of the NE Health and Human Services System - Payroll Disbursements - FY 2001
Attestation Examination Report for the NE Department of Environmental Quality - June 30, 2001
Advisory Letter of the NE Health and Human Services System - State Wards' Guardianship Accounts - FY 2001
University of Nebraska performed by Deloitte & Touche - FY 2001

Blind and Visually Impaired, Nebraska Commission for the

Annual Report ending December 31, 2001

Education, Department of

Nebraska School Finance Review Committee Resolutions

Environmental Quality, Department of

Availability of Insurance Coverage for Underground Petroleum Storage Tanks Report

Environmental Trust Board, Nebraska

Legislative Program Evaluation Committee Final Report

Fire Marshal, State

Volunteer Emergency Responders Recruitment and Retention Act

Game and Parks Commission

2001 Recreation Road Report

Health and Human Services System

2001 Report on LB 808 on Cost Sharing in the Medicaid Program

Insurance, Department of

Availability of Insurance Coverage for Underground Petroleum Storage Tanks Report
Interstate Insurance Receivership Commission - 2000 Annual Report

Investment Council

Northern Ireland Investment Requirements under LB 1066

Investment Finance Authority, Nebraska

2001 Series D, E & F Single Family Housing Revenue Bonds

2001 Series G.O.-13 General Obligation Bonds

Drinking Water State Revolving Fund Program

Wastewater Treatment Facilities (Clean Water) State Revolving Fund Program

Legislative Fiscal Office

Special Session Budget Actions

Legislative Program Evaluation Committee

Legislative Program Evaluation Committee Annual Report to the Legislature, Fiscal Year 2000-2001

Legislative Program Evaluation Committee Final Report - NE Environmental Trust Board

Legislative Program Evaluation Committee Final Report - State Board of Agriculture (State Fair Board)

Liquor Control Commission

Report concerning effectiveness of keg registration legislation

Natural Resources, Department of

Recommendations of the Carbon Sequestration Advisory Committee Report

Parole Board

Annual Report - July 1, 2000 to June 30, 2001

Public Counsel

Annual Report - Year 2000

Retirement Systems, Public Employees

Actuarial Reports for State Fiscal Year Ending June 30, 2003, and System Plan Year Beginning July 1, 2001 for the following:

NPERS Judges Retirement System

NPERS School Retirement System

NPERS State Patrol Retirement System

Revenue, Nebraska Department of

Re-certification of General Fund net receipts for fiscal year beginning July 1, 2001. Monthly receipt estimates derived from the annual net receipt estimate of the Nebraska Economic Forecasting Advisory Board produced October 19, 2001. (Prepared jointly by the Department of Revenue and Legislative Fiscal Analyst)

Roads, Department of

2001 State Highway Needs Assessment

Board of Public Roads Classifications and Standards Minutes for September 2001 and October 2001.

Recreation Roads One-Year and Five-Year Programs

Southeast Community College

Annual report on the financial condition of the Center for Excellence in Electronics, funding received from nonstate sources, training conducted, and testing and evaluation services provided

Tax Research Council, Inc., Nebraska

Task Force on Teacher Shortages in Nebraska Report - December 2001

University of Nebraska

Increasing Minority and Women Faculty Progress Report

EXECUTIVE BOARD ANNOUNCEMENT

The Executive Board announces the following committee changes made over the interim:

Senator Bourne has been appointed to fill the vacancy on the Appropriations Committee and no longer serves on the Banking, Commerce and Insurance Committee and Judiciary Committee.

Senator Brashear has been appointed to fill the vacancy on the Committee on Committees.

Senator Thompson has been appointed to fill the vacancy on the Building Maintenance Committee.

Senator Quandahl has been appointed to the Banking, Commerce and Insurance Committee and Judiciary Committee and no longer serves on the General Affairs Committee, Government, Military and Veterans Affairs Committee, and Urban Affairs Committee.

Senator Synowiecki has been appointed to the General Affairs Committee, Government, Military and Veterans Affairs Committee, and Urban Affairs Committee.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 857. Introduced by Executive Board: Coordsen, 32, Chairperson.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-1109.01, 8-1508, 8-1511, 76-882, and 87-301, Reissue Revised Statutes of Nebraska, and section 8-1401, Revised Statutes Supplement, 2000; to update statutory references; and to repeal the original sections.

LEGISLATIVE BILL 858. Introduced by Executive Board: Coordsen, 32, Chairperson.

A BILL FOR AN ACT relating to the Department of Agriculture; to amend sections 54-1412 and 54-1413, Reissue Revised Statutes of Nebraska; to transfer sections dealing with domestic animals; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 859. Introduced by Executive Board: Coordsen, 32, Chairperson.

A BILL FOR AN ACT relating to the Department of Economic

Development; to repeal provisions which terminated on June 30, 1999; and to outright repeal sections 81-1288 to 81-1294, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 860. Introduced by Executive Board: Coordsen, 32, Chairperson.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-716, Revised Statutes Supplement, 2001; to harmonize provisions relating to deposits; and to repeal the original section.

LEGISLATIVE BILL 861. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to the Commission on Public Advocacy; to amend section 29-3920, Reissue Revised Statutes of Nebraska, section 81-1316, Revised Statutes Supplement, 2000, and sections 13-518, 29-3921, 29-3927, 29-3931, 29-3932, 29-3933, 29-4121, and 29-4122, Revised Statutes Supplement, 2001; to rename a fund; to change provisions relating to reimbursements to counties and commission personnel; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 862. Introduced by Byars, 30.

A BILL FOR AN ACT relating to funeral directors and embalming; to amend section 71-1340, Reissue Revised Statutes of Nebraska, and sections 71-1301 and 71-1339, Revised Statutes Supplement, 2000; to adopt the Cremation of Human Remains Act; to change provisions relating to interment, cremation, and the disposition of remains as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 863. Introduced by Byars, 30.

A BILL FOR AN ACT relating to real estate; to amend sections 76-2,120, 76-2403, 76-2407, 76-2417 to 76-2419, 76-2421, 76-2422, 76-2426, 81-885.03, 81-885.12, 81-885.13, 81-885.17 to 81-885.19, 81-885.24, 81-885.29, 81-885.33, 81-885.34, 81-885.40, 81-885.45, and 81-885.51 to 81-885.53, Reissue Revised Statutes of Nebraska, and sections 81-885.01, 81-885.11, and 81-885.21, Revised Statutes Supplement, 2000; to change provisions relating to real estate disclosure statements and regulation and licensure of real estate professionals; and to repeal the original sections.

LEGISLATIVE BILL 864. Introduced by Bruning, 3.

A BILL FOR AN ACT relating to the Public Accountancy Act; to amend sections 1-119, 1-120, 1-124, 1-135, and 1-136, Reissue Revised Statutes of Nebraska; to change provisions relating to fees; and to repeal the original sections.

LEGISLATIVE BILL 865. Introduced by Bruning, 3.

A BILL FOR AN ACT relating to the death penalty; to amend sections 29-2532, 29-2533, 29-2542, and 29-2543, Reissue Revised Statutes of Nebraska; to change the method of inflicting the death penalty as prescribed; to provide duties; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 866. Introduced by Bruning, 3.

A BILL FOR AN ACT relating to public records; to amend section 32-331, Reissue Revised Statutes of Nebraska; to adopt the Safe at Home Act; to provide for confidentiality of certain voting records; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 867. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to motor vehicle registration; to amend sections 60-108, 60-117, 60-305.04, 60-310, 60-311.03, 60-311.04, 60-311.05, 60-311.08, 60-311.09, 60-311.12, 60-311.13, 60-311.16, 60-311.21, 60-311.25, 60-320, 60-321, 60-323, 60-324, 60-331, 60-331.03, 60-334, 60-345, 60-683, 60-1306, and 81-2005, Reissue Revised Statutes of Nebraska, sections 60-304, 60-305.16, 60-311, 60-311.02, 60-311.14, 60-311.23, 60-315.01, 60-335, 60-1901, 60-1902, 60-1903, and 60-1908, Revised Statutes Supplement, 2000, and sections 18-1736, 18-1737, 60-301, and 60-315, Revised Statutes Supplement, 2001; to provide for one license plate and In Transit decal per vehicle; to change provisions relating to license plates; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 868. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the Department of Administrative Services; to require progress reports on the Nebraska Information System.

LEGISLATIVE BILL 869. Introduced by Schimek, 27; Wehrbein, 2.

A BILL FOR AN ACT relating to the Nebraska Lewis and Clark Bicentennial Commission; to amend section 81-8,307, Revised Statutes Supplement, 2000; to eliminate a duty; and to repeal the original section.

LEGISLATIVE BILL 870. Introduced by Schimek, 27; Redfield, 12.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 2001; to prohibit the printing of payment card numbers as prescribed; to prohibit the use of scanning devices or reencoders as prescribed; to provide penalties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 871. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to real estate; to amend sections 76-2,120 and 81-885.55, Reissue Revised Statutes of Nebraska; to change provisions relating to disclosure statements and errors and omissions insurance; and to repeal the original sections.

LEGISLATIVE BILL 872. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 2000; to provide a penalty for leaving a child unattended in a motor vehicle as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 873. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to the State Electrical Act; to amend section 81-2104, Reissue Revised Statutes of Nebraska; to adopt the 2002 National Electrical Code; and to repeal the original section.

LEGISLATIVE BILL 874. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to courts; to amend sections 25-2221 and 48-191, Reissue Revised Statutes of Nebraska; to change holiday schedules as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 875. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to courts; to amend section 24-209, Reissue Revised Statutes of Nebraska; to change distribution of court reports; and to repeal the original section.

LEGISLATIVE BILL 876. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-217, 25-318, 25-321, 25-323, 25-328, 25-330, 25-331, 25-501, 25-503.01, 25-504.01, 25-516.01, 25-531, 25-818, 25-819, 25-1002, 25-1063, 25-1064.01, 25-1075, 25-1085, 25-1102, 25-1321, 25-1715, 25-2005, 25-2124, 25-2125, 25-2137 to 25-2140, 25-2142, 25-2143, 25-2148, 25-2162, 25-2170, 25-2171, 25-2178, 25-21,108, 25-21,113, 25-21,115, 25-21,124, 25-21,134, 25-21,156, 25-21,202, 25-21,206, 25-21,223, 25-2210, 25-2226, 44-2833, 44-2840, 44-2841, 44-2842, 76-1441, 76-1442, 77-1904, and 77-1906, Reissue Revised Statutes of Nebraska, and sections 25-519, 25-525, 25-1506, 25-2002, 25-2704, 25-2805, 60-4,105, and 77-1917, Revised Statutes Supplement, 2000; to change and eliminate general civil procedure pleadings provisions; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to outright repeal sections 25-801 to 25-817, 25-820 to 25-822, 25-833, 25-834, 25-842, 25-843, 25-849 to 25-851, 25-854, 25-856, 77-1905, and

77-1907, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 877. Introduced by Smith, 48.

A BILL FOR AN ACT relating to aeronautics; to amend sections 3-125.01 and 55-101, Reissue Revised Statutes of Nebraska; to change provisions relating to contracting with the Civil Air Patrol; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 878. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1710 and 77-1734, Reissue Revised Statutes of Nebraska; to change provisions relating to tax lists; and to repeal the original sections.

LEGISLATIVE BILL 879. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,225, Reissue Revised Statutes of Nebraska; to change provisions relating to auxiliary driving lights; and to repeal the original section.

LEGISLATIVE BILL 880. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to teachers; to adopt the Teacher Tuition Reimbursement Program Act.

LEGISLATIVE BILL 881. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,123, Reissue Revised Statutes of Nebraska; to change provisions relating to military service and deadlines; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 882. Introduced by Thompson, 14; Aguilar, 35.

A BILL FOR AN ACT relating to private detectives; to amend sections 71-3201 to 71-3204, 71-3207, and 71-3209 to 71-3213, Reissue Revised Statutes of Nebraska, and sections 60-2907 and 71-3205, Revised Statutes Supplement, 2000; to name the Private Detective Licensing Act; to define and redefine terms; to prohibit certain acts; to change licensure and renewal fees; to change appeal procedures; to create a board and a fund; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 883. Introduced by Wickersham, 49; Erdman, 47; Smith, 48.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-115,

Reissue Revised Statutes of Nebraska, and sections 60-302 and 60-490, Revised Statutes Supplement, 2001; to authorize the charging of fees for insufficient funds or no-account financial transactions as prescribed by governmental entities; and to repeal the original sections.

LEGISLATIVE BILL 884. Introduced by Wickersham, 49; Erdman, 47; Smith, 48.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1822 and 77-1836, Reissue Revised Statutes of Nebraska, and sections 18-2147 and 60-106, Revised Statutes Supplement, 2000; to provide for distribution of certain interest and penalties; to require proof of certain tax payment; to provide and change fees; and to repeal the original sections.

LEGISLATIVE BILL 885. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to corporations; to amend sections 21-301, 21-304, 21-306, 21-313, 21-323, and 21-325, Reissue Revised Statutes of Nebraska; to change provisions relating to annual reports and occupation taxes; to provide duties; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 886. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 76-902, Revised Statutes Supplement, 2001; to change provisions relating to the documentary stamp tax; and to repeal the original section.

LEGISLATIVE BILL 887. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Internal Revenue Code; to amend section 49-801.01, Revised Statutes Supplement, 2001; to change provisions relating to references to the code; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 888. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the vehicle titling and registration computer system; to amend section 60-302.01, Reissue Revised Statutes of Nebraska, and section 44-523, Revised Statutes Supplement, 2001; to provide for the keeping of automobile liability insurance records in the system; to provide duties for insurers and the Department of Motor Vehicles; to eliminate obsolete language; and to repeal the original sections.

LEGISLATIVE BILL 889. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to the Water Well Standards and Contractors' Licensing Board; to amend section 46-1217, Revised Statutes Supplement, 2000; to change provisions relating to membership; and to

repeal the original section.

LEGISLATIVE BILL 890. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to water well registration; to amend section 46-606, Revised Statutes Supplement, 2001; to change provisions relating to fees; and to repeal the original section.

LEGISLATIVE BILL 891. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to the Nebraska Environmental Trust Act; to amend section 81-15,167, 81-15,170, and 81-15,175, Revised Statutes Supplement, 2000; to change provisions relating to administrative structure; to provide duties for board members; to change provisions relating to allocations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 892. Introduced by Jensen, 20; Byars, 30.

A BILL FOR AN ACT relating to dentistry; to amend section 71-1,103, Revised Statutes Supplement, 2000, and sections 71-101, 71-183.02, and 71-193.16, Revised Statutes Supplement, 2001; to provide for faculty licenses; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 893. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to schools; to amend section 77-3442, Revised Statutes Supplement, 2001; to change provisions relating to levy limits; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 894. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to public health and welfare; to provide for disciplining certain professional licenses for failure to complete student loan obligations.

LEGISLATIVE BILL 895. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to parole and probation; to amend sections 29-2250, 29-2254, 83-1,125, and 83-933, Reissue Revised Statutes of Nebraska; to adopt the Interstate Compact for Adult Offender Supervision; to eliminate a uniform act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 29-2637 and 29-2638, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 896. Introduced by Byars, 30; Cunningham, 18; Erdman, 47; Jensen, 20; Price, 26; Suttle, 10.

A BILL FOR AN ACT relating to respite care; to amend sections 71-415 and 71-432, Revised Statutes Supplement, 2000, and section 71-7611.04, Revised Statutes Supplement, 2001; to provide for the use of funds for

implementation of respite programs; to exclude respite care services from licensure requirements; to harmonize provisions; to repeal the original sections; and to outright repeal section 71-428, Revised Statutes Supplement, 2000.

LEGISLATIVE BILL 897. Introduced by Byars, 30.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend section 8-1103, Revised Statutes Supplement, 2001; to refund certain investment adviser and investment adviser representative fees as prescribed; and to repeal the original section.

LEGISLATIVE BILL 898. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to schools; to amend section 79-1015.01, Revised Statutes Supplement, 2001; to change provisions relating to state aid; and to repeal the original section.

LEGISLATIVE BILL 899. Introduced by Connealy, 16; Bruning, 3; Schrock, 38.

A BILL FOR AN ACT relating to motor fuel; to provide intent regarding fuel containing renewable fuel content; to provide duties for retailers of motor fuel and the Department of Revenue; to eliminate a provision relating to reformulated gasoline; to provide an operative date; and to outright repeal section 66-1225, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 900. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the master lien list; to amend section 52-1601, Revised Statutes Supplement, 2000; to change provisions relating to the compiling of lien information; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 901. Introduced by Landis, 46.

A BILL FOR AN ACT relating to decrees and judgments; to amend section 45-103, Revised Statutes Supplement, 2000; to change provisions relating to interest; and to repeal the original section.

LEGISLATIVE BILL 902. Introduced by D. Pederson, 42.

A BILL FOR AN ACT relating to hunting; to amend section 37-724, Revised Statutes Supplement, 2000; to provide for purple-paint posting of privately owned lands; and to repeal the original section.

LEGISLATIVE BILL 903. Introduced by Redfield, 12; Engel, 17; Quandahl, 31.

A BILL FOR AN ACT relating to interstate compacts; to adopt the Interstate Compact Sunshine Act.

LEGISLATIVE BILL 904. Introduced by Redfield, 12; Kristensen, 37.

A BILL FOR AN ACT relating to the Telemarketing and Prize Promotions Act; to amend section 86-2003, Reissue Revised Statutes of Nebraska; to change requirements for consumer's authorization of payment; and to repeal the original section.

LEGISLATIVE BILL 905. Introduced by Wickersham, 49; Coordsen, 32; D. Pederson, 42; Wehrbein, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2101 to 77-2105, 77-2108, and 77-2113, Reissue Revised Statutes of Nebraska; to change calculations relating to estate taxes and generation-skipping transfer taxes; to harmonize provisions; to provide for applicability; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 906. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2001, LB 668A, section 1, and Laws 2001, LB 543, section 268, as amended by section 158, Legislative Bill 1, Ninety-seventh Legislature, First Special Session, 2001; to change transfers as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 907. Introduced by Burling, 33; Redfield, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.40, Reissue Revised Statutes of Nebraska; to change an exemption for molds, dies, and patterns from sales taxation; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 908. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to sheriffs; to amend section 23-1723.01, Reissue Revised Statutes of Nebraska; to change sheriff's office merit commission membership provisions as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 909. Introduced by Schimek, 27; Janssen, 15.

A BILL FOR AN ACT relating to gambling; to amend section 9-1,106, Reissue Revised Statutes of Nebraska; to change provisions relating to tribal-state compacts; to state intent; to provide for legislative approval; to provide powers and duties; and to repeal the original section.

LEGISLATIVE BILL 910. Introduced by Smith, 48.

A BILL FOR AN ACT relating to real property; to state and change requirements for an action to quiet title based on adverse possession.

LEGISLATIVE BILL 911. Introduced by Dierks, 40; Cunningham, 18; Hartnett, 45; Jensen, 20; Thompson, 14.

A BILL FOR AN ACT relating to government; to create a preferred purchasing status for calcium-enriched products for governmental units.

LEGISLATIVE BILL 912. Introduced by Dierks, 40; Cunningham, 18; Wehrbein, 2.

A BILL FOR AN ACT relating to farm mediation; to amend sections 2-4808, 2-4812, and 2-4816, Reissue Revised Statutes of Nebraska; to include program disputes under mediation; to change the termination date; and to repeal the original sections.

LEGISLATIVE BILL 913. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to game and parks; to amend section 37-524, Reissue Revised Statutes of Nebraska; to change importation and possession provisions relating to domesticated cervine animals; and to repeal the original section.

LEGISLATIVE BILL 914. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to livestock; to amend sections 54-2238, 54-2244, 54-2254, 54-2277, 54-2280, 54-2287, 54-2289, 54-2290, 54-2296, and 54-2299, Reissue Revised Statutes of Nebraska; to change and eliminate certain pseudorabies control and eradication provisions; to repeal the original sections; to outright repeal sections 54-2261, 54-2282, 54-2284, and 54-2285, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 915. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to the Weights and Measures Act; to amend sections 89-183, 89-185, 89-186, and 89-188, Reissue Revised Statutes of Nebraska, and section 89-187, Revised Statutes Supplement, 2001; to redefine a term; to change provisions relating to handbooks, certificates, and fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 916. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to food regulation; to amend section 2-3517, Reissue Revised Statutes of Nebraska, and sections 81-2,239, 81-2,240, 81-2,244.01, 81-2,245.01, 81-2,257, 81-2,270, 81-2,272.09, 81-2,272.19,

81-2,272.20, 81-2,272.21, 81-2,272.23, 81-2,272.24, 81-2,272.25, 81-2,272.27, and 81-2,272.28, Revised Statutes Supplement, 2000; to change provisions of the Nebraska Pure Food Act and the Nebraska Graded Egg Act; to provide an exception; to define and redefine terms; to change and eliminate food handling and preparation requirements and fees; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-2,270.01, 81-2,272.07, 81-2,272.11, 81-2,272.13, 81-2,272.18, and 81-2,272.30, Revised Statutes Supplement, 2000.

LEGISLATIVE BILL 917. Introduced by Transportation and Telecommunications Committee: Bromm, 23, Chairperson; Baker, 44; Brown, 6; Byars, 30; Hudkins, 21; Jones, 43; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to telecommunications and technology; to amend sections 2-3917.02, 25-2503, 28-711, 28-1310, 43-158, 70-301, 75-101, 75-128, 75-133, 75-155, 75-605, 75-607, 75-608, 75-611 to 75-616, 76-2301, 76-2321, 81-1117, 81-1120.17, 81-1120.19, 81-1190 to 81-1192, 81-1576, 81-1849, 81-2301 to 81-2303, 81-2305, 81-2306, 81-2308, 81-2309 to 81-2313, 81-2601, 81-2603 to 81-2605, 86-101 to 86-107, 86-109, 86-111, 86-112, 86-208 to 86-211, 86-301 to 86-309, 86-329 to 86-331.04, 86-334 to 86-338, 86-401 to 86-412, 86-502, 86-601, 86-701 to 86-712, 86-801, 86-802, 86-805 to 86-807, 86-809, 86-810, 86-1001 to 86-1004, 86-1006 to 86-1009, 86-1101 to 86-1109, 86-1201 to 86-1218, 86-1221, 86-1301 to 86-1305, 86-1307, 86-1401, 86-1402, 86-1404, 86-1406 to 86-1410, 86-1501 to 86-1514, 86-1601 to 86-1606, 86-1803 to 86-1811, 86-1901 to 86-1904, 86-1906, 86-1910, 86-1911, 86-2002 to 86-2007, and 86-2009 to 86-2013, Reissue Revised Statutes of Nebraska, sections 2-1570, 25-2602.01, 49-14,141, 52-1307, 52-1314, 75-109, 75-122.01, 75-134, 75-156, 75-606, 75-609 to 75-610, 75-617, 79-1327, 81-1120.35 to 81-1120.38, 81-1120.40, 81-1194, 81-1195, 81-1196.01, 81-1199, 81-11,102, 81-2304, 81-2307, 81-2308.01, 81-2602, 86-803, 86-811, 86-1005, 86-1110, 86-1111, 86-1219, 86-1222, 86-1306, 86-1701, and 86-2101 to 86-2116, Revised Statutes Supplement, 2000, sections 18-419, 28-401, 70-625, 70-704, 70-1409, 71-1,142, 75-132.01, 75-604, 79-215, 79-1241.02, 79-1328, 86-804, 86-808, 86-1403, 86-1405, 86-1905, 86-1907 to 86-1909, 86-2001, 86-2008, 86-2014, 86-2201 to 86-2214, and 86-2301 to 86-2307, Revised Statutes Supplement, 2001, and section 9-812, Revised Statutes Supplement, 2001, as amended by section 1, Legislative Bill 3, Ninety-seventh Legislature, First Special Session, 2001; to reorganize statutory provisions relating to telecommunications and technology; to transfer, combine, and eliminate sections; to eliminate obsolete and expired provisions and penalties; to harmonize provisions; to provide duties for the Revisor of Statutes; to provide operative dates; to repeal the original sections; and to outright repeal sections 86-108, 86-110, 86-113, 86-201, 86-202, 86-203, 86-503, 86-602, 86-603, and 86-1220, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 918. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to transportation and telecommunications; to amend sections 28-515, 70-301, 75-117, 86-306, 86-307, and 86-329, Reissue Revised Statutes of Nebraska, section 75-137, Revised Statutes Supplement, 2000, and section 75-132.01, Revised Statutes Supplement, 2001; to state the subject matter jurisdiction and enforcement of the Public Service Commission; to change the terminology for certain motions before the Public Service Commission; to provide, transfer, change, and eliminate penalties; to harmonize provisions; to provide duties for the Revisor of Statutes; to provide an operative date; to repeal the original sections; and to outright repeal sections 86-208 to 86-211, 86-330, and 86-331, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 919. Introduced by Agriculture Committee: Dierks, 40, Chairperson; Burling, 33; Cunningham, 18; Erdman, 47; Schimek, 27; Schrock, 38; Vrtiska, 1.

A BILL FOR AN ACT relating to livestock; to amend sections 54-2302 and 54-2305, Revised Statutes Supplement, 2000; to change provisions of the Domesticated Cervine Animal Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 920. Introduced by Burling, 33; Baker, 44.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 2001; to exempt machine tools from sales and use taxes; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 921. Introduced by Business and Labor Committee: Connealy, 16, Chairperson; Dierks, 40; Hartnett, 45; Preister, 5; Schimek, 27.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-648, Reissue Revised Statutes of Nebraska, and sections 48-602 and 48-628, Revised Statutes Supplement, 2001; to define terms; to provide for professional employer organization treatment and eliminate employee leasing company references; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 922. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to motor vehicle title applications; to amend section 60-106, Revised Statutes Supplement, 2000; to authorize the acceptance of valid out-of-state motor vehicle titles as prescribed; and to repeal the original section.

LEGISLATIVE BILL 923. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to aeronautics; to amend sections 3-129, 3-133, and 3-157, Reissue Revised Statutes of Nebraska; to eliminate a provision relating to requirements for airmen; to change provisions relating to airports, landing areas, and facilities; to eliminate a reappraisal requirement for certain property of the Department of Aeronautics; and to repeal the original sections.

LEGISLATIVE BILL 924. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to motor vehicle operators' licenses; to amend sections 60-484.02, 60-4,117, 60-4,151, 60-4,180, and 60-4,181, Revised Statutes Supplement, 2001; to provide for biometric identifiers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 925. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to motor vehicle industry licensing; to amend section 60-1417.01, Revised Statutes Supplement, 2000; to change provisions relating to auction dealers; and to repeal the original section.

LEGISLATIVE BILL 926. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to domestic violence; to amend section 32-331, Reissue Revised Statutes of Nebraska, and sections 60-484, 60-4,144, and 60-4,181, Revised Statutes Supplement, 2001; to adopt the Address Confidentiality Act; to change provisions relating to absentee voter and motor vehicle operator's license address confidentiality; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 927. Introduced by D. Pederson, 42.

A BILL FOR AN ACT relating to real property; to amend section 76-1002, Revised Statutes Supplement, 2000; to change provisions relating to trust deeds; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 928. Introduced by Vrtiska, 1; Baker, 44; Byars, 30; Cudaback, 36; Janssen, 15; Jones, 43; Schimek, 27; Smith, 48; Wehrbein, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1601, Revised Statutes Supplement, 2000; to change provisions relating to levy; and to repeal the original section.

UNANIMOUS CONSENT - Add Cointroducers

Senator Robak asked unanimous consent to have her name added as cointroducer to LB 72, LB 74, LB 231, LB 452, LB 453, LB 816, and LB 824. No objections. So ordered.

Senator Preister asked unanimous consent to have his name added as

cointroducer to LB 153. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 276. Introduced by D. Pederson, 42.

WHEREAS, Beth Dodson, Leslie Steinbeck, Bethany Nichelson, and Jess Schneider are to be commended for the successful rescue of an injured Fremont diver; and

WHEREAS, these students demonstrated bravery, dedication, and remarkable composure while reacting quickly and without concern for their own safety; and

WHEREAS, by having learned the value of tenacity, hard work, and practice in their training as lifeguards these attributes assisted them in avoiding a possible fatal situation; and

WHEREAS, such team achievement is made possible not only by the individual members' performance, but also by the leadership and guidance provided to them by their coach, Jon Beggs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes and congratulates these four North Platte swimmers and their coach.
2. That the State of Nebraska recognizes, thanks, and honors these students for their generous compassion, dedication, and act of bravery.
3. That a copy of this resolution be sent to each student and their coach.

Laid over.

AMENDMENTS - Print in Journal

Senator Foley filed the following amendment to LB 824:
AM2243

- 1 1. On page 2, line 3, strike the new matter and
- 2 reinstate the stricken matter and after the period insert "(1)".

Senator Foley filed the following amendment to LB 824:
AM2244

- 1 1. On page 2, line 17, strike "gestation" and insert
- 2 "development".

Senator Foley filed the following amendment to LB 824:
AM2245

- 1 1. On page 2, line 19, strike "Committed" and insert
- 2 "Performed".

UNANIMOUS CONSENT - Unbracket LB 273

Senator Schrock asked unanimous consent to unbracket LB 273. No objections. So ordered.

VISITORS

Visitors to the Chamber were Senator Connealy's wife, Judith, from Decatur, and Dan Hansen and Todd Trimpe from Dana College, Blair; and Kim Herek and Jerri Nordell from Valley.

The Doctor of the Day was Dr. Ron Klutman from Columbus.

ADJOURNMENT

At 11:26 a.m., on a motion by Speaker Kristensen, the Legislature adjourned until 10:00 a.m., Thursday, January 10, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

SECOND DAY - JANUARY 10, 2002**LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE
SECOND SESSION****SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, January 10, 2002

PRAYER

The prayer was offered by Pastor Norma J. Vander Meer, Bethany Lutheran Church, Lyons, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:02 a.m., President Heineman presiding.

The roll was called and all members were present except Senators Hudkins, Maxwell, and Thompson who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the first day was approved.

MOTION - Adopt Temporary Rules

Senator Dw. Pedersen moved that the rules, as now in our possession, be adopted for today only, Thursday, January 10, 2002.

The motion prevailed.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 929. Introduced by Wehrbein, 2; Preister, 5; Schimek, 27.

A BILL FOR AN ACT relating to veterans homes; to provide for a program statement.

LEGISLATIVE BILL 930. Introduced by Government, Military and

Veterans Affairs Committee: Schimek, 27, Chairperson; Aguilar, 35; Brown, 6; Burling, 33; McDonald, 41; Smith, 48; Synowiecki, 7; Vrtiska, 1.

A BILL FOR AN ACT relating to state government; to amend sections 44-788, 60-2121, 71-3503, 71-3504, 71-3508.01, 71-4903, 75-366, 79-1312, and 81-177, Reissue Revised Statutes of Nebraska, sections 2-2626, 20-139, 71-1405, 71-3505, 71-4609, 77-27,187, and 81-5,147, Revised Statutes Supplement, 2000, and sections 71-1901 to 71-1905, Revised Statutes Supplement, 2001; to eliminate certain boards, committees, councils, and panels; to harmonize provisions; to repeal the original sections; and to outright repeal sections 60-2122 to 60-2124, 71-1401 to 71-1404, 71-1744, 71-1759, 71-3506, 71-4902, 75-387, 75-388, 77-27,196, 79-1326, 80-323, 80-324, 81-5,150, and 81-5,154 to 81-5,156, Reissue Revised Statutes of Nebraska, sections 71-533 to 71-538, 71-1565, 71-1736, 71-1758, 71-1906.02, 71-8606, 79-1327, and 81-5,149, Revised Statutes Supplement, 2000, and section 71-1906.03, Revised Statutes Supplement, 2001.

LEGISLATIVE BILL 931. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to labor; to amend sections 48-1702, 48-1703, 48-1706, 48-1710, and 48-1711, Reissue Revised Statutes of Nebraska; to change the Farm Labor Contractors Act provisions; and to repeal the original sections.

LEGISLATIVE BILL 932. Introduced by Price, 26.

A BILL FOR AN ACT relating to cities of the primary class; to amend section 15-401, Reissue Revised Statutes of Nebraska; to change provisions relating to city council meetings; and to repeal the original section.

LEGISLATIVE BILL 933. Introduced by Price, 26.

A BILL FOR AN ACT relating to emergency medical services; to amend section 71-5185, Revised Statutes Supplement, 2000; to change patient data confidentiality and release provisions; and to repeal the original section.

LEGISLATIVE BILL 934. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3442 and 79-1008.01, Revised Statutes Supplement, 2001; to change property tax levy restrictions and state aid calculations; and to repeal the original sections.

LEGISLATIVE BILL 935. Introduced by McDonald, 41; Schimek, 27.

A BILL FOR AN ACT relating to elections; to amend sections 32-933, 32-941, 32-943, 32-946, 32-950, 32-954, and 32-956, Reissue Revised

Statutes of Nebraska, and section 32-1027, Revised Statutes Supplement, 2000; to change and eliminate provisions relating to absentee ballots; to harmonize provisions; to repeal the original sections; to outright repeal section 32-1029, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 936. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to drainage; to amend sections 18-503 and 18-509, Reissue Revised Statutes of Nebraska; to authorize drainage programs for natural resources districts, cities, and villages as prescribed; to change provisions relating to sewer system charges and fees; to define terms; to provide powers; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 937. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-1575, Revised Statutes Supplement, 2000; to provide for payments from the Nebraska Soil and Water Conservation Fund as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 938. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-1576, Reissue Revised Statutes of Nebraska, and section 2-1575, Revised Statutes Supplement, 2000; to change provisions relating to intent; to provide for payments from the Nebraska Soil and Water Conservation Fund as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 939. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to wastewater; to adopt the Private Onsite Wastewater Treatment System Standards and Contractor Licensing Act; and to provide penalties.

LEGISLATIVE BILL 940. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to water well registration; to amend section 46-613.02, Revised Statutes Supplement, 2000; to change penalty and enforcement provisions; and to repeal the original section.

LEGISLATIVE BILL 941. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to fees; to amend section 33-105, Reissue Revised Statutes of Nebraska; to change provisions relating to Department of Natural Resources fees; and to repeal the original section.

LEGISLATIVE BILL 942. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to the Integrated Solid Waste Management Act; to amend section 13-2040, Reissue Revised Statutes of Nebraska; to change provisions relating to permits; and to repeal the original section.

LEGISLATIVE BILL 943. Introduced by Redfield, 12; Bourne, 8.

A BILL FOR AN ACT relating to homesteads; to amend sections 77-3504, 77-3510, and 77-3512, Revised Statutes Supplement, 2000; to redefine a term; to change an application and eligibility date; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 944. Introduced by Redfield, 12.

A BILL FOR AN ACT relating to service contract companies; to amend sections 44-102.01, 44-2402, 44-3303, and 77-2702.25, Reissue Revised Statutes of Nebraska, and section 45-336, Revised Statutes Supplement, 2000; to adopt the Service Contract Companies Act; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 945. Introduced by Wickersham, 49; Schimek, 27.

A BILL FOR AN ACT relating to government; to amend sections 13-609 and 60-6,322, Reissue Revised Statutes of Nebraska, sections 77-1702 and 81-118.01, Revised Statutes Supplement, 2000, and section 60-302, Revised Statutes Supplement, 2001; to change provisions relating to payments by credit card and to authorize payments by electronic funds transfers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 946. Introduced by Wickersham, 49; Coordsen, 32; D. Pederson, 42; Wehrbein, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,188.01, Reissue Revised Statutes of Nebraska, section 77-5408, Revised Statutes Supplement, 2000, and sections 77-4106, 77-5531, and 77-5533, Revised Statutes Supplement, 2001; to change provisions dealing with funding for credits and refunds under certain incentive provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 947. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,147, Reissue Revised Statutes of Nebraska, sections 13-326 and 77-2702.07, Revised Statutes Supplement, 2000, and section 77-2701, Revised Statutes Supplement, 2001; to change provisions relating to the taxation of mobile telecommunications service; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 948. Introduced by Baker, 44; Vrtiska, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 2001; to exempt certain repairs and parts from sales and use taxation; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 949. Introduced by Baker, 44.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-3001, Reissue Revised Statutes of Nebraska, and sections 29-2101 and 29-2103, Revised Statutes Supplement, 2001; to change provisions relating to postconviction proceedings; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 950. Introduced by Cunningham, 18; Janssen, 15.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-124, Revised Statutes Supplement, 2001; to change provisions relating to Class C licenses; and to repeal the original section.

LEGISLATIVE BILL 951. Introduced by Engel, 17; Kruse, 13; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to the Department of Correctional Services; to amend section 83-145.01, Reissue Revised Statutes of Nebraska; to change provisions relating to braille materials and machinery; and to repeal the original section.

LEGISLATIVE BILL 952. Introduced by Burling, 33; Jensen, 20; Quandahl, 31.

A BILL FOR AN ACT relating to adoption; to amend sections 43-143 and 43-146.01, Reissue Revised Statutes of Nebraska, and section 43-104, Revised Statutes Supplement, 2000; to provide access to adoption records by heirs as prescribed; to change provisions relating to relinquishments; to eliminate prospective adoptive parent nonconsent forms as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 953. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.02, Revised Statutes Supplement, 2000; to change the sales and use tax rate; and to repeal the original section.

LEGISLATIVE BILL 954. Introduced by Schimek, 27; Beutler, 28.

A BILL FOR AN ACT relating to the state flag; to provide for design of a new state flag.

LEGISLATIVE BILL 955. Introduced by Schimek, 27; Aguilar, 35; Beutler, 28; Byars, 30; Connealy, 16; Cudaback, 36; Kruse, 13; Landis, 46; Dw. Pedersen, 39; Preister, 5; Robak, 22; Smith, 48; Synowiecki, 7.

A BILL FOR AN ACT relating to postsecondary educational institutions; to amend section 85-502, Reissue Revised Statutes of Nebraska; to change provisions relating to determinations of residency; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 956. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to child care licensure; to amend section 71-1912, Revised Statutes Supplement, 2000; to provide staff-to-child ratio and maximum group size requirements; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 957. Introduced by Landis, 46.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-115.01, 8-120, 8-122, 8-157, 8-178, 21-1732, 21-1736, and 21-17,109, Reissue Revised Statutes of Nebraska, sections 8-183.03, 21-1701, 45-337, and 45-703, Revised Statutes Supplement, 2000, and sections 8-1,140, 8-355, 8-1111, 21-17,115, and 45-1026, Revised Statutes Supplement, 2001; to change provisions relating to bank charters, applications for charters, and branch banking; to revise powers of state-chartered banks, building and loan associations, and credit unions; to change provisions relating to securities transactions exempt from registration, credit unions, department powers, installment sales, mortgage bankers, and installment loans; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 958. Introduced by Suttle, 10; Byars, 30; Cunningham, 18; Price, 26.

A BILL FOR AN ACT relating to health care facilities; to amend sections 71-6014 and 71-6038, Reissue Revised Statutes of Nebraska, sections 71-460, 71-461, 71-6038, 71-6725, and 71-6734, Revised Statutes Supplement, 2000, and section 71-401, Revised Statutes Supplement, 2001; to define and redefine terms; to provide requirements for medication reviews; to provide for training of certain personnel; to change provisions relating to licensure of assisted-living facilities and Alzheimer's special care units; to change provisions relating to nursing assistants and medication aides; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 959. Introduced by Robak, 22.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-179, Reissue Revised Statutes of Nebraska; to change

provisions relating to hours of sale; and to repeal the original section.

LEGISLATIVE BILL 960. Introduced by Byars, 30.

A BILL FOR AN ACT relating to environmental quality; to amend section 81-1513, Reissue Revised Statutes of Nebraska; to change provisions relating to variances; and to repeal the original section.

LEGISLATIVE BILL 961. Introduced by D. Pederson, 42; Brown, 6; Engel, 17; Raikes, 25.

A BILL FOR AN ACT relating to the State Board of Agriculture; to amend sections 2-101, 2-220 to 2-220.02, 2-220.04, 2-1204, 51-601, 51-603, 51-604, 77-2704.16, 81-1108.30, and 90-240, Reissue Revised Statutes of Nebraska, sections 2-219 and 84-1301, Revised Statutes Supplement, 2000, and section 53-124.14, Revised Statutes Supplement, 2001; to abolish the State Board of Agriculture; to create the State Fair Commission; to provide, change, and eliminate powers and duties; to create and eliminate funds; to change provisions relating to the Nebraska State Fair; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 2-102, 2-115, 2-116, 2-118, and 2-125 to 2-128, Reissue Revised Statutes of Nebraska, and section 2-117, Revised Statutes Supplement, 2001.

LEGISLATIVE BILL 962. Introduced by Kremer, 34; Aguilar, 35; Burling, 33.

A BILL FOR AN ACT relating to the master lien list; to amend section 52-1603, Reissue Revised Statutes of Nebraska; to change provisions relating to buyers of farm products; and to repeal the original section.

LEGISLATIVE BILL 963. Introduced by Kremer, 34.

A BILL FOR AN ACT relating to interest, loans, and debt, to amend section 45-338, Revised Statutes Supplement, 2001; to change provisions relating to the Nebraska Installment Sales Act; and to repeal the original section.

LEGISLATIVE BILL 964. Introduced by Redfield, 12; Bruning, 3; Quandahl, 31.

A BILL FOR AN ACT relating to the Auditor of Public Accounts; to amend section 84-304, Revised Statutes Supplement, 2000; to change powers and duties; and to repeal the original section.

LEGISLATIVE BILL 965. Introduced by Redfield, 12; Erdman, 47; Quandahl, 31.

A BILL FOR AN ACT relating to individual rights; to adopt the Governmental Information Privacy Act; and to provide an operative date.

LEGISLATIVE BILL 966. Introduced by Redfield, 12; Erdman, 47; Quandahl, 31.

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Reissue Revised Statutes of Nebraska; to provide for additional records which may be withheld; and to repeal the original section.

LEGISLATIVE BILL 967. Introduced by Landis, 46.

A BILL FOR AN ACT relating to banking and finance; to amend sections 72-1266 and 72-1268.03, Reissue Revised Statutes of Nebraska, and sections 8-1401, 8-1402, 72-1262, 72-1263, and 72-1264, Revised Statutes Supplement, 2000; to change provisions relating to disclosure of information and the Nebraska Capital Expansion Act; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 968. Introduced by Landis, 46.

A BILL FOR AN ACT relating to bonds; to amend section 10-126, Revised Statutes Supplement, 2001; to exempt the University of Nebraska and the Nebraska state colleges from certain redemption requirements; and to repeal the original section.

LEGISLATIVE BILL 969. Introduced by Landis, 46.

A BILL FOR AN ACT relating to courts; to amend sections 25-2924, 25-2925, and 25-2928, Revised Statutes Supplement, 2001; to change settlement escrow provisions; to provide a termination date; and to repeal the original sections.

LEGISLATIVE BILL 970. Introduced by Dw. Pedersen, 39; Bromm, 23; Coordsen, 32.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-104, Reissue Revised Statutes of Nebraska, and section 32-534, Revised Statutes Supplement, 2001; to change provisions relating to the creation of wards; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 971. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to the Public Service Commission; to amend section 75-401, Reissue Revised Statutes of Nebraska; to adopt additional federal railroad safety standards for enforcement; and to repeal the original section.

LEGISLATIVE BILL 972. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to the Telecommunications Relay System Act; to amend section 86-1305, Reissue Revised Statutes of Nebraska; to

change dates relating to surcharges; and to repeal the original section.

LEGISLATIVE BILL 973. Introduced by Janssen, 15; Baker, 44; Cudaback, 36; Vrtiska, 1.

A BILL FOR AN ACT relating to volunteer fire companies; to amend section 35-108, Reissue Revised Statutes of Nebraska; to increase the group term life insurance policy death benefit; and to repeal the original section.

LEGISLATIVE BILL 974. Introduced by Janssen, 15; Aguilar, 35; Erdman, 47; Smith, 48; Tyson, 19.

A BILL FOR AN ACT relating to recreation liability; to amend section 37-729, Reissue Revised Statutes of Nebraska; to redefine recreational purposes; and to repeal the original section.

LEGISLATIVE BILL 975. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to elections; to amend section 32-620, Reissue Revised Statutes of Nebraska; to change signature requirements for petition candidates for the offices of President and Vice President; and to repeal the original section.

LEGISLATIVE BILL 976. Introduced by Kristensen, 37; Bromm, 23.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 28-109, 39-101, 60-102, 60-471, 60-501, 60-636, 60-638, 60-639, 60-640, 60-678, 60-6,142, 60-6,144, 60-6,226, 60-6,241, 60-6,349, and 60-6,351, Reissue Revised Statutes of Nebraska, sections 60-680 and 69-2603, Revised Statutes Supplement, 2000, and sections 60-301, 60-4,182, and 60-601, Revised Statutes Supplement, 2001; to authorize the use of electric personal assistive mobility devices as prescribed; to define and redefine terms; to prescribe rights and duties under the Nebraska Rules of the Road; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 977. Introduced by Aguilar, 35; Cunningham, 18; Kremer, 34; Quandahl, 31; Synowiecki, 7; Tyson, 19.

A BILL FOR AN ACT relating to veterans' aid; to amend section 80-401.03, Revised Statutes Supplement, 2000; to provide for designees as prescribed; and to repeal the original section.

LEGISLATIVE BILL 978. Introduced by Aguilar, 35; Kremer, 34; Price, 26.

A BILL FOR AN ACT relating to disabled persons; to amend sections 20-127 and 20-129, Reissue Revised Statutes of Nebraska; to provide rights and duties to trainers of dogs for disabled persons; to provide a penalty; and

to repeal the original sections.

LEGISLATIVE BILL 979. Introduced by Aguilar, 35; Cunningham, 18; Kremer, 34; Quandahl, 31.

A BILL FOR AN ACT relating to correctional facilities; to amend sections 47-703 and 47-705, Revised Statutes Supplement, 2000; to change provisions relating to payment of medical expenses; to harmonize provisions; to repeal the original sections; and to outright repeal section 47-704, Revised Statutes Supplement, 2000.

LEGISLATIVE BILL 980. Introduced by Cunningham, 18; Aguilar, 35; Baker, 44; Brown, 6; Bruning, 3; Burling, 33; Byars, 30; Cudaback, 36; Dierks, 40; Engel, 17; Erdman, 47; Hartnett, 45; Jensen, 20; Jones, 43; Kremer, 34; McDonald, 41; Dw. Pedersen, 39; Price, 26; Quandahl, 31; Redfield, 12; Schrock, 38; Smith, 48; Stuhr, 24; Tyson, 19; Vrtiska, 1.

A BILL FOR AN ACT relating to employment; to amend sections 81-113, 81-117, and 84-1001, Reissue Revised Statutes of Nebraska; to eliminate recognition of holiday proclamations by the President of the United States; and to repeal the original sections.

LEGISLATIVE BILL 981. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to the Nebraska Educational Finance Authority Act; to amend sections 85-1730 and 85-1738, Reissue Revised Statutes of Nebraska; to provide for loans in anticipation of receipt of tuition; and to repeal the original sections.

LEGISLATIVE BILL 982. Introduced by Erdman, 47; Burling, 33; Byars, 30; Cunningham, 18; Jensen, 20; Jones, 43; Price, 26; Quandahl, 31; Redfield, 12; Smith, 48; Stuhr, 24; Tyson, 19; Vrtiska, 1.

A BILL FOR AN ACT relating to schools; to amend section 79-724, Revised Statutes Supplement, 2000; to change provisions relating to Americanism instruction; to provide for rules and regulations; and to repeal the original section.

LEGISLATIVE BILL 983. Introduced by Erdman, 47; Byars, 30; Foley, 29; Price, 26; Quandahl, 31; Tyson, 19.

A BILL FOR AN ACT relating to the age of majority; to amend section 43-2101, Reissue Revised Statutes of Nebraska; to prohibit the disaffirmance of certain contracts; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 984. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to cities of the first class; to amend section

17-301, Reissue Revised Statutes of Nebraska; to permit a city to remain a city of the first class despite a population decrease; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 985. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to disabled persons; to amend sections 20-127 and 20-129, Reissue Revised Statutes of Nebraska; to provide rights and duties to trainers of dogs for disabled persons; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 986. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to insurance; to provide requirements relating to automobile liability policies.

LEGISLATIVE BILL 987. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to education; to amend section 9-812, Revised Statutes Supplement, 2001, as amended by section 1, Legislative Bill 3, Ninety-seventh Legislature, First Special Session, 2001; to create the Warner School of Excellence; to provide for a committee; to provide for funding; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 988. Introduced by Byars, 30; Brown, 6; Bruning, 3; Burling, 33; Cunningham, 18; Jensen, 20; Smith, 48; Stuhr, 24; Suttle, 10.

A BILL FOR AN ACT relating to the Early Intervention Act; to amend section 43-2507.01, Reissue Revised Statutes of Nebraska, and section 43-2505, Revised Statutes Supplement, 2000; to define and redefine terms; to change provisions relating to services coordination; and to repeal the original sections.

LEGISLATIVE BILL 989. Introduced by Revenue Committee: Wickersham, 49, Chairperson; Dierks, 40; Hartnett, 45; Janssen, 15; Landis, 46; Raikes, 25; Redfield, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 28-1425, 77-2604, and 77-27,150 to 77-27,154, Reissue Revised Statutes of Nebraska, and sections 77-2612, 77-2704.12, and 77-27,119, Revised Statutes Supplement, 2000; to change provisions relating to cigarette and tobacco taxation, sales tax exemptions, disclosure of information, and refunds under the Air and Water Pollution Control Tax Refund Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 990. Introduced by Revenue Committee: Wickersham, 49, Chairperson; Dierks, 40; Hartnett, 45; Janssen, 15; Landis, 46; Raikes, 25; Redfield, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1374 to 77-1376, Revised Statutes Supplement, 2000; to change provisions relating to assessment of improvements on leased land and leasehold interests; and to repeal the original sections.

LEGISLATIVE BILL 991. Introduced by Revenue Committee: Wickersham, 49, Chairperson; Dierks, 40; Hartnett, 45; Janssen, 15; Landis, 46; Raikes, 25; Redfield, 12.

A BILL FOR AN ACT relating to the Highway Trust Fund; to amend section 39-2215, Reissue Revised Statutes of Nebraska; to change provisions relating to allocations to the fund; and to repeal the original section.

LEGISLATIVE BILL 992. Introduced by Revenue Committee: Wickersham, 49, Chairperson; Dierks, 40; Hartnett, 45; Janssen, 15; Landis, 46; Raikes, 25; Redfield, 12.

A BILL FOR AN ACT relating to homesteads; to amend section 77-3527, Reissue Revised Statutes of Nebraska, and section 77-3508, Revised Statutes Supplement, 2000; to change disability certification procedures and application requirements; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 993. Introduced by Schrock, 38; Bruning, 3; Preister, 5.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 37-101, Reissue Revised Statutes of Nebraska; to create an advisory board to select candidates for purposes of appointing members to the commission; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 994. Introduced by Revenue Committee: Wickersham, 49, Chairperson; Dierks, 40; Hartnett, 45; Janssen, 15; Landis, 46; Raikes, 25; Redfield, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 37-335, 49-1202, and 49-1203, Reissue Revised Statutes of Nebraska, sections 77-1345 and 77-1348, Revised Statutes Supplement, 2000, and sections 77-702, 77-1343, 77-1347, 77-5016, and 79-1016, Revised Statutes Supplement, 2001; to change and eliminate provisions relating to mailing requirements, property taxation, the Property Tax Administrator, assessment, appeals, and valuation for school aid purposes; to define terms; to harmonize provisions; to repeal the original sections; and to outright repeal section 77-1513, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 995. Introduced by Wickersham, 49; Dierks, 40; Hartnett, 45; Janssen, 15; Landis, 46; Raikes, 25; Redfield, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2768, Reissue Revised Statutes of Nebraska; to change filing and payment requirements relating to the income tax; and to repeal the original section.

LEGISLATIVE BILL 996. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 53-160, Reissue Revised Statutes of Nebraska, and section 77-2602, Revised Statutes Supplement, 2001; to change tax rates relating to alcoholic liquor and tobacco; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 997. Introduced by Transportation and Telecommunications Committee: Bromm, 23, Chairperson; Baker, 44; Brown, 6; Byars, 30; Jones, 43; Dw. Pedersen, 39; Robak, 22.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 18-2432, 70-604.06, 70-1016, 75-117, 75-121, and 75-1008, Reissue Revised Statutes of Nebraska, sections 75-122.01, 75-156, 75-609, 86-803, 86-811, 86-1110, and 86-1219, Revised Statutes Supplement, 2000, and sections 75-132.01, 75-134, 75-136, 86-1909, and 86-2305, Revised Statutes Supplement, 2001; to change and eliminate appeal provisions to conform with the Administrative Procedure Act; to harmonize provisions; to repeal the original sections; and to outright repeal section 75-138, Reissue Revised Statutes of Nebraska, and sections 75-136.01 and 75-137, Revised Statutes Supplement, 2001.

LEGISLATIVE BILL 998. Introduced by Transportation and Telecommunications Committee: Bromm, 23, Chairperson; Baker, 44; Brown, 6; Byars, 30; Jones, 43; Dw. Pedersen, 39; Robak, 22.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-363 and 75-364, Revised Statutes Supplement, 2001; to change provisions relating to motor carrier safety; to adopt certain portions of the federal Motor Carrier Safety Regulations and the federal Hazardous Material Regulations; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 999. Introduced by Transportation and Telecommunications Committee: Bromm, 23, Chairperson; Baker, 44; Brown, 6; Byars, 30; Jones, 43; Dw. Pedersen, 39; Robak, 22.

A BILL FOR AN ACT relating to commercial motor vehicles; to amend sections 60-4,132, 60-4,162, and 75-369.03, Reissue Revised Statutes of Nebraska, and section 60-4,168, Revised Statutes Supplement, 2001; to change provisions relating to intent, employers, and disqualification of drivers; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1000. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to law enforcement; to amend sections 81-1417 and 83-4,124, Reissue Revised Statutes of Nebraska; to change commission and board membership provisions; and to repeal the original sections.

LEGISLATIVE BILL 1001. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to labor; to amend sections 48-1230 to 48-1232, Reissue Revised Statutes of Nebraska; to require an itemized statement of deductions on paychecks; to provide a remedy; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1002. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-682.01, Reissue Revised Statutes of Nebraska; to provide double fines for speeding in a residential area as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1003. Introduced by Schrock, 38; Bromm, 23; Brown, 6; Bruning, 3; Preister, 5.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-101, 37-102, 37-453, 37-491, 37-4,105, and 37-4,106, Reissue Revised Statutes of Nebraska, sections 37-201, 37-202, 37-353, 37-406, 37-438, 37-440, and 37-525, Revised Statutes Supplement, 2000, and sections 37-407, 37-426, and 37-455, Revised Statutes Supplement, 2001; to change Game and Parks Commission membership, terms, and qualifications; to change provisions relating to the taking of wildlife, permits to hunt, fish, or harvest fur, permit fees, special permits, limited permits, bait and fish dealer's permits, entry permits, habitat stamps, paddlefish, and training and running dogs; to authorize and change fees; to authorize the issuance of electronic stamps as prescribed; to define terms; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1004. Introduced by Schrock, 38; Bruning, 3; Preister, 5.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 37-101, Reissue Revised Statutes of Nebraska; to create an advisory board to select candidates for purposes of appointing members to the commission; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1005. Introduced by Bromm, 23; Cunningham, 18; Tyson, 19.

A BILL FOR AN ACT relating to driving under the influence; to amend section 29-215, Revised Statutes Supplement, 2000; to change provisions relating to a law enforcement officer's primary jurisdiction with respect to chemical testing procedures; to define and redefine terms; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1006. Introduced by Schrock, 38; Baker, 44; Bruning, 3; Burling, 33; Cudaback, 36; Jones, 43; Raikes, 25; Stuhr, 24.

A BILL FOR AN ACT relating to the Uniform Commercial Code; to amend sections 2-401 and 2-403, Uniform Commercial Code; to change provisions relating to sales; and to repeal the original sections.

LEGISLATIVE BILL 1007. Introduced by Kruse, 13; Bourne, 8; Preister, 5; Suttle, 10.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-2410, Reissue Revised Statutes of Nebraska; to change provisions relating to towing and storage costs; and to repeal the original section.

LEGISLATIVE BILL 1008. Introduced by Kruse, 13; Beutler, 28; Engel, 17; Foley, 29; Smith, 48.

A BILL FOR AN ACT relating to elections; to amend section 32-624, Reissue Revised Statutes of Nebraska; to change provisions relating to candidate filing forms; and to repeal the original section.

LEGISLATIVE BILL 1009. Introduced by Connealy, 16.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 2000; to prohibit the installation or reinstallation in a motor vehicle, as part of the inflatable restraint system, of any object or material other than an air bag as prescribed; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1010. Introduced by Quandahl, 31; Bruning, 3; Redfield, 12.

A BILL FOR AN ACT relating to the Military Code; to amend section 55-101, Reissue Revised Statutes of Nebraska; to provide power for officers to act as notaries public; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1011. Introduced by Kristensen, 37; Chambers, 11.

A BILL FOR AN ACT relating to the Legislature; to amend sections 84-202 and 84-205, Reissue Revised Statutes of Nebraska; to authorize employment of a Counsel to the Legislature; to define terms; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1012. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to installment sales and loans; to amend section 45-341, Reissue Revised Statutes of Nebraska, and section 45-1024, Revised Statutes Supplement, 2001; to authorize certain fees as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1013. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1318, Revised Statutes Supplement, 2000; to change tax penalty provisions; and to repeal the original section.

LEGISLATIVE BILL 1014. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to the Legislature; to eliminate the Nebraska Futures Center; and to outright repeal sections 50-301 to 50-309, Revised Statutes Supplement, 2001.

LEGISLATIVE BILL 1015. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to childhood immunizations; to amend sections 71-526 to 71-528, 71-530, and 79-217, Reissue Revised Statutes of Nebraska, and sections 71-529, 71-539, 71-541 to 71-544, and 71-604, Revised Statutes Supplement, 2000; to rename the Childhood Vaccine Act; to create the Childhood Immunization Registry; to change provisions relating to sharing of immunization information; to provide duties; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal section 71-540, Revised Statutes Supplement, 2000.

RESOLUTION**LEGISLATIVE RESOLUTION 277CA.** Introduced by Schimek, 27.

THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2002 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VI, section 2:

VI-2 "No person shall be qualified to vote who is non compos mentis, or who has been convicted of treason or felony under the laws of the state or of the United States, unless restored to civil rights.

No person who has been convicted of a felony is qualified to vote until completion of the sentence including parole, if any, for the felony. Upon such completion such person's right to vote is automatically restored."

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

with the following ballot language:

"A constitutional amendment to change the prohibition on a felon's right to vote.

For

Against".

Referred to the Reference Committee.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 206A. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 206, Ninety-seventh Legislature, Second Session, 2002.

LEGISLATIVE BILL 91A. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 91, Ninety-seventh Legislature, Second Session, 2002.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bills and appointments:

| LB/LR | Committee |
|--------------|---|
| LB 857 | General File |
| LB 858 | General File |
| LB 859 | General File |
| LB 860 | General File |
| LB 861 | Judiciary |
| LB 862 | Health and Human Services |
| LB 863 | Banking, Commerce and Insurance |
| LB 864 | Banking, Commerce and Insurance |
| LB 865 | Judiciary |
| LB 866 | Government, Military and Veterans Affairs |
| LB 867 | Transportation and Telecommunications |
| LB 868 | Government, Military and Veterans Affairs |
| LB 869 | Government, Military and Veterans Affairs |
| LB 870 | Judiciary |
| LB 871 | Banking, Commerce and Insurance |
| LB 872 | Judiciary |
| LB 873 | General Affairs |
| LB 874 | Judiciary |
| LB 875 | Judiciary |

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|--------|---|
| LB 876 | Judiciary |
| LB 877 | Government, Military and Veterans Affairs |
| LB 878 | Revenue |
| LB 879 | Transportation and Telecommunications |
| LB 880 | Education |
| LB 881 | Revenue |
| LB 882 | Judiciary |
| LB 883 | Judiciary |
| LB 884 | Revenue |
| LB 885 | Banking, Commerce and Insurance |
| LB 886 | Revenue |
| LB 887 | Revenue |
| LB 888 | Banking, Commerce and Insurance |
| LB 889 | Natural Resources |
| LB 890 | Natural Resources |
| LB 891 | Natural Resources |
| LB 892 | Health and Human Services |
| LB 893 | Revenue |
| LB 894 | Health and Human Services |
| LB 895 | Judiciary |
| LB 896 | Health and Human Services |
| LB 897 | Banking, Commerce and Insurance |
| LB 898 | Education |
| LB 899 | Natural Resources |
| LB 900 | Banking, Commerce and Insurance |
| LB 901 | Judiciary |
| LB 902 | Natural Resources |
| LB 903 | Government, Military and Veterans Affairs |
| LB 904 | Transportation and Telecommunications |
| LB 905 | Revenue |
| LB 906 | Appropriations |
| LB 907 | Revenue |
| LB 908 | Government, Military and Veterans Affairs |
| LB 909 | General Affairs |
| LB 910 | Judiciary |
| LB 911 | Health and Human Services |
| LB 912 | Agriculture |
| LB 913 | Natural Resources |
| LB 914 | Agriculture |
| LB 915 | Agriculture |
| LB 916 | Agriculture |
| LB 917 | Transportation and Telecommunications |
| LB 918 | Transportation and Telecommunications |
| LB 919 | Agriculture |
| LB 920 | Revenue |
| LB 921 | Business and Labor |
| LB 922 | Transportation and Telecommunications |
| LB 923 | Transportation and Telecommunications |
| LB 924 | Transportation and Telecommunications |

LB 925 Transportation and Telecommunications
LB 926 Government, Military and Veterans Affairs
LB 927 Judiciary
LB 928 Revenue

Acklie, Gene - Board of Public Roads Classifications and Standards -
Transportation and Telecommunications

Baumgartner, Shawn - Board of Emergency Medical Services - Health and
Human Services

Bereuter, Louise - Nebraska Arts Council - General Affairs

Doll, Alan D. - Board of Public Roads Classifications and Standards -
Transportation and Telecommunications

Dunn, Robert - Board of Emergency Medical Services - Health and Human
Services

Grewcock, William L. - Game and Parks Commission - Natural Resources

Hilgert, Director, John A. - Department of Veterans Affairs - Government,
Military and Veterans Affairs

Lindahl, Loren L. - Commission of Industrial Relations - Business and
Labor

Lux, Dean T. - Board of Public Roads Classifications and Standards -
Transportation and Telecommunications

Rhoades, Kenneth L. - Dry Bean Commission - Agriculture

Ruegg, Gary A. - Nebraska Transit and Rail Advisory Council -
Transportation and Telecommunications

Sheehy, Richard J. - Board of Emergency Medical Services - Health and
Human Services

Westcott, Michael, M.D. - Board of Emergency Medical Services - Health
and Human Services

Wolfe, Richard L. - State Electrical Board - General Affairs

Yonkey, Arthur - Board of Public Roads Classifications and Standards -
Transportation and Telecommunications

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

UNANIMOUS CONSENT - Add Cointroducer

Senator McDonald asked unanimous consent to have her name added as cointroducer to LB 824. No objections. So ordered.

VISITORS

Visitors to the Chamber were Brittany and Joshua Sparling, Evelyn and Ed Chinick, from Riverdale, and Teresa Worster from Lincoln; Steve Albrecht, Jim McHugh, Fiona Libsack, Mary Armstrong, and Linda Mai from the Scottsbluff Regional West Medical Center and John McVay from Region I Mental Health, Scottsbluff.

The Doctor of the Day was Dr. David Filipi from Omaha.

ADJOURNMENT

At 11:53 a.m., on a motion by Senator Connealy, the Legislature adjourned until 10:00 a.m., Friday, January 11, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

THIRD DAY - JANUARY 11, 2002
LEGISLATIVE JOURNAL
NINETY-SEVENTH LEGISLATURE
SECOND SESSION

THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 11, 2002

PRAYER

The prayer was offered by Senator Kruse.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Dierks, Maxwell, and Raikes who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 117, line 4, after "prescribed" insert " by governmental entities".
The Journal for the first day was approved as corrected.

The Journal for the second day was approved.

MOTION - Adopt Temporary Rules

Senator Hudkins moved that the rules, as now in our possession, be adopted for today only, Friday, January 11, 2002.

The motion prevailed.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1016. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to business entities; to amend sections 21-2204, 21-2209, 21-2607, 21-2631, and 21-2639, Reissue Revised Statutes of Nebraska, and sections 67-454, 67-456, and 67-458, Revised

Statutes Supplement, 2000; to change filing requirements for businesses engaged in professional services as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1017. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to pharmacy; to amend section 71-1,147.36, Revised Statutes Supplement, 2001; to provide confidentiality for prescribing physicians as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1018. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to counties; to amend section 23-906, Reissue Revised Statutes of Nebraska; to change provisions relating to budgets; and to repeal the original section.

LEGISLATIVE BILL 1019. Introduced by Nebraska Retirement Systems Committee: Bruning, 3, Chairperson; Bourne, 8; Erdman, 47; Stuhr, 24; Wickersham, 49.

A BILL FOR AN ACT relating to funds; to amend sections 72-1237, 72-1239.01, and 72-1249.02, Reissue Revised Statutes of Nebraska, and sections 23-2309.01, 23-2310.05, 84-1310.01, and 84-1311.03, Revised Statutes Supplement, 2001; to change provisions relating to the Nebraska Investment Council, fund charges, and retirement fund investment options; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1020. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to housing agencies; to amend section 71-15,115, Revised Statutes Supplement, 2000; to change provisions relating to obligation maturity dates; and to repeal the original section.

LEGISLATIVE BILL 1021. Introduced by Health and Human Services Committee: Jensen, 20, Chairperson; Byars, 30; Cunningham, 18; Erdman, 47; Price, 26; Suttle, 10.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 46-1222, 46-1225, 46-1235.02, 71-149, 71-161.05, 71-1,155, 71-1,162, 71-1,193, 71-1,195.01, 71-1,206.31, 71-1,228, 71-1,280, 71-1,292, 71-1,294, 71-1,315, 71-1,321, 71-1,326, 71-1,330, 71-397, 71-3,107, 71-3,115, 71-3,116, 71-3,118, 71-516.04, 71-1354, 71-1757, 71-1779, 71-1782, 71-3709, 71-4702.01, and 71-6310.02, Reissue Revised Statutes of Nebraska, sections 71-131, 71-139, 71-161.09, 71-174.01, 71-179.01, 71-185, 71-1,107.25, 71-1,132.11, 71-1,132.20, 71-1,144.01, 71-1,165, 71-1,234, 71-341, 71-382, 71-3,179, 71-3,196, 71-3,197, 71-3,205, 71-3,207, 71-1718.02, 71-1722, 71-1724, 71-1724.02, 71-1730, 71-1735, 71-1755, 71-3507, 71-3515.01, 71-3515.02, 71-3710, 71-5179, 71-5206.01, 71-6053, 71-6054, 71-6060, 71-6067, 71-6327, and

71-7107 to 71-7109, Revised Statutes Supplement, 2000, and sections 71-110, 71-161.10, 71-1,136.01, 71-2802, 71-2815, 71-2823, 71-5178, 71-5308, 71-6103, 71-6113, and 71-6115, Revised Statutes Supplement, 2001; to provide and change continuing education provisions for certain professions and occupations; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 71-1,144.03, 71-3,108 to 71-3,114, 71-3,117, 71-1347, and 71-1349 to 71-1353, Reissue Revised Statutes of Nebraska, sections 71-1,144.04, 71-3,198 to 71-3,204, and 71-3,206, Revised Statutes Supplement, 2000, and section 71-1,144.05, Revised Statutes Supplement, 2001.

LEGISLATIVE BILL 1022. Introduced by Schrock, 38; Byars, 30; Jones, 43; Stuhr, 24; Vrtiska, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-120, Reissue Revised Statutes of Nebraska; to change depreciation schedules for harvesting and irrigation equipment; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1023. Introduced by Schrock, 38; Aguilar, 35; Baker, 44; Bourne, 8; Bromm, 23; Bruning, 3; Burling, 33; Byars, 30; Connealy, 16; Cudaback, 36; Cunningham, 18; Erdman, 47; Hudkins, 21; Janssen, 15; Jensen, 20; Jones, 43; Kristensen, 37; Dw. Pedersen, 39; Preister, 5; Smith, 48; Stuhr, 24; Tyson, 19; Vrtiska, 1.

A BILL FOR AN ACT relating to water policy; to state findings; to provide for appointment of the Water Policy Task Force; to provide duties; and to state intent relating to appropriations.

LEGISLATIVE BILL 1024. Introduced by Schrock, 38; Byars, 30; Hudkins, 21; Janssen, 15; Jones, 43; Stuhr, 24; Vrtiska, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2704.36, 77-2704.37, and 77-2708.01, Reissue Revised Statutes of Nebraska; to exempt agricultural repairs and parts from sales and use taxes; to terminate a refund provision; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1025. Introduced by Thompson, 14; Vrtiska, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2602, Revised Statutes Supplement, 2001; to change provisions relating to the cigarette tax; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1026. Introduced by Wickersham, 49; Baker, 44.

A BILL FOR AN ACT relating to appropriation of water; to amend section 46-120, Reissue Revised Statutes of Nebraska, and sections 46-122 and

46-229, Revised Statutes Supplement, 2000; to adopt the Water Rights Leasing Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1027. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the School Employees Retirement Act; to amend sections 79-902 and 79-933.06, Revised Statutes Supplement, 2001; to change provisions relating to termination of employment; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1028. Introduced by Robak, 22; Aguilar, 35; Price, 26; Suttle, 10; Thompson, 14; Tyson, 19.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-6,265, 60-6,266, and 79-609, Reissue Revised Statutes of Nebraska; to change provisions relating to occupant protection systems; to require occupant protection systems for school buses as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1029. Introduced by Robak, 22.

A BILL FOR AN ACT relating to the Records Management Act; to amend sections 84-1204 and 84-1227, Reissue Revised Statutes of Nebraska; to authorize grants to improve electronic access to public records as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1030. Introduced by Wickersham, 49; Wehrbein, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1340, Revised Statutes Supplement, 2000; to change provisions relating to assessment of property; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1031. Introduced by Bromm, 23; Janssen, 15.

A BILL FOR AN ACT relating to counties; to amend section 23-3502, Revised Statutes Supplement, 2000; to change provisions relating to boards of trustees for medical and multiunit facilities; to eliminate a residency requirement; and to repeal the original section.

LEGISLATIVE BILL 1032. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to public health services; to provide for recommendations relating to a statewide public health system.

LEGISLATIVE BILL 1033. Introduced by Wickersham, 49; Jensen, 20.

A BILL FOR AN ACT relating to the Emergency Medical Services Act; to amend section 71-5178, Revised Statutes Supplement, 2001; to change

provisions relating to rules and regulations; and to repeal the original section.

LEGISLATIVE BILL 1034. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 2000; to prohibit no-rules combat, extreme or ultimate fighting, or similar contests as prescribed; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1035. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the Developmental Disabilities Services Act; to amend section 83-1216, Reissue Revised Statutes of Nebraska; to change provisions relating to receipt of services; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1036. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Employment and Incentive Growth Act; to amend section 77-4113, Reissue Revised Statutes of Nebraska, and section 77-4104, Revised Statutes Supplement, 2000; to change provisions relating to the application process; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1037. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend section 77-4104, Revised Statutes Supplement, 2000; to prohibit applications under the act on or after January 1, 2004; and to repeal the original section.

LEGISLATIVE BILL 1038. Introduced by Landis, 46.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2310.05 and 84-1311.03, Revised Statutes Supplement, 2001; to provide additional investment options for state and county retirement system members; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1039. Introduced by Schrock, 38; Beutler, 28; Bourne, 8; Byars, 30; Connealy, 16; Cudaback, 36; Cunningham, 18; Dierks, 40; Janssen, 15; Kremer, 34; D. Pederson, 42; Preister, 5; Schimek, 27; Stuhr, 24; Tyson, 19; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to motor fuel; to amend sections 66-489, 66-4,105, 66-668, 66-672, and 66-677, Reissue Revised Statutes of Nebraska, section 66-674, Revised Statutes Supplement, 2000, and section 66-1345, Revised Statutes Supplement, 2001; to change tax rates as prescribed; to change refund provisions applicable to certain exempt diesel

fuel; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1040. Introduced by Business and Labor Committee: Connealy, 16, Chairperson; Chambers, 11; Dierks, 40; Hartnett, 45; Schimek, 27; Vrtiska, 1.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize certain write-offs as prescribed; and to declare an emergency.

LEGISLATIVE BILL 1041. Introduced by Connealy, 16; Bromm, 23; Dierks, 40; Hartnett, 45; Schimek, 27; Vrtiska, 1.

A BILL FOR AN ACT relating to the Attorney General; to amend section 84-205, Reissue Revised Statutes of Nebraska; to include funding for administrative license revocation appeals in the budget of the office; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1042. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-202, Revised Statutes Supplement, 2000; to change a provision relating to exempt property; and to repeal the original section.

LEGISLATIVE BILL 1043. Introduced by Kristensen, 37; Bourne, 8; Connealy, 16; Tyson, 19.

A BILL FOR AN ACT relating to court fees; to amend section 33-107.01, Reissue Revised Statutes of Nebraska; to change a legal services fee; and to repeal the original section.

LEGISLATIVE BILL 1044. Introduced by Smith, 48; Erdman, 47; Redfield, 12.

A BILL FOR AN ACT relating to tax deeds; to amend sections 77-1832 and 77-1833, Reissue Revised Statutes of Nebraska; to change notice requirements; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1045. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.02, Revised Statutes Supplement, 2000; to change income tax rates as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1046. Introduced by Baker, 44; Jones, 43.

A BILL FOR AN ACT relating to the Board of Educational Lands and

Funds; to amend section 72-201, Revised Statutes Supplement, 2000; to create new districts; to terminate the terms of current board members; to provide for appointment of new members; and to repeal the original section.

LEGISLATIVE BILL 1047. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to insurance; to require coverage for certain foods for the treatment of inherited metabolic diseases.

LEGISLATIVE BILL 1048. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to business entities; to amend sections 21-19,163, 21-20,181.03, and 21-2601, Reissue Revised Statutes of Nebraska, and section 67-248.02, Revised Statutes Supplement, 2000; to eliminate certain publication requirements; to harmonize provisions; to repeal the original sections; and to outright repeal sections 21-19,173, 21-20,189, and 21-2653, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1049. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend section 84-917, Reissue Revised Statutes of Nebraska; to change provisions relating to the standard of review; and to repeal the original section.

LEGISLATIVE BILL 1050. Introduced by Stuhr, 24; Suttle, 10.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-102, 60-312, 60-471, 60-501, 60-6,355, and 60-6,356, Reissue Revised Statutes of Nebraska, section 60-311.02, Revised Statutes Supplement, 2000, and section 60-301, Revised Statutes Supplement, 2001; to require titling and registration for certain all-terrain vehicles as prescribed; to create a fund; to provide duties for the Game and Parks Commission; to define and redefine terms; to provide for on-trail and off-trail operation as prescribed; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 1051. Introduced by Stuhr, 24; Baker, 44; Schrock, 38; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2001, LB 543, section 120; to state intent relating to the Department of Roads; and to repeal the original section.

LEGISLATIVE BILL 1052. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,182, Revised Statutes Supplement, 2001; to change provisions relating to the point system; and to repeal the original section.

SPECIAL COMMITTEE REPORTS
Executive Board

LEGISLATIVE RESOLUTION 2CA. Placed on General File.

LEGISLATIVE BILL 445. Indefinitely postponed.

(Signed) George Coordsen, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bills and legislative resolution:

| LB/LR | Committee |
|--------------|---|
| LB 929 | Appropriations |
| LB 930 | Government, Military and Veterans Affairs |
| LB 931 | Business and Labor |
| LB 932 | Government, Military and Veterans Affairs |
| LB 933 | Health and Human Services |
| LB 934 | Revenue |
| LB 935 | Government, Military and Veterans Affairs |
| LB 936 | Urban Affairs |
| LB 937 | Natural Resources |
| LB 938 | Natural Resources |
| LB 939 | Natural Resources |
| LB 940 | Natural Resources |
| LB 941 | Natural Resources |
| LB 942 | Natural Resources |
| LB 943 | Revenue |
| LB 944 | Banking, Commerce and Insurance |
| LB 945 | Government, Military and Veterans Affairs |
| LB 946 | Revenue |
| LB 947 | Revenue |
| LB 948 | Revenue |
| LB 949 | Judiciary |
| LB 950 | General Affairs |
| LB 951 | Government, Military and Veterans Affairs |
| LB 952 | Health and Human Services |
| LB 953 | Revenue |
| LB 954 | Government, Military and Veterans Affairs |
| LB 955 | Education |
| LB 956 | Health and Human Services |
| LB 957 | Banking, Commerce and Insurance |
| LB 958 | Health and Human Services |
| LB 959 | General Affairs |
| LB 960 | Natural Resources |
| LB 961 | Agriculture |
| LB 962 | Banking, Commerce and Insurance |

LB 963 Banking, Commerce and Insurance
LB 964 Government, Military and Veterans Affairs
LB 965 Government, Military and Veterans Affairs
LB 966 Government, Military and Veterans Affairs
LB 967 Banking, Commerce and Insurance
LB 968 Banking, Commerce and Insurance
LB 969 Judiciary
LB 970 Urban Affairs
LB 971 Transportation and Telecommunications
LB 972 Transportation and Telecommunications
LB 973 Urban Affairs
LB 974 Judiciary
LB 975 Government, Military and Veterans Affairs
LB 976 Transportation and Telecommunications
LB 977 Government, Military and Veterans Affairs
LB 978 Judiciary
LB 979 Judiciary
LB 980 Government, Military and Veterans Affairs
LB 981 Banking, Commerce and Insurance
LB 982 Education
LB 983 Judiciary
LB 984 Urban Affairs
LB 985 Judiciary
LB 986 Banking, Commerce and Insurance
LB 987 Education
LB 988 Health and Human Services
LB 989 Revenue
LB 990 Revenue
LB 991 Revenue
LB 992 Revenue
LB 993 Natural Resources
LB 994 Revenue
LB 995 Revenue
LB 996 Revenue
LB 997 Transportation and Telecommunications
LB 998 Transportation and Telecommunications
LB 999 Transportation and Telecommunications
LB 1000 Government, Military and Veterans Affairs
LB 1001 Business and Labor
LB 1002 Transportation and Telecommunications
LB 1003 Natural Resources
LB 1004 Natural Resources
LB 1005 Judiciary
LB 1006 Banking, Commerce and Insurance
LB 1007 Transportation and Telecommunications
LB 1008 Government, Military and Veterans Affairs
LB 1009 Judiciary
LB 1010 Judiciary
LB 1011 Executive Board

LB 1012 Banking, Commerce and Insurance
 LB 1013 Revenue
 LB 1014 Executive Board
 LB 1015 Health and Human Services

LR 277CA Government, Military and Veterans Affairs

(Signed) George Coordsen, Chairperson
 Legislative Council
 Executive Board

RESOLUTION

LEGISLATIVE RESOLUTION 278. Introduced by Kristensen, 37;
 Coordsen, 32.

WHEREAS, Mary Turner was employed by the Legislature as a transcriber and the Supervisor of Transcribers for thirty years;

WHEREAS, Mary Turner was a respected and valued employee of the Legislature;

WHEREAS, Mary Turner was an active member of St. Luke United Methodist Church, and had been a driving force behind its Sunday School program;

WHEREAS, Mary Turner passed away on her sixtieth birthday on Wednesday, January 9, 2002, at 9:45 p.m. after a long and valiant fight;

WHEREAS, Mary Turner is survived by her husband, Sigel ("Bud"), son John, daughter-in-law Deb, sister Kathy and brother-in-law Jerry, mother-in-law Lue Hulse, brothers-in-law and sisters-in-law, and numerous other relatives who will miss her greatly;

WHEREAS, Mary Turner will be missed by her legion of friends and colleagues in the Legislature and throughout the community.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its sympathy to the family of Mary Turner.
2. That a copy of this resolution be sent to Mary's family.

Laid over.

AMENDMENT - Print in Journal

Senator Aguilar filed the following amendment to LB 732:
 AM2258

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 81-1254, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 81-1254. (1) The governing body of any county may after
- 6 a public hearing adopt a resolution to impose an additional sales
- 7 tax of not to exceed two percent upon the total consideration

8 charged for occupancy of any space furnished by any hotel if such
9 county has created a County Visitors Promotion Fund and a visitors
10 committee pursuant to section 81-1255. The proceeds from such tax
11 shall be paid to the County Visitors Promotion Fund or County
12 Visitors Improvement Fund created pursuant to section 81-1255, or
13 both, as determined by the governing body of the county.

14 (2) The governing body of any county with a population of
15 more than fifty three hundred thousand inhabitants may after a
16 public hearing adopt a resolution to impose an additional sales tax
17 of not to exceed two percent upon the total consideration charged
18 for occupancy of any space furnished by any hotel if such county
19 has created a County Visitors Improvement Fund and a visitors
20 committee pursuant to section 81-1255. The proceeds from such tax
21 shall be paid to the County Visitors Improvement Fund.

22 (3) The taxes authorized by this section shall be in
23 addition to the tax authorized in section 81-1253 or any other
24 sales tax imposed or authorized.

1 Sec. 2. Section 81-1255, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 81-1255. The governing body of the county shall after a
4 public hearing adopt a resolution establishing a County Visitors
5 Promotion Fund and a visitors committee which shall serve as an
6 advisory committee to the county board in administering the
7 proceeds from the taxes provided to the county by the Nebraska
8 Visitors Development Act. The governing body of a county with a
9 population of more than fifty three hundred thousand inhabitants
10 may also after a public hearing adopt a resolution establishing a
11 County Visitors Improvement Fund. The governing body of a county
12 with a population of fifty thousand inhabitants or less may also,
13 after a public hearing and subject to the election requirements of
14 section 3 of this act, adopt a resolution establishing a County
15 Visitors Improvement Fund. The proceeds of the County Visitors
16 Promotion Fund shall be used generally to promote, encourage, and
17 attract visitors to come to the county and use the travel and
18 tourism facilities within the county. The proceeds of the County
19 Visitors Improvement Fund shall be used to improve the visitor
20 attractions and facilities in the county, ~~except that no~~
21 ~~proceeds shall be used to improve a facility in which parimutuel~~
22 ~~wagering is conducted.~~ If a governing body of a county has created
23 a County Visitors Improvement Fund, the governing body may transfer
24 any funds in the County Visitors Promotion Fund to the County
25 Visitors Improvement Fund. If the visitors committee determines
26 that the visitor attractions in the county are adequate and do not
27 require improvement, the committee may use the County Visitors
1 Improvement Fund to promote, encourage, and attract visitors to the
2 county to use the county's travel and tourism facilities. The
3 committee shall consist of five to seven members appointed by the
4 governing body of the county. Two members of the committee shall
5 be in the hotel industry.

6 Such appointees shall serve without compensation, except
7 for reimbursement for necessary expenses. Committee members shall
8 serve for terms of four years, except that at least half of those
9 appointed shall be appointed for initial terms of two years.
10 Vacancies shall be filled in the same manner as the initial
11 appointments. The committee shall elect a chairperson and
12 vice-chairperson from among its members to serve for terms of two
13 years.

14 Sec. 3. The power granted by section 81-1255 to create a
15 County Visitors Improvement Fund shall not be exercised by the
16 governing body of a county with a population of fifty thousand
17 inhabitants or less unless and until the question has been
18 submitted at a primary, general, or special election held within
19 the county and in which all registered voters are entitled to vote
20 on such question. The officials of the county shall order the
21 submission of the question by submitting a certified copy of the
22 resolution proposing the creation of the County Visitors
23 Improvement Fund to the election commissioner or county clerk. The
24 question may include any terms and conditions set forth in the
25 resolution proposing the creation of the fund and shall include the
26 following language: Shall the county create a County Visitors
27 Improvement Fund to permit the proceeds from the additional sales
1 tax charged for occupancy of any space furnished by any hotel in
2 this county to be used to improve the visitor attractions and
3 facilities in the county? If a majority of the votes cast upon the
4 question are in favor, the governing body may create a County
5 Visitors Improvement Fund. If a majority of the votes cast upon
6 the question are opposed, the governing body shall not create a
7 County Visitors Improvement Fund. The issue of creating a County
8 Visitors Improvement Fund shall not be brought to a vote in any
9 county more than once in any twelve-month period. Any election
10 under this section shall be conducted in accordance with the
11 procedures provided in the Election Act.

12 Sec. 4. Section 81-1258, Reissue Revised Statutes of

13 Nebraska, is amended to read:

14 81-1258. (1) Except as provided in subsection (2) of
15 this section, none of the proceeds from the taxes provided by the
16 Nebraska Visitors Development Act shall be used for any type of
17 capital construction.

18 (2) The County Visitors Improvement Fund shall be
19 administered by the governing body of the county with the advice of
20 the visitors committee created in section 81-1255. The fund shall
21 be used to make grants for expanding and improving facilities at
22 any existing visitor attraction, acquiring or expanding exhibits
23 for existing visitor attractions, or planning or developing such
24 expansions, improvements, or additions. Grants shall be available
25 for any visitor attraction in the county owned by the public or any
26 nonprofit organization, the primary purpose of which is to operate
27 the visitor attraction, ~~except that grants shall not be~~

1 available for any visitor attraction where parimutuel wagering is
2 conducted.

3 (3) For purposes of this section and section 81-1255,
4 visitor attraction shall mean a defined location open to the
5 public, which location is of educational, cultural, historical,
6 artistic, or recreational significance or provides entertainment or
7 in which are exhibits, displays, or performances of educational,
8 cultural, historic, artistic, or entertainment value.
9 Sec. 5. Section 81-1263, Reissue Revised Statutes of
10 Nebraska, is amended to read:
11 81-1263. Sections 81-1245 to 81-1263 and section 3 of
12 this act shall be known and may be cited as the Nebraska Visitors
13 Development Act.
14 Sec. 6. Original sections 81-1254, 81-1255, 81-1258, and
15 81-1263, Reissue Revised Statutes of Nebraska, are repealed.".

ANNOUNCEMENTS

Senator Brashear announced the Judiciary Committee elected Senator Baker as Vice Chairperson.

Senator Janssen announced the General Affairs Committee elected Senator Cunningham as Vice Chairperson.

UNANIMOUS CONSENT - Add Cointroducers

Senator Dierks asked unanimous consent to have his name added as cointroducer to LB 1005. No objections. So ordered.

Senator Price asked unanimous consent to have her name added as cointroducer to LB 872, LB 926, and LB 985. No objections. So ordered.

Senator Thompson asked unanimous consent to have her name added as cointroducer to LB 961. No objections. So ordered.

Senator Byars asked unanimous consent to have his name added as cointroducer to LB 824. No objections. So ordered.

Senator Jensen asked unanimous consent to have his name added as cointroducer to LB 888. No objections. So ordered.

Senator Cunningham asked unanimous consent to have his name added as cointroducer to LB 899. No objections. So ordered.

Senator Kruse asked unanimous consent to have his name added as cointroducer to LR 277CA. No objections. So ordered.

PROPOSED RULES CHANGES

The Rules Committee offered the following proposed rules changes:

Committee Proposal

#1

Amend Rule 7, Section 10, as follows:

Rule 7, Sec. 10. Cloture. At any stage of consideration the principal introducer of the bill under consideration, a cointroducer with the consent of the principal introducer, or the chairperson of the committee, if the bill is introduced by that committee, may move for cloture to the presiding officer ~~after eight hours of debate on the bill at that stage of consideration, except that the appropriation bills introduced by the Appropriations Committee shall be subject to a cloture motion after twelve hours of debate at that stage of consideration;~~ however, the presiding officer may rule such motion for cloture out of order if, in the presiding officer's opinion, a full and fair debate has not been afforded. Such ruling by the presiding officer shall not be subject to challenge. Whenever a motion for cloture is offered, the presiding officer shall immediately recognize such introducer or chairperson and shall then order debate on the pending amendment or motion to cease. A vote on the cloture motion shall be taken immediately. A two-thirds majority of the elected members shall be required for the cloture motion to be successful. A motion for cloture shall be in order except while a member is speaking, and a motion for cloture is not debatable. If the motion for cloture is successful, a vote on the pending matter shall be taken immediately, without debate. If the pending matter is an amendment to an amendment, following a vote on the amendment to the amendment, a vote shall be taken on the original amendment. If the original amendment has been divided, then the vote shall be on the original undivided amendment being considered. Finally a vote on the advancement of the bill shall be taken.

A motion for cloture shall have precedence over all other motions except a motion to recess or adjourn.

~~An unsuccessful~~ motion for cloture which fails for lack of sufficient votes shall result in the debate on the bill ending for the day. When the Speaker chooses to resume debate on the bill, successive motions for cloture shall not be in order until two additional hours of debate on the bill has occurred. If the presiding officer rejects a motion for cloture on a bill due to lack of full and fair debate, successive motions for cloture on the bill may be offered at any time.

Committee Proposal

#2

Amend Rule 5, Section 5, as follows:

Sec. 5. Scheduling of Bills, Priority Bills. (a) Each senator may designate one bill as a priority bill. Such priority bill need not be the designator's bill, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

(b) Each chairperson of those committees which are authorized to hold public hearings on bills may designate as priority bills two of the bills referenced to that committee and on which the committee has held a public hearing, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

(c) The Speaker may designate up to 25 additional priority bills.

(d) Priority bill designations may be made at any time prior to the annual designation deadline which shall be set each year by the Speaker. The designation deadline shall be prior to the 45th legislative day in the ninety day session and prior to the 30th legislative day in the sixty day session.

(e) A senator or committee may withdraw a priority designation at any time, but will not be allowed to designate another bill as a priority bill in its place. The Speaker may withdraw a priority designation made by the Speaker.

(f) All committees shall schedule priority bills for public hearing ahead of all unscheduled, nonpriority bills unless the person or committee making the priority designation shall otherwise agree.

(g) All bills not designated as priority bills shall be heard on General File in the order in which they are reported to the floor by the committees, unless the introducer of the bill and the Speaker agree to delay the hearing of a particular bill. This provision shall not be construed to prevent the Speaker from placing bills reported out of committee with ~~two or less~~ no dissenting votes on a consent calendar. ~~Any bill placed on consent calendar shall be removed at the written request of three or more senators.~~

(h) Priority bills shall generally be considered ahead of all other bills at each stage of debate, except as provided for in Rule 1, Section 17. Priority bills requiring the expenditure of appropriated funds shall be held on Final Reading until such time as the annual appropriations bills have been passed. A priority bill which fails to advance after two votes on General File, or after one vote on Select File, shall return to nonpriority status.

(i) No priority bill designated under this rule shall have priority over appropriations bills.

Insert new Rule 5, Section 6, and renumber subsequent sections accordingly:

Sec. 6. Consent Calendar. (a) The Speaker shall have the authority to place on consent calendar any bills advanced out of committee with no dissenting votes. The Speaker shall exercise sole discretion in determining both when to implement consent calendar and which bills complying with the requirements of this section shall be placed on it.

(b) A bill placed on consent calendar shall be announced on the agenda at least twenty-four hours prior to any action being taken regarding it on

consent calendar.

(c) Any bill placed on consent calendar shall be removed at the written request of three or more senators. Such request must be filed with the Clerk prior to the expiration of fifteen minutes of debate, at that stage of consideration, on the bill to be removed.

(d) A bill on consent calendar shall be allotted fifteen minutes for introduction and debate. Upon either the completion of debate or the expiration of fifteen minutes, whichever comes first, a vote shall be taken to advance the bill. If there is a pending motion or amendment before the body when either the debate ends or the fifteen minutes expire, a vote shall be taken on the pending matter followed by an immediate vote to advance the bill. If the pending matter is an amendment to an amendment, following a vote on the amendment to the amendment, a vote shall be taken on the original amendment. If the original amendment has been divided, then the vote shall be on the original undivided amendment being considered.

MOTIONS - Print in Journal

Senator Hudkins filed the following motion:

Suspend all pertinent rules and vote immediately upon the adoption of the first Rules Committee amendment, as proposed by the Rules Committee, without further amendment, motion, or debate.

Senator Hudkins filed the following motion:

Suspend all pertinent rules and vote immediately upon the adoption of the second Rules Committee amendment, as proposed by the Rules Committee, without further amendment, motion, or debate.

Senator Hudkins filed the following motion:

Suspend all pertinent rules and vote immediately upon the adoption of the permanent rules, as amended by the Rules Committee, without further amendment, motion, or debate.

VISITORS

The Doctor of the Day was Dr. Boelter from Lincoln.

ADJOURNMENT

At 12:01 p.m., on a motion by Senator Redfield, the Legislature adjourned until 10:00 a.m., Monday, January 14, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTH DAY - JANUARY 14, 2002**LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE
SECOND SESSION****FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, January 14, 2002

PRAYER

The prayer was offered by Father Paul Witt, St. Mary's Catholic Church, Lincoln, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Kristensen presiding.

The roll was called and all members were present.

SENATOR CUDABACK PRESIDING**CORRECTIONS FOR THE JOURNAL**

The Journal for the third day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bills:

| LB/LR | Committee |
|--------------|--|
| LB 883 | Transportation and Telecommunications (rereferred) |
| LB 1016 | Banking, Commerce and Insurance |
| LB 1017 | Health and Human Services |
| LB 1018 | Government, Military and Veterans Affairs |
| LB 1019 | Nebraska Retirement Systems |
| LB 1020 | Banking, Commerce and Insurance |
| LB 1021 | Health and Human Services |
| LB 1022 | Revenue |
| LB 1023 | Natural Resources |
| LB 1024 | Revenue |
| LB 1025 | Revenue |

| | |
|---------|---|
| LB 1026 | Natural Resources |
| LB 1027 | Nebraska Retirement Systems |
| LB 1028 | Transportation and Telecommunications |
| LB 1029 | Government, Military and Veterans Affairs |
| LB 1030 | Revenue |
| LB 1031 | Government, Military and Veterans Affairs |
| LB 1032 | Health and Human Services |
| LB 1033 | Health and Human Services |
| LB 1034 | Judiciary |
| LB 1035 | Health and Human Services |
| LB 1036 | Revenue |
| LB 1037 | Revenue |
| LB 1038 | Nebraska Retirement Systems |
| LB 1039 | Revenue |
| LB 1040 | Business and Labor |
| LB 1041 | Appropriations |
| LB 1042 | Revenue |
| LB 1043 | Judiciary |
| LB 1044 | Revenue |
| LB 1045 | Revenue |
| LB 1046 | Education |
| LB 1047 | Banking, Commerce and Insurance |
| LB 1048 | Banking, Commerce and Insurance |
| LB 1049 | Government, Military and Veterans Affairs |
| LB 1051 | Appropriations |
| LB 1052 | Transportation and Telecommunications |

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 14, 2002, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Abboud, Chris, Public Affairs Group
Agri-Business Association, Nebraska
Brain Injury Association of Nebraska, Inc.
Credit Union League, Nebraska
Metro Area Transit
Monsanto
Omaha Police Union, Local 101

Adams, John H.
International Gamco, Inc.

Adams Jr., Donald D.
Nebraskans First, Inc.

Alberts, Dan
Corn Growers Association, American

American Communications Group, Inc.
Behavioral Health Organizations, Nebraska Association of
Center for Rural Affairs
Citizens for a Healthy Nebraska
Community Preservation Assistance Coalition
Counseling Association, Nebraska
Emergency Medical Service Association, Nebraska
Engineers and Architects, Nebraska Board of Examiners for
Fire Fighters Association, Nebraska Professional
Girl Scout Legislative Monitoring Network, Nebraska
Housing Excellence Coalition
Land Title Association, Nebraska
Papio-Missouri Natural Resources District
Physical Therapy Association, Nebraska Chapter of American
Physician Assistants, Nebraska Academy of
Psychological Association, Nebraska
Public Employees, AFSCME Local 61, Nebraska Association of
Public Health, Nebraskans for
Respiratory Care, Nebraska Society for
Speech, Language, & Hearing Association, Nebraska
Turn Off the Violence

Andersen, Robert C.
Cooperative Council, Nebraska

Anderson, Robert L.
Agri-Business Association, Nebraska
Anderson Management Services, Inc.

Anderson, Tim W.
Central Nebraska Public Power & Irrigation District

Baack, Dennis G.
Community College Association, Nebraska

Barnett, Linda
YMCA's of Nebraska

Barrett, John
Republican Party, Nebraska

- Barta, Roy
Livestock Markets Association, Nebraska
- Bateman, Joseph R.
Union Pacific Railroad
- Beattie, George
Bankers Association, Nebraska
- Beermann, Allen J.
Press Association, Nebraska
- Belcher, Barbara N.
Merck & Company, Human Health Division (PA)
- Bell, David
Loup River Public Power District
- Bellum, Fred
AARP
- Benjamin, Connie
AARP
- Berg, Amy R.
Voices for Children
- Blank, Robert
Metro Right to Life
- Bohrer, Bruce J.
Lincoln Chamber of Commerce
- Boldt, Randy
Blue Cross & Blue Shield of Nebraska
- Bonaiuto, John A.
School Boards, Nebraska Association of
- Boucher, Richard
Sheriff's Association, Nebraska
- Britton, Mark Douglas
State Farm Insurance Companies
- Broer, Walter L.
General Contractors, Nebraska Building Chapter, Associated
- Brown, Vincent D.
Petroleum Institute, American

- Bruning, Deonne L.
AT&T Corporation
Cox Nebraska Telcom, L.L.C.
- Bunger, Ken
City of Omaha, Mayor
Omaha Douglas Public Building Commission
- Buntain, David R.
Medical Association, Nebraska
- Butz, Timothy C.
ACLU Nebraska
- Cady, Steven W.
Pork Producers Association, Nebraska
- Campbell, Mary M.
Beer Wholesalers Association, Nebraska
Cable Communications Association, Nebraska
Educational Service Units Administrators Association
Lincoln Public Schools
PharMerica, MultiState Associates, Inc. on behalf of
Region II and V Services
State Troopers Association of Nebraska, Inc.
University of Nebraska
Wholesale Liquor Distributors Association, Nebraska
- Carstenson, Eric B.
Telecommunications Association, Nebraska
- Cavanaugh, James P.
Creighton University
District Court Judges Association, Nebraska
Fraternal Order of Police, Nebraska
Independent Insurance Agents of Nebraska
Schwan's Information Services
- Cheloha, John A. 'Jack'
City of Omaha
- Clayburn, Neal
Lincoln Education Association
- Counts, Barry A.
Sprint/Local Telecommunications Division

Cover, Joni R.
Hospitals & Health Systems, Nebraska Association of

Craig, Robert B.
American Legion of Nebraska

Cuca, Ralph "Bud"
Trucking Association, Nebraska

Cunningham, James R.
Catholic Conference, Nebraska

Cutshall & Associates
1-800-CONTACTS
Arapahoe Feed Mill, Inc./7-11 Pork Food, Inc.
Area Agencies on Aging, Nebraska Association of
BryanLGH Health System
Builders & Suppliers Coalition
College Systems, Board of Trustees of Nebraska State
Community Lottery System, Inc.
County Attorneys Association, Nebraska
Dietetic Association, Nebraska
Family Physicians, Nebraska Academy of
Financial Services Coalition, Nebraska
Funeral Directors Association, Nebraska
Lincoln Medical Education Foundation
Manufactured Housing Association, Nebraska
Metropolitan Utilities District of Omaha
Motorola, Inc.
Nebraska Public Power District
Pfizer, Inc. (CA)
Poultry Industries, Inc., Nebraska
Public Television, Inc., Nebraskans for
Resources Districts, Nebraska Association of
Rural Community Schools Association, Nebraska
Ruth & Mueller, LLC
Southern Nebraska Rural Public Power District
Union Pacific Railroad
Water Coalition, Nebraska

Cutshall, Bruce A.
Cutshall & Associates

DeCamp, John W.
Chiropractic Physicians Association, Nebraska
Veterans of Foreign Wars

DeHart, Chuck
Williams Companies

Deppe, Jonah May
League of Woman Voters of Nebraska

Dibbern, Chris M.
Nebraska Municipal Power Pool

Didier, Genenne
Brain Injury Association of Nebraska, Inc.

Dobler, James B.
Farmers Mutual Insurance Company of Nebraska, National

Dudley, William H.
AFLAC

Dugan, Susie
PRIDE-Omaha, Inc.

Dulaney, Michael S.
School Administrators, Nebraska Council of

Edson, Dean E.
Resources Districts, Nebraska Association of

Ellerbee, Don
Veterinary Medical Association, Nebraska

Elliott, Joseph W.
Professional Insurance Agents of Nebraska

Elliott, Mary Jane
Health Care Association, Nebraska

Eret, Don
Tractor Testing Laboratory, Supporters of Nebraska

Erickson, Julie S.
American Communications Group, Inc.

Evans, Eric A.
Advocacy Services, Inc., Nebraska

Eynon-Kokrda, Elizabeth
Omaha Public Schools

Fahleson, Mark A.
High Plains Corporation

Fenster, Rolland
AARP

Ferdinand, L. Rene'
ARC of Nebraska

Ferrell, Beth Bazyn
County Officials, Nebraska Association of

Fox Jr., Deryl Dean
ABATE of Nebraska, Inc.

Fraizer, T. J.
Insurance Association, American
Mutual of Omaha Insurance Companies

Fulton, Jack A.
Sugar Growers Cooperative, Rocky Mountain

Funk, Christine
Planned Parenthood of Lincoln

Gady, Richard L.
ConAgra, Inc.

Gigstad, Carolyn D.
Engineering Companies/Nebraska, American Council of
Engineers, Nebraska Society of Professional

Gilbertson, Korby M.
Radcliffe & Associates
Wildlife Protector's Association, Inc./Operation Game

Goc, John J.
BOSC, LP
Metropolitan Utilities District of Omaha
Telephone Association, Nebraska Independent

Golden, Jeffery S.
Children and Family Coalition of Nebraska

Gordon, James E.
DeHart & Darr Associates

Gottschalk, Kristen
Rural Electric Association, Nebraska

Gould, John 'Jack'
Common Cause
Common Cause Nebraska

Graham, Ronald
Novartis Pharmaceuticals Corporation

- Grant, Rhonda K.
Jackson National Life Insurance Company
- Grieser, Mary Taylor
Certified Public Accountants, Nebraska Society of
- Griess, James R.
Education Association, Nebraska State
- Grove, Marvin M.
ABATE of Nebraska, Inc.
- Guy, Burnell C.
Brain Injury Association of Nebraska, Inc.
- Hale, Brian R.
School Boards, Nebraska Association of
- Hall, Kimberle M.
Home & Community Health Agencies, Nebraska Association of
- Hallstrom, Robert J.
Bankers Association, Nebraska
HLR Service Corporation
National Federation of Independent Business
NETWORKS, Inc.
Pharmacists Association, Nebraska
- Hansen, John K.
Farmers Union, Nebraska
- Harris, Nance
Trucking Association, Nebraska
- Hartmann, William
General Contractors of America, NE Chapter, Associated
- Harvey, William F.
Big Red Lottery Services, Ltd.
- Head, Craig J.
Farm Bureau Federation, Nebraska
- Hedman, Gary
Southern Nebraska Rural Public Power District
- Hereden, Jerry
Williams Companies

- Herrin, Sally J.
Farmers Union, Nebraska
- Hewgley, Laura
Retail Federation, Nebraska
- Hogrefe, Raymond H.
National Association of Retired Federal Employees, NE
- Holmquist, David W.
American Cancer Society
- Holmquist, Jay
Rural Electric Association, Nebraska
- Hood, Jane Renner
Humanities Council, Nebraska
- Horne, Virgil L.
Lincoln Public Schools
- Hybl, Michael G.
Great Plains Communications
- Intermill, Mark
AARP
- Intermill, Nancy L.
Alzheimer's Association, Lincoln/Greater NE
- Jensen, Ronald L.
Dental Hygienists' Association, Nebraska
Homes & Services for the Aging, Nebraska Association of
KRAFT FOODS, INC.
Magellan Health Services, Inc.
Miller Brewing Co.
Nurse Anesthetists, Nebraska Association of
Optometric Association, Nebraska
Philip Morris, Inc.
Podiatric Medical Association, Nebraska
Private Resources, Nebraska Association of
Radiologic Technologists, Nebraska Society of
- Jensen, S. Michael
Great Plains Communications
- Jewell, Jan
DeCamp Legal Services, P.C.

Johnson, DeMaris

County Attorneys Association, Nebraska
Water Resources Association, Nebraska

Johnson, Dick

Builders and Contractors, Inc., Associated

Johnson, Mary A.

Ruth & Mueller, LLC

Johnson, Michael L.

Fonner Park Exposition and Events Center, Inc.
Hall County Livestock Improvement Association

Johnson, Sandra A.

Medical Association, Nebraska

Jordison, John C.

Tax Research Council, Inc., Nebraska

Kamm, Richard D.

Class VI Association of Schools
School Finance Coalition, Nebraska

Karavas, Julie M.

Cattlemen, Nebraska

Keetle, Roger S.

Hospitals & Health Systems, Nebraska Association of

Keigher, Timothy

Petroleum Marketers & Convenience Store Assn., Nebraska

Kelley, Michael A.

Criminal Defense Attorneys Association, Nebraska
Douglas County, Nebraska
Eastern Nebraska Human Services Agency
Elevator Industry Work Preservation
Horsemen's Benevolent & Protective Association
Ignition Interlock Systems of IA, Inc.
Insurance Auto Auctions, Inc.
Kelley, Lehan & Hall, P.C.
Metropolitan Utilities District of Omaha
Omaha Airport Authority
Omaha Exposition & Racing, Inc.

Kennedy, Barry L.

Chamber of Commerce & Industry, Nebraska

Kenny, Timothy R.

Investment Finance Authority, Nebraska

Kevil, G. Bruce

Home Builders Association, Nebraska State

Kierstead, Roberta

Planned Parenthood Voters for Choice, Nebraska

Kilgarin, Karen

Education Association, Nebraska State

King, Terry L.

General Contractors of America, NE Chapter, Associated

Kissel, Gordon

Kissel/E&S Associates, L.L.C.

Kissel/Erickson & Sederstrom Associates, L.L.C.

AIA Nebraska

Alegent Health

Ameristar Casinos, Inc.

BP North America

Cooperative Council, Nebraska

Erickson & Sederstrom, P.C.

Goodwill Industries, Nebraska

Hearing Society, Nebraska

Historical Society, Nebraska State

Investment Finance Authority, Nebraska

Lancaster County Board of Commissioners

Lincoln Electric System

Nebraska Municipal Power Pool

Pork Producers Association, Nebraska

Professional Engineers Coalition

Telecommunications Business Users Coalition, Nebraska

West Teleservices

Kramer, David J.

Republican Party, Nebraska

Krannawitter, Brian

Health Education Incorporated

Kratz, Dean G.

General Contractors, Nebraska Building Chapter, Associated

Krumland, Gary G.

League of Nebraska Municipalities

- Kruse, Larry D.
Glaxo Wellcome, Inc.
- Kulesher, Kate M.
Wyeth-Ayerst Laboratories
- Lamb, Amy
Occupational Therapy Association, Nebraska
- Lange, Robert G.
Ameritas Life Insurance Corporation
- Larsen, Carlin L.
Qwest Communications (formerly US West)
- Lawton, Kristine L.
Rasmussen Legislative Consultants, Inc.
- Licht, Alice L.
Agri-Business Association, Nebraska
Anderson Management Services, Inc.
Auctioneers Association, Nebraska
Automotive Recycling Industry of Nebraska
Aviation Trade Association, Nebraska
Hotel & Motel Association, Inc., Nebraska
Interior Design, Nebraska Coalition for
Pest Control Association, Nebraska State
- Lindsay, John
O'Hara, Lindsay & Associates, Inc.
- Lineweber, Ray L.
United Transportation Union
- Loeffler, Michael T.
Northern Natural Gas
- Logsdon, Robert R.
Cox Nebraska Telcom, L.L.C.
- Lombardi, Richard A.
American Communications Group, Inc.
- Lutz, Daniel B.
ProRail Nebraska, Inc.
- Lutz, Mark
Restaurant Association, Nebraska

- Lutz, Richard
Restaurant Association, Nebraska
- Madcharo, Kelley
Medical Association, Nebraska
- Marcus, Joan K.
ARC of Nebraska
- Marshall, Kelly J.
Pharmacia & UpJohn Inc.
- Mass, Ken E.
AFL-CIO, Nebraska State
- McBride, David S.
Insurance and Financial Advisors, National Association of
Optometric Association, Nebraska
- McClure, John
Nebraska Public Power District
- McGee, Joan Ann
AARP
- McGuire & Norby
3M Traffic Control Materials Division
Alliance of American Insurers
Anheuser-Busch Companies
Cargill, Incorporated
City of Lincoln
Corn Growers Association, Nebraska
Crow Butte Resources, Inc.
Education Association, Nebraska State
Tobacco & Candy Distributors, Nebraska Association of
- McGuire, Mark D.
McGuire and Norby
- McKenzie, Janis M.
Gifted, Nebraska Association For The
Insurance Federation, Nebraska
- Meek, Randy D.
Brotherhood of Locomotive Engineers, Nebraska State
- Menzel, Elaine
County Officials, Nebraska Association of

- Meurrens, Bradley A.
Advocacy Services, Inc., Nebraska
- Mihovk, Donald J.
Chamber of Commerce & Industry, Nebraska
- Mikkelsen, Brian
Education Association, Nebraska State
- Millea, Michael
AARP
- Minor, Timothy H.
CF Industries, Inc.
- Monaghan, Thomas J.
Citizens for Equal Protection
- Moore, Scott D.
Union Pacific Railroad
- Moors, H. Jack
McGuire and Norby
- Moylan, James H.
Beverage Association, Nebraska Licensed
R.J. Reynolds Tobacco
- Mueller, William J.
Airport Officials, Nebraska Association of
American Express Travel Related Services, Inc.
Anesthesiologists, Nebraska Society of
ASARCO Incorporated
AT&T Corporation
Ayars & Ayars, Inc.
Bankers Association, Heartland Community
Big Red Lottery Services, Ltd.
Cement Co., Ash Grove
Chief Industries, Inc.
Collectors Association, Nebraska
Cutshall & Associates
Dental Association, Nebraska
Eye Physicians and Surgeons, Nebraska Academy of
First Data Corporation
General Contractors of America, NE Chapter, Associated
Harrah's Entertainment, Inc.
Independent Accountants, Nebraska Society of
Kellogg Company
Lincoln Airport Authority

- Lincoln Electric System
 - Lyman-Richey Corporation
 - M/A-COM Private Radio Systems
 - Machinery Company, Nebraska
 - Methodist Health Systems, Nebraska
 - Millard Public Schools
 - Nebraska Interactive
 - Nebraska State Bar Association
 - Pharmaceutical Research and Manufacturers of America
 - Press Association, Nebraska
 - Richard Young Center
 - S.I.D.s, Nebraska Association For
 - Schools Construction Alternatives Association, Nebraska
 - Segway LLC, MultiState Associates Inc. on behalf of
 - Western Wireless Corporation
- Munguia, Roberto Fernando
Burlington Northern Santa Fe
- Nabb, Douglas
Fremont Public Schools
- Naff, Clayton F.
Community Action Agencies, Association of Nebraska
- Neidig, Bryce P.
Farm Bureau Federation, Nebraska
- Neilan, Perre S.
Realtors Association, Nebraska
- Nelson, Craig L.
County Officials, Nebraska Association of
- Nielsen, Coleen J.
Merck & Company, Human Health Division (PA)
State Farm Insurance Companies
- Nowka, Trent P.
Cutshall & Associates
- Obermier, Duane
Education Association, Nebraska State
- Obst, Robert E.
Qwest Communications (formerly US West)
- O'Hara, Lindsay & Associates, Inc.
Ambulatory Centers, Nebraska Association of Independent

Automobile Manufacturers, Alliance of
Avaya Inc.
Blue Cross & Blue Shield of Nebraska
Citizens for a Healthy Nebraska
County Judges Association, Nebraska
Enron Transportation & Storage
Finocchiaro Wine Company, Inc.
First National Bank of Omaha
Gun Violence, The Brady Campaign to Prevent
Hall County Livestock Improvement Association
Humanities Council, Nebraska
Kinder Morgan, Inc.
Manheim Auctions d/b/a Omaha Auto Auctions
Minnesota Corn Processors, Inc.
Mortgage Brokers, Nebraska Association of
Motorola, Inc.
Nucor Corporation
Omaha Public Power District
Peru State College Foundation
Pioneer Hi-Bred International
Public Competitive Bid Laws, Nebraskans for
Soft Drink Association, Nebraska
Trial Attorneys, Nebraska Association of
Utilicorp United
Winnebago Tribe of Nebraska
Worldcom, Inc.

O'Hara, Paul V.
O'Hara, Lindsay & Associates, Inc.

O'Neill Jr., Thomas J.
Independent Colleges & Universities of Nebraska (AICUN),

Orta, Carlos F.
Ford Motor Company

Orton, Leroy
Irrigation Association, Nebraska State
Waste Water Assn., Nebraska On-Site
Well Drillers Association, Nebraska

Ozanne, Colleen K.
State Farm Insurance Companies

Pack, Mary M.
Radcliffe & Associates

Pallesen Jr., Charles M.
Medical Association, Nebraska

Peetz, Natalie

Omaha Chamber of Commerce, Greater

Peters, William E.

Brown & Williamson Tobacco
Burlington Northern Santa Fe
Golden Rule Insurance Company
Lorillard Tobacco Company

Petersen, Daphne

Optometric Association, Nebraska
Social Workers, Nebraska Chapter of National Association of

Peterson, Alan E.

Media of Nebraska, Inc.

Peterson, Patricia Schuett

Investment Finance Authority, Nebraska

Pierson, Darwin R.

Oil & Gas Association, Nebraska Independent

Popken, Kent T.

Qwest Communications (formerly US West)

Potter, Cara E.

Grocery Industry Association, Nebraska
Kelley, Lehan & Hall, P.C.
Retail Federation, Nebraska

Prenda, Amy

Kissel/E&S Associates, L.L.C.

Preston, James N.

Trucking Association, Nebraska

Prettyman, Keith A.

Lincoln Insurance Group (Woodman)

Ptacek, Patrick J.

Grain and Feed Association, Nebraska

Quist, LeaAnn

Great Plains Communications

Radcliffe, Walter H.

Agriculture, Nebraska State Board of
ALLTEL Communications
Cable Communications Association, Nebraska

Cemetery Association, Nebraska State
 Certified Public Accountants, Nebraska Society of
 Educational Services, Inc., Foundation for
 Father Flanagan's Boys' Home aka Girls and Boys Town
 Father Flanagan's Boys' Home d/b/a Boys Town National
 Financial Services Coalition, Nebraska
 GTECH Corporation
 Health Care Association, Nebraska
 IBP, Inc.
 Lincoln Public Schools
 Media of Nebraska, Inc.
 Motion Picture Association of America
 National Rifle Association Institute for Legislative Action
 Optometric Association, Nebraska
 Public Health Funding, Nebraskans for
 Pyrotechnics Association, Nebraska
 RACOM Corporation
 Realtors Association, Nebraska
 School Food Service Association, Nebraska
 State Troopers Association of Nebraska, Inc.
 University of Nebraska
 UST Public Affairs, Inc.
 Waste Connections, Inc.
 Wholesale Liquor Distributors Association, Nebraska

Rasmussen, Dennis

Auto Dealers Association, Nebraska Independent
 Autobody Association, Nebraska
 Catrala of Nebraska
 Class I's United
 Friends of Rural Education
 Great Plains Communications
 Iowa/Nebraska Equipment Dealers Association
 KRAFT FOODS, INC.
 Land Improvement Contractors Association, Nebraska
 LensCrafters
 Miller Brewing Co.
 Petroleum Marketers & Convenience Store Assn., Nebraska
 Philip Morris, Inc.
 Waste Water Assn., Nebraska On-Site
 Wells Fargo Bank, N.A.

Redoutey, Laura J.

Hospitals & Health Systems, Nebraska Association of

Remington, S. June

Health Underwriters, Nebraska Association of
 Insurance and Financial Advisors, National Association of
 Social Workers, Nebraska Chapter of National Association of

- Rempe, Jay E.
Farm Bureau Federation, Nebraska
- Renner, Shawn D.
Media of Nebraska, Inc.
- Rex, L. Lynn
League of Nebraska Municipalities
- Richards, Thomas
Omaha Public Power District
- Riibe, Diane
Project Extra Mile
- Robertson, Rob J.
Farm Bureau Federation, Nebraska
- Rodenburg, Susan Larson
Kissel/E&S Associates, L.L.C.
- Rose, Dian
Williams Companies
- Rowley, Mitch
Catholic Conference, Nebraska
- Ruehle, Greg
Cattlemen, Nebraska
- Ruth, Larry L.
Airport Officials, Nebraska Association of
American Express Travel Related Services, Inc.
Anesthesiologists, Nebraska Society of
ASARCO Incorporated
AT&T Corporation
Ayars & Ayars, Inc.
Bankers Association, Heartland Community
Big Red Lottery Services, Ltd.
Cement Co., Ash Grove
Chief Industries, Inc.
Collectors Association, Nebraska
Cutshall & Associates
Dental Association, Nebraska
Eye Physicians and Surgeons, Nebraska Academy of
First Data Corporation
General Contractors of America, NE Chapter, Associated
Harrah's Entertainment, Inc.
Independent Accountants, Nebraska Society of

Kellogg Company
Lincoln Airport Authority
Lincoln Electric System
Lyman-Richey Corporation
M/A-COM Private Radio Systems
Machinery Company, Nebraska
Methodist Health Systems, Nebraska
Millard Public Schools
Nebraska Interactive
Nebraska State Bar Association
Pharmaceutical Research and Manufacturers of America
Press Association, Nebraska
Richard Young Center
S.I.D.s, Nebraska Association For
Schools Construction Alternatives Association, Nebraska
Segway LLC, MultiState Associates Inc. on behalf of
Western Wireless Corporation

Ryan, Beth
Union Pacific Railroad

Sahling-Zart, Shelley R.
Lincoln Electric System

Scanlan, Jeffrey L.
Cornhusker Casualty Company

Scarpello, Sam M.
Electrical Workers, Nebraska State Council of
Omaha Building & Construction Trades Council
Utility Workers Conference, Nebraska State

Schimek, Herbert H.
Education Association, Nebraska State

Schleppenbach, Greg
Catholic Conference, Nebraska

Schmidt, Tom
Pfizer, Inc. (CA)

Schmit Industries, Inc.
Ag Processing, Inc.
Bell Family Farms
Charitable Gaming and Legislation, Nebraskans for
Chiropractic Physicians Association, Nebraska
Husker Ag Processing
KAPPA - Group
Sutherland Ethanol

- Schmit-Albin, Julie
Right to Life, Inc., Nebraska
- Schwartz, Julia Plucker
Children's Healthcare Services
- Seacrest, Kent
Antelope Valley Authority, Joint
- Sedlacek, Ronald J.
Bankers Association, Nebraska
Chamber of Commerce & Industry, Nebraska
Travelers Express Company, Inc.
- Sellentini, Jerry L.
School Administrators, Nebraska Council of
- Setzepfandt, Scott
HLR Service Corporation
- Sholl, Arthur F.
Mechanical Engineers, American Society of
- Shultz, Jack L.
Motorcycle Industry Council, Inc.
- Siefken, Kathy
Grocery Industry Association, Nebraska
- Skochdopole, Robert A.
Ephedra Committee of the American Herbal Products Assn.
Independent Insurers, National Association of
Midwest Medical Insurance Company
Verizon Wireless, Multistate Associates on behalf of
- Snyder, Patricia
Health Care Association, Nebraska
- Sommermeier, Mary E.
League of Nebraska Municipalities
- Stading, Donald R.
Ameritas Life Insurance Corporation
- States, Jennifer
Community Action Agencies, Association of Nebraska
- Stepanek, Chuck
Nurses' Association, Nebraska

Stilmock, Gerald M.

Firefighter's Association, Nebraska State Volunteer
National Federation of Independent Business
Pharmacists Association, Nebraska

Stremming, Troy A.

Ameristar Casinos, Inc.

Sullivan, J. Scott

Credit Union League, Nebraska

Swertzic, Michelle

Propane Gas Association, Nebraska

Testa, Joseph S.

American Council of Life Insurers

Thompson, Nancy

Friends of the Constitution

Todd Jr., A. Loy

Car & Truck Dealers Association, Nebraska New

Uhe, Fred J.

Sarpy County Board of Commissioners

Ullstrom, Galen F.

Mutual of Omaha Insurance Companies

Urdahl, Michael B.

Great Plains Communications

Varney, Michael

Farmers Insurance Group

Vickers, Tom

Community College Association, Nebraska
Educational Lands and Funds, Board of
Nurses' Association, Nebraska
Postsecondary Career Schools, Nebraska Council of Private
Propane Gas Association, Nebraska
Westside Community Schools

Vodvarka, Dan

Certified Public Accountants, Nebraska Society of

Wade, Rick G.

McGuire and Norby

- Wagner, Connie
Licensed Practical Nurse Association of Nebraska
- Walker, Steven H.
Norris Public Power District
- Warth, Terry
Nebraska Public Power District
- Weber, Rocky
Cooperative Council, Nebraska
- Welsch, Mark E.
GASP-Group to Alleviate Smoking Pollution
- Westerfield, Julie
Retail Federation, Nebraska
- Wickman, Barbara J.
Metro Omaha Builders Association
- Wiitala, Steve
Omaha Public Schools
- Williams, David M.
Ameritas Life Insurance Corporation
- Winger, Dwight
Rural Telecommunications Coalition, Nebraska
- Winston, Ken
Community Action Agencies, Association of Nebraska
GASP-Group to Alleviate Smoking Pollution
Library Association, Nebraska
Nebraskans Against the Death Penalty
Sierra Club, Nebraska
- Withem, Ron
University of Nebraska
- Workman, William T.
AARP
- Wylie, William M.
Insurance Information Service, Nebraska
- Yost, Kurt T.
Bankers Association, Nebraska Independent
Central Nebraska Public Power & Irrigation District
Check Cashiers Association, Nebraska

RESOLUTION**LEGISLATIVE RESOLUTION 278.** Read. Considered.

Senator Kristensen asked unanimous consent to add all senators' names to LR 278. No objections. So ordered.

LR 278 was adopted with 48 ayes, 0 nays, and 1 present and not voting.

SPEAKER KRISTENSEN PRESIDING**BILLS ON FIRST READING**

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

LEGISLATIVE BILL 1053. Introduced by Connealy, 16.

A BILL FOR AN ACT relating to school levies; to amend section 77-3442, Revised Statutes Supplement, 2001; to change provisions relating to the maximum levy; and to repeal the original section.

LEGISLATIVE BILL 1054. Introduced by Schimek, 27; Aguilar, 35; Brown, 6; Burling, 33; McDonald, 41; Smith, 48; Synowiecki, 7; Vrtiska, 1.

A BILL FOR AN ACT relating to civil rights; to amend sections 29-112 to 29-113, 32-223, 32-227, 32-228, 32-230, 32-241, 32-914, 32-1119, 83-187, and 83-1,118, Reissue Revised Statutes of Nebraska, sections 29-2264, 32-233, 32-235, 32-236, 32-916, 32-947, and 32-1002, Revised Statutes Supplement, 2000, and section 32-101, Revised Statutes Supplement, 2001; to require written notice regarding civil rights for convicted felons; to change provisions relating to poll workers, absentee ballots, and recounting ballots to provide for provisional ballots; to harmonize provisions; and to repeal the original sections.

MOTION - Adopt Permanent Rules

Senator Hudkins moved to adopt the permanent rules for the Ninety-Seventh Legislature, Second Session.

The Rules Committee renewed the proposed rules change, Committee Proposal #1, found on page 160, to amend Rule 7, Section 10.

Senator Chambers moved to recommit proposed rules change to the Rules Committee.

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1055. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to the Department of Agriculture; to amend sections 2-4322 and 2-4324, Reissue Revised Statutes of Nebraska, and sections 2-958 and 2-2634, Revised Statutes Supplement, 2001; to change provisions relating to fees and funds; and to repeal the original sections.

LEGISLATIVE BILL 1056. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to amend section 81-2,162.23, Revised Statutes Supplement, 2000, and section 81-2,162.27, Revised Statutes Supplement, 2001; to change fee and fund provisions in the Nebraska Commercial Fertilizer and Soil Conditioner Act; and to repeal the original sections.

LEGISLATIVE BILL 1057. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to amend sections 54-850 and 54-857, Reissue Revised Statutes of Nebraska; to change fee and fund provisions in the Commercial Feed Act; and to repeal the original sections.

LEGISLATIVE BILL 1058. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to amend section 2-10,117, Reissue Revised Statutes of Nebraska; to change fund provisions in the Plant Protection and Plant Pest Act; and to repeal the original section.

LEGISLATIVE BILL 1059. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to schools; to amend section 79-215, Revised Statutes Supplement, 2001; to provide for fees for extracurricular activities; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1060. Introduced by Wickersham, 49; Raikes, 25.

A BILL FOR AN ACT relating to ethanol; to amend sections 66-1344 and 66-1345 to 66-1345.02, Revised Statutes Supplement, 2001; to change a production credit; to impose an excise tax on distiller's grain and gluten feed; to change a tax rate on corn and grain sorghum; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1061. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to jails; to amend section 47-401, Reissue Revised Statutes of Nebraska; to change provisions relating to the privilege of leaving jail; and to repeal the original section.

LEGISLATIVE BILL 1062. Introduced by Health and Human Services Committee: Jensen, 20, Chairperson; Byars, 30; Cunningham, 18; Erdman, 47; Maxwell, 9; Price, 26; Suttle, 10.

A BILL FOR AN ACT relating to health and human services; to amend sections 44-2901, 71-1,132.04, 71-1,132.06, 71-1,132.16, 71-1,132.18, 71-1,132.24, 71-1,132.25, 71-1,132.35, 71-1,231, 71-1729, 71-1757, 71-1761, 71-1787, 71-2412, 71-6057, 71-6603, and 83-126, Reissue Revised Statutes of Nebraska, sections 42-358, 43-3342.01, 71-139.01, 71-1,104, 71-1,132.07, 71-1,132.11, 71-1,132.13, 71-1,132.20, 71-1,134, 71-1,136.03, 71-1,139.01, 71-1,158, 71-1,160, 71-1,161, 71-404, 71-432, 71-434, 71-436, 71-438, 71-456, 71-1723.02, 71-6053, 71-6054, 71-6056, 71-6060, 71-6061, 71-6065, 71-6066, and 81-1316, Revised Statutes Supplement, 2000, and sections 71-101, 71-1,147.53, 71-401, 71-2421, and 71-5310, Revised Statutes Supplement, 2001; to change provisions relating to child support enforcement and licenses to practice medicine and surgery, nursing, optometry, veterinary medicine, and respiratory care; to provide for optometric assistants; to change provisions relating to drug expiration dates, health care facility licensure, nursing home administration, and facilities under the supervision of the Department of Health and Human Services; to repeal the State Hospital Survey and Construction Act; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 71-2001, 71-2002, 71-2004, and 71-2006 to 71-2016, Reissue Revised Statutes of Nebraska, and section 71-2003, Revised Statutes Supplement, 2000; and to declare an emergency.

LEGISLATIVE BILL 1063. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to cigarette tax; to amend sections 77-2601, 77-2602.03, 77-2603, 77-2604, 77-2609, 77-2615, 77-2617, and 77-2620, Reissue Revised Statutes of Nebraska; to define and redefine terms; to provide duties, an administrative penalty, and for cigarette destruction as prescribed; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 1064. Introduced by Vrtiska, 1; Aguilar, 35; Brown, 6; Burling, 33; Coordsen, 32; Janssen, 15; Jones, 43; McDonald, 41; Schimek, 27; Smith, 48.

A BILL FOR AN ACT relating to homestead exemptions; to amend sections 77-3510 and 77-3512, Revised Statutes Supplement, 2000; to change a date relating to forms and applications; and to repeal the original sections.

LEGISLATIVE BILL 1065. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 69-1305.02, Reissue Revised Statutes of Nebraska, and section 28-101,

Revised Statutes Supplement, 2000; to prohibit the issuance of gift certificates as prescribed; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1066. Introduced by Schrock, 38; Bruning, 3; Hudkins, 21; Jones, 43; Kremer, 34; Preister, 5; Stuhr, 24.

A BILL FOR AN ACT relating to natural resources districts; to amend section 46-656.10, Reissue Revised Statutes of Nebraska; to change provisions relating to cease and desist orders as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1067. Introduced by Brown, 6; Beutler, 28; Bourne, 8; Bromm, 23; Byars, 30; Jensen, 20; D. Pederson, 42; Quandahl, 31.

A BILL FOR AN ACT relating to cloning; to prohibit activities relating to human reproductive cloning; to define terms; and to provide a penalty.

LEGISLATIVE BILL 1068. Introduced by Janssen, 15; Cunningham, 18; Schrock, 38.

A BILL FOR AN ACT relating to pickle cards; to amend sections 9-340.02, 9-347, 9-347.01, and 9-348, Reissue Revised Statutes of Nebraska; to change provisions relating to prize limitations and definite profit; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1069. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to the Public Service Commission; to amend section 75-128, Reissue Revised Statutes of Nebraska; to change filing and hearing fees as prescribed; and to repeal the original section.

AMENDMENTS - Print in Journal

Senator Price filed the following amendment to LB 82:
AM2221

(Amendments to Standing Committee amendments, AM1962)

- 1 1. On page 6, line 6; page 8, line 7, and page 16, line
- 2 4, after the period insert "For a humane society or comparable
- 3 institution to be considered as an adoption alternative under this
- 4 subsection, it must first be certified by the Department of
- 5 Agriculture as having passed the inspection requirements in the
- 6 Commercial Dog and Cat Operator Inspection Act and paid the fee for
- 7 inspection under the act.".

Senator Bruning filed the following amendment to LB 298:
AM2259

- 1 1. In the Standing Committee amendments, AM0215, strike
- 2 amendment 1.

3 2. Strike AM7060.

Senators Dierks and Erdman filed the following amendment to LB 803:
AM2307

(Amendments to Standing Committee amendments, AM1079)

- 1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 "Section 1. Section 2-2304, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 2-2304. (1) The board shall be composed of seven members
6 who shall (a) be citizens of Nebraska, (b) be at least twenty-five
7 years of age, (c) have been actually engaged in growing wheat in
8 this state for a period of at least five years, and (d) derive a
9 substantial portion of their income from growing wheat. The
10 Director of Agriculture and the vice chancellor of the University
11 of Nebraska Institute of Agriculture and Natural Resources shall
12 serve as nonvoting, ~~ex officio~~ members of the board. With the
13 exception of the ~~ex officio~~ nonvoting members, the Governor shall
14 appoint the members to the board.
15 (2) The seven appointed members shall be appointed from
16 the following districts:
17 (a) District 1: The counties of Sioux, Scotts Bluff,
18 ~~Banner~~, Dawes, Box Butte, Morrill, Sheridan, and Garden;
19 (b) District 2: The counties of Kimball, Banner, and
20 Cheyenne;
21 (c) District 3: The counties of Perkins, Deuel, Keith,
22 Arthur, McPherson, Logan, Grant, Hooker, Thomas, and Cherry;
23 (d) District 4: The counties of Lincoln, Chase, Dundy,
1 Hayes, Hitchcock, and Frontier;
2 (e) District 5: The counties of Buffalo, Dawson, Phelps,
3 Custer, Gosper, Kearney, Red Willow, Furnas, Harlan, and Franklin;
4 (f) District 6: The counties of Adams, Webster,
5 Nuckolls, Thayer, Jefferson, Gage, Johnson, Nemaha, Pawnee, ~~and~~
6 Richardson, ~~;~~ and
7 ~~(g) District 7: The counties of Otoe, Cass, Lancaster,~~
8 Seward, York, Hamilton, Hall, Sherman, Howard, Merrick, Nance,
9 Polk, Butler, Saunders, Sarpy, Douglas, Washington, Dodge, Colfax,
10 Platte, Burt, Cuming, Stanton, Madison, Boone, Valley, Greeley,
11 Antelope, Pierce, Wayne, Thurston, Dakota, Dixon, Cedar, Knox,
12 Wheeler, Garfield, Loup, Blaine, Brown, Rock, Holt, Boyd, Keya
13 Paha, Clay, Fillmore, and Saline; and
14 (g) District 7: The at-large district.
15 Sec. 2. Section 2-2305, Reissue Revised Statutes of
16 Nebraska, is amended to read:
17 2-2305. ~~Within sixty days after July 1, 1991, the~~
18 ~~Governor shall appoint the member of the board from district 4 to~~
19 ~~serve for a term of five years. The term of the member serving~~
20 ~~from district 1 prior to April 11, 1991, shall expire on June 30,~~
21 ~~1994. The term of the member serving from district 4 prior to~~

22 April 11, 1991, shall expire on June 30, 1995, and such member
 23 shall represent district 5 after April 11, 1991. The term of the
 24 member serving from district 5 prior to April 11, 1991, shall
 25 expire on June 30, 1995, and such member shall represent district 7
 26 after April 11, 1991. The term of the member serving from district
 27 6 prior to April 11, 1991, shall expire on June 30, 1991. The term
 1 of the member serving from district 7 shall expire on June 30,
 2 1994, and such member shall represent district 6 after April 11,
 3 1991. The term of the member serving from district 3 prior to
 4 April 11, 1991, shall expire on June 30, 1992. The term of the
 5 member serving from district 2 prior to April 11, 1991, shall
 6 expire on June 30, 1993. The member serving former district 1 will
 7 assume the role of serving new district 1 and his or her term shall
 8 expire on June 30, 2005. The member serving former district 2 will
 9 assume the role of serving new district 2 and his or her term shall
 10 expire on June 30, 2004. The term of the member serving district 3
 11 shall expire on June 30, 2003. The term of the member serving
 12 district 4 shall expire on June 30, 2002. The term of the member
 13 serving district 5 shall expire on June 30, 2006. The member
 14 serving former district 6 will assume the role of serving new
 15 district 6 and his or her term shall expire on June 30, 2005. The
 16 member serving former district 7 will assume the role of serving
 17 new district 7 and his or her term shall expire on June 30, 2006.
 18 As the terms of office of the appointees expire, members serving on
 19 the effective date of this act expire as provided in this section,
 20 their successors shall be appointed to serve for terms of five
 21 years and until their successors are appointed and qualified.
 22 Terms of office shall commence on July 1. A member appointed to
 23 fill a vacancy, occurring before the expiration of the term of a
 24 member separated from the board for any cause, shall be appointed
 25 for the remainder of the term of the member whose office has been
 26 so vacated in the same manner as his or her predecessor.
 27 Sec. 3. Original sections 2-2304 and 2-2305, Reissue
 1 Revised Statutes of Nebraska, are repealed.
 2 Sec. 4. Since an emergency exists, this act takes effect
 3 when passed and approved according to law."

RESOLUTIONS

LEGISLATIVE RESOLUTION 279. Introduced by Kremer, 34.

WHEREAS, the Hampton Lady Hawks' volleyball team is the 2001 Class D-2 state volleyball champion; and

WHEREAS, this was the Lady Hawks' second straight state volleyball championship; and

WHEREAS, the Lady Hawks have won forty-eight consecutive matches, which is the longest volleyball winning streak in the state; and

WHEREAS, the Hampton Lady Hawks' 2001 volleyball team exemplifies dedication, discipline, and perseverance through talent and hard work; and

WHEREAS, Coach Diane Torson and her assistant coaches displayed and provided effective guidance and leadership throughout the season.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes and congratulates the Hampton Lady Hawks' 2001 volleyball team and the coaches, parents, and supporters.
2. That a copy of this resolution be sent to Hampton High School.

Laid over.

LEGISLATIVE RESOLUTION 280. Introduced by Kremer, 34.

WHEREAS, the Aurora Lady Huskies' volleyball team is the 2001 Class B state champion; and

WHEREAS, this was the first time in the school's history the Aurora Lady Huskies have won the state volleyball championship; and

WHEREAS, this win gave the Aurora Lady Huskies' head volleyball coach Lana Wilken her first-ever state title after twenty-nine years of coaching; and

WHEREAS, the members of the Aurora Lady Huskies' 2001 volleyball team are positive role models for young athletes in the community because of the support by their coaches, teachers, administrators, and parents; and

WHEREAS, Coach Lana Wilken and her assistant coaches displayed and provided effective guidance and leadership throughout the season.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes and congratulates the Aurora Lady Huskies' 2001 volleyball team and their coaches, parents, and supporters.
2. That a copy of this resolution be sent to Aurora High School.

Laid over.

LEGISLATIVE RESOLUTION 281. Introduced by Smith, 48.

WHEREAS, the 2001-02 Gering High School Mock Trial team won the 2001 Nebraska High School Mock Trial competition; and

WHEREAS, the 2001-02 Gering High School Mock Trial team members, seniors Keaton Green, Shaun Robison, Zach Stoltenberg, and Megan Zimmerman, juniors Joe Manasek, Andy Stobel, and Zach Wentz, and sophomore Meagan Bauer, and coaches Mary Winn, Matt Salomon, and attorney Bell Island, spent many hours since the beginning of the school year preparing for the competition; and

WHEREAS, the 2001-02 Gering High School Mock Trial team will go to St. Paul, Minnesota, for the May 9-12 Mock Trial competition in that city.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the 2001-02 Gering High School Mock Trial team and their coaches on winning the 2001 Nebraska Mock Trial competition.

2. That a copy of this resolution be sent to the 2001 Gering High School Mock Trial team and coaches.

Laid over.

LEGISLATIVE RESOLUTION 282CA. Introduced by Coordsen, 32.

THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2002 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 24:

III-24 "(1) ~~Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time. The Legislature may authorize games of chance, lotteries, and gift enterprises as provided in this section.~~

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for other purposes as directed by the Legislature. No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) The Legislature may authorize and regulate games of chance, the proceeds of which may be used only for charitable or community betterment purposes, for civic benefit, for tax relief, for job creation and economic development, or for the promotion of agriculture. Such games of chance shall include, but not be limited to, casino gaming activities, games played using player-activated electronic, video, or mechanical gaming devices, dice, card games of chance, and table games of chance.

(5) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis."

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

"A constitutional amendment to permit the Legislature to authorize and regulate games of chance and to require the proceeds to be used for charitable or community betterment purposes, civic benefit, tax relief, job creation and economic development, or the promotion of agriculture.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 283CA. Introduced by Jones, 43; Baker, 44; Bromm, 23; Cunningham, 18; Dierks, 40; Erdman, 47; Stuhr, 24; Vrtiska, 1.

THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2002 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 6:

III-6 "The Legislature shall consist of not more than ~~fifty~~ fifty-five members and not less than thirty members. The sessions of the Legislature shall be annual except as otherwise provided by this constitution or as may be otherwise provided by law."

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

"A constitutional amendment to authorize the Legislature to increase the number of members of the Legislature.

For

Against".

Referred to the Reference Committee.

STANDING COMMITTEE REPORTS General Affairs

LEGISLATIVE RESOLUTION 6CA. Placed on General File.

LEGISLATIVE BILL 338. Indefinitely postponed.

LEGISLATIVE BILL 571. Indefinitely postponed.

(Signed) Ray Janssen, Chairperson

SPECIAL COMMITTEE REPORT Executive Board

LEGISLATIVE RESOLUTION 16CA. Placed on General File as

amended.

Special Committee amendment to LR 16CA:

AM2288

1 1. Strike the original sections and insert the following
 2 new sections:
 3 "Section 1. At the general election in November 2004 the
 4 following proposed amendment to the Constitution of Nebraska shall
 5 be submitted to the electors of the State of Nebraska for approval
 6 or rejection:
 7 To amend Article III, sections 7 and 19 and add a new
 8 section 31 to Article III:
 9 III-7 "At the general election to be held in November
 10 1964, one-half the members of the Legislature, or as nearly thereto
 11 as may be practicable, shall be elected for a term of four years
 12 and the remainder for a term of two years, and thereafter all
 13 members shall be elected for a term of four years, with the manner
 14 of such election to be determined by the Legislature. When the
 15 Legislature is redistricted, the members elected prior to the
 16 redistricting shall continue in office, and the law providing for
 17 such redistricting shall ~~where~~ when necessary specify the newly
 18 established district which they shall represent for the balance of
 19 their term. Each member shall be nominated and elected in a
 20 nonpartisan manner and without any indication on the ballot that he
 21 or she is affiliated with or endorsed by any political party or
 22 organization. Each member of the Legislature shall receive a
 23 salary of ~~not to exceed~~ one thousand dollars per month during the
 24 term of his or her office until his or her compensation is changed
1 in the manner provided by Article III, section 31, of this
2 Constitution. In addition to his or her salary compensation, each
 3 member shall receive an amount equal to his or her actual expenses
 4 in traveling by the most usual route once to and returning from
 5 each regular or special session of the Legislature. Members of the
 6 Legislature shall receive no pay nor perquisites other than ~~his or~~
 7 ~~her salary~~ the compensation provided by this section and Article
 8 III, section 31, of this Constitution and expenses, ~~and~~
 9 ~~employees of the Legislature shall receive no compensation other~~
 10 ~~than their salary or per diem."~~
 11 III-19 "The Legislature shall never grant any extra
 12 compensation to any public officer, agent, or servant after the
 13 services have been rendered nor to any contractor after the
 14 contract has been entered into, except that retirement benefits of
 15 retired public officers and employees may be adjusted to reflect
 16 changes in the cost of living and wage levels that have occurred
 17 subsequent to the date of retirement.
 18 The compensation of any public officer, including any
 19 officer whose compensation is fixed by the Legislature, shall not
 20 be increased or diminished during his or her term of office, except
 21 that when there are members elected or appointed to ~~the Legislature~~
 22 ~~or~~ the judiciary, or officers elected or appointed to a board or

23 commission having more than one member, and the terms of such
24 members commence and end at different times, the compensation of
25 all members of the Legislature, of the judiciary, or of such board
26 or commission may be increased or diminished at the beginning of
27 the full term of any member thereof and except as provided in
1 Article III, section 31, of this Constitution.

2 Nothing in this section shall prevent local governing
3 bodies from reviewing and adjusting vested pension benefits
4 periodically as prescribed by ordinance.
5 The surviving spouse of any retired public officer,
6 agent, or servant, who has retired under a pension plan or system,
7 shall be considered as having pensionable status and shall be
8 entitled to the same benefits which may, at any time, be provided
9 for or available to spouses of other public officers, agents, or
10 servants who have retired under such pension plan or system at a
11 later date, and such benefits shall not be prohibited by the
12 restrictions of this section or of Article XIII, section 3 of the
13 this Constitution, of Nebraska."

14 III-31 "(1) There is hereby created the Ethics and
15 Compensation Review Commission. The members of the commission
16 shall be appointed by the Governor. There shall be two members
17 appointed from each congressional district and three members from
18 the state at large. Members of the commission shall serve for
19 terms of six years, except that of the members initially appointed,
20 one from each of the congressional districts and one of the
21 at-large members shall be appointed for terms of two years. No
22 more than five members of the commission may belong to the same
23 political party at any one time, and no elected official or
24 employee of the state or any political subdivision or registered
25 lobbyist may serve as a member. The term of an existing member
26 shall terminate on the date a new member is appointed. A member
27 may serve no more than two terms on the commission and shall
1 receive no compensation for the performance of his or her duties
2 but may be reimbursed for actual and necessary expenses.

3 (2) The Ethics and Compensation Review Commission shall
4 prepare and present to the Legislature prior to November 1, 2005, a
5 recommended legislative code of ethics which may be adopted by the
6 Legislature. The code of ethics shall include procedures for
7 implementing such code. Three years after the initial adoption of
8 the recommended code of ethics, the Legislature may modify the code
9 of ethics as it deems necessary or advisable to effectuate Article
10 III, sections 10 and 16, of this Constitution. The Legislature
11 shall maintain a code of ethics in its permanent rules.

12 (3) After the Ethics and Compensation Review Commission
13 has presented a code of ethics to the Legislature and a code of
14 ethics has been adopted as recommended as part of the Legislature's
15 permanent rules, the commission shall review compensation for
16 members of the Legislature and submit a report to the Governor and
17 the Legislature recommending any adjustment to such compensation

18 the commission deems appropriate. The Legislature may by
 19 legislative bill approve, disapprove, or reduce the recommended
 20 adjustment but may not increase the recommended adjustment.
 21 Adjustments shall not become effective until so approved by the
 22 Legislature, and when so approved shall become effective three
 23 calendar months following the end of the legislative session in
 24 which the adjustments were approved. The commission shall review
 25 and submit a report recommending any adjustment to compensation
 26 every fourth year and shall review and submit a recommendation with
 27 respect to changes in the legislative code of ethics every fourth
 1 year after the submission of the original recommendation."
 2 Sec. 2. The proposed amendment shall be submitted to the
 3 electors in the manner prescribed by the Constitution of Nebraska,
 4 Article XVI, section 1, with the following ballot language:
 5 "A constitutional amendment to create the Ethics and
 6 Compensation Review Commission, to change provisions
 7 relating to compensation for members of the Legislature,
 8 and to provide for the adoption of a legislative code of
 9 ethics.
 10 For
 11 Against".
 12 2. On page 1, line 2, strike "FIRST" and insert
 13 "SECOND".

(Signed) George Coordsen, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 278.

VISITORS

Visitors to the Chamber were C. J. Bessey and Lynnette McCulloh from Elkhorn and Lisa Botkin from Omaha.

RECESS

At 12:00 p.m., on a motion by Senator Connealy, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Kristensen presiding.

ROLL CALL

The roll was called and all members were present except Senators Brashear, Byars, Coordsen, Dierks, McDonald, Raikes, Robak, Schimek, Suttle, and Wickersham who were excused until they arrive.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1070. Introduced by Redfield, 12; Bruning, 3; Coordsen, 32; Erdman, 47.

A BILL FOR AN ACT relating to the Legislature; to amend section 50-114.03, Reissue Revised Statutes of Nebraska; to provide an alternative method for a public entity to provide a required report to the Legislature; and to repeal the original section.

LEGISLATIVE BILL 1071. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Abstracters Act; to amend sections 76-537 to 76-539, 76-543, 76-545, and 76-547, Reissue Revised Statutes of Nebraska, and section 76-542, Revised Statutes Supplement, 2000; to define terms; to require residency as prescribed; to change provisions relating to fees; to authorize duplicate certificates of registration; to prohibit certain acts by inactive abstracters; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1072. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Minority Scholarship Program Act; to amend section 85-9,181, Revised Statutes Supplement, 2000; to change fund use and administration procedures; and to repeal the original section.

RESOLUTION

LEGISLATIVE RESOLUTION 284. Introduced by Foley, 29.

WHEREAS, Mr. Edward J. Neville has earned the rank of Eagle Scout in the Boy Scouts of America, that organization's highest rank; and

WHEREAS, Edward J. Neville is a member of the Boy Scout Troop 49 of the Cornhusker Council; and

WHEREAS, in achieving this rank, Edward J. Neville advanced through five ranks and earned, at minimum, twenty-one merit badges, including twelve which were required; and

WHEREAS, for his Eagle Scout project, Edward J. Neville renovated a horeshoe court in the Tierra neighborhood for renewed use by the community, especially the elderly; and

WHEREAS, fewer than four percent of all boys who join the Boy Scouts attain the rank of Eagle Scout; and

WHEREAS, Edward J. Neville has achieved great success as an exemplary member of the scouting program, and has represented his troop and community with excellence; and

WHEREAS, a Court of Honor will be held for Edward J. Neville on Sunday, January 27, 2002, at which time Mr. Neville will be presented with the Eagle Scout Badge.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature commends Edward J. Neville for his dedication, perseverance, and hard work in obtaining this distinguished rank.
2. That a copy of this resolution be sent to Edward J. Neville.

Laid over.

MOTION - Adopt Permanent Rules

The Chambers pending motion, found in this day's Journal, to recommit proposed rules change to the Rules Committee, was renewed.

Senator Hudkins moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Senator Chambers requested a roll call vote on his motion to recommit to committee.

Voting in the affirmative, 7:

| | | | | |
|---------|------------|----------|--------|--------|
| Bourne | Brashear | Connealy | Landis | Raikes |
| Schimek | Wickersham | | | |

Voting in the negative, 37:

| | | | | |
|---------|----------|---------------|--------------|------------|
| Aguilar | Baker | Beutler | Bromm | Brown |
| Bruning | Burling | Byars | Cudaback | Cunningham |
| Dierks | Engel | Erdman | Foley | Hartnett |
| Hudkins | Janssen | Jensen | Jones | Kremer |
| Kruse | Maxwell | Pedersen, Dw. | Pederson, D. | Preister |
| Price | Quandahl | Redfield | Robak | Schrock |
| Smith | Stuhr | Synowiecki | Thompson | Tyson |
| Vrtiska | Wehrbein | | | |

Present and not voting, 3:

| | | |
|----------|------------|----------|
| Chambers | Kristensen | McDonald |
|----------|------------|----------|

Excused and not voting, 2:

| | |
|----------|--------|
| Coordsen | Suttle |
|----------|--------|

The Chambers motion to recommit failed with 7 ayes, 37 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers moved to reconsider his motion to recommit proposed rules change.

Senator Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Senator Chambers requested a roll call vote on his motion to reconsider his motion to recommit.

The Chambers motion to reconsider failed with 4 ayes, 34 nays, 9 present and not voting, and 2 excused and not voting.

Senator Chambers moved to bracket proposed rules change until January 22, 2002.

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Bromm raised a point of order on whether Rule 6, Sec. 3(e) applies to matters other than legislative bills.

The Chair ruled that Rule 7, Sec. 6, which deals with the motion to postpone to a time certain, applies to not only bills but other propositions as well.

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Chambers requested a roll call vote on his motion to bracket.

Voting in the affirmative, 6:

| | | | | |
|------------|----------|--------|--------|---------|
| Bourne | Connealy | Landis | Raikes | Schimek |
| Wickersham | | | | |

Voting in the negative, 32:

| | | | | |
|----------|----------|------------|---------------|--------------|
| Baker | Beutler | Bromm | Bruning | Burling |
| Byars | Coordsen | Cunningham | Dierks | Engel |
| Erdman | Foley | Hudkins | Jensen | Jones |
| Kremer | Kruse | Maxwell | Pedersen, Dw. | Pederson, D. |
| Preister | Price | Quandahl | Redfield | Schrock |
| Smith | Stuhr | Synowiecki | Thompson | Tyson |
| Vrtiska | Wehrbein | | | |

Present and not voting, 8:

| | | | | |
|---------|------------|----------|----------|----------|
| Aguilar | Brown | Chambers | Cudaback | Hartnett |
| Janssen | Kristensen | McDonald | | |

Excused and not voting, 3:

| | | |
|----------|-------|--------|
| Brashear | Robak | Suttle |
|----------|-------|--------|

The Chambers motion to bracket failed with 6 ayes, 32 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senators Landis and Bruning asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers moved to reconsider his motion to bracket.

Senator Foley asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers requested a roll call vote on his motion to reconsider.

The Chambers motion to reconsider failed with 3 ayes, 29 nays, 11 present and not voting, and 6 excused and not voting.

Senator Hudkins renewed her pending motion, found on page 162, to suspend all pertinent rules and vote immediately upon the adoption of the first Rules Committee amendment, as proposed by the Rules Committee, without further amendment, motion, or debate.

Senator Beutler moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Senator Beutler requested a roll call vote on the Hudkins motion to suspend the rules.

Voting in the affirmative, 34:

| | | | | |
|---------------|--------------|------------|----------|------------|
| Aguilar | Baker | Beutler | Bromm | Bruning |
| Burling | Byars | Cunningham | Dierks | Engel |
| Erdman | Foley | Hartnett | Hudkins | Janssen |
| Jensen | Jones | Kremer | Kruse | Maxwell |
| Pedersen, Dw. | Pederson, D. | Preister | Price | Quandahl |
| Redfield | Schrock | Smith | Stuhr | Synowiecki |
| Thompson | Tyson | Vrtiska | Wehrbein | |

Voting in the negative, 11:

| | | | | |
|------------|----------|----------|----------|----------|
| Bourne | Brashear | Chambers | Connealy | Coordsen |
| Cudaback | Landis | McDonald | Raikes | Schimek |
| Wickersham | | | | |

Present and not voting, 2:

| | |
|-------|------------|
| Brown | Kristensen |
|-------|------------|

Excused and not voting, 2:

| | |
|-------|--------|
| Robak | Suttle |
|-------|--------|

The Hudkins motion to suspend the rules prevailed with 34 ayes, 11 nays, 2 present and not voting, and 2 excused and not voting.

Senator Chambers requested a roll call vote on the Rules Committee proposed rules change, Committee Proposal #1.

Voting in the affirmative, 35:

| | | | | |
|------------|---------------|--------------|------------|----------|
| Aguilar | Baker | Beutler | Bromm | Brown |
| Bruning | Burling | Byars | Cunningham | Dierks |
| Engel | Erdman | Foley | Hartnett | Hudkins |
| Janssen | Jensen | Jones | Kremer | Kruse |
| Maxwell | Pedersen, Dw. | Pederson, D. | Preister | Price |
| Quandahl | Redfield | Schrock | Smith | Stuhr |
| Synowiecki | Thompson | Tyson | Vrtiska | Wehrbein |

Voting in the negative, 11:

| | | | | |
|------------|----------|----------|----------|----------|
| Bourne | Brashear | Chambers | Connealy | Coordsen |
| Cudaback | Landis | McDonald | Raikes | Schimek |
| Wickersham | | | | |

Present and not voting, 1:

Kristensen

Excused and not voting, 2:

| | |
|-------|--------|
| Robak | Suttle |
|-------|--------|

The Rules Committee proposed rules change, Committee Proposal #1, was adopted with 35 ayes, 11 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1073. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,267 and 60-6,268, Revised Statutes Supplement, 2000; to change provisions and penalties relating to occupant protection systems; to create a fund; to provide duties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1074. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,120.01, Revised Statutes Supplement, 2001; to change provisions relating to provisional operators' permits; and to repeal the original section.

LEGISLATIVE BILL 1075. Introduced by Tyson, 19; Robak, 22.

A BILL FOR AN ACT relating to firearm ranges; to define terms; and to provide for owner liability and immunity as prescribed.

LEGISLATIVE BILL 1076. Introduced by Tyson, 19.

A BILL FOR AN ACT relating to criminal history record checks; to amend section 53-131.01, Reissue Revised Statutes of Nebraska, and section 71-3205, Revised Statutes Supplement, 2000; to require checks for certain license applicants as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1077. Introduced by Tyson, 19.

A BILL FOR AN ACT relating to the Engineers and Architects Regulation Act; to amend section 81-3442, Reissue Revised Statutes of Nebraska; to change penalty provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1078. Introduced by Tyson, 19.

A BILL FOR AN ACT relating to labor; to amend section 48-818, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Municipal Comparability Act; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1079. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to schools; to amend section 79-1018.01, Revised Statutes Supplement, 2001, and section 9-812, Revised Statutes

Supplement, 2001, as amended by section 1, Legislative Bill 3, Ninety-seventh Legislature, First Special Session, 2001; to provide for tuition reimbursement; to provide for funding; to eliminate the Excellence in Education Council, quality education incentive payments, and funding for programs for learners with high ability; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 79-758 and 79-1108, Revised Statutes Supplement, 2000.

LEGISLATIVE BILL 1080. Introduced by Stuhr, 24; Baker, 44; Cunningham, 18; Hudkins, 21; Price, 26; Quandahl, 31; Schrock, 38.

A BILL FOR AN ACT relating to tobacco products; to amend sections 28-1420, 28-1421, 28-1423 to 28-1427, 28-1429.02, and 59-1516, Reissue Revised Statutes of Nebraska, section 28-1422, Revised Statutes supplement, 2000, and section 59-1523, Revised Statutes Supplement, 2001; to define terms; to change provisions relating to minors; to provide duties for licensees; to provide a penalty for manufacturing false identification; to harmonize provisions; to repeal the original sections; and to outright repeal sections 28-1418 and 28-1419, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1081. Introduced by Transportation and Telecommunications Committee: Bromm, 23, Chairperson; Baker, 44; Brown, 6; Byars, 30; Hudkins, 21; Jones, 43; Dw. Pedersen, 39; Robak, 22; Thompson, 14.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-480.01, Reissue Revised Statutes of Nebraska, and section 60-304, Revised Statutes Supplement, 2000; to authorize issuance of undercover license plates and operators' licenses to federal law enforcement agencies; and to repeal the original sections.

LEGISLATIVE BILL 1082. Introduced by Landis, 46; Beutler, 28; Price, 26; Schimek, 27.

A BILL FOR AN ACT relating to schools; to require adoption of a bullying policy.

LEGISLATIVE BILL 1083. Introduced by Landis, 46; Price, 26; Schimek, 27.

A BILL FOR AN ACT relating to children; to amend section 28-101, Revised Statutes Supplement, 2000; to prohibit certain acts relating to firearms; to require schools to adopt a bullying policy; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1084. Introduced by Connealy, 16; Bourne, 8; Cunningham, 18.

A BILL FOR AN ACT relating to state government; to prioritize location of

state facilities in rural areas; and to provide report requirements.

LEGISLATIVE BILL 1085. Introduced by Revenue Committee: Wickersham, 49, Chairperson; Coordsen, 32; Dierks, 40; Hartnett, 45; Janssen, 15; Landis, 46; Raikes, 25; Redfield, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1327, Revised Statutes Supplement, 2001; to change duties of the Property Tax Administrator; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1086. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to public accountability and disclosure; to amend section 49-14,101.01, Revised Statutes Supplement, 2001; to prohibit accepting certain gifts by public officials or family members; and to repeal the original section.

LEGISLATIVE BILL 1087. Introduced by Tyson, 19; Dierks, 40.

A BILL FOR AN ACT relating to libraries; to amend section 77-3442, Revised Statutes Supplement, 2001; to authorize issuance of bonds for technology equipment and services; to provide an exemption from levy limitations; and to repeal the original section.

AMENDMENTS - Print in Journal

Senator D. Pederson filed the following amendment to LB 185:
AM2304

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. (1) No Class I railroad company shall allow
- 4 the operation of any freight train or locomotive in over-the-road
- 5 movements in this state unless the freight train or locomotive has
- 6 a crew of at least two railroad company employees.
- 7 (2) For purposes of sections 1 to 3 of this act:
- 8 (a) Class I has the same meaning as in 49 C.F.R. 1201, as
- 9 such regulation existed on the effective date of this act;
- 10 (b) Over-the-road movements means the transport of
- 11 locomotives attached to freight cars or other locomotives and does
- 12 not include hostler and helper movements or mechanical or
- 13 incidental movements of less than one hundred feet; and
- 14 (c) Railroad company means any individual, partnership,
- 15 firm, limited liability company, corporation, company, society, or
- 16 association managing, maintaining, operating, or in possession of a
- 17 railroad in whole or in part within this state whether as owner or
- 18 contractor. The term also includes any form of nonhighway ground
- 19 transportation that runs on rails or electromagnetic guideways and
- 20 any entity providing such transportation.

21 Sec. 2. Section 1 of this act does not apply to the
22 extent that it conflicts with or is inconsistent with a directive
23 of the United States Congress.

24 Sec. 3. Any person, railroad company, or railroad
1 company employee who violates section 1 of this act is subject to a
2 first offense fine of not less than one hundred dollars, a second
3 offense fine of not less than two hundred fifty dollars, and a
4 third offense fine of five hundred dollars. All fines shall apply
5 to each freight train or locomotive operated on each day of
6 operation in this state, shall be enforced by the Public Service
7 Commission, and shall be remitted to the State Treasurer for credit
8 to the permanent school fund.

9 Sec. 4. If any section in this act or any part of any
10 section is declared invalid or unconstitutional, the declaration
11 shall not affect the validity or constitutionality of the remaining
12 portions.".

Senator D. Pederson filed the following amendment to LB 185:
AM2305

(Amendments to Standing Committee amendments, AM0789)

1 1. Strike section 1 and insert the following new
2 section:
3 "Section 1. (1) No Class I railroad company shall allow
4 the operation of any freight train or locomotive in over-the-road
5 movements in this state unless the freight train or locomotive has
6 a crew of at least two railroad company employees.
7 (2) For purposes of sections 1 to 3 of this act:
8 (a) Class I has the same meaning as in 49 C.F.R. 1201, as
9 such regulation existed on the effective date of this act;
10 (b) Over-the-road movements means the transport of
11 locomotives attached to freight cars or other locomotives and does
12 not include hostler and helper movements or mechanical or
13 incidental movements of less than one hundred feet; and
14 (c) Railroad company means any individual, partnership,
15 firm, limited liability company, corporation, company, society, or
16 association managing, maintaining, operating, or in possession of a
17 railroad in whole or in part within this state whether as owner or
18 contractor. The term also includes any form of nonhighway ground
19 transportation that runs on rails or electromagnetic guideways and
20 any entity providing such transportation.".

UNANIMOUS CONSENT - Add Cointroducers

Senator Cunningham asked unanimous consent to have his name added as
cointroducer to LB 490. No objections. So ordered.

Senator Price asked unanimous consent to have her name added as
cointroducer to LB 866. No objections. So ordered.

Senator Brown asked unanimous consent to have her name added as cointroducer to LB 976 . No objections. So ordered.

Senator Schimek asked unanimous consent to have her name added as cointroducer to LB 79. No objections. So ordered.

Senator McDonald asked unanimous consent to have her name added as cointroducer to LB 1022, LB 1023, and LB 1024. No objections. So ordered.

WITHDRAW - Cointroducers

Senators Smith and Erdman withdrew their names as cointroducers to LB 600.

Senator Bruning withdrew his name as cointroducer to LB 993 and LB 1004.

VISITORS

Visitors to the Chamber were Tribal Representatives from the four Nebraska tribes: Omaha, Winnebago, Ponca, and Santee Sioux.

ADJOURNMENT

At 4:09 p.m., on a motion by Senator Dierks, the Legislature adjourned until 9:00 a.m., Tuesday, January 15, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTH DAY - JANUARY 15, 2002
LEGISLATIVE JOURNAL
NINETY-SEVENTH LEGISLATURE
SECOND SESSION

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
 Tuesday, January 15, 2002

PRAYER

The prayer was offered by Pastor David Patterson, Malcolm United Methodist Church, Malcolm, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

The roll was called and all members were present except Senator Suttle who was excused; and Senators Chambers, Dierks, Landis, Maxwell, Schrock, Tyson, Wehrbein, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourth day was approved.

NOTICE OF COMMITTEE HEARINGS

Education
 Room 1525

| | | |
|--------|---------------------------|---------|
| LB 987 | Tuesday, January 22, 2002 | 2:10 PM |
| LB 955 | Tuesday, January 22, 2002 | 2:10 PM |

(Signed) Ron Raikes, Chairperson

Banking, Commerce and Insurance

Room 1507

| | | |
|--------|---------------------------|---------|
| LB 863 | Tuesday, January 22, 2002 | 1:30 PM |
| LB 864 | Tuesday, January 22, 2002 | 1:30 PM |
| LB 871 | Tuesday, January 22, 2002 | 1:30 PM |
| LB 900 | Tuesday, January 22, 2002 | 1:30 PM |
| LB 962 | Tuesday, January 22, 2002 | 1:30 PM |

(Signed) David M. Landis, Chairperson

Transportation and Telecommunications
Room 1113

| | | |
|--------|---------------------------|---------|
| LB 904 | Tuesday, January 22, 2002 | 1:30 PM |
| LB 917 | Tuesday, January 22, 2002 | 1:30 PM |
| LB 918 | Tuesday, January 22, 2002 | 1:30 PM |
| LB 972 | Tuesday, January 22, 2002 | 1:30 PM |
| LB 997 | Tuesday, January 22, 2002 | 1:30 PM |

(Signed) Curt Bromm, Chairperson

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on Rules Committee proposal #1.

(Signed) Jennie Robak

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1088. Introduced by Landis, 46.

A BILL FOR AN ACT relating to state identification cards; to amend section 60-4,115, Revised Statutes Supplement, 2001; to change fees; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1089. Introduced by Landis, 46.

A BILL FOR AN ACT relating to financial institutions; to amend sections 8-157, 8-345.02, 8-1507, 8-1516, 8-2104, and 81-1298, Reissue Revised Statutes of Nebraska, sections 8-101, 8-157.01, 8-183.05, 8-234, 8-602, and 8-910, Revised Statutes Supplement, 2000, and section 8-355, Revised Statutes Supplement, 2001; to eliminate certain branch banking restrictions as prescribed; to change provisions relating to bank holding companies; to harmonize provisions; to repeal the original sections; and to outright repeal section 8-1515, Reissue Revised Statutes of Nebraska.

MOTION - Adopt Permanent Rules

Senator Hudkins renewed her pending motion, found on page 187, to adopt the permanent rules for the Ninety-Seventh Legislature, Second Session.

The Rules Committee renewed the proposed rules change, Committee Proposal #2, found on pages 160, 161, and 162.

Senator Hudkins renewed her pending motion, found on page 162, to suspend all pertinent rules and vote immediately upon the adoption of the second Rules Committee amendment, as proposed by the Rules Committee, without further amendment, motion, or debate.

Senators Bruning, Byars, and Foley asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers moved to bracket proposed rules change until January 22, 2002.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1090. Introduced by Bourne, 8; Quandahl, 31.

A BILL FOR AN ACT relating to public funds; to amend section 77-2365.01, Revised Statutes Supplement, 2001; to authorize credit unions to receive deposits of funds of political subdivisions; and to repeal the original section.

LEGISLATIVE BILL 1091. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to crimes and punishments; to amend section 28-911, Reissue Revised Statutes of Nebraska; to change provisions relating to abuse of public records; and to repeal the original section.

LEGISLATIVE BILL 1092. Introduced by Landis, 46.

A BILL FOR AN ACT relating to insurance; to amend sections 44-1527, 44-1994, 44-2127, 44-2845, 44-32,161, 44-4834, 44-4842, 44-4859, 44-5120, 44-5260, 44-5261, 44-5601, 44-5603, 44-5814, 44-5815, and 44-6916, Reissue Revised Statutes of Nebraska, sections 44-787, 44-19,116, 44-5223, 44-5225, 44-5246.02, 44-5504, 44-6901, 44-6915, 44-6918, 44-7505, 44-7509, 44-7510, 44-7511, 44-7513, and 44-7515, Revised Statutes Supplement, 2000, and section 44-5503, Revised Statutes Supplement, 2001; to change provisions relating to investigations, settlement accounts, mergers, medical review panels, priority of claims, bonding requirements, securities, the Small Employer Health Insurance Availability Act, filing requirements, reinsurance, group health plans, and rates and forms; to require certification of coverage; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1093. Introduced by Stuhr, 24; Dw. Pedersen, 39; Thompson, 14.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend sections 83-189, 83-190, 83-192, 83-1,101, 83-1,135, 83-932, and 83-933, Reissue Revised Statutes of Nebraska; to change and

transfer provisions relating to the Board of Parole, the Office of Parole Administration, and the Department of Correctional Services; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1094. Introduced by Landis, 46.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-102, 8-103, 8-116, 8-122, 8-157, 8-601, 8-815, 8-1511, 21-1335, 21-1755, 21-17,131, 62-301, 64-212, 64-213, and 77-3801, Reissue Revised Statutes of Nebraska, and sections 8-602 and 28-612, Revised Statutes Supplement, 2000; to eliminate cooperative credit associations; to harmonize provisions; to repeal the original sections; and to outright repeal sections 8-103.01, 8-117, 8-117.01, 8-122.01, and 21-1308 to 21-1332, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1095. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to public assistance; to amend section 68-1020, Revised Statutes Supplement, 2001; to change provisions relating to medical assistance; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1096. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-4301, 71-4302, and 71-4305, Reissue Revised Statutes of Nebraska; to change provisions relating to regulation of swimming pools; and to repeal the original sections.

LEGISLATIVE BILL 1097. Introduced by Wickersham, 49; Coordsen, 32; Dierks, 40; Hartnett, 45; Raikes, 25; Redfield, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-518 and 13-519, Revised Statutes Supplement, 2001; to change budget limitation provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1098. Introduced by Wickersham, 49; Coordsen, 32; Dierks, 40; Hartnett, 45; Janssen, 15; Raikes, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1704.01, Revised Statutes Supplement, 2000; to change information on and duties relating to tax statements; and to repeal the original section.

LEGISLATIVE BILL 1099. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-520 and 79-1029, Revised Statutes Supplement, 2000, and sections 13-519 and 79-1028, Revised Statutes Supplement, 2001; to change

budget limitations as prescribed; to provide an operative date; to repeal the original sections; and to declare an emergency.

PRESIDENT HEINEMAN PRESIDING

MOTION - Escort Governor

Senator Cudaback moved that a committee of five be appointed to escort the Governor of the State of Nebraska to the Legislative Chamber to deliver his State of the State Address.

The motion prevailed.

The Chair appointed Senators Brashear, Coordsen, Jones, Robak, and Thompson to serve on said committee.

STATE OF THE STATE ADDRESS

*"Working together, we can continue to make Nebraska,
already a great state, even better."*

- Mike Johanns, Governor

Mr. President, Mr. Speaker, Members of the Legislature, distinguished guests, friends, and fellow Nebraskans:

Much has changed since I delivered my last state of the state address.

A year ago, I set forth a broad and aggressive agenda to meet the needs of our citizens, address challenges confronting Nebraska, and fulfill our responsibility to move our state forward. That agenda was met with great success due in large part to our partnership and joint efforts in so many areas and I want to applaud the Legislature for it's good work.

Among the initiatives approved by this Legislature and signed into law were the Invest Nebraska Act, the Ethanol Development Act, the Nebraska Health Care Funding Act, and Early Childhood Initiative legislation.

Since the conclusion of the 2001 legislative session, we have witnessed the fruits of our labors.

The Invest Nebraska Act has already spurred job creation and capital investment across our state. Union Pacific announced they will move 700 good-paying jobs from Missouri to Nebraska and build a \$200 million dollar plus headquarters in downtown Omaha. That announcement was followed by three others including 600 new good-paying jobs and over \$40 million dollars of investment for a Wal-Mart distribution center in North Platte, 25 new good-paying jobs and over \$10 million dollars of investment at American Meter in Nebraska City, and 25 new good-paying jobs and over \$10 million dollars of investment by BPI in South Sioux City.

That's good news for Nebraska workers and Nebraska families.

The Ethanol Development Act has stimulated unprecedented interest from Nebraska's agricultural community and other investors in ethanol production. Because of this legislation, and President Bush's decision to deny California's request for a waiver of the Clean Air standards, the prospects for ethanol expansion in Nebraska are greater today than they have ever been. For example, there are currently 12 new ethanol plants proposed in the state and existing plants are expanding at an unprecedented rate. These new investments will bring with them jobs for Nebraska workers, increased demand for Nebraska grain, and additional value to Nebraska's agricultural sector.

That's good news for Nebraska agriculture producers.

Nebraska has wisely used its proceeds from the national tobacco settlement for health-related purposes. Dollars have been divided among mental health and substance abuse services and treatment, minority health, developmental disabilities, respite care, biomedical research, and public health grants. Already, five new multi-county health departments covering nineteen counties that previously had no county health department have been established thanks to public health grants. These new departments will help identify health needs and develop solutions to meet those needs. More counties are expected to unite and form departments over the next few months. These developments are a major step forward for public health in the state. Nebraska has been cited by the federal Centers for Disease Control as a state that has made great strides in building its public health capacity.

Minority health has been boosted with \$1 million given to the Charles Drew Health Center and the Indian Chicano Center to eliminate health disparities among racial and ethnic minority groups. Three satellite offices of minority health are under development in Omaha, Scottsbluff and one in central Nebraska. These offices will enable us to reach out to more members of racial and ethnic minorities with public health services.

The blossoming of county health departments and the boost for minority health are but two examples of the many wonderful stories that will be told about the benefits of dedicating tobacco settlement dollars to Nebraska's health care needs. That indeed is very good news for the health and wellbeing of all Nebraskans.

Just last week the national publication Education Week praised our state's commitment to early childhood efforts.

The three initiatives singled out were the business child care tax credit which will be available beginning in 2003, a significant boost in funding for Early Childhood Projects which is a grant program that helps communities set up collaborative child care programs, and a scholarship program for

child care providers who pursue training in early childhood development.

These programs and our state's commitment to early childhood education and development initiatives are great news for children and families.

These are some of the success stories of 2001.

However, the successes of this past year have been overshadowed by national and international events.

Today our nation is in the midst of a recession. We know about the painful loss of tens of thousands of jobs across America including many here in Nebraska and we know about how the fall of the stock market has impacted the savings and pensions of millions of Americans and many thousands of Nebraskans.

It is no consolation to those who have been personally impacted by the economic downturn, but the fact remains that Nebraska's economy is in better shape than most states. Our economy continues to grow as evidenced by climbing state tax receipts, albeit at a slower pace than before the national recession. This stands in contrast to some states where the economy is actually contracting and tax receipts are sliding backward.

Besides the recession, 2001 will be forever remembered for the events of September 11th.

Even today we mourn the loss of thousands of Americans to senseless terrorism and we remain steadfast in our resolve to support the war on terror.

The jolt to our nation's and, to a lesser extent, our state's economy following September 11th left no doubt about the need to pull back on state government spending and restructure the budget.

In October, I called this Legislature into special session and presented a plan to adjust the budget. In a period of just nine working days you convened, rolled up your sleeves, got down to business, and approved a budget reduction package totaling \$171 million dollars. You adjourned knowing that there was work left to be done but with the satisfaction that agreement had been reached on a package addressing much of the state's projected \$220 million dollar tax receipt shortfall.

That brings us to today.

This morning I am introducing budget measures to address the \$30 million dollars in deficit requests received from agencies and to account for a portion of our remaining \$50 million dollar revenue shortfall.

As you recall from the special session, I suggested four principles to guide

our action in addressing our state's budget shortfall. They included: no tax increase; protect priorities including state aid to schools, Medicaid, public assistance, and public safety from across the board reductions; keep the cash reserve untouched; and, address most of the budget shortfall in the special session.

Today, I submit a partial budget modification framework that remains true to those four principles.

Through sound management practices, re-allocation of resources, and prudent program changes, these budget adjustments remedy almost half of the \$50 million dollar shortfall. And just as I promised you last Fall, before determining what other budget actions are necessary, we will responsibly wait until the state's economic forecasters provide us with an updated fiscal assessment in February.

However, I remain committed to solving the problem on the spending side of the ledger and not through tax increases that take from the pocketbooks of Nebraska's working families.

Fiscal issues will limit consideration of major new spending initiatives in this short legislative session but there is other work to be done including much-needed action on several criminal justice initiatives.

Over the last three years, we have scored success in the criminal justice and law enforcement arena by increasing the number of state patrol officers, settling a long-standing wage dispute with the state troopers association, criminalizing child enticement, increasing penalties for being an accessory to a felony, launching the state's sex offender registry, boosting law enforcement technology, and lengthening jail time for methamphetamine dealers.

Despite these successes, work remains to be done on other criminal justice priorities. This is the session to get the job done.

The issues I am asking you to act on include reform of post-conviction appeals, enactment of statutes to criminalize fetal homicide, changing our state's method of execution to lethal injection, making needed changes to the sex offender registry, and the conversion of carrier enforcement officers to state troopers.

I appreciate the controversy that some of these emotional issues may present. Sometimes the difficult issues are those issues that most compel our action.

Consider the legal chaos our state would face if the sentence in a capital case is jeopardized by a Supreme Court decision. Consider the issue of highway safety faced by motorists everyday because of too much turnover in the carrier enforcement division. Consider the federal funds Nebraska

will lose for not enhancing the sex offender registry or, more importantly, the threat posed by those offenders not required to register under our state's current system. Consider the possibility that another person at fault for the death of an unborn child due to a homicidal act will not be prosecuted. And consider the abuse of our criminal justice system by frivolous appeals when the defendant's guilt is not in question.

The need for reform of the post-conviction appeals process offers a good example of why these five priorities need to be addressed.

Let me describe a real example of how the system has worked for a person convicted of first degree murder fourteen years ago. This is not a death penalty case but rather a case where the defendant was sentenced to life in prison after being convicted in the late 1980's.

Two years later, his direct appeal from that conviction was heard and affirmed by the Nebraska Supreme Court. The Court specifically determined there was no reasonable doubt as to the defendant's guilt of committing the homicide.

Since the Nebraska Supreme Court's consideration of that direct appeal, the defendant has sought statutory post-conviction relief on four separate occasions. None of the post-conviction petitions were based upon claims of newly discovered evidence. None of this litigation has produced a single finding that the defendant was entitled to post-conviction relief.

This case has now consumed the time and resources of the local county attorney's office and the district court in question on five separate occasions, and the time and resources of the Nebraska Attorney General's Office and the Nebraska Supreme Court on four separate occasions. Of course, this abuse of resources pales in comparison to the emotional toll from the lack of finality that continues for victims and their loved ones.

This story reflects a broken system that this Legislature has a responsibility to fix.

For a justice system to be fair, it must be fair to the defendant. Someone who can be exonerated by new evidence must have the opportunity to bring that evidence forward. But as this case clearly illustrates, the system is being abused by needless, frivolous appeals that cost taxpayers thousands of dollars. And so for a justice system to be fair, it must also be fair to victims, to the friends and families of victims, and to the people who support the system by paying for the system.

That is the balance that must be struck, and, ladies and gentlemen, I offer that today our system is out of balance. This Legislature has a responsibility to rebalance the system.

Besides criminal justice matters, the area of juvenile justice reform

continues to be a priority. In each year of my administration, I have proposed improvements to the state's juvenile justice system including significant initiatives in each of the last two years.

A year ago, we worked together to increase the number of beds dedicated solely to substance abuse treatment at the Hastings Regional Center from thirty to forty. We also provided \$4 million dollars in new annual funding directly to counties for the development of community-based programs for juveniles. A specific goal of the legislation was to develop new capacity for juvenile services at the local level thereby providing alternatives to the courts in sentencing juvenile delinquents, other than commitments, to the State's Kearney and Geneva YRTCs.

This year I am proposing four initiatives to alleviate overcrowding at the Youth Rehabilitation and Treatment Center in Kearney. They include the addition of a ten-bed secure facility contract to provide treatment to juveniles requiring a higher level of security than the staff secure environment at Kearney, a ten-bed program for juveniles who have been identified as having serious sexual perpetration issues, and a ten-bed step-down program that transitions youth back into community life. Finally, and, most importantly, up to thirty additional youth security staff will be added to improve the existing youth to staff ratio and to eliminate the practice of peer take-downs.

These actions will, in turn, allow for a more appropriate length of stay for those youth remaining on the main campus of Kearney. All of these initiatives will also dramatically expand the array of services that are available to the State for treatment and rehabilitation for those youth committed to YRTC-Kearney.

Together we have made progress in reforming our state's juvenile justice system and this year we need to take another step forward.

Over the last three years, I have traveled to all 93 counties at least twice to meet with Nebraskans in their communities, listen to their concerns, and work with them to solve the challenges they face and celebrate their successes. I can tell you that the spirit of Nebraskans is alive. Nebraskans do believe the best days are ahead of us and I share that optimism and confidence about our future.

Working together, we can continue to make Nebraska, already a great state, even better.

Thank you, God bless you, God bless Nebraska, and God bless America.

The Committee escorted Governor Mike Johanns from the Chamber.

SENATOR CUDABACK PRESIDING

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1100. Introduced by Speaker Kristensen, 37; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2001, LB 432A, section 2; Laws 2001, LB 539, section 9; Laws 2001, LB 542, sections 11 and 59; Laws 2001, LB 543, sections 60, 98, 99, 101, and 112; Laws 2001, LB 542, sections 38, 40, and 43, as amended by sections 16, 17, and 19, respectively, Legislative Bill 1, Ninety-seventh Legislature, First Special Session, 2001; Laws 2001, LB 543, sections 31, 44, 53, 80, 95, 97, 105, 109, 110, 162, 168, 170, 171, 177, 232, 239, 242, 244, and 268, as amended by sections 42, 49, 53, 64, 69, 71, 74, 75, 76, 100, 104, 106, 107, 109, 141, 147, 149, 150, and 158, respectively, Legislative Bill 1, Ninety-seventh Legislature, First Special Session, 2001; and section 18, Legislative Bill 1, Ninety-seventh Legislature, First Special Session, 2001; to define terms; to change certain appropriations as prescribed; to provide for deficit appropriations; to change certain transfers; to appropriate funds for the expenses of state government, postsecondary education, and state aid; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1101. Introduced by Speaker Kristensen, 37; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend section 81-15,177, Reissue Revised Statutes of Nebraska, and section 66-1519, Revised Statutes Supplement, 2001; to authorize fund transfers; to appropriate funds; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1102. Introduced by Jones, 43.

A BILL FOR AN ACT relating to education; to amend sections 48-233, 79-846, and 79-847, Reissue Revised Statutes of Nebraska, section 79-851, Revised Statutes Supplement, 2000, and section 79-4,108, Revised Statutes Supplement, 2001; to eliminate provisions relating to tenure; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-824 to 79-842, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1103. Introduced by Connealy, 16.

A BILL FOR AN ACT relating to the Waste Reduction and Recycling Incentive Act; to amend section 81-15,159.02, Reissue Revised Statutes of Nebraska; to redefine terms relating to tires; and to repeal the original section.

LEGISLATIVE BILL 1104. Introduced by Vrtiska, 1; Janssen, 15; Thompson, 14.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-160, Reissue Revised Statutes of Nebraska; to change provisions relating to the gallonage tax on beer; to repeal the original section; and to declare an emergency.

VISITORS

Visitors to the Chamber were Amy, Norma, Sean, and C. J. Patterson from Lincoln.

RECESS

At 10:24 a.m., on a motion by Speaker Kristensen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Kristensen presiding.

ROLL CALL

The roll was called and all members were present except Senators Stuhr and Suttle who were excused; and Senators Coordsen, Cunningham, Dierks, Landis, Price, Robak, and Schrock who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bills and legislative resolutions:

| LB/LR | Committee |
|--------------|---|
| LB 985 | Health and Human Services (rereferred) |
| LB 1050 | Transportation and Telecommunications |
| LB 1053 | Revenue |
| LB 1054 | Government, Military and Veterans Affairs |
| LB 1055 | Agriculture |
| LB 1056 | Agriculture |
| LB 1057 | Agriculture |
| LB 1058 | Agriculture |
| LB 1059 | Education |
| LB 1060 | Revenue |
| LB 1061 | Judiciary |
| LB 1062 | Health and Human Services |
| LB 1063 | Revenue |
| LB 1064 | Revenue |

LB 1065 Judiciary
 LB 1066 Natural Resources
 LB 1067 Judiciary
 LB 1068 General Affairs
 LB 1069 Transportation and Telecommunications
 LB 1070 Government, Military and Veterans Affairs
 LB 1071 Banking, Commerce and Insurance
 LB 1072 Education
 LB 1073 Transportation and Telecommunications
 LB 1074 Transportation and Telecommunications
 LB 1075 Judiciary
 LB 1076 Judiciary
 LB 1077 Health and Human Services
 LB 1078 Business and Labor
 LB 1079 Education
 LB 1080 Judiciary
 LB 1081 Transportation and Telecommunications
 LB 1082 Education
 LB 1083 Judiciary
 LB 1084 Government, Military and Veterans Affairs
 LB 1085 Revenue
 LB 1086 Government, Military and Veterans Affairs
 LB 1087 Revenue

 LR 282CA General Affairs
 LR 283CA Executive Board

(Signed) George Coordsen, Chairperson
 Legislative Council
 Executive Board

NOTICE OF COMMITTEE HEARING
Urban Affairs
 Room 1510

| | | |
|--------|---------------------------|---------|
| LB 970 | Tuesday, January 22, 2002 | 1:30 PM |
| LB 973 | Tuesday, January 22, 2002 | 1:30 PM |
| LB 984 | Tuesday, January 22, 2002 | 1:30 PM |

(Signed) D. Paul Hartnett, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1105. Introduced by Transportation and Telecommunications Committee: Bromm, 23, Chairperson; Baker, 44; Brown, 6; Byars, 30; Hudkins, 21; Jones, 43; Dw. Pedersen, 39; Robak, 22.

A BILL FOR AN ACT relating to motor vehicle license plates; to amend

section 60-311.11, Revised Statutes Supplement, 2000; to provide for specialty license plates; to change provisions relating to message plates; and to repeal the original section.

LEGISLATIVE BILL 1106. Introduced by Landis, 46.

A BILL FOR AN ACT relating to secured transactions; to amend section 9-509, Uniform Commercial Code; to change provisions relating to the filing of financing statements; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1107. Introduced by Maxwell, 9.

A BILL FOR AN ACT relating to the Uniform Licensing Law; to amend section 71-131, Revised Statutes Supplement, 2000; to change licensure requirements for medicine and surgery; and to repeal the original section.

LEGISLATIVE BILL 1108. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Reissue Revised Statutes of Nebraska; to change provisions relating to records which may be withheld from the public; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1109. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-1912, 29-3001, 29-3004, and 29-3504, Reissue Revised Statutes of Nebraska, and section 29-2261, Revised Statutes Supplement, 2000; to change provisions relating to discovery and postconviction proceedings; to authorize the use and disclosure of presentence investigations and reports by the Nebraska Commission on Law Enforcement and Criminal Justice as prescribed; to provide for fees; to redefine the term administration of criminal justice in the Security, Privacy, and Dissemination of Criminal History Information Act; and to repeal the original sections.

LEGISLATIVE BILL 1110. Introduced by Hartnett, 45; D. Pederson, 42.

A BILL FOR AN ACT relating to volunteer emergency responders; to amend sections 35-1303 and 35-1309, Revised Statutes Supplement, 2001; to redefine a term; to change a provision relating to service award benefit programs; to repeal the original sections; and to declare an emergency.

MOTION - Adopt Permanent Rules

The Chambers pending motion, found on page 211, to bracket proposed rules change until January 22, 2002, was renewed.

Senator Vrtiska asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Senator Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Chambers requested a roll call vote on his motion to bracket.

Voting in the affirmative, 5:

| | | | | |
|----------|----------|--------|---------|------------|
| Cudaback | Hartnett | Raikes | Schimek | Wickersham |
|----------|----------|--------|---------|------------|

Voting in the negative, 27:

| | | | | |
|----------|--------|----------|---------------|------------|
| Aguilar | Baker | Beutler | Bromm | Bruning |
| Burling | Byars | Connealy | Cunningham | Engel |
| Erdman | Foley | Hudkins | Janssen | Jensen |
| Jones | Kremer | Kruse | Pedersen, Dw. | Quandahl |
| Redfield | Robak | Schrock | Smith | Synowiecki |
| Thompson | Tyson | | | |

Present and not voting, 9:

| | | | | |
|---------|----------|--------------|----------|------------|
| Bourne | Brashear | Brown | Chambers | Kristensen |
| Maxwell | McDonald | Pederson, D. | Preister | |

Excused and not voting, 8:

| | | | | |
|----------|---------|----------|-------|-------|
| Coordsen | Dierks | Landis | Price | Stuhr |
| Suttle | Vrtiska | Wehrbein | | |

The Chambers motion to bracket failed with 5 ayes, 27 nays, 9 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator Chambers moved to reconsider his motion to bracket.

Senator Chambers asked unanimous consent to withdraw his motion to reconsider.

Senator Beutler objected.

The Chambers motion to reconsider failed with 1 aye, 24 nays, 17 present and not voting, and 7 excused and not voting.

The Hudkins pending motion, found on page 162 and considered on page 211, to suspend all pertinent rules and vote immediately upon the adoption of the second Rules Committee amendment, as proposed by the Rules Committee, without further amendment, motion, or debate, was renewed.

Senator Beutler moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Beutler requested a roll call vote on the Hudkins motion to suspend the rules.

Voting in the affirmative, 32:

| | | | | |
|----------|---------------|--------------|------------|----------|
| Aguilar | Baker | Beutler | Bromm | Bruning |
| Burling | Byars | Connealy | Cunningham | Dierks |
| Engel | Erdman | Foley | Hudkins | Janssen |
| Jensen | Jones | Kremer | Kruse | Maxwell |
| McDonald | Pedersen, Dw. | Pederson, D. | Quandahl | Redfield |
| Robak | Schrock | Smith | Synowiecki | Thompson |
| Tyson | Vrtiska | | | |

Voting in the negative, 7:

| | | | | |
|---------|------------|----------|----------|--------|
| Bourne | Brashear | Cudaback | Hartnett | Raikes |
| Schimek | Wickersham | | | |

Present and not voting, 4:

| | | | | |
|-------|----------|------------|----------|--|
| Brown | Chambers | Kristensen | Preister | |
|-------|----------|------------|----------|--|

Excused and not voting, 6:

| | | | | |
|----------|--------|-------|-------|--------|
| Coordsen | Landis | Price | Stuhr | Suttle |
| Wehrbein | | | | |

The Hudkins motion to suspend the rules prevailed with 32 ayes, 7 nays, 4 present and not voting, and 6 excused and not voting.

Senator Chambers requested a record vote on the Rules Committee proposed rules change, Committee Proposal #2.

Voting in the affirmative, 33:

| | | | | |
|---------|---------|---------|----------|------------|
| Aguilar | Baker | Beutler | Bromm | Brown |
| Bruning | Burling | Byars | Connealy | Cunningham |
| Dierks | Engel | Erdman | Foley | Hudkins |

| | | | | |
|----------|----------|---------------|--------------|------------|
| Janssen | Jensen | Jones | Kremer | Kruse |
| Maxwell | McDonald | Pedersen, Dw. | Pederson, D. | Quandahl |
| Redfield | Robak | Schrock | Smith | Synowiecki |
| Thompson | Tyson | Vrtiska | | |

Voting in the negative, 6:

| | | | | |
|------------|----------|----------|--------|---------|
| Bourne | Chambers | Hartnett | Raikes | Schimek |
| Wickersham | | | | |

Present and not voting, 4:

| | | | |
|----------|----------|------------|----------|
| Brashear | Cudaback | Kristensen | Preister |
|----------|----------|------------|----------|

Excused and not voting, 6:

| | | | | |
|----------|--------|-------|-------|--------|
| Coordsen | Landis | Price | Stuhr | Suttle |
| Wehrbein | | | | |

The Rules Committee proposed rules change, Committee Proposal #2, was adopted with 33 ayes, 6 nays, 4 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Hudkins renewed her pending motion, found on page 162, to suspend all pertinent rules and vote immediately upon the adoption of the permanent rules, as amended by the Rules Committee, without further amendment, motion, or debate.

Senator Beutler moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Chambers requested a roll call vote on the Hudkins motion to suspend the rules.

Voting in the affirmative, 36:

| | | | | |
|------------|---------|------------|---------------|--------------|
| Aguilar | Baker | Beutler | Brashear | Bromm |
| Brown | Bruning | Burling | Byars | Connealy |
| Cunningham | Dierks | Engel | Erdman | Foley |
| Hudkins | Janssen | Jensen | Jones | Kremer |
| Kruse | Maxwell | McDonald | Pedersen, Dw. | Pederson, D. |
| Preister | Price | Quandahl | Redfield | Robak |
| Schrock | Smith | Synowiecki | Thompson | Tyson |
| Vrtiska | | | | |

Voting in the negative, 6:

| | | | | |
|------------|----------|----------|--------|---------|
| Bourne | Chambers | Hartnett | Raikes | Schimek |
| Wickersham | | | | |

Present and not voting, 2:

| | |
|----------|------------|
| Cudaback | Kristensen |
|----------|------------|

Excused and not voting, 5:

| | | | | |
|----------|--------|-------|--------|----------|
| Coordsen | Landis | Stuhr | Suttle | Wehrbein |
|----------|--------|-------|--------|----------|

The Hudkins motion to suspend the rules prevailed with 36 ayes, 6 nays, 2 present and not voting, and 5 excused and not voting.

Senator Chambers requested a record vote on the motion to adopt the permanent rules, as amended.

Voting in the affirmative, 39:

| | | | | |
|---------------|--------------|------------|---------|----------|
| Aguilar | Baker | Beutler | Bourne | Brashear |
| Bromm | Brown | Bruning | Burling | Byars |
| Connealy | Cudaback | Cunningham | Dierks | Engel |
| Erdman | Foley | Hudkins | Janssen | Jensen |
| Jones | Kremer | Kruse | Maxwell | McDonald |
| Pedersen, Dw. | Pederson, D. | Preister | Price | Quandahl |
| Raikes | Redfield | Robak | Schrock | Smith |
| Synowiecki | Thompson | Tyson | Vrtiska | |

Voting in the negative, 3:

| | | |
|----------|---------|------------|
| Chambers | Schimek | Wickersham |
|----------|---------|------------|

Present and not voting, 2:

| | |
|----------|------------|
| Hartnett | Kristensen |
|----------|------------|

Excused and not voting, 5:

| | | | | |
|----------|--------|-------|--------|----------|
| Coordsen | Landis | Stuhr | Suttle | Wehrbein |
|----------|--------|-------|--------|----------|

The permanent rules, as amended, were adopted with 39 ayes, 3 nays, 2 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1111. Introduced by Nebraska Retirement Systems Committee: Bruning, 3, Chairperson; Bourne, 8; Erdman, 47; Stuhr, 24; Wickersham, 49.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2323.02, 79-933.01, 81-2031.03, 81-2031.04, 84-1312, 84-1313, and 84-1322, Reissue Revised Statutes of Nebraska, sections 23-2308, 23-2320, 24-710.05, 24-710.06, 79-933.02, 79-960, and 79-963, Revised Statutes Supplement, 2000, and sections 23-2323.03, 79-902, and 84-1503, Revised Statutes Supplement, 2001; to change provisions relating to administrative fees, reemployment, compliance audits, and rollover distributions; to redefine terms; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1112. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Revised Statutes Supplement, 2001; to provide a reciprocal sales tax exemption for other states and political subdivisions; to harmonize provisions; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1113. Introduced by Jones, 43; Burling, 33.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1318.01, Revised Statutes Supplement, 2000; to change a property improvement reporting requirement; and to repeal the original section.

LEGISLATIVE BILL 1114. Introduced by Tyson, 19; Quandahl, 31.

A BILL FOR AN ACT relating to insurance; to require uniform prescription drug information cards for certain coverage.

LEGISLATIVE BILL 1115. Introduced by Aguilar, 35; Bourne, 8; Bruning, 3; Byars, 30; Connealy, 16; Cunningham, 18; Janssen, 15; Jensen, 20; McDonald, 41; Dw. Pedersen, 39; Quandahl, 31; Robak, 22; Thompson, 14; Tyson, 19.

A BILL FOR AN ACT relating to courts; to authorize drug court programs as prescribed.

LEGISLATIVE BILL 1116. Introduced by Smith, 48; Bruning, 3; Engel, 17; Foley, 29; Kruse, 13; Quandahl, 31.

A BILL FOR AN ACT relating to driving under the influence; to amend

sections 60-497.01, 60-6,196, 60-6,197, 60-6,197.01, and 60-6,206, Revised Statutes Supplement, 2001; to eliminate ignition interlock devices; to eliminate a power of the Board of Pardons; to harmonize provisions; to repeal the original sections; and to outright repeal sections 60-4,118.06, 60-6,211.05, and 83-1,127.02, Revised Statutes Supplement, 2001.

LEGISLATIVE BILL 1117. Introduced by Smith, 48; Bourne, 8; Bruning, 3; Erdman, 47; Hartnett, 45; Quandahl, 31; Redfield, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,123, Reissue Revised Statutes of Nebraska; to exempt certain members of the armed forces from income tax; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1118. Introduced by Smith, 48.

A BILL FOR AN ACT relating to insurance; to amend section 44-3904, Revised Statutes Supplement, 2000; to change continuing education provisions for licensees; and to repeal the original section.

LEGISLATIVE BILL 1119. Introduced by Smith, 48; Erdman, 47; Redfield, 12.

A BILL FOR AN ACT relating to tractor tests; to amend section 2-2701.01, Reissue Revised Statutes of Nebraska; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 1120. Introduced by Byars, 30.

A BILL FOR AN ACT relating to civil rights; to amend sections 13-1102, 20-113, 48-1001 to 48-1010, 48-1125, 48-1126, 48-1220 to 48-1227.01, 83-1201, and 83-1202.01, Reissue Revised Statutes of Nebraska, and section 83-1066, Revised Statutes Supplement, 2000; to waive state immunity for suits authorized by federal employment discrimination laws as prescribed; to name the Nebraska Equal Pay Act; to state policy relating to the use of community-based treatment for persons with mental disabilities; to provide duties for the Department of Health and Human Services; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1121. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2712, Revised Statutes Supplement, 2001; to provide duties for the Department of Revenue relating to multistate sales and use tax collection; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1122. Introduced by Wickersham, 49.

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

77-2702.17, Reissue Revised Statutes of Nebraska, and sections 77-2702.07, 77-2702.13, 77-2702.14, and 77-2703, Revised Statutes Supplement, 2000; to provide for sales and use taxation of certain services; to harmonize provisions; to provide an operative date; and to repeal the original sections.

NOTICE OF COMMITTEE HEARINGS

Agriculture

Room 1524

| | | |
|--------|---------------------------|---------|
| LB 912 | Tuesday, January 22, 2002 | 1:30 PM |
| LB 915 | Tuesday, January 22, 2002 | 1:30 PM |
| LB 916 | Tuesday, January 22, 2002 | 1:30 PM |
| LB 914 | Tuesday, January 29, 2002 | 1:30 PM |
| LB 919 | Tuesday, January 29, 2002 | 1:30 PM |
| LB 961 | Tuesday, January 29, 2002 | 1:30 PM |

(Signed) Merton L. Dierks, Chairperson

AMENDMENT - Print in Journal

Senator Bromm filed the following amendment to LB 462:
AM2310

- 1 1. On page 4, line 4, strike "or"; in line 5 after
- 2 "abortions" insert ", or (vi) use of human fetal tissue as a source
- 3 of lawful vaccines or medicines, whether by prescription or not"
- 4 and after "(b)" insert "except as provided in subdivision (a) of
- 5 this subdivision,".

UNANIMOUS CONSENT - Add Cointroducers

Senators Kremer, Jones, Burling, Foley, and Baker asked unanimous consent to have their names added as cointroducers to LB 964. No objections. So ordered.

Senators Redfield and Erdman asked unanimous consent to have their names added as cointroducers to LB 1067. No objections. So ordered.

Senator Smith asked unanimous consent to have his name added as cointroducer to LB 979. No objections. So ordered.

Senator Schimek asked unanimous consent to have her name added as cointroducer to LB 379, LB 687, and LB 952. No objections. So ordered.

Senator Bromm asked unanimous consent to have his name added as cointroducer to LB 962. No objections. So ordered.

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 895. No objections. So ordered.

Senator Kruse asked unanimous consent to have his name added as cointroducer to LB 1005. No objections. So ordered.

WITHDRAW - Cointroducers

Senator Baker withdrew his name as cointroducer to LB 600 and LB 1006.

Senator Bruning withdrew his name as cointroducer to LB 1006.

VISITORS

Visitors to the Chamber were Faye Schellpepper from Stanton; and Senator Tyson's granddaughter, Cora Wagner, from Lincoln.

ADJOURNMENT

At 4:13 p.m., on a motion by Senator Dierks, the Legislature adjourned until 9:00 a.m., Wednesday, January 16, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTH DAY - JANUARY 16, 2002

LEGISLATIVE JOURNAL

**NINETY-SEVENTH LEGISLATURE
SECOND SESSION**

SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 16, 2002

PRAYER

The prayer was offered by Senator Dierks.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

The roll was called and all members were present except Senator Suttle who was excused; and Senators Bromm, Byars, Cunningham, Landis, Quandahl, Robak, Schrock, and Wehrbein who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifth day was approved.

AMENDMENT - Print in Journal

Senator Brashear filed the following amendment to LB 824:
AM2316

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 28-101, Revised Statutes Supplement,
- 4 2000, is amended to read:
- 5 28-101. Sections 28-101 to 28-1348 and sections 2 to 8
- 6 of this act shall be known and may be cited as the Nebraska
- 7 Criminal Code.
- 8 Sec. 2. Sections 2 to 8 shall be known and may be cited
- 9 as the Homicide of the Unborn Child Act.
- 10 Sec. 3. For purposes of the Homicide of the Unborn Child
- 11 Act, unless the context otherwise requires:
- 12 (1) Premeditation means a design formed to do something
- 13 before it is done; and
- 14 (2) Unborn child means an individual member of the

15 species Homo sapiens, at any stage of development in utero, who was
16 alive at the time of the homicidal act and died as a result thereof
17 whether before, during, or after birth.

18 Sec. 4. Sections 5 to 8 of this act do not apply to an
19 act or conduct causing or contributing to the death of an unborn
20 child when the act or conduct is:

21 (1) Committed or engaged in by the mother of the unborn
22 child;

23 (2) Any medical procedure performed with the consent of
24 the mother; or

1 (3) Dispensing a drug or device in accordance with law or
2 administering a drug or device prescribed in accordance with law.

3 Sec. 5. (1) A person commits murder of an unborn child
4 in the first degree if he or she kills an unborn child (a)
5 purposely and with deliberate and premeditated malice or (b) by
6 administering poison to the mother of the unborn child with
7 knowledge of the pregnancy or causing the same to be done.

8 (2) Murder of an unborn child in the first degree is a
9 Class IA felony.

10 Sec. 6. (1) A person commits murder of an unborn child
11 in the second degree if he or she causes the death of an unborn
12 child intentionally, but without premeditation.

13 (2) Murder of an unborn child in the second degree is a
14 Class IB felony.

15 Sec. 7. (1) A person commits manslaughter of an unborn
16 child if he or she (a) kills an unborn child without malice upon a
17 sudden quarrel with any person or (b) causes the death of an unborn
18 child unintentionally while in the perpetration of or attempt to
19 perpetrate any assault, any sexual assault, arson, robbery,
20 kidnapping, intentional child abuse, hijacking of any public or
21 private means of transportation, or burglary.

22 (2) Manslaughter of an unborn child is a Class III
23 felony.

24 Sec. 8. (1) A person who causes the death of an unborn
25 child unintentionally while engaged in the operation of a motor
26 vehicle in violation of the law of the State of Nebraska or in
27 violation of any city or village ordinance commits motor vehicle
1 homicide of an unborn child.

2 (2) Except as provided in subsection (3) of this section,
3 motor vehicle homicide of an unborn child is a Class I misdemeanor.

4 (3)(a) If the proximate cause of the death of an unborn
5 child is the operation of a motor vehicle in violation of section
6 60-6,213 or 60-6,214, motor vehicle homicide of an unborn child is
7 a Class IV felony.

8 (b) Except as provided in subdivision (3)(c) of this
9 section, if the proximate cause of the death of an unborn child is
10 the operation of a motor vehicle in violation of section 60-6,196,
11 motor vehicle homicide of an unborn child is a Class IV felony and
12 the court shall, as part of the judgment of conviction, order the

13 person not to drive any motor vehicle for any purpose for a period
14 of at least sixty days and not more than fifteen years after the
15 date ordered by the court and shall order that the operator's
16 license of such person be revoked for the same period. The
17 revocation shall not run concurrently with any jail term imposed.

18 (c) If the proximate cause of the death of an unborn
19 child is the operation of a motor vehicle in violation of section
20 60-6,196 and the defendant has a prior conviction under such
21 section or a city or village ordinance enacted pursuant to such
22 section, motor vehicle homicide of an unborn child is a Class III
23 felony and the court shall, as part of the judgment of conviction,
24 order the person not to drive any motor vehicle for any purpose for
25 a period of at least sixty days and not more than fifteen years
26 after the date ordered by the court and shall order that the
27 operator's license of such person be revoked for the same period.

1 The revocation shall not run concurrently with any jail term
2 imposed.

3 Sec. 9. If any section in this act or any part of any
4 section is declared invalid or unconstitutional, the declaration
5 shall not affect the validity or constitutionality of the remaining
6 portions.

7 Sec. 10. Original section 28-101, Revised Statutes
8 Supplement, 2000, is repealed.

9 Sec. 11. Since an emergency exists, this act takes
10 effect when passed and approved according to law.".

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 276 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 276.

SENATOR DIERKS PRESIDING

EASE

The Legislature was at ease from 9:28 a.m. until 9:47 a.m.

SPEAKER KRISTENSEN PRESIDING

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1123. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to the County Purchasing Act; to amend sections 23-3108 and 23-3109, Reissue Revised Statutes of Nebraska; to provide an exception to competitive bidding requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1124. Introduced by Jensen, 20; Brown, 6; Dierks, 40; D. Pederson, 42; Price, 26.

A BILL FOR AN ACT relating to schools; to amend sections 77-3442 and 79-1028, Revised Statutes Supplement, 2001; to provide an exemption to levy and budget limitations for certain medical expenses as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 1125. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the County Property Tax Relief Program; to amend section 77-3618, Revised Statutes Supplement, 2000; to provide for proration of distributions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1126. Introduced by General Affairs Committee: Janssen, 15, Chairperson; Burling, 33; Cunningham, 18; Erdman, 47; McDonald, 41; Redfield, 12; Schrock, 38; Synowiecki, 7.

A BILL FOR AN ACT relating to bingo and other gambling; to amend sections 9-226, 9-322, 9-418, and 9-620, Revised Statutes Supplement, 2000; to change provisions relating to departmental duties; to authorize license and permit revocations, cancellations, or suspensions for certain Nebraska Liquor Control Act violations; and to repeal the original sections.

LEGISLATIVE BILL 1127. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-124.11, Revised Statutes Supplement, 2000; to change provisions relating to the issuance of special designated licenses; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1128. Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 13-519, Revised Statutes Supplement, 2001; to change budget limitation provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1129. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the State Fire Marshal; to amend section 81-15.121, Reissue Revised Statutes of Nebraska, and sections 28-1246 and 81-505.01, Revised Statutes Supplement, 2000; to change fees; and to repeal the original sections.

LEGISLATIVE BILL 1130. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to scrap tire disposal; to amend sections 13-2033, 13-2039, 81-1504.01, 81-15,159.02, 81-15,161, and 81-15,162, Reissue Revised Statutes of Nebraska, and section 81-15,160, Revised Statutes Supplement, 2001; to change and eliminate provisions relating to tires under the Integrated Solid Waste Management Act and the Waste Reduction and Recycling Incentive Act; to eliminate obsolete language relating to the Scrap Tire Reduction and Recycling Incentive Fund; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-15,159.01, 81-15,161.01, 81-15,162.01, and 81-15,162.08, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1131. Introduced by Bromm, 23; Baker, 44; Brown, 6; Byars, 30; Jones, 43; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-1407 and 60-1422, Reissue Revised Statutes of Nebraska; to change provisions relating to motor vehicle dealer franchises; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1132. Introduced by McDonald, 41; Baker, 44.

A BILL FOR AN ACT relating to light-density rail lines; to amend sections 74-1414, 74-1415.04, and 74-1415.05, Reissue Revised Statutes of Nebraska; to provide a duty for the Nebraska Railway Council; to change provisions relating to loans by the council; and to repeal the original sections.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs
 Room 1507

| | | |
|----------|-----------------------------|---------|
| LB 935 | Wednesday, January 23, 2002 | 1:30 PM |
| LB 975 | Wednesday, January 23, 2002 | 1:30 PM |
| LB 1008 | Wednesday, January 23, 2002 | 1:30 PM |
| LB 1054 | Wednesday, January 23, 2002 | 1:30 PM |
| LR 277CA | Wednesday, January 23, 2002 | 1:30 PM |
| LB 945 | Thursday, January 24, 2002 | 1:30 PM |
| LB 1029 | Thursday, January 24, 2002 | 1:30 PM |
| LB 866 | Thursday, January 24, 2002 | 1:30 PM |
| LB 926 | Thursday, January 24, 2002 | 1:30 PM |
| LB 869 | Friday, January 25, 2002 | 1:30 PM |
| LB 980 | Friday, January 25, 2002 | 1:30 PM |
| LB 930 | Friday, January 25, 2002 | 1:30 PM |
| LB 1000 | Friday, January 25, 2002 | 1:30 PM |

(Signed) DiAnna R. Schimek, Chairperson

Judiciary
Room 1113

| | | |
|---------|-----------------------------|---------|
| LB 870 | Wednesday, January 23, 2002 | 1:30 PM |
| LB 872 | Wednesday, January 23, 2002 | 1:30 PM |
| LB 1009 | Wednesday, January 23, 2002 | 1:30 PM |
| LB 1034 | Wednesday, January 23, 2002 | 1:30 PM |
| LB 1065 | Wednesday, January 23, 2002 | 1:30 PM |
| LB 974 | Thursday, January 24, 2002 | 1:30 PM |
| LB 1010 | Thursday, January 24, 2002 | 1:30 PM |
| LB 1075 | Thursday, January 24, 2002 | 1:30 PM |
| LB 1083 | Thursday, January 24, 2002 | 1:30 PM |
| LB 874 | Friday, January 25, 2002 | 1:30 PM |
| LB 875 | Friday, January 25, 2002 | 1:30 PM |
| LB 876 | Friday, January 25, 2002 | 1:30 PM |
| LB 901 | Friday, January 25, 2002 | 1:30 PM |
| LB 969 | Friday, January 25, 2002 | 1:30 PM |
| LB 1043 | Friday, January 25, 2002 | 1:30 PM |

(Signed) Kermit A. Brashear, Chairperson

GENERAL FILE

LEGISLATIVE BILL 462. Senator Chambers moved to recommit to the Judiciary Committee.

Senator Dw. Pedersen moved to invoke cloture on LB 462, pursuant to Rule 7, Section 10.

Senator Dw. Pedersen moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Dw. Pedersen requested a roll call vote on his motion to invoke cloture.

Voting in the affirmative, 29:

| | | | | |
|------------|------------|----------|---------------|----------|
| Aguilar | Baker | Brashear | Bruning | Burling |
| Cudaback | Cunningham | Dierks | Engel | Erdman |
| Foley | Hartnett | Jensen | Jones | Kremer |
| Kristensen | Maxwell | McDonald | Pedersen, Dw. | Preister |
| Quandahl | Redfield | Robak | Schrock | Smith |
| Stuhr | Synowiecki | Tyson | Vrtiska | |

Voting in the negative, 18:

| | | | | |
|----------|--------------|------------|---------|---------|
| Beutler | Bourne | Bromm | Brown | Byars |
| Chambers | Connealy | Coordsen | Hudkins | Janssen |
| Landis | Pederson, D. | Price | Raikes | Schimek |
| Thompson | Wehrbein | Wickersham | | |

Present and not voting, 1:

Kruse

Excused and not voting, 1:

Suttle

The Dw. Pedersen motion to invoke cloture failed with 29 ayes, 18 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1133. Introduced by Robak, 22; Foley, 29; Kruse, 13.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-180.05, Revised Statutes Supplement, 2001; to provide and change penalties; to provide for license suspension for minors' violations; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1134. Introduced by Schrock, 38; Cunningham, 18; Dierks, 40; Vrtiska, 1.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1007.02, Revised Statutes Supplement, 2000; to change provisions relating to cost groupings; and to repeal the original section.

LEGISLATIVE BILL 1135. Introduced by Robak, 22; Kruse, 13; Smith, 48.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-101, Revised Statutes Supplement, 2001; to provide for a presumption relating to minors; and to repeal the original section.

LEGISLATIVE BILL 1136. Introduced by Wickersham, 49; Landis, 46.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend sections 77-27,119, 77-4101, and 77-4104, Revised Statutes

Supplement, 2000; to provide for public access to information; and to repeal the original sections.

NOTICE OF COMMITTEE HEARINGS

Natural Resources

Room 1525

| | | |
|--------|-----------------------------|---------|
| LB 889 | Wednesday, January 23, 2002 | 1:30 PM |
| LB 890 | Wednesday, January 23, 2002 | 1:30 PM |
| LB 937 | Wednesday, January 23, 2002 | 1:30 PM |
| LB 938 | Wednesday, January 23, 2002 | 1:30 PM |

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|---------|----------------------------|---------|
| LB 1023 | Thursday, January 24, 2002 | 1:30 PM |
|---------|----------------------------|---------|

Additional video conference sites at:

| | |
|---------------------------|------------------------|
| Panhandle Learning Center | St. Anthony's Hospital |
| 4502 Avenue I | 223 East Adams Street |
| Scottsbluff, Nebraska | O'Neill, Nebraska |

| | |
|---|---------|
| Friday, January 25, 2002 | 1:30 PM |
| William L. Grewcock - Game and Parks Commission | |

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|--------|--------------------------|---------|
| LB 891 | Friday, January 25, 2002 | 1:30 PM |
| LB 902 | Friday, January 25, 2002 | 1:30 PM |

| | | |
|---------|-----------------------------|---------|
| LB 993 | Wednesday, January 30, 2002 | 1:30 PM |
| LB 1003 | Wednesday, January 30, 2002 | 1:30 PM |
| LB 1004 | Wednesday, January 30, 2002 | 1:30 PM |

| | | |
|--------|----------------------------|---------|
| LB 899 | Thursday, January 31, 2002 | 1:30 PM |
| LB 941 | Thursday, January 31, 2002 | 1:30 PM |

(Signed) Ed Schrock, Chairperson

Revenue

Room 1524

| | | |
|---------|-----------------------------|---------|
| LB 887 | Wednesday, January 23, 2002 | 1:30 PM |
| LB 1063 | Wednesday, January 23, 2002 | 1:30 PM |
| LB 989 | Wednesday, January 23, 2002 | 1:30 PM |
| LB 991 | Wednesday, January 23, 2002 | 1:30 PM |
| LB 992 | Wednesday, January 23, 2002 | 1:30 PM |
| LB 995 | Wednesday, January 23, 2002 | 1:30 PM |
| LB 947 | Wednesday, January 23, 2002 | 1:30 PM |

(Signed) William R. Wickersham, Chairperson

VISITORS

Visitors to the Chamber were former Senator Jerry Schmitt from Ord; Senator Cudaback's sister, Jane Rumbeck, and mother, Lena Cudaback, from Amherst; and Scott and Joe Miller from Nebraska City.

RECESS

At 11:42 a.m., on a motion by Senator Coordsen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Kristensen presiding.

ROLL CALL

The roll was called and all members were present except Senator Suttle who was excused; and Senators Burling, Engel, Jones, Kruse, Raikes, Robak, Wehrbein, and Wickersham who were excused until they arrive.

SENATOR CUDABACK PRESIDING

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bills:

| LB/LR | Committee |
|--------------|--|
| LB 882 | Government, Military and Veterans Affairs (rereferred) |
| LB 936 | Natural Resources (rereferred) |
| LB 978 | Health and Human Services (rereferred) |
| LB 1088 | Transportation and Telecommunications |
| LB 1089 | Banking, Commerce and Insurance |
| LB 1090 | Banking, Commerce and Insurance |
| LB 1091 | Judiciary |
| LB 1092 | Banking, Commerce and Insurance |
| LB 1093 | Judiciary |
| LB 1094 | Banking, Commerce and Insurance |
| LB 1095 | Health and Human Services |
| LB 1096 | Health and Human Services |
| LB 1097 | Revenue |
| LB 1098 | Revenue |
| LB 1099 | Revenue |
| LB 1100 | Appropriations |
| LB 1101 | Appropriations |
| LB 1102 | Education |
| LB 1103 | Natural Resources |
| LB 1104 | Revenue |

| | |
|---------|---|
| LB 1105 | Transportation and Telecommunications |
| LB 1106 | Banking, Commerce and Insurance |
| LB 1107 | Health and Human Services |
| LB 1108 | Government, Military and Veterans Affairs |
| LB 1109 | Judiciary |
| LB 1110 | Urban Affairs |
| LB 1111 | Nebraska Retirement Systems |
| LB 1112 | Revenue |
| LB 1113 | Revenue |
| LB 1114 | Banking, Commerce and Insurance |
| LB 1115 | Judiciary |
| LB 1116 | Transportation and Telecommunications |
| LB 1117 | Revenue |
| LB 1118 | Banking, Commerce and Insurance |
| LB 1119 | Agriculture |
| LB 1120 | Judiciary |
| LB 1121 | Revenue |
| LB 1122 | Revenue |

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

GENERAL FILE

LEGISLATIVE BILL 803. Title read. Considered.

The Standing Committee amendment, AM1079, printed separately and referred to on page 1136, First Session, 2001, was considered.

Senator Dierks withdrew his pending amendments, AM1145, AM1146, and AM1150, found on pages 1202 and 1203, First Session, 2001.

Senators Dierks and Erdman withdrew their pending amendment, AM2307, found on page 191.

Senators Dierks and Erdman offered the following amendment to the Standing Committee amendment:

AM2315

(Amendments to Standing Committee amendments, AM1079)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 2-2304, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 2-2304. (1) The board shall be composed of seven members
- 6 who shall (a) be citizens of Nebraska, (b) be at least twenty-five
- 7 years of age, (c) have been actually engaged in growing wheat in
- 8 this state for a period of at least five years, and (d) derive a
- 9 substantial portion of their income from growing wheat. The

10 Director of Agriculture and the vice chancellor of the University
 11 of Nebraska Institute of Agriculture and Natural Resources shall
 12 serve as nonvoting, ~~ex officio~~ members of the board. With the
 13 exception of the ~~ex officio~~ nonvoting members, the Governor shall
 14 appoint the members to the board.

15 (2) The seven appointed members shall be appointed from
 16 the following districts:

17 (a) District 1: The counties of Sioux, Scotts Bluff,

18 ~~Banner~~, Dawes, Box Butte, Morrill, Sheridan, and Garden;

19 (b) District 2: The counties of Kimball, Banner, and
 20 Cheyenne;

21 (c) District 3: The counties of Perkins, Deuel, Keith,

22 Arthur, McPherson, Logan, Grant, Hooker, Thomas, and Cherry;

23 (d) District 4: The counties of Lincoln, Chase, Dundy,
 1 Hayes, Hitchcock, and Frontier;

2 (e) District 5: The counties of Buffalo, Dawson, Phelps,

3 Custer, Gosper, Kearney, Red Willow, Furnas, Harlan, and Franklin;

4 (f) District 6: The counties of Adams, Webster,

5 Nuckolls, Thayer, Jefferson, Gage, Johnson, Nemaha, Pawnee, and
 6 Richardson, ; and

7 ~~(g) District 7: The counties of Otoe, Cass, Lancaster,~~

8 Seward, York, Hamilton, Hall, Sherman, Howard, Merrick, Nance,

9 Polk, Butler, Saunders, Sarpy, Douglas, Washington, Dodge, Colfax,

10 Platte, Burt, Cuming, Stanton, Madison, Boone, Valley, Greeley,

11 Antelope, Pierce, Wayne, Thurston, Dakota, Dixon, Cedar, Knox,

12 Wheeler, Garfield, Loup, Blaine, Brown, Rock, Holt, Boyd, Keya

13 Paha, Clay, Fillmore, and Saline; and

14 (g) District 7: The at-large district.

15 Sec. 2. Section 2-2305, Reissue Revised Statutes of
 16 Nebraska, is amended to read:

17 2-2305. ~~Within sixty days after July 1, 1991, the~~

18 ~~Governor shall appoint the member of the board from district 4 to~~

19 ~~serve for a term of five years. The term of the member serving~~

20 ~~from district 1 prior to April 11, 1991, shall expire on June 30,~~

21 ~~1994. The term of the member serving from district 4 prior to~~

22 ~~April 11, 1991, shall expire on June 30, 1995; and such member~~

23 ~~shall represent district 5 after April 11, 1991. The term of the~~

24 ~~member serving from district 5 prior to April 11, 1991, shall~~

25 ~~expire on June 30, 1995; and such member shall represent district 7~~

26 ~~after April 11, 1991. The term of the member serving from district~~

27 ~~6 prior to April 11, 1991, shall expire on June 30, 1991. The term~~

1 of the member serving from district 7 shall expire on June 30,

2 1994, and such member shall represent district 6 after April 11,

3 1991. The term of the member serving from district 3 prior to

4 April 11, 1991, shall expire on June 30, 1992. The term of the

5 member serving from district 2 prior to April 11, 1991, shall

6 expire on June 30, 1993. The member serving former district 1 will

7 assume the role of serving new district 1 and his or her term shall

8 expire on June 30, 2004. The member serving former district 2 will

9 assume the role of serving new district 2 and his or her term shall
 10 expire on June 30, 2003. The term of the member serving district 3
 11 shall expire on June 30, 2002. The term of the member serving
 12 district 4 shall expire on June 30, 2006. The term of the member
 13 serving district 5 shall expire on June 30, 2005. The member
 14 serving former district 6 will assume the role of serving new
 15 district 6 and his or her term shall expire on June 30, 2004. The
 16 member serving former district 7 will assume the role of serving
 17 new district 7 and his or her term shall expire on June 30, 2005.
 18 As the terms of office of the appointees expire, members serving on
 19 the effective date of this act expire as provided in this section,
 20 their successors shall be appointed to serve for terms of five
 21 years and until their successors are appointed and qualified.
 22 Terms of office shall commence on July 1. A member appointed to
 23 fill a vacancy, occurring before the expiration of the term of a
 24 member separated from the board for any cause, shall be appointed
 25 for the remainder of the term of the member whose office has been
 26 so vacated in the same manner as his or her predecessor.
 27 Sec. 3. Original sections 2-2304 and 2-2305, Reissue
 1 Revised Statutes of Nebraska, are repealed.
 2 Sec. 4. Since an emergency exists, this act takes effect
 3 when passed and approved according to law."

Senator Chambers moved to bracket LB 803 until March 15, 2002.

Senator Dierks requested to pass over LB 803.

SPEAKER KRISTENSEN PRESIDING

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1137. Introduced by Landis, 46; Connealy, 16.

A BILL FOR AN ACT relating to offstreet parking districts; to amend section 19-3315, Reissue Revised Statutes of Nebraska; to change levy authority calculations; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 824. Title read. Considered.

Senator Foley offered the following amendment:
AM2322

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 28-101, Revised Statutes Supplement,
- 4 2000, is amended to read:

5 28-101. Sections 28-101 to 28-1348 and sections 2 to 8
6 of this act shall be known and may be cited as the Nebraska
7 Criminal Code.

8 Sec. 2. Sections 2 to 8 shall be known and may be cited
9 as the Homicide of the Unborn Child Act.

10 Sec. 3. For purposes of the Homicide of the Unborn Child
11 Act, unless the context otherwise requires:

12 (1) Premeditation means a design formed to do something
13 before it is done; and

14 (2) Unborn child means an individual member of the
15 species Homo sapiens, at any stage of development in utero, who was
16 alive at the time of the homicidal act and died as a result thereof
17 whether before, during, or after birth.

18 Sec. 4. Sections 5 to 8 of this act do not apply to an
19 act or conduct causing or contributing to the death of an unborn
20 child when the act or conduct is:

21 (1) Committed or engaged in by the mother of the unborn
22 child;

23 (2) Any medical procedure performed with the consent of
24 the mother; or

1 (3) Dispensing a drug or device in accordance with law or
2 administering a drug or device prescribed in accordance with law.

3 Sec. 5. (1) A person commits murder of an unborn child
4 in the first degree if he or she (a) in committing an act or
5 engaging in conduct that causes the death of an unborn child,
6 intends, with deliberate and premeditated malice, to kill the
7 unborn child or another or, (b) kills an unborn child by
8 administering poison or causing the same to be done.

9 (2) Murder of an unborn child in the first degree is a
10 Class IA felony.

11 Sec. 6. (1) A person commits murder of an unborn child
12 in the second degree if he or she, in committing an act or engaging
13 in conduct that causes the death of an unborn child, intends, but
14 without premeditation, to kill the unborn child or another.

15 (2) Murder of an unborn child in the second degree is a
16 Class IB felony.

17 Sec. 7. (1) A person commits manslaughter of an unborn
18 child if he or she (a) kills an unborn child without malice upon a
19 sudden quarrel with any person or (b) causes the death of an unborn
20 child unintentionally while in the perpetration of or attempt to
21 perpetrate any assault, any sexual assault, arson, robbery,
22 kidnapping, intentional child abuse, hijacking of any public or
23 private means of transportation, or burglary.

24 (2) Manslaughter of an unborn child is a Class III
25 felony.

26 Sec. 8. (1) A person who causes the death of an unborn
27 child unintentionally while engaged in the operation of a motor
1 vehicle in violation of the law of the State of Nebraska or in
2 violation of any city or village ordinance commits motor vehicle

3 homicide of an unborn child.

4 (2) Except as provided in subsection (3) of this section,

5 motor vehicle homicide of an unborn child is a Class I misdemeanor.

6 (3)(a) If the proximate cause of the death of an unborn

7 child is the operation of a motor vehicle in violation of section

8 60-6,213 or 60-6,214, motor vehicle homicide of an unborn child is

9 a Class IV felony.

10 (b) Except as provided in subdivision (3)(c) of this

11 section, if the proximate cause of the death of an unborn child is

12 the operation of a motor vehicle in violation of section 60-6,196,

13 motor vehicle homicide of an unborn child is a Class IV felony and

14 the court shall, as part of the judgment of conviction, order the

15 person not to drive any motor vehicle for any purpose for a period

16 of at least sixty days and not more than fifteen years after the

17 date ordered by the court and shall order that the operator's

18 license of such person be revoked for the same period. The

19 revocation shall not run concurrently with any jail term imposed.

20 (c) If the proximate cause of the death of an unborn

21 child is the operation of a motor vehicle in violation of section

22 60-6,196 and the defendant has a prior conviction under such

23 section or a city or village ordinance enacted pursuant to such

24 section, motor vehicle homicide of an unborn child is a Class III

25 felony and the court shall, as part of the judgment of conviction,

26 order the person not to drive any motor vehicle for any purpose for

27 a period of at least sixty days and not more than fifteen years

1 after the date ordered by the court and shall order that the

2 operator's license of such person be revoked for the same period.

3 The revocation shall not run concurrently with any jail term

4 imposed.

5 Sec. 9. If any section in this act or any part of any

6 section is declared invalid or unconstitutional, the declaration

7 shall not affect the validity or constitutionality of the remaining

8 portions.

9 Sec. 10. Original section 28-101, Revised Statutes

10 Supplement, 2000, is repealed.

11 Sec. 11. Since an emergency exists, this act takes

12 effect when passed and approved according to law.".

Senator Redfield asked unanimous consent to be excused until she returns.

No objections. So ordered.

Senator Chambers offered the following amendment to the Foley pending amendment:

FA797

Amend AM2322

P. 1, line 9, strike "Homicide of the Unborn Child" and insert "Fetal Homicide." wherever "Homicide of the Unborn Child" appears in the amendment.

Senators Schrock, Connealy, and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Burling asked unanimous consent to be excused. No objections. So ordered.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1138. Introduced by Tyson, 19.

A BILL FOR AN ACT relating to emergency management; to amend sections 81-829.36 and 81-829.42, Reissue Revised Statutes of Nebraska; to create the Emergency Management, Preparedness, and Assistance Trust Fund; to impose a surcharge as prescribed; to provide powers and duties for the Department of Insurance and the Nebraska Emergency Management Agency; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1139. Introduced by Landis, 46.

A BILL FOR AN ACT relating to insurance; to adopt the Multiple Employer Welfare Arrangement Act; and to provide penalties.

LEGISLATIVE BILL 1140. Introduced by Preister, 5; Beutler, 28; Chambers, 11.

A BILL FOR AN ACT relating to the Environmental Quality Council; to amend section 81-1503, Reissue Revised Statutes of Nebraska, and section 81-1505, Revised Statutes Supplement, 2001; to change provisions relating to membership and adoption of standards; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1141. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to the Board of Regents of the University of Nebraska; to amend sections 32-571 and 32-572, Reissue Revised Statutes of Nebraska, and section 32-101, Revised Statutes Supplement, 2001; to change provisions relating to vacancies on the board; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1142. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to the Nebraska Child Abuse Prevention Fund; to amend section 43-1906, Reissue Revised Statutes of Nebraska; to change funding provisions; and to repeal the original section.

LEGISLATIVE BILL 1143. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,157, Reissue Revised Statutes of Nebraska; to permit cities to allow pedestrians to solicit on roadways; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1144. Introduced by Bourne, 8; Bruning, 3.

A BILL FOR AN ACT relating to the Class V School Employees Retirement Act; to amend section 79-998, Revised Statutes Supplement, 2001; to change provisions relating to transfers and rollovers; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1145. Introduced by Jensen, 20; Kruse, 13.

A BILL FOR AN ACT relating to appropriations; to amend section 53-160, Reissue Revised Statutes of Nebraska, and section 53-162, Revised Statutes Supplement, 2001; to provide funding for substance abuse treatment; to make findings; to declare intent; to change provisions relating to liquor tax rates; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

NOTICE OF COMMITTEE HEARINGS

Revenue
Room 1524

| | | |
|---------|----------------------------|---------|
| LB 881 | Thursday, January 24, 2002 | 1:30 PM |
| LB 907 | Thursday, January 24, 2002 | 1:30 PM |
| LB 920 | Thursday, January 24, 2002 | 1:30 PM |
| LB 1112 | Thursday, January 24, 2002 | 1:30 PM |
| LB 948 | Thursday, January 24, 2002 | 1:30 PM |
| LB 1024 | Thursday, January 24, 2002 | 1:30 PM |
| LB 1030 | Thursday, January 24, 2002 | 1:30 PM |
| LB 886 | Thursday, January 24, 2002 | 1:30 PM |
| LB 1113 | Friday, January 25, 2002 | 1:30 PM |
| LB 1044 | Friday, January 25, 2002 | 1:30 PM |
| LB 878 | Friday, January 25, 2002 | 1:30 PM |
| LB 884 | Friday, January 25, 2002 | 1:30 PM |
| LB 994 | Friday, January 25, 2002 | 1:30 PM |
| LB 1085 | Friday, January 25, 2002 | 1:30 PM |
| LB 990 | Friday, January 25, 2002 | 1:30 PM |

(Signed) William R. Wickersham, Chairperson

Health and Human Services
Room 1510

| | | |
|---------|-----------------------------|---------|
| LB 958 | Wednesday, January 23, 2002 | 1:30 PM |
| LB 1062 | Wednesday, January 23, 2002 | 1:30 PM |
| LB 1021 | Wednesday, January 23, 2002 | 1:30 PM |
| LB 1095 | Wednesday, January 23, 2002 | 1:30 PM |

| | | |
|---------|----------------------------|---------|
| LB 933 | Thursday, January 24, 2002 | 1:30 PM |
| LB 1033 | Thursday, January 24, 2002 | 1:30 PM |
| LB 894 | Thursday, January 24, 2002 | 1:30 PM |
| LB 952 | Thursday, January 24, 2002 | 1:30 PM |

Thursday, January 24, 2002 1:15 PM
 Shawn Baumgartner - Board of Emergency Medical Services
 Richard J. Sheehy - Board of Emergency Medical Services
 Michael Westcott, M.D. - Board of Emergency Medical Services
 Robert Dunn - Board of Emergency Medical Services

| | | |
|---------|--------------------------|---------|
| LB 911 | Friday, January 25, 2002 | 1:30 PM |
| LB 985 | Friday, January 25, 2002 | 1:30 PM |
| LB 978 | Friday, January 25, 2002 | 1:30 PM |
| LB 1096 | Friday, January 25, 2002 | 1:30 PM |

(Signed) Jim Jensen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 824. The Chambers pending amendment, FA797, found in this day's Journal, to the Foley pending amendment, AM2322, found in this day's Journal, was renewed.

Senator Bourne asked unanimous consent to be excused. No objections. So ordered.

Senator Smith moved the previous question. The question is, "Shall the debate now close?"

Senator Smith moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The motion to cease debate prevailed with 32 ayes, 2 nays, and 15 not voting.

Senator Chambers requested a record vote on his amendment.

Voting in the affirmative, 9:

| | | | | |
|----------|---------|-------|--------|-------|
| Chambers | Janssen | Kruse | Landis | Price |
|----------|---------|-------|--------|-------|

Raikes Schimek Thompson Wickersham

Voting in the negative, 29:

| | | | | |
|---------------|----------|------------|------------|----------|
| Aguilar | Baker | Brashear | Bromm | Bruning |
| Byars | Coordsen | Cudaback | Cunningham | Dierks |
| Engel | Erdman | Foley | Hudkins | Jensen |
| Jones | Kremer | Kristensen | Maxwell | McDonald |
| Pedersen, Dw. | Quandahl | Schrock | Smith | Stuhr |
| Synowiecki | Tyson | Vrtiska | Wehrbein | |

Present and not voting, 6:

| | | | | |
|----------|-------|----------|--------------|----------|
| Beutler | Brown | Hartnett | Pederson, D. | Preister |
| Redfield | | | | |

Excused and not voting, 5:

| | | | | |
|--------|---------|----------|-------|--------|
| Bourne | Burling | Connealy | Robak | Suttle |
|--------|---------|----------|-------|--------|

The Chambers amendment lost with 9 ayes, 29 nays, 6 present and not voting, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1146. Introduced by Erdman, 47; Byars, 30; Cunningham, 18; Jensen, 20.

A BILL FOR AN ACT relating to revenue and taxation; to adopt the Medical Savings Account Act; and to provide severability.

AMENDMENTS - Print in Journal

Senator Brashear filed the following amendment to LB 824:

FA798

Amend AM2322

On page 2, line 4, strike all after "she" and strike lines 5 through 8 and insert "kills an unborn child (a) purposely and with deliberate and premeditated malice or (b) by administering poison to the mother of the unborn child with knowledge of the pregnancy or causing the same to be done." ; in line 12, strike the underscored comma and all after "she" and strike lines 13 and 14 and insert "causes the death of an unborn child intentionally, but without premeditation."

Senator Chambers filed the following amendment to LB 824:

FA799

Amend AM2322

P. 1, line 12, after "means" strike remaining language through "done" in line 13 and insert "an intent formed to commit an act before such act is committed."

UNANIMOUS CONSENT - Add Cointroducers

Senator Kremer asked unanimous consent to have his name added as cointroducer to LB 1023. No objections. So ordered.

Senator Robak asked unanimous consent to have her name added as cointroducer to LB 82. No objections. So ordered.

Senator Dierks asked unanimous consent to have his name added as cointroducer to LB 964. No objections. So ordered.

Senator Synowiecki asked unanimous consent to have his name added as cointroducer to LB 63. No objections. So ordered.

VISITORS

Visitors to the Chamber were Senator Price's daughter, son-in-law, and granddaughters, Penni, Darwin, Christal, and Amanda Godemann from Lincoln; Congressman Lee Terry from Omaha; and Senator D. Pederson's wife, Virginia, from North Platte and Carroll Dischner and Joanne Perry from Lincoln.

ADJOURNMENT

At 4:10 p.m., on a motion by Senator Bruning, the Legislature adjourned until 9:00 a.m., Thursday, January 17, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTH DAY - JANUARY 17, 2002**LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE
SECOND SESSION****SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, January 17, 2002

PRAYER

The prayer was offered by Father Rod Pruss, Our Lady of Lourdes Rectory, Ravenna, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

The roll was called and all members were present except Senator Suttle who was excused; and Senators Beutler, Byars, Coordsen, Landis, Preister, and Vrtiska who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixth day was approved.

ATTORNEY GENERAL'S OPINIONOpinion #02002

DATE: January 16, 2002

SUBJECT: Applicability of the Nebraska Recreation Liability Act, Neb. Rev. Stat. §§ 37-729 through 37-736 (1998), to a city-owned skateboard park

REQUESTED BY: Senator Gene Tyson
Nebraska Legislature

WRITTEN BY: Don Stenberg, Attorney General
Charles E. Lowe, Assistant Attorney General

You have asked this office for its opinion as to whether a city-owned skateboard park would fall within the definition of a "recreational purpose" so as to protect the city from liability under the Nebraska Recreation Liability Act, Neb. Rev. Stat. §§ 37-729 through 37-736 (1998).

In answering this question, we assume that the skateboard park is located on city-owned property and that there will be no fee charged for entering the park or for using the skateboarding facility. If there is a charge, then the limitation on liability contained in the Act does not apply. § 37-732.

The express purpose of the Nebraska Recreation Liability Act "is to encourage owners of land to make available to the public land and water areas for recreational purposes by limiting their liability toward persons entering thereon" § 37-730. The Act implements that purpose in § 37-732, which provides:

[A]n owner of land who either directly or indirectly invites or permits without charge any person to use such property for recreational purposes does not thereby (1) extend any assurance that the premises are safe for any purpose, (2) confer upon such persons the legal status of an invitee or licensee to whom a duty of care is owed, or (3) assume responsibility for or incur liability for any injury to person or property caused by an act or omission of such persons.

Obviously, under § 37-732 a key question is whether the "land" in question is being used, with permission, for "recreational purposes."

Section 37-729 contains definitions of some of the important terms used in the Act. Subsection (1) defines "land" to include "roads, water, watercourses, private ways, and buildings, structures, and machinery or equipment thereon when attached to the realty." It appears clear under this definition that a city-owned skateboard park situated on city-owned real estate would constitute "land" for purposes of the Act.¹

Based upon your inquiry, the most important aspect of the question, however, is whether skateboarding would be deemed a "recreational purpose" under the Act. In this regard, subsection (3) of § 37-729 states:

Recreational purposes includes, but is not limited to, any one or any combination of the following: Hunting, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, nature study, waterskiing,

¹ The Nebraska Supreme Court has made clear that public entities, such as cities, are "owners" of land under the Act and have the benefit of the Act's limitations on liability to the same extent as private owners. *Gallagher v. Omaha Public Power District*, 225 Neb. 354, 358, 405 N.W.2d 571, 574 (1987); *Watson v. City of Omaha*, 209 Neb. 835, 841-42, 312 N.W.2d 256, 259 (1981).

winter sports, and visiting, viewing, or enjoying historical, archaeological, scenic, or scientific sites, or otherwise using land for purposes of the user.

It is apparent that skateboarding is not specifically included in the list of activities set forth in § 37-729(3). Nonetheless, because the Act states clearly that "recreational purposes" are "not limited to" the listed activities and also provides that "recreational purposes" can include "otherwise using the land for purposes of the user," the Act does not, by definition, exclude skateboarding from its coverage and may well be broad enough to cover it.

There do not appear to be any reported Nebraska court decisions on the question of whether or not skateboarding is a "recreational purpose" under the Act. Likewise, we have found no reported decisions on that specific issue from any other jurisdiction.² It is our view, however, that skateboarding does fall within the definition.

The Nebraska Court of Appeals has stated that the definition of "recreational purposes" contained in the Act is very broad, *Teters v. Scottsbluff Public Schools*, 5 Neb. App. 867, 879, 567 N.W.2d 314 (1997), *reversed, in part, on other grounds*, 256 Neb. 645, 592 N.W.2d 155 (1999); and the Nebraska Supreme Court has recently noted that the definition is broad enough to include "the normal activities afforded by public parks." *Dykes v. Scotts Bluff County Agricultural Society, Inc.*, 260 Neb. 375, 381, 617 N.W.2d 817 (2000), citing *Watson v. City of Omaha*, 209 Neb. 835, 842, 312 N.W.2d 259 (1981) (use of playground slide).

In the *Dykes* majority opinion, the Nebraska Supreme Court held that the Nebraska Recreation Liability Act is "in derogation of common law" and that, therefore, it must be strictly construed. The court went on to find that the viewing of livestock at a county fair is not a "recreational purpose" within the meaning of the Act because such activity "is not *substantially similar* to the enumerated activities in § 37-729(3)." 260 Neb. at 823, 617 N.W.2d at 382. (Emphasis supplied.) The court distinguished the viewing of livestock at a county fair from the activities which would be covered by the Act by stating: "Generally speaking, the activities listed in § 37-729(3) are more physical than not, generally require the outdoors, and are not 'spectator sports.' . . . The listed recreational purposes tend to involve activities in which the individual using the land is actively involved." 260 Neb. at 823, 617 N.W.2d at 382-83. (Citations omitted.) Thus, it appears that to be covered by the Act an activity, if not listed in § 37-729(3) specifically, must

² The Nebraska Recreation Liability Act is based upon a model liability relief law drafted by the Council of State Governments. At least 15 other states, like Nebraska, have adopted, essentially unchanged, the recreational land use act promulgated by the Council. Therefore, application of the model law by other jurisdictions provides guidance to the Nebraska courts when called upon to interpret the Act. *Holden v. Schwer*, 242 Neb. 389, 396-96, 495 N.W.2d 269 (1993).

be "substantially similar" to the activities which are listed. In analyzing whether an activity is "substantially similar" to the listed activities, it is important to determine whether that activity is "more physical than not," "generally requires the outdoors," "is not a 'spectator sport,'" and is such that "the individual using the land is actively involved" in it.

Using these guidelines set forth by the *Dykes* court, it is relatively clear that skateboarding would be an activity "substantially similar" to the activities listed in § 37-729(3) and that it would, therefore, be a "recreational purpose" under the Act. Skateboarding is, obviously, "more physical than not." It generally requires an outdoor venue, although, like swimming, it can be done inside in certain situations. It is not primarily a "spectator sport." Finally, the individual using the land for skateboarding would likely be "actively involved" in that activity in some manner.

The conclusion that skateboarding is "substantially similar" to the activities listed in § 37-729(3) so as to be deemed a "recreational purpose" is supported by the decision in *Watson v. City of Omaha*, 209 Neb. 835, 312 N.W.2d 256 (1981), in which the Nebraska Supreme Court held that the use of a slide in a city park fit within the statutory definition. The court stated: "Slippery slide activities are not specifically included within the definition of recreational purposes contained in the Recreation Liability Act However, we believe [the] definition [of recreational purposes in the Act] to be broad enough to include the normal activities afforded by public parks." 209 Neb. at 841-42, 312 N.W.2d at 259. While it might not yet be common to find skateboarding facilities in public parks, it is certainly the type of activity that is frequently engaged in in public parks, whether or not specific facilities are devoted to it.

Additional support for the conclusion that skateboarding is a "recreational purpose" under § 37-729(3) can be derived from *Holden v. Schwer*, 242 Neb. 389, 495 N.W.2d 269 (1993), in which the supreme court found that riding a three-wheeled vehicle for pleasure was a "recreational purpose" within the meaning of the Act. Quoting with approval from a Louisiana appellate court case, the court in *Holden* said: "The [Louisiana] court specifically held that 'the activity of riding three-wheelers on the property in question during a camping trip is a recreational activity within the scope of [Louisiana's recreational land use act],' and, therefore, no liability attached to the landowner." 242 Neb. at 397, 495 N.W.2d at 274. The Nebraska court then came to the same conclusion.

Finally, in *Teters v. Scottsbluff Public Schools*, 5 Neb. App. 867, 567 N.W.2d 314 (1997), *reversed, in part, on other grounds*, 256 Neb. 645, 592 N.W.2d 155 (1999), the Nebraska Court of Appeals found that using part of an obstacle course known as the "slide-for-life," which is an apparatus that allows the participant to slide down a cable on a pulley, constituted a "recreational purpose" under the Act. Even though such activity is, obviously, not specifically among those listed in § 37-729(3), the court stated that the definition of "recreational purpose" in that subsection "is so

broad" that there could be no serious question but that the plaintiff, who was injured while using the "slide-for-life," was using the facility for recreational purposes. 5 Neb. App. at 879, 567 N.W.2d at 324. This statement by the appeals court also lends support to the conclusion that skateboarding would likewise be deemed a "recreational purpose" under the Act.

For all of the reasons discussed above, it is the opinion of this office that, provided there is no charge, skateboarding at a skateboard facility owned by a city and situated on city-owned property would be a "recreational purpose" under § 37-729(3) and would be subject to the liability-limiting provisions of the Nebraska Recreation Liability Act.

Sincerely,
DON STENBERG
Attorney General
(Signed) Charles E. Lowe
Assistant Attorney General

pc: Patrick O'Donnell
Clerk of the Legislature
17-638-18

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1147. Introduced by Vrtiska, 1; Bromm, 23; Stuhr, 24.

A BILL FOR AN ACT relating to motor vehicle license plates; to provide for specialty license plates.

ANNOUNCEMENT

The Chair announced today is Senator Jensen's birthday.

GENERAL FILE

LEGISLATIVE BILL 824. The Foley pending amendment, AM2322, found on page 242, was renewed.

Senator Brashear renewed his pending amendment, FA798, found on page 248, to the Foley pending amendment.

Senator Tyson asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers moved to recommit LB 824 to the Judiciary Committee.

Senator Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Senators Schrock and Brashear asked unanimous consent to be excused. No objections. So ordered.

Senator Bruning moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Senators Dierks and Janssen asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Chambers motion to recommit to committee failed with 0 ayes, 38 nays, 5 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers moved to reconsider his motion to recommit to committee.

Senators Cunningham and Wickersham asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers motion to reconsider failed with 1 aye, 25 nays, 15 present and not voting, and 8 excused and not voting.

Senator Chambers moved to bracket LB 824 until January 24, 2002.

SENATOR CUDABACK PRESIDING

Senators Kristensen, Schimek, and Byars asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Senator Chambers requested a roll call vote on his motion to bracket.

Voting in the affirmative, 0.

Voting in the negative, 36:

| | | | | |
|---------|---------|----------|----------|------------|
| Aguilar | Baker | Bourne | Bromm | Brown |
| Bruning | Burling | Connealy | Coordsen | Cunningham |
| Engel | Erdman | Foley | Hartnett | Hudkins |

| | | | | |
|----------|------------|----------|---------------|--------------|
| Janssen | Jensen | Jones | Kremer | Kruse |
| Landis | Maxwell | McDonald | Pedersen, Dw. | Pederson, D. |
| Preister | Price | Quandahl | Redfield | Smith |
| Stuhr | Synowiecki | Thompson | Tyson | Vrtiska |
| Wehrbein | | | | |

Present and not voting, 5:

| | | | | |
|----------|----------|--------|-------|------------|
| Chambers | Cudaback | Raikes | Robak | Wickersham |
|----------|----------|--------|-------|------------|

Excused and not voting, 8:

| | | | | |
|---------|----------|--------|--------|------------|
| Beutler | Brashear | Byars | Dierks | Kristensen |
| Schimek | Schrock | Suttle | | |

The Chambers motion to bracket failed with 0 ayes, 36 nays, 5 present and not voting, and 8 excused and not voting.

Pending.

The Chair declared the call raised.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1148. Introduced by Jensen, 20; Connealy, 16; Cudaback, 36.

A BILL FOR AN ACT relating to prescription drug assistance; to amend section 71-7605, Revised Statutes Supplement, 2001; to provide duties for the Health and Human Services Committee of the Legislature; to harmonize provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1149. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to public health funding; to amend sections 77-4008 and 77-4025, Reissue Revised Statutes of Nebraska, sections 71-5714 and 71-7610, Revised Statutes Supplement, 2000, and sections 71-7605, 71-7611, and 77-2602, Revised Statutes Supplement, 2001; to change provisions of the Nebraska Health Care Funding Act; to provide funding for public health; to create a trust fund; to authorize fund transfers; to change tax distribution and rates for cigarettes and tobacco products as prescribed; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1150. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to vehicles; to amend sections 60-102 to

60-105, 60-107, 60-107.01, 60-109, 60-111 to 60-114, 60-116, 60-117, and 60-131, Reissue Revised Statutes of Nebraska, and sections 60-106 and 60-110, Revised Statutes Supplement, 2000; to change certificate of title provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1151. Introduced by Hartnett, 45; Bruning, 3; Thompson, 14; Wehrbein, 2.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-109, Reissue Revised Statutes of Nebraska; to change provisions relating to the wheel tax; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1152. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to hospitals; to amend section 71-448, Revised Statutes Supplement, 2000; to provide patient visitation rights; to provide grounds for disciplinary action; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1153. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to real property; to amend sections 76-252 and 76-1014.01, Reissue Revised Statutes of Nebraska; to change provisions relating to mortgages and trust deeds; and to repeal the original sections.

LEGISLATIVE BILL 1154. Introduced by Landis, 46.

A BILL FOR AN ACT relating to adoption; to amend section 43-129, Revised Statutes Supplement, 2000; to change provisions relating to access by medical licensees to birth certificate information; and to repeal the original section.

LEGISLATIVE BILL 1155. Introduced by Landis, 46.

A BILL FOR AN ACT relating to labor; to amend section 48-1119, Reissue Revised Statutes of Nebraska; to change provisions relating to hearings before the Equal Opportunity Commission; and to repeal the original section.

LEGISLATIVE BILL 1156. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 7-111, 24-201.03, 24-209, 24-714, 24-729, 24-739, 24-1002, 27-1101, 32-562, 33-107.01, 33-145, 60-3005, 77-202.07, 77-1510.01, 77-1513, 77-1623, 77-1775, 77-3519, 77-5002, 77-5006, 77-5020, 77-5021, and 81-1174, Reissue Revised Statutes of Nebraska, sections 49-506, 49-617, 60-3006, 77-202.04, 77-202.06, 77-202.12, 77-612, 77-684, 77-802.02,

77-1233.06, 77-1249, 77-1330, 77-1380, 77-1504, 77-1507, 77-1515, 77-1606, 77-1607, 77-1608, 77-1609, 77-1610, 77-1613.03, 77-1775.01, 77-5022, 77-5025, and 77-5031, Revised Statutes Supplement, 2000, and sections 24-701, 24-703, 32-813, 77-702, 77-1510, 77-5003, 77-5004, 77-5009, 77-5013, and 79-1016, Revised Statutes Supplement, 2001; to create a tax court; to change and eliminate provisions relating to the Tax Equalization and Review Commission; to change and eliminate procedures relating to property tax equalization, valuation, and appeals; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 77-5008, 77-5010, 77-5014, and 84-912.03, Reissue Revised Statutes of Nebraska, sections 77-5007.01, 77-5011, 77-5015, and 77-5032, Revised Statutes Supplement, 2000, and sections 77-5005, 77-5007, and 77-5016 to 77-5019, Revised Statutes Supplement, 2001.

LEGISLATIVE BILL 1157. Introduced by Connealy, 16.

A BILL FOR AN ACT relating to labor; to amend section 48-446, Revised Statutes Supplement, 2001; to change employee safety provisions; and to repeal the original section.

LEGISLATIVE BILL 1158. Introduced by Connealy, 16.

A BILL FOR AN ACT relating to labor; to amend sections 48-144.04 and 48-145, Revised Statutes Supplement, 2000; to change workers' compensation provisions; and to repeal the original sections.

LEGISLATIVE BILL 1159. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to schools; to amend section 79-1028, Revised Statutes Supplement, 2001; to change provisions relating to allowable growth rates; and to repeal the original section.

LEGISLATIVE BILL 1160. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to school levies; to amend section 77-3442, Revised Statutes Supplement, 2001; to change provisions relating to maximum levies; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1161. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to counties; to require certain public water suppliers to pay for county services and facilities as prescribed; to define a term; and to provide duties.

AMENDMENTS - Print in Journal

Senators Erdman and Dierks filed the following amendment to LB 474:

AM2326

(Amendments to Standing Committee amendments, AM0244)

1 1. On page 3, strike beginning with "The" in line 5
 2 through the comma in line 17, show the old matter as stricken, and
 3 insert "The member serving former district 1 will assume the role
 4 of serving new district 1 and his or her term shall expire on June
 5 30, 2004. The member serving former district 2 will assume the
 6 role of serving new district 2 and his or her term shall expire on
 7 June 30, 2003. The term of the member serving district 3 shall
 8 expire on June 30, 2002. The term of the member serving district 4
 9 shall expire on June 30, 2006. The term of the member serving
 10 district 5 shall expire on June 30, 2005. The member serving
 11 former district 6 will assume the role of serving new district 6
 12 and his or her term shall expire on June 30, 2004. The member
 13 serving former district 7 will assume the role of serving new
 14 district 7 and his or her term shall expire on June 30, 2005. As
 15 the terms of office of the members serving on the effective date of
 16 this act expire as provided in this section.".

Senator Connealy filed the following amendment to LB 417:

AM2274

1 1. On page 12, line 9, strike "2002" and insert "2003".

MOTION - Print in Journal

The Revenue Committee filed the following motion to LB 990:

Withdraw LB 990, as introduced by the Revenue Committee, pursuant to Rule 5, Section 11.

NOTICE OF COMMITTEE HEARING

Revenue
 Room 1524

LB 881 Thursday, January 24, 2002 (cancel)

1:30 PM

(Signed) William R. Wickersham, Chairperson

VISITORS

Visitors to the Chamber were Anne Rohan from Hastings and Tricia Beem from Grand Island; Linda Peacock from O'Neill; and Mandy Sheets from Cozad with her teammates of the Colorado College Women's Basketball Team.

RECESS

At 12:05 p.m., on a motion by Senator Jones, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senators Brashear, Schrock, and Suttle who were excused; and Senators Beutler, Coordsen, Dierks, Kruse, Landis, Dw. Pedersen, Robak, Schimek, Tyson, and Wickersham who were excused until they arrive.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bills:

| LB/LR | Committee |
|--------------|---|
| LB 1123 | Government, Military and Veterans Affairs |
| LB 1124 | Revenue |
| LB 1125 | Revenue |
| LB 1126 | General Affairs |
| LB 1127 | General Affairs |
| LB 1128 | Revenue |
| LB 1129 | Government, Military and Veterans Affairs |
| LB 1130 | Natural Resources |
| LB 1131 | Transportation and Telecommunications |
| LB 1132 | Transportation and Telecommunications |
| LB 1133 | General Affairs |
| LB 1134 | Education |
| LB 1135 | General Affairs |
| LB 1136 | Revenue |
| LB 1137 | Revenue |
| LB 1138 | Government, Military and Veterans Affairs |
| LB 1139 | Banking, Commerce and Insurance |
| LB 1140 | Natural Resources |
| LB 1141 | Education |
| LB 1142 | Appropriations |
| LB 1144 | Nebraska Retirement Systems |
| LB 1145 | Health and Human Services |
| LB 1146 | Revenue |

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARING

Revenue
Room 1524

LB 990 Friday, January 25, 2002 (cancel) 1:30 PM

(Signed) William R. Wickersham, Chairperson

GENERAL FILE

LEGISLATIVE BILL 824. Senator Chambers moved to reconsider his motion, found in this day's Journal, to bracket until January 24, 2002.

Senator Connealy asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER KRISTENSEN PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

The Chambers motion to reconsider failed with 0 ayes, 35 nays, 7 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Bourne withdrew the Brashear pending amendment, FA798, found on page 248 and considered in this day's Journal.

Senator Foley asked unanimous consent to replace his pending amendment, AM2322, found on page 242 and considered in this day's Journal, with a substitute amendment.

Senator Chambers objected.

Senator Chambers withdrew his objection.

Senator Foley asked unanimous consent to replace his pending amendment, AM2322, found on page 242 and considered in this day's Journal, with a substitute amendment. No objections. So ordered.

Senator Foley withdrew his pending amendment, AM2322, found on page 242.

Senators Foley, Bourne, and D. Pederson offered the following substitute amendment:

AM2336

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 28-101, Revised Statutes Supplement,

4 2000, is amended to read:

5 28-101. Sections 28-101 to 28-1348 and sections 2 to 8
6 of this act shall be known and may be cited as the Nebraska
7 Criminal Code.

8 Sec. 2. Sections 2 to 8 shall be known and may be cited
9 as the Homicide of the Unborn Child Act.

10 Sec. 3. For purposes of the Homicide of the Unborn Child
11 Act, unless the context otherwise requires:

12 (1) Premeditation means a design formed to do something
13 before it is done; and

14 (2) Unborn child means an individual member of the
15 species Homo sapiens, at any stage of development in utero, who was
16 alive at the time of the homicidal act and died as a result thereof
17 whether before, during, or after birth.

18 Sec. 4. Sections 5 to 8 of this act do not apply to an
19 act or conduct causing or contributing to the death of an unborn
20 child when the act or conduct is:

21 (1) Committed or engaged in by the mother of the unborn
22 child;

23 (2) Any medical procedure performed with the consent of
24 the mother; or

1 (3) Dispensing a drug or device in accordance with law or
2 administering a drug or device prescribed in accordance with law.

3 Sec. 5. (1) A person commits murder of an unborn child
4 in the first degree if he or she (a) in committing an act or
5 engaging in conduct that causes the death of an unborn child,
6 intends, with deliberate and premeditated malice, to kill the
7 unborn child or the mother of the unborn child with knowledge of
8 the pregnancy or, (b) kills an unborn child by administering poison
9 or causing poison to be administered to the mother of the unborn
10 child with knowledge of the pregnancy.

11 (2) Murder of an unborn child in the first degree is a
12 Class IA felony.

13 Sec. 6. (1) A person commits murder of an unborn child
14 in the second degree if he or she, in committing an act or engaging
15 in conduct that causes the death of an unborn child, intends, but
16 without premeditation, to kill the unborn child or another.

17 (2) Murder of an unborn child in the second degree is a
18 Class IB felony.

19 Sec. 7. (1) A person commits manslaughter of an unborn
20 child if he or she (a) kills an unborn child without malice upon a
21 sudden quarrel with any person or (b) causes the death of an unborn
22 child unintentionally while in the perpetration of or attempt to
23 perpetrate any assault, any sexual assault, arson, robbery,
24 kidnapping, intentional child abuse, hijacking of any public or
25 private means of transportation, or burglary.

26 (2) Manslaughter of an unborn child is a Class III
27 felony.

1 Sec. 8. (1) A person who causes the death of an unborn

2 child unintentionally while engaged in the operation of a motor
3 vehicle in violation of the law of the State of Nebraska or in
4 violation of any city or village ordinance commits motor vehicle
5 homicide of an unborn child.

6 (2) Except as provided in subsection (3) of this section,
7 motor vehicle homicide of an unborn child is a Class I misdemeanor.

8 (3)(a) If the proximate cause of the death of an unborn
9 child is the operation of a motor vehicle in violation of section
10 60-6,213 or 60-6,214, motor vehicle homicide of an unborn child is
11 a Class IV felony.

12 (b) Except as provided in subdivision (3)(c) of this
13 section, if the proximate cause of the death of an unborn child is
14 the operation of a motor vehicle in violation of section 60-6,196,
15 motor vehicle homicide of an unborn child is a Class IV felony and
16 the court shall, as part of the judgment of conviction, order the
17 person not to drive any motor vehicle for any purpose for a period
18 of at least sixty days and not more than fifteen years after the
19 date ordered by the court and shall order that the operator's
20 license of such person be revoked for the same period. The
21 revocation shall not run concurrently with any jail term imposed.

22 (c) If the proximate cause of the death of an unborn
23 child is the operation of a motor vehicle in violation of section
24 60-6,196 and the defendant has a prior conviction under such
25 section or a city or village ordinance enacted pursuant to such
26 section, motor vehicle homicide of an unborn child is a Class III
27 felony and the court shall, as part of the judgment of conviction,
1 order the person not to drive any motor vehicle for any purpose for
2 a period of at least sixty days and not more than fifteen years
3 after the date ordered by the court and shall order that the
4 operator's license of such person be revoked for the same period.
5 The revocation shall not run concurrently with any jail term
6 imposed.

7 Sec. 9. If any section in this act or any part of any
8 section is declared invalid or unconstitutional, the declaration
9 shall not affect the validity or constitutionality of the remaining
10 portions.

11 Sec. 10. Original section 28-101, Revised Statutes
12 Supplement, 2000, is repealed.

13 Sec. 11. Since an emergency exists, this act takes
14 effect when passed and approved according to law."

Senator Chambers withdrew his pending amendment, FA799, found on page 249.

Senator Kruse offered the following amendment to the Foley et al. pending amendment:

FA804

Amend AM2336

1. On page 1, line 14, strike "an individual member" and insert "a fetus"; and strike line 15 and insert "species Homo Sapiens, in the second or third trimester of development, who was".

Senators Cudaback and Preister asked unanimous consent to be excused. No objections. So ordered.

Senator Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers requested a record vote on the Kruse amendment.

Voting in the affirmative, 11:

| | | | | |
|------------|----------|---------|---------|----------|
| Brown | Chambers | Janssen | Kruse | Landis |
| Price | Raikes | Robak | Schimek | Thompson |
| Wickersham | | | | |

Voting in the negative, 23:

| | | | | |
|----------|------------|----------|----------|---------------|
| Aguilar | Baker | Bromm | Burling | Cunningham |
| Erdman | Foley | Hudkins | Jensen | Jones |
| Kremer | Kristensen | Maxwell | McDonald | Pedersen, Dw. |
| Quandahl | Redfield | Smith | Stuhr | Synowiecki |
| Tyson | Vrtiska | Wehrbein | | |

Present and not voting, 7:

| | | | | |
|----------|--------------|---------|-------|-------|
| Beutler | Bourne | Bruning | Byars | Engel |
| Hartnett | Pederson, D. | | | |

Excused and not voting, 8:

| | | | | |
|----------|----------|----------|----------|--------|
| Brashear | Connealy | Coordsen | Cudaback | Dierks |
| Preister | Schrock | Suttle | | |

The Kruse amendment lost with 11 ayes, 23 nays, 7 present and not voting, and 8 excused and not voting.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1162. Introduced by Brown, 6; Coordsen, 32; Jensen, 20; Maxwell, 9; Price, 26.

A BILL FOR AN ACT relating to the Tax Equity and Educational

Opportunities Support Act; to amend section 79-1007.01, Revised Statutes Supplement, 2001; to provide for a quality education incentive factor; and to repeal the original section.

LEGISLATIVE BILL 1163. Introduced by Landis, 46.

A BILL FOR AN ACT relating to liens; to amend section 52-1008, Revised Statutes Supplement, 2000; to change provisions relating to the Uniform Federal Lien Registration Act; and to repeal the original section.

LEGISLATIVE BILL 1164. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to charitable gaming; to amend section 9-1,101, Revised Statutes Supplement, 2001; to change allocation of tax proceeds; and to repeal the original section.

LEGISLATIVE BILL 1165. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-702, 77-5003, 77-5004, 77-5005, and 77-5009, Revised Statutes Supplement, 2001; to change Tax Equalization and Review Commission membership and qualifications; to eliminate property tax referees; to change Property Tax Administrator qualifications; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1166. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-1,116, Reissue Revised Statutes of Nebraska; to authorize transfers of funds; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 824. Senator Chambers offered the following amendment to the Foley et al. pending amendment:

FA805

Amend AM2336

Page 1, line 12 strike all language after "means" through "done" in line 13 and insert "an intent formed to commit an act before such act is committed"

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Chambers withdrew his amendment.

Senator Chambers offered the following amendment to the Foley et al. pending amendment:

FA806

Amend AM2336

Page 2, lines 22 and 23 strike "or attempt to perpetrate"

Senator McDonald asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

Senator Chambers requested a record vote on his amendment.

Voting in the affirmative, 10:

| | | | | |
|---------|----------|----------|------------|----------|
| Beutler | Chambers | Janssen | Kristensen | Kruse |
| Landis | Raikes | Redfield | Schimek | Thompson |

Voting in the negative, 26:

| | | | | |
|----------|---------------|--------------|-------|----------|
| Aguilar | Baker | Bourne | Bromm | Bruning |
| Burling | Byars | Cunningham | Engel | Erdman |
| Foley | Hudkins | Jensen | Jones | Kremer |
| Maxwell | Pedersen, Dw. | Pederson, D. | Price | Quandahl |
| Smith | Stuhr | Synowiecki | Tyson | Vrtiska |
| Wehrbein | | | | |

Present and not voting, 3:

| | | |
|-------|----------|------------|
| Brown | Hartnett | Wickersham |
|-------|----------|------------|

Excused and not voting, 10:

| | | | | |
|----------|----------|---------|----------|--------|
| Brashear | Connealy | Coorsen | Cudaback | Dierks |
| McDonald | Preister | Robak | Schrock | Suttle |

The Chambers amendment lost with 10 ayes, 26 nays, 3 present and not voting, and 10 excused and not voting.

Pending.

The Chair declared the call raised.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1167. Introduced by Connealy, 16; Hartnett, 45; Vrtiska, 1.

A BILL FOR AN ACT relating to the Nebraska Workforce Investment Board; to amend section 48-1623, Revised Statutes Supplement, 2001; to

change provisions relating to members; and to repeal the original section.

LEGISLATIVE BILL 1168. Introduced by Business and Labor Committee: Connealy, 16, Chairperson; Hartnett, 45; Schimek, 27; Vrtiska, 1.

A BILL FOR AN ACT relating to railroads; to create a task force; to provide duties; and to declare an emergency.

LEGISLATIVE BILL 1169. Introduced by Raikes, 25; Price, 26.

A BILL FOR AN ACT relating to schools; to provide for a study relating to kindergarten readiness; and to provide duties for the State Department of Education.

LEGISLATIVE BILL 1170. Introduced by Raikes, 25; Price, 26.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1003, 79-1007.01, 79-1018.01, and 79-1103, Revised Statutes Supplement, 2001; to define terms; to provide for early childhood education programs in the calculation of adjusted formula students; to change provisions relating to other actual receipts; to provide duties for the State Board of Education relating to early childhood education grants; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1171. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to schools; to amend sections 79-2,104 and 79-215, Reissue Revised Statutes of Nebraska, and section 79-241 and 79-611, Revised Statutes Supplement, 2000; to adopt the Free Instruction Act; to change and eliminate provisions relating to fees; to harmonize provisions; to repeal the original sections; and to outright repeal section 79-605, Revised Statutes supplement, 2000.

LEGISLATIVE BILL 1172. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to schools; to amend section 79-715, Reissue Revised Statutes of Nebraska; to adopt the Public Elementary and Secondary Student Fee Authorization Act; to change provisions relating to eye protection devices; and to repeal the original section.

LEGISLATIVE BILL 1173. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to schools; to adopt the Public Elementary and Secondary Student Fee Authorization Act.

LEGISLATIVE BILL 1174. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to schools, to amend sections 79-715, 79-8,112, 79-8,114, 79-8,115, and 79-8,116, Reissue Revised Statutes of Nebraska, and section 79-1007.01, Revised Statutes supplement, 2001; to adopt the Public Elementary and Secondary Student Fee Authorization Act; to permit employment of noncertificated coaches and supervisors as prescribed; to change provisions relating to eye protective devices, criminal history record information, and calculation of adjusted formula students; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1175. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1007.02, Revised Statutes Supplement, 2000, and sections 79-1001, 79-1003, and 79-1028, Revised Statutes Supplement, 2001; to provide for a student fee account, student fee schedule, and student fee subsidy; to define a term; to change provisions relating to calculation of formula need; to provide for exceeding the applicable allowable growth rate; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1176. Introduced by Coordsen, 32; Redfield, 12.

A BILL FOR AN ACT relating to homesteads; to amend sections 77-3507 to 77-3509, Revised Statutes Supplement, 2000; to change calculations relating to homestead exemptions; and to repeal the original sections.

RESOLUTION

LEGISLATIVE RESOLUTION 285. Introduced by Cudaback, 36.

WHEREAS, Jesse Edminsten celebrated his 108th birthday on January 16, 2002; and

WHEREAS, Mr. Edminsten was born in a dugout on a homestead outside of Oconto, Nebraska, in 1894; and

WHEREAS, Mr. Edminsten served his country in both World War I and World War II; and

WHEREAS, Mr. Edminsten is believed to be one of nearly a dozen Nebraska men to live to such an age.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That Mr. Edminsten be congratulated on reaching his 108th birthday.
2. That a copy of this resolution be sent to Mr. Edminsten.

Laid over.

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance
 Room 1507

| | | |
|---------|---------------------------|---------|
| LB 968 | Monday, January 28, 2002 | 1:30 PM |
| LB 981 | Monday, January 28, 2002 | 1:30 PM |
| LB 1092 | Monday, January 28, 2002 | 1:30 PM |
| LB 1139 | Monday, January 28, 2002 | 1:30 PM |
| LB 897 | Tuesday, January 29, 2002 | 1:30 PM |
| LB 957 | Tuesday, January 29, 2002 | 1:30 PM |
| LB 967 | Tuesday, January 29, 2002 | 1:30 PM |
| LB 1089 | Tuesday, January 29, 2002 | 1:30 PM |
| LB 1094 | Tuesday, January 29, 2002 | 1:30 PM |

(Signed) David M. Landis, Chairperson

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB 824:

FA807

Amend AM2336

Page 1, line 15 strike "in utero"

Senator Chambers filed the following amendment to LB 824:

FA808

Amend AM2336

Page 2, line 23 strike "any assault" and insert "assault in the first degree, assault in the second degree"

Senator Chambers filed the following amendment to LB 824:

FA809

Amend AM2336

Page 2, line 7 and line 9, strike "mother of the unborn child" and insert "pregnant woman"

Senator Chambers filed the following amendment to LB 824:

FA810

Amend AM2336

P. 2, line 8 after "by" and in line 9 after "or" insert "knowingly and intentionally"

Senator Wickersham filed the following amendment to LB 824:

FA811

Amend AM2336

Pg. 2 line 23 after any insert criminal

Senator Landis filed the following amendment to LB 824:

AM2338

(Amendments to AM2336)

- 1 1. Strike section 7 and all amendments thereto and
2 insert the following new section:
3 "Sec. 8. Section 28-308, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 28-308. (1) A person commits the offense of assault in
6 the first degree if he or she intentionally or knowingly causes
7 serious bodily injury to another person.
8 (2) A person commits the offense of assault in the first
9 degree if he or she intentionally, knowingly, or recklessly causes
10 bodily injury to a pregnant woman and such woman's pregnancy ends
11 as a result of such injury.
12 (3) Assault in the first degree shall be a Class III
13 felony."
14 2. On page 4, line 11, after "Original" insert "section
15 28-308, Reissue Revised Statutes of Nebraska, and"; and in line 12
16 strike "is" and insert "are".
17 3. Renumber the remaining sections and correct internal
18 references accordingly.

UNANIMOUS CONSENT - Add Cointroducer

Senator Erdman asked unanimous consent to have his name added as cointroducer to LB 988. No objections. So ordered.

ADJOURNMENT

At 4:07 p.m., on a motion by Senator Dw. Pedersen, the Legislature adjourned until 9:00 a.m., Friday, January 18, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTH DAY - JANUARY 18, 2002**LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE
SECOND SESSION****EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, January 18, 2002

PRAYER

The prayer was offered by Reverend Bob Call, First United Methodist Church, Oakland, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

The roll was called and all members were present except Senators Brashear and Schrock who were excused; and Senators Beutler, Byars, Cunningham, Dierks, Hartnett, Landis, and Tyson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventh day was approved.

NOTICE OF COMMITTEE HEARING

Education
Room 1525

| | | |
|---------|--------------------------|---------|
| LB 880 | Monday, January 28, 2002 | 1:30 PM |
| LB 1079 | Monday, January 28, 2002 | 1:30 PM |
| LB 1102 | Monday, January 28, 2002 | 1:30 PM |

(Signed) Ron Raikes, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1177. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to appropriations; to amend section

77-4602, Reissue Revised Statutes of Nebraska; to require transfers from the General Fund to the Cash Reserve Fund; and to repeal the original section.

UNANIMOUS CONSENT - Member Excused

Senator McDonald asked unanimous consent to be excused until she returns. No objections. So ordered.

MOTION - Withdraw LB 990

The Revenue Committee renewed their pending motion, found on page 260, to withdraw LB 990, as introduced by the Revenue Committee, pursuant to Rule 5, Section 11.

The Revenue Committee motion to withdraw prevailed with 34 ayes, 0 nays, 5 present and not voting, and 10 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 824. Senator Chambers renewed his pending amendment, FA807, found on page 270, to the Foley et al. pending amendment, AM2336, found on page 262.

Senator Chambers moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 3:

| | | |
|----------|-------|-------|
| Chambers | Kruse | Price |
|----------|-------|-------|

Voting in the negative, 21:

| | | | | |
|----------|--------|---------|------------|------------|
| Aguilar | Baker | Bruning | Burling | Cunningham |
| Dierks | Engel | Erdman | Hudkins | Jensen |
| Jones | Kremer | Landis | Quandahl | Redfield |
| Schimke | Smith | Stuhr | Synowiecki | Tyson |
| Wehrbein | | | | |

Present and not voting, 21:

| | | | | |
|------------|----------|---------------|--------------|------------|
| Beutler | Bourne | Bromm | Brown | Connealy |
| Coordsen | Cudaback | Foley | Janssen | Kristensen |
| Maxwell | McDonald | Pedersen, Dw. | Pederson, D. | Preister |
| Raikes | Robak | Suttle | Thompson | Vrtiska |
| Wickersham | | | | |

Excused and not voting, 4:

Brashear Byars Hartnett Schrock

The Chambers amendment lost with 3 ayes, 21 nays, 21 present and not voting, and 4 excused and not voting.

Senator Foley moved to invoke cloture on LB 824, pursuant to Rule 7, Section 10.

Senator Foley requested a roll call vote on his motion to invoke cloture.

Voting in the affirmative, 41:

| | | | | |
|----------|---------------|--------------|----------|----------|
| Aguilar | Baker | Beutler | Bourne | Bromm |
| Brown | Bruning | Burling | Connealy | Coordsen |
| Cudaback | Cunningham | Dierks | Engel | Erdman |
| Foley | Hudkins | Janssen | Jensen | Jones |
| Kremer | Kristensen | Kruse | Landis | Maxwell |
| McDonald | Pedersen, Dw. | Pederson, D. | Preister | Price |
| Quandahl | Redfield | Robak | Smith | Stuhr |
| Suttle | Synowiecki | Thompson | Tyson | Vrtiska |
| Wehrbein | | | | |

Voting in the negative, 3:

Chambers Raikes Schimek

Present and not voting, 1:

Wickersham

Excused and not voting, 4:

Brashear Byars Hartnett Schrock

The Foley motion to invoke cloture prevailed with 41 ayes, 3 nays, 1 present and not voting, and 4 excused and not voting.

The Foley et al. pending amendment, AM2336, was adopted with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 40:

| | | | | |
|----------|----------|------------|--------|----------|
| Aguilar | Baker | Beutler | Bourne | Bromm |
| Brown | Bruning | Burling | Byars | Connealy |
| Coordsen | Cudaback | Cunningham | Dierks | Engel |

| | | | | |
|------------|---------------|--------------|----------|----------|
| Erdman | Foley | Hudkins | Janssen | Jensen |
| Jones | Kremer | Kristensen | Kruse | Maxwell |
| McDonald | Pedersen, Dw. | Pederson, D. | Preister | Quandahl |
| Redfield | Robak | Smith | Stuhr | Suttle |
| Synowiecki | Thompson | Tyson | Vrtiska | Wehrbein |

Voting in the negative, 5:

| | | | | |
|----------|--------|-------|--------|------------|
| Chambers | Landis | Price | Raikes | Wickersham |
|----------|--------|-------|--------|------------|

Present and not voting, 1:

Schimek

Excused and not voting, 3:

| | | |
|----------|----------|---------|
| Brashear | Hartnett | Schrock |
|----------|----------|---------|

Advanced to E & R for review with 40 ayes, 5 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

MOTION - Suspend Rules

Senator Jensen moved to suspend the rules, Rule 3, Sec. 14, to permit cancellation of the public hearing on LB 958 by the Health and Human Services Committee.

The Jensen motion to suspend the rules prevailed with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

NOTICE OF COMMITTEE HEARINGS

Health and Human Services

Room 1510

| | | |
|--------|--------------------------------------|---------|
| LB 958 | Wednesday, January 23, 2002 (cancel) | 1:30 PM |
|--------|--------------------------------------|---------|

(Signed) Jim Jensen, Chairperson

General Affairs

Room 1510

| | | |
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| LB 909 | Monday, January 28, 2002 | 1:30 PM |
| LR 282CA | Monday, January 28, 2002 | 1:30 PM |

(Signed) Ray Janssen, Chairperson

Transportation and Telecommunications
Room 1113

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| LB 922 | Monday, January 28, 2002 | 1:30 PM |
| LB 925 | Monday, January 28, 2002 | 1:30 PM |
| LB 976 | Monday, January 28, 2002 | 1:30 PM |
| LB 999 | Monday, January 28, 2002 | 1:30 PM |
| LB 1131 | Monday, January 28, 2002 | 1:30 PM |

(Signed) Curt Bromm, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1178. Introduced by Robak, 22.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend section 77-4103, Revised Statutes Supplement, 2000; to redefine qualified employee leasing company; and to repeal the original section.

LEGISLATIVE BILL 1179. Introduced by Stuhr, 24; Aguilar, 35; McDonald, 41.

A BILL FOR AN ACT relating to appropriations; to provide for a transfer of funds within the Department of Economic Development.

LEGISLATIVE BILL 1180. Introduced by Price, 26.

A BILL FOR AN ACT relating to schools; to define terms; to provide for employee evaluations and discipline as prescribed.

LEGISLATIVE BILL 1181. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to juveniles; to amend section 43-290, Reissue Revised Statutes of Nebraska, and section 42-386, Revised Statutes Supplement, 2000; to provide for guidelines for support ordered for care and treatment under the Nebraska Juvenile Code; to provide powers and duties; and to repeal the original sections.

LEGISLATIVE BILL 1182. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to criminal trials; to provide priority as prescribed for trials involving child victims or child witnesses.

LEGISLATIVE BILL 1183. Introduced by Raikes, 25; Wickersham, 49.

A BILL FOR AN ACT relating to postsecondary education; to amend

sections 85-980.01, 85-993.01, 85-9,102.01, 85-9,122, 85-9,129, 85-9,145, and 85-9,151, Reissue Revised Statutes of Nebraska; to state legislative findings and intent; to redefine terms; to change scholarship provisions for students in private postsecondary educational institutions; to eliminate an obsolete funding provision; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 1184. Introduced by Wehrbein, 2; Hudkins, 21.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3442, Revised Statutes Supplement, 2001; to provide that payments for risk management pools are subject to levy limitations; and to repeal the original section.

LEGISLATIVE BILL 1185. Introduced by Bromm, 23; Connealy, 16.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-106, Reissue Revised Statutes of Nebraska; to change exempted occupations provisions; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 600. Title read. Considered.

Senator Coordsen requested to pass over LB 600.

LEGISLATIVE BILL 93. Title read. Considered.

SENATOR CUDABACK PRESIDING

Senator Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 406. Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 446. Title read. Considered.

The Standing Committee amendment, AM0169, found on page 557, First Session, 2001, was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 38 ayes, 0 nays, and 7 present and not voting, and 4 excused and not voting.

Senator Foley asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 417. Title read. Considered.

The Standing Committee amendment, AM0267, found on page 572, First Session, 2001, was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Senator Connealy renewed his pending amendment, AM2274, found on page 260.

The Connealy amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 58. Title read. Considered.

Senator Stuhr asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for review with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1186. Introduced by Aguilar, 35; Tyson, 19.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-528, Reissue Revised Statutes of Nebraska; to change provisions relating to authorized weapons for hunting wild animals other than deer; and to repeal the original section.

LEGISLATIVE BILL 1187. Introduced by Kruse, 13; Burling, 33; Preister, 5; Smith, 48.

A BILL FOR AN ACT relating to driving under the influence of alcohol; to amend section 37-1254.06, Revised Statutes Supplement, 2000, and section 60-6,201, Revised Statutes Supplement, 2001; to change provisions relating to testing procedures; and to repeal the original sections.

LEGISLATIVE BILL 1188. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-4104 and 77-5407, Revised Statutes Supplement, 2000, sections

66-1344 and 77-5536, Revised Statutes Supplement, 2001; to prohibit receiving tax incentives under multiple tax incentive laws; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1189. Introduced by Dierks, 40; McDonald, 41.

A BILL FOR AN ACT relating to open burning; to amend section 81-520.01, Reissue Revised Statutes of Nebraska; to change provisions relating to permits and fees; to provide powers and duties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1190. Introduced by Landis, 46.

A BILL FOR AN ACT relating to dispute resolution; to adopt the Uniform Mediation Act; and to provide severability.

LEGISLATIVE BILL 1191. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to state government; to amend sections 77-2715.01 and 81-125.01, Reissue Revised Statutes of Nebraska; to change the reserve requirement for tax and budget purposes; to repeal the original sections; and to declare an emergency.

STANDING COMMITTEE REPORT **Government, Military and Veterans Affairs**

LEGISLATIVE RESOLUTION 21CA. Placed on General File as amended.

Standing Committee amendment to LR 21CA:

AM2238

- 1 1. On page 1, lines 14 through 17, strike the new matter
- 2 and insert "An employee of a political subdivision of the state who
- 3 is not holding elective office shall not be considered an executive
- 4 officer or a member of the executive branch for purposes of this
- 5 section.".
- 6 2. On page 3, strike beginning with "employees" in line
- 7 1 through "officers" in line 3 and insert "an employee of a
- 8 political subdivision who is not holding elective office is not an
- 9 executive officer or a member of the executive branch of the
- 10 state".

(Signed) DiAnna R. Schimek, Chairperson

NOTICE OF COMMITTEE HEARINGS **Transportation and Telecommunications** Room 1113

Tuesday, January 29, 2002

1:00 PM

Gene Acklie - Board of Public Roads Classifications and Standards

Alan D. Doll - Board of Public Roads Classifications and Standards
 Dean T. Lux - Board of Public Roads Classifications and Standards
 Gary A. Ruegg - Nebraska Transit and Rail Advisory Council
 Arthur Yonkey - Board of Public Roads Classifications and Standards

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| LB 879 | Tuesday, January 29, 2002 | 1:30 PM |
| LB 1002 | Tuesday, January 29, 2002 | 1:30 PM |
| LB 1052 | Tuesday, January 29, 2002 | 1:30 PM |
| LB 1073 | Tuesday, January 29, 2002 | 1:30 PM |
| LB 1074 | Tuesday, January 29, 2002 | 1:30 PM |

(Signed) Curt Bromm, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 286. Introduced by Stuhr, 24.

WHEREAS, the Seward High School boys' football team won the Class B 2001 state high school football title in Lincoln on November 17, 2001; and

WHEREAS, this was the first Class B football championship won by a Seward High School team; and

WHEREAS, such team achievement is made possible not only by individual members and coaches but also through the support of the team members' families, the Seward High School teachers and administrators, and the Seward community; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the forty-seven team members and three team managers of the Seward High School boys' football team be congratulated for their exemplary effort in the 2001 season.

2. That a copy of this resolution be sent to Coaches Greg Welch, John Moody, Bob Drews, Jamie Opfer, and Kelly Schubauer of the Seward Bluejays and Seward High School.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 589. Title read. Considered.

Senator Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 474. Title read. Considered.

The Standing Committee amendment, AM0244, found on page 573, First Session, 2001, was considered.

Senator Dierks withdrew his pending amendment, AM0923, found on page 997, First Session, 2001.

Senators Erdman and Dierks renewed their pending amendment, AM2326, found on page 259, to the Standing Committee amendment.

Senator Coordsen asked unanimous consent to be excused. No objections. So ordered.

The Erdman-Dierks amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Senators Jones and Aguilar asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 413. Title read. Considered.

Senator Beutler offered the following amendment:
AM2352

- 1 1. On page 2, lines 3 through 5, strike the new matter
- 2 and reinstate the stricken matter; in line 12 after the comma
- 3 insert "or" and strike ", or any other substance" and show as
- 4 stricken; and in line 15 strike "changing," and show as stricken.

Senator Maxwell asked unanimous consent to be excused until he returns. No objections. So ordered.

The Beutler amendment was adopted with 35 ayes, 0 nays, 5 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 500. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 241. Title read. Considered.

The Standing Committee amendment, AM0330, found on page 584, First Session, 2001, was considered.

Senators Jensen and Price offered the following amendment to the Standing Committee amendment:

AM2333

(Amendments to Standing Committee amendments, AM0330)

- 1 1. On page 1, line 6, strike "2001" and insert "2002".

The Jensen-Price amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 241A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 712. Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 830. Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1192. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Legislature; to adopt the Unfunded Mandates Reform Act; to provide severability; and to declare an emergency.

LEGISLATIVE BILL 1193. Introduced by Hudkins, 21; Wehrbein, 2.

A BILL FOR AN ACT relating to the Intergovernmental Risk Management Act; to amend sections 44-4301, 44-4307, 44-4309, 44-5418, 44-6827,

44-7003, 44-7103, 44-7203, and 44-7303, Reissue Revised Statutes of Nebraska, section 44-6008, Revised Statutes Supplement, 2000; to change provisions relating to risk management pools; to provide for regulation; to change termination, tax levy, and pledge provisions; to eliminate a statutory construction provision; to harmonize provisions; to repeal the original sections; to outright repeal section 44-4339, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 1194. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-115, Revised Statutes Supplement, 2000; to change provisions relating to volunteer firefighters, ambulance drivers, and emergency care providers; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1195. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-804 and 86-2306, Revised Statutes Supplement, 2001; to create a fund; to provide powers and duties for the Public Service Commission; to authorize a fund transfer; and to repeal the original sections.

LEGISLATIVE BILL 1196. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to liability; to amend section 13-926, Reissue Revised Statutes of Nebraska, and section 81-8,239.01, Revised Statutes Supplement, 2001; to eliminate provisions relating to law enforcement vehicular pursuits; to harmonize provisions; to repeal the original sections; and to outright repeal sections 13-911 and 81-8,215.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1197. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to the Tobacco Products Administration Cash Fund; to amend section 77-4025, Reissue Revised Statutes of Nebraska; to change the disposition of excess receipts; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1198. Introduced by Kremer, 34.

A BILL FOR AN ACT relating to the Unfair Insurance Claims Settlement Practices Act; to amend section 44-1536, Reissue Revised Statutes of Nebraska; to authorize complaints by health care providers; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1199. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to the Unfair Insurance Claims Settlement Practices Act; to amend sections 44-1538 and 44-1540, Reissue Revised

Statutes of Nebraska; to provide requirements relating to appraisals of motor vehicles; to define terms; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 287. Introduced by Schimek, 27; Price, 26; Stuhr, 24; Thompson, 14; Suttle, 10; Jensen, 20; Redfield, 12; Byars, 30; Robak, 22; Hudkins, 21; Brown, 6.

WHEREAS, Pick Your Path to Health is a five-year education campaign from the National Office of Women's Health, which promotes the importance of women's health awareness, with an emphasis on minority women, who face disproportionate obstacles to health care; and

WHEREAS, the formal introduction of Pick Your Path to Health coincided with the establishment of the Department of Health and Human Services Office of Women's Health, in May 2000; and

WHEREAS, the Focus on Total Fitness program is designed to complement Pick Your Path to Health by providing a framework in which the fitness aspect may be realized; and

WHEREAS, Pick Your Path to Health and Focus on Total Fitness together are designed to work with today's multi-tasking, multi-cultural society, and such promotions will suggest specific, life-oriented action steps, such as taking the stairs instead of the elevator, in an effort to ease the path to wellness. Various monthly health themes and suggested actions are not only for women, but for any individual, organization, or community; and

WHEREAS, Pick Your Path to Health and Focus on Total Fitness celebrate the efforts of local organizations working with partners and volunteers to improve awareness of women's health issues; and

WHEREAS, the Department of Health and Human Services Office of Women's Health will officially commence Pick Your Path to Health and Focus on Total Fitness, along with educational and promotional activities, in accordance with health-related themes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. The Legislature hereby declares January 23, 2002, as the official commencement of the Pick Your Path to Health and Focus on Total Fitness campaigns for the Department of Health and Human Services Office of Women's Health.

2. The Legislature urges all senators, mayors, members of city councils, county commissioners, organizations, business entities, and citizens to participate in the Pick Your Path to Health and Focus on Total Fitness programs.

Laid over.

LEGISLATIVE RESOLUTION 288. Introduced by Foley, 29.

WHEREAS, Trenton J. Harris has earned the rank of Eagle Scout in the

Boy Scouts of America, that organization's highest rank; and

WHEREAS, Trenton J. Harris is a member of the Boy Scout Troop 31 of the Cornhusker Council; and

WHEREAS, in achieving this rank, Trenton J. Harris advanced through five ranks and earned twenty-eight merit badges when only twenty-one are required; and

WHEREAS, for his Eagle Scout project, Trenton J. Harris repaired damaged portions of the floor in the educational cabin on the Audubon Society's property; and

WHEREAS, fewer than four percent of all boys who join the Boy Scouts attain the rank of Eagle Scout; and

WHEREAS, Trenton J. Harris has achieved great success as an exemplary member of the Scouting program and has represented his troop and community with excellence; and

WHEREAS, a Court of Honor will be held for Trenton J. Harris on Sunday, January 27, 2002, at Immanuel Lutheran Church, at which time he will be presented with the Eagle Scout Badge.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature commends Trenton J. Harris for his dedication, perseverance, and hard work in obtaining this distinguished rank.
2. That a copy of this resolution be sent to Trenton J. Harris.

Laid over.

AMENDMENTS - Print in Journal

Senator Coordsen filed the following amendment to LB 58:
FA812

Add the following new section:

The provisions of this act shall become effective on January 1, 2003.

Senator Baker filed the following amendment to LB 458:
AM2277

- 1 1. Insert the following new section:
- 2 "Section 1. Section 46-677, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 46-677. (1) Except as provided in section 46-678.01, (a)
- 5 any person who desires to withdraw and transfer ground water from
- 6 aquifers located within the State of Nebraska for industrial
- 7 purposes shall, prior to commencing construction of any water
- 8 wells, obtain from the director a permit to authorize such
- 9 withdrawal and transfer of such ground water and (b) any person who
- 10 prior to April 23, 1993, has withdrawn ground water from aquifers
- 11 located in the State of Nebraska for industrial purposes may file
- 12 an application for a permit to authorize the transfer of such
- 13 ground water ~~within five years after such date~~ at any time.
- 14 (2) For purposes of this section, industrial purposes

15 ~~shall include~~ includes manufacturing, commercial, and power
16 generation uses of water and commercial use ~~shall include~~ includes,
17 but is not be limited to, maintenance of the turf of a golf
18 course.".

19 2. On page 4, line 1, strike "46-1225" and insert

20 "46-677, 46-1225,".

21 3. Renumber the remaining sections accordingly.

Senator Baker filed the following amendment to LB 458:

AM2293

1 1. Insert the following new section:

2 "Section 1. Section 46-656.28, Revised Statutes

3 Supplement, 2000, is amended to read:

4 46-656.28. (1) If a district on its own motion or
5 following a request by a surface water appropriator, surface water
6 project sponsor, ground water user, the Department of Natural
7 Resources, or another state agency has reason to believe that a
8 management area should be designated for integrated management of
9 hydrologically connected ground water and surface water or that
10 controls in a management area should be adopted to include such
11 integrated management, the district may utilize the procedures
12 established in sections 46-656.19 to 46-656.21 or may request that
13 the affected appropriators, the affected surface water project
14 sponsors, and the Department of Natural Resources consult with the
15 district and that studies and a hearing be held on the preparation
16 of a joint action plan for the integrated management of
17 hydrologically connected ground water and surface water.

18 (2) If, following a request from a district and as a
19 result of information available to the Department of Natural
20 Resources and following preliminary investigation, the Director of
21 Natural Resources makes a preliminary determination that there is a
22 reason to believe that the use of hydrologically connected ground
23 water and surface water resources is contributing to or is in the
24 reasonably foreseeable future likely to contribute to (a) conflicts

1 between ground water users and surface water appropriators, (b)

2 disputes over interstate compacts or decrees, or (c) difficulties

3 fulfilling the provisions of other formal state contracts or

4 agreements, the department shall, in cooperation with any

5 appropriate state agency and district, conduct or coordinate any

6 necessary studies to determine the cause of such conflicts,

7 disputes, or difficulties and the extent of the area affected.

8 Such studies shall be prioritized and completed within a reasonable

9 time following such preliminary determination. The department

10 shall issue a written report of such preliminary findings within

11 ninety days after the completion of any such studies. The

12 department shall consider all relevant portions of the ground water

13 management plan developed by the district pursuant to sections

14 46-656.12 to 46-656.16 during the study required by this section.

15 (3) If the director determines from any studies conducted

16 pursuant to subsection (2) of this section or from information
17 otherwise available that the use of hydrologically connected ground
18 water and surface water resources is contributing to or is in the
19 reasonably foreseeable future likely to contribute to conflicts
20 between ground water users and surface water appropriators, to
21 disputes over interstate compacts or decrees, or to difficulties
22 fulfilling the provisions of other formal state contracts or
23 agreements and that conflicts between ground water users and
24 surface water appropriators, disputes over interstate compacts or
25 decrees, or difficulties fulfilling the provisions of other formal
26 state contracts or agreements could be eliminated or reduced
27 through the exercise of the authority granted by subsection (5) of
1 this section, he or she shall, within thirty days after completion
2 of the report required by subsection (2) of this section, consult
3 with the affected surface water appropriators and district
4 containing the area affected by such conflicts, disputes, or
5 difficulties and fix a time and place for a public hearing to
6 consider the report, hear any other relevant evidence, and secure
7 testimony on whether a joint action plan should be prepared. The
8 hearing shall be held within ninety days after completion of the
9 report, shall be open to the public, and shall be located within or
10 in reasonable proximity to the area considered in the report.
11 Notice of the hearing shall be published in a newspaper published
12 or of general circulation in the area involved at least once each
13 week for three consecutive weeks. The last publication shall be
14 not less than seven days prior to the hearing. The notice shall
15 provide a general description of all areas which will be considered
16 for inclusion in the management area for which the district and
17 director are considering in the preparation of a joint action plan.
18 (4) At the hearing, all interested persons shall be
19 allowed to appear and present testimony. The Conservation and
20 Survey Division of the University of Nebraska, the Department of
21 Health and Human Services Regulation and Licensure, the Department
22 of Environmental Quality, the affected surface water project
23 sponsor or sponsors, and the appropriate surface water
24 appropriators and district or districts may offer as evidence any
25 information in their possession relevant to the purpose of the
26 hearing. Within ninety days after the hearing or after any further
27 studies or investigations conducted by or on behalf of the director
1 as he or she deems necessary, the district shall determine by order
2 whether to proceed with developing a joint action plan for
3 integrated management.
4 If the district determines that it should proceed and the
5 district and the director determine that a joint action plan should
6 be prepared, the district and the director shall develop a joint
7 action plan to be utilized within the area in order to mitigate or
8 eliminate conflicts between ground water users and surface water
9 appropriators, disputes over interstate compacts or decrees, or
10 difficulties fulfilling the provisions of other formal state

11 contracts or agreements.

12 (5) The district's portion of the joint action plan
13 developed under this section shall include one or more of the
14 controls authorized by section 46-656.25 and shall be completed
15 within one year after the date of the district's resolution to
16 proceed. The portion of the joint action plan developed by the
17 Department of Natural Resources shall be completed within one year
18 after the date of the district's resolution to proceed and shall
19 include one or more of the following measures concerning the use of
20 surface water:

21 (a) Increased monitoring and enforcement of surface water
22 diversion rates and amounts diverted annually;

23 (b) The prohibition or limitation of additional surface
24 water appropriations;

25 (c) Requirements for surface water appropriators to apply
26 or utilize reasonable conservation measures or best management
27 practices consistent with the good husbandry and other requirements
1 of section 46-231; or

2 (d) Other reasonable restrictions on surface water use
3 that are consistent with the intent of section 46-656.05 and the
4 requirements of section 46-231.

5 If the department determines that surface water
6 appropriators should be required to apply or utilize reasonable
7 conservation measures or best management practices, the
8 department's portion of the joint action plan shall allow the
9 affected surface water appropriators and surface water project
10 sponsors a reasonable amount of time, not to exceed one hundred
11 eighty days unless extended by the department, to identify the
12 conservation measures or best management practices to be applied or
13 utilized and a schedule for such application and utilization.

14 (6) In developing their respective portions of the joint
15 action plan authorized by subsection (5) of this section, the
16 department and the district shall consider, but not be limited to
17 considering, whether it reasonably appears that such action would
18 mitigate or eliminate the condition which led to designation of the
19 management area or the adoption of a joint action plan for the
20 management area or will improve the administration of the
21 management area.

22 (7) The district shall also determine that designation of
23 a management area and adoption of a joint action plan would be in
24 the public interest.

25 (8) Neither well registration dates nor appropriation
26 dates shall be a factor in determining whether a management area
27 shall be designated or a joint action plan prepared.

1 (9) In determining whether designating a management area
2 or adopting a joint action plan would be in the public interest,
3 the district shall consider (a) the impacts of the existing or
4 projected diminution or degradation of water resources on (i)
5 surface water appropriators, (ii) ground water users, (iii) public

6 health and safety, (iv) social, economic, and environmental values
7 in the affected area or areas, and (v) compliance with state laws,
8 rules, or regulations, including, but not limited to,
9 constitutional and statutory preferences in the use of water and
10 interstate compacts or decrees, and (b) whether designation and
11 implementation of a management area or adoption and implementation
12 of a joint action plan would prevent or alleviate the impact of
13 such diminution or degradation of water resources.
14 (10) Following completion of the district's and the
15 director's portions of the joint action plan, the district, in
16 order to establish a management area, shall fix a time and place
17 for a public hearing to consider the joint action plan information
18 and to hear any other relevant evidence. The hearing shall be held
19 within sixty days after completion of the joint action plan and
20 shall be located within or in reasonable proximity to the area
21 proposed for designation as a management area.
22 Notice of the hearing shall be published at the expense
23 of the district in a newspaper published or of general circulation
24 in the area involved at least once each week for three consecutive
25 weeks. The last publication shall be not less than seven days
26 prior to the hearing. The notice shall provide a general
27 description of the contents of the joint action plan and of the
1 area which will be considered for inclusion in the management area
2 and shall provide the text of all controls proposed for adoption by
3 the district and the department.
4 All interested persons shall be allowed to appear and
5 present testimony. The hearing shall include testimony of a
6 representative of the department and shall include the results of
7 any studies or investigations conducted by the district or the
8 director.
9 (11) Within ninety days after the hearing the district
10 shall determine by order whether a management area shall be
11 designated.
12 If the district determines that a management area shall
13 be established, the district shall by order designate the area as a
14 management area and shall adopt the joint action plan, to include
15 one or more controls authorized by section 46-656.25 and subsection
16 (5) of this section to be utilized within the area in order to
17 mitigate or eliminate the conflicts, disputes, or difficulties
18 described in subsection (9) of this section. Such an order shall
19 include a geographic and stratigraphic definition of the area. The
20 boundaries and controls shall take into account any considerations
21 brought forth at the hearing and administrative factors directly
22 affecting the ability of the district to implement and carry out
23 local ground water management.
24 The controls adopted shall not include controls
25 substantially different from those set forth in the notice of the
26 hearing. The area designated by the order shall not include any
27 area not included in the notice of the hearing.

1 (12) The district shall cause a copy of any order adopted
2 pursuant to subsection (11) of this section to be published once
3 each week for three consecutive weeks in a local newspaper
4 published or of general circulation in the area involved. The last
5 publication shall be not less than ten days prior to the effective
6 date of the order. The order shall become effective on the date
7 specified by the district but not later than ninety days after the
8 date of establishment of the management area.

9 (13) Modification of a district's portion of a joint
10 action plan may be accomplished utilizing the procedure established
11 for the initial adoption of the joint action plan. Modification of
12 the boundaries of a district-designated management area for
13 integrated management or dissolution of such an area shall be in
14 accordance with the procedures established in sections 46-656.19 to
15 46-656.21. Hearings for such modifications or for dissolution may
16 not be initiated more often than once a year. Modification of
17 controls also may be accomplished using the procedure in such
18 sections.

19 (14) Each district in which a joint action plan for a
20 management area has been adopted shall, in cooperation with the
21 surface water appropriators, any surface water project sponsors,
22 and the department, establish a program to monitor use of
23 hydrologically connected ground water and surface water resources
24 in the area which is contributing to or is in the reasonably
25 foreseeable future likely to contribute to conflicts between ground
26 water users and surface water appropriators, to disputes over
27 interstate compacts or decrees, or to difficulties fulfilling the
1 provisions of other formal state contracts or agreements.

2 (15) For the purpose of determining whether conflicts
3 exist between ground water users and surface water appropriators,
4 surface water appropriators under the Nebraska Ground Water
5 Management and Protection Act does not include holders of instream
6 flow appropriations under sections 46-2,107 to 46-2,119.

7 (16)(a) If a district, in accordance with subsection (1)
8 of this section, has initiated the process for the preparation of a
9 joint action plan for the integrated management of hydrologically
10 connected ground water and surface water, the district may adopt
11 regulations to require a temporary suspension in the drilling of
12 certain new wells in the district or portion of the district for
13 which the preparation of the joint action plan is proposed. If
14 such temporary suspension is imposed, it shall apply to all new
15 wells in the geographic area involved except (i) test holes or
16 dewatering wells with an intended use of ninety days or less, (ii)
17 water wells designed and constructed to pump fifty gallons per
18 minute or less, and (iii) water wells defined by the district to be
19 replacement water wells. The regulations to impose such temporary
20 suspension may be adopted only after a public hearing for which
21 notice has been given as provided in section 46-656.19. Any such
22 temporary suspension could be imposed initially for not to exceed

23 three years, but could be extended thereafter on an annual basis
 24 for not to exceed two years if necessary to allow adoption and
 25 implementation of a management area and action plan in accordance
 26 with subsections (11) and (12) of this section.

27 (b) Any such temporary suspension shall be immediately
 1 rescinded for the applicable portion or portions of the geographic
 2 area involved if any of the following events occur: (i) The
 3 director determines, in accordance with subsection (2) or (3) of
 4 this section that there is no reason to believe that the conditions
 5 described in such subsections exist and that therefor no hearing is
 6 required on a question of whether a joint action plan should be
 7 prepared; (ii) the district determines, pursuant to subsection (5),
 8 (6), (7), (8), or (9) of this section that it should not proceed to
 9 develop a joint action plan; (iii) the district determines pursuant
 10 to subsection (11) of this section that a management area should
 11 not be adopted; or (iv) an order adopted by the district pursuant
 12 to subsection (11) of this section becomes effective and designates
 13 the area or areas involved as a management area and adopts a joint
 14 action plan which includes one or more controls authorized by
 15 section 46-656.25.

16 (c) The district may grant a variance from the temporary
 17 suspension if it determines that construction of a new well is
 18 necessary to alleviate an emergency situation involving the
 19 provision of water for human consumption.

20 This subsection does not authorize the Department of
 21 Natural Resources to temporarily suspend drilling of water wells.

22 This subsection terminates on December 31, ~~2002~~ 2007."

23 2. On page 4, line 2, after the comma insert "and
 24 section 46-656.28, Revised Statutes Supplement, 2000,".

25 3. Renumber the remaining sections accordingly.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bills:

| LB/LR | Committee |
|--------------|---------------------------------------|
| LB 1147 | Transportation and Telecommunications |
| LB 1148 | Health and Human Services |
| LB 1150 | Transportation and Telecommunications |
| LB 1151 | Urban Affairs |
| LB 1152 | Health and Human Services |
| LB 1153 | Banking, Commerce and Insurance |
| LB 1154 | Health and Human Services |
| LB 1155 | Business and Labor |
| LB 1156 | Judiciary |
| LB 1157 | Business and Labor |
| LB 1158 | Business and Labor |
| LB 1159 | Education |

LB 1160 Revenue
 LB 1161 Urban Affairs
 LB 1162 Education
 LB 1163 Banking, Commerce and Insurance
 LB 1164 Appropriations
 LB 1165 Revenue
 LB 1166 Appropriations
 LB 1167 Business and Labor
 LB 1168 Business and Labor
 LB 1169 Education
 LB 1170 Education
 LB 1171 Education
 LB 1172 Education
 LB 1173 Education
 LB 1174 Education
 LB 1175 Education
 LB 1176 Revenue

(Signed) George Coordsen, Chairperson
 Legislative Council
 Executive Board

NOTICE OF COMMITTEE HEARING
Business and Labor
 Room 2102

| | | |
|---------|--------------------------|---------|
| LB 921 | Monday, January 28, 2002 | 1:30 PM |
| LB 931 | Monday, January 28, 2002 | 1:30 PM |
| LB 1001 | Monday, January 28, 2002 | 1:30 PM |

(Signed) Matt Connealy, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Price asked unanimous consent to have her name added as cointroducer to LB 988 and LB 1148. No objections. So ordered.

Senator McDonald asked unanimous consent to have her name added as cointroducer to LB 973. No objections. So ordered.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 18, 2002, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
 Clerk of the Legislature

Clark, Douglas R.
Utilicorp United

Dix, Larry
County Officials, Nebraska Association of

Meerkatz, Marilyn
Class I's United

Mueller, William J.
Citizens for a Healthy Nebraska

Radcliffe, Walter H.
Broadcasters Association, Nebraska

Ruth, Larry L.
Citizens for a Healthy Nebraska

Wolff, Sara E.
Orphan Medical

ADJOURNMENT

At 12:48 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Tuesday, January 22, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

NINTH DAY - JANUARY 22, 2002

LEGISLATIVE JOURNAL

**NINETY-SEVENTH LEGISLATURE
SECOND SESSION**

NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 22, 2002

PRAYER

The prayer was offered by Brother Stan Hughes, Chandler Acres Baptist Church, Bellevue, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Hudkins, Preister, and Suttle who were excused; and Senators Brashear, Byars, Connealy, Kristensen, Landis, Robak, Schrock, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighth day was approved.

REPORTS

The following reports were received by the Legislature:

Health and Human Services System

2001 Information Project Databook

Labor, Department of

Workforce Investment Act - Annual Report

Motor Vehicles, Department of

Operator's Licenses Suspended Annual Report

Revenue Committee, Legislative

Comprehensive Guide to the Nebraska State and Local Tax System

Roads, Department of

2001 Report

Board of Public Roads Classifications and Standards Minutes for
November 16, 2001

Secretary of State

Initiative 300 Report - Summary of Activity 2001 (LB 1193, 1998)

MOTIONS - Print in Journal

Senator Dierks filed the following motion to LB 913:
Withdraw LB 913.

Senator Beutler filed the following motion to LB 447:
Place LB 447 on General File pursuant to Rule 3, Section 20(b).

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1200. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to the County Purchasing Act; to amend section 23-3108, Reissue Revised Statutes of Nebraska; to change provisions relating to purchases; and to repeal the original section.

LEGISLATIVE BILL 1201. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to school finance; to amend section 79-1029, Revised Statutes Supplement, 2000, and sections 77-3442, 79-528, 79-1003, 79-1007.01, 79-1008.02, and 79-1028, Revised Statutes Supplement, 2001; to change provisions relating to maximum and minimum levies, reports, calculation of adjusted formula students, and allowable growth rates; to define terms; to establish a special education demographic factor; to provide for exceeding the basic applicable and basic allowable growth rates as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1202. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to juveniles; to amend sections 23-1201, 29-3601, 43-261, 43-274, 43-290, 43-2,105, 43-2,106.01, and 43-2,108, Reissue Revised Statutes of Nebraska, and sections 29-2258, 43-276, and 43-2,129, Revised Statutes Supplement, 2000; to authorize city and county juvenile pretrial diversion programs; to change provisions relating to prosecutors; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1203. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-230 and 17-563, Reissue Revised Statutes of Nebraska; to change provisions relating to the abatement of nuisances; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

GENERAL FILE

LEGISLATIVE BILL 857. Title read. Considered.

SPEAKER KRISTENSEN PRESIDING

Senator McDonald asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for review with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 858. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 859. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 860. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1204. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to schools; to provide for adjustment of state aid and property tax receipts to reflect certain property transfers as prescribed; to provide duties for county treasurers and the State Department of Education; to create a fund; and to provide for the effectiveness of certain reorganizations as prescribed.

LEGISLATIVE BILL 1205. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to liens; to amend section 9-516, Uniform Commercial Code; to prohibit nonconsensual common-law liens as prescribed; to change provisions relating to secured transaction filing; to provide a duty for the Revisor of Statutes; and to repeal the original section.

LEGISLATIVE BILL 1206. Introduced by Raikes, 25; Coordsen, 32; Maxwell, 9; Price, 26; Stuhr, 24; Wickersham, 49.

A BILL FOR AN ACT relating to schools; to amend sections 79-527 and 79-554, Reissue Revised Statutes of Nebraska, sections 79-565, 79-761, 79-1005.01, 79-1007.02, 79-1017.01, 79-1022, 79-1031.01, 79-1070, 79-1106, 79-1107, 79-1108, 79-1108.01, 79-1108.02, 79-1108.03, 79-1135, 79-1156, and 79-1167, Revised Statutes Supplement, 2000, sections 79-458, 79-1003, 79-1007.01, 79-1018.01, 79-1024, 79-1026, 79-1027, 79-1028, 79-1083.03, 79-10,110, and 79-1155, Revised Statutes Supplement, 2001, and section 9-812, Revised Statutes Supplement, 2001, as amended by section 1, Legislative Bill 3, First Special Session, 2001; to change provisions relating to reports, meetings, elections, state aid, borrowing authority, budget authority, tax levies, learners with high ability, special education, and hearings; to eliminate a task force; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-8,118 to 79-8,123 and 79-1010.01, Revised Statutes Supplement, 2000.

LEGISLATIVE BILL 1207. Introduced by Jensen, 20; Bruning, 3.

A BILL FOR AN ACT relating to child care; to amend section 71-1911, Revised Statutes Supplement, 2000; to change child care license provisions; and to repeal the original section.

LEGISLATIVE BILL 1208. Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2702.07, 77-2702.13, 77-2702.14, and 77-2703, Revised Statutes Supplement, 2000; to provide for sales and use taxation of certain services; to harmonize provisions; to provide an operative date; and to repeal the original sections.

RESOLUTION

LEGISLATIVE RESOLUTION 289CA. Introduced by Brown, 6.

THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2002 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, sections 5, 7, and 8:

III-5 "The Legislature shall by law determine the number of members to be elected and divide the state into legislative districts. In the creation of such districts, any county that contains population sufficient to entitle it to two or more members of the Legislature shall be divided into separate and distinct legislative districts, as nearly equal in population as may be and composed of contiguous and compact territory. One member of the Legislature shall be elected ~~from~~ for each such district. The basis of apportionment shall be the population excluding aliens, as shown by the next preceding federal census. The Legislature shall redistrict the state after

each federal decennial census. In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature."

III-7 "At the general election to be held in November 1964, one-half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature. When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall ~~where necessary~~ specify the newly established district which they shall represent for the balance of their ~~term~~ terms. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary of not to exceed one thousand dollars per month during the term of his or her office. In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than his or her salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem."

III-8 "No person shall be eligible to the office of member of the Legislature unless on the date of the general election at which he or she is elected, or on the date of ~~his~~ appointment, he or she is a registered voter, has attained the age of twenty-one years, and has resided within the ~~district from which he is elected for the term of State of Nebraska~~ for one year next before his or her election, or appointment unless he or she has ~~shall have~~ been absent on the public business of the United States or of this State. ~~And no~~ No person elected or appointed to the Legislature as aforesaid shall hold ~~his such~~ office after he or she has ~~shall have~~ removed from ~~such district~~ this State."

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

"A constitutional amendment to change the residency requirements for candidates for and members of the Legislature.

For

Against".

Referred to the Reference Committee.

STANDING COMMITTEE REPORTS Government, Military and Veterans Affairs

LEGISLATIVE BILL 16. Indefinitely postponed.

LEGISLATIVE BILL 77. Indefinitely postponed.

LEGISLATIVE BILL 395. Indefinitely postponed.

LEGISLATIVE BILL 559. Indefinitely postponed.

LEGISLATIVE BILL 731. Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

NOTICE OF COMMITTEE HEARING

Education
Room 1525

| | | |
|---------|---------------------------|---------|
| LB 1059 | Tuesday, January 29, 2002 | 1:30 PM |
| LB 1171 | Tuesday, January 29, 2002 | 1:30 PM |
| LB 1172 | Tuesday, January 29, 2002 | 1:30 PM |
| LB 1173 | Tuesday, January 29, 2002 | 1:30 PM |
| LB 1174 | Tuesday, January 29, 2002 | 1:30 PM |
| LB 1175 | Tuesday, January 29, 2002 | 1:30 PM |

(Signed) Ron Raikes, Chairperson

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 279, 280, 281, and 284 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 279, 280, 281, and 284.

GENERAL FILE

LEGISLATIVE BILL 259. Title read. Considered.

The Standing Committee amendment, AM0234, found on page 525, First Session, 2001, was considered.

Senator Beutler withdrew his pending amendments, FA85, AM0758, and AM0767, found on pages 869 and 870, First Session, 2001.

Senator Beutler offered the following amendment to the Standing Committee amendment:

FA813

Amend AM0234

On page 1, line 6 strike "recreational, cultural, entertainment, or"

Senator Beutler moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Senator Beutler requested a roll call vote on his amendment.

Senator Wickersham requested the roll call vote be taken in reverse order.

Voting in the affirmative, 15:

| | | | | |
|---------------|----------|----------|------------|------------|
| Baker | Beutler | Bourne | Brown | Bruning |
| Chambers | Cudaback | Jensen | Kristensen | Kruse |
| Pedersen, Dw. | Price | Quandahl | Shimek | Synowiecki |

Voting in the negative, 20:

| | | | | |
|----------|---------|---------|----------|------------|
| Bromm | Burling | Byars | Coordsen | Hartnett |
| Janssen | Jones | Kremer | Landis | Raikes |
| Redfield | Robak | Schrock | Smith | Stuhr |
| Thompson | Tyson | Vrtiska | Wehrbein | Wickersham |

Present and not voting, 8:

| | | | | |
|---------|------------|--------------|-------|--------|
| Aguilar | Cunningham | Dierks | Engel | Erdman |
| Foley | Maxwell | Pederson, D. | | |

Excused and not voting, 6:

| | | | | |
|----------|----------|---------|----------|----------|
| Brashear | Connealy | Hudkins | McDonald | Preister |
| Suttle | | | | |

The Beutler amendment lost with 15 ayes, 20 nays, 8 present and not voting, and 6 excused and not voting.

Pending.

The Chair declared the call raised.

UNANIMOUS CONSENT - Member Excused

Senator Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1209. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to livestock; to amend sections 54-1801 to 54-1808, Reissue Revised Statutes of Nebraska; to include the purchase of feeder livestock and feed grain in the Nebraska Livestock Sellers Protective Act; to define terms; to update and harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1210. Introduced by Price, 26.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-105, 60-311.16, 60-320, 60-6,162, 60-6,226, and 60-3001, Reissue Revised Statutes of Nebraska, and section 60-106, Revised Statutes Supplement, 2000; to provide for the titling, registration, and taxation of kit automobiles and automobiles otherwise assembled; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1211. Introduced by Transportation and Telecommunications Committee: Bromm, 23, Chairperson; Baker, 44; Brown, 6; Byars, 30; Jones, 43; Dw. Pedersen, 39; Robak, 22; and Tyson, 19; Wehrbein, 2.

A BILL FOR AN ACT relating to public safety communications; to amend sections 13-808, 58-201, 58-203, 86-1803 to 86-1806, 86-1808, and 86-1811, Reissue Revised Statutes of Nebraska, and sections 13-2530, 58-202, and 58-219, Revised Statutes Supplement, 2000; to authorize service agreements; to define and redefine terms; to provide, change, and eliminate powers and duties; to provide for funding; to eliminate fees and obsolete language; to harmonize provisions; to provide severability; to repeal the original sections; to outright repeal sections 86-1807 and 86-1810, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 1212. Introduced by Tyson, 19; Raikes, 25.

A BILL FOR AN ACT relating to schools; to amend section 79-4,110, Revised Statutes Supplement, 2000; to change provisions relating to merger, dissolution, or reorganization of Class I school districts; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1213. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-1412, Reissue Revised Statutes of Nebraska; to eliminate the Postsecondary Education Award Program Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 85-9,140 to 85-9,155 and 85-9,157 to 85-9,162, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1214. Introduced by Brown, 6.

A BILL FOR AN ACT relating to revenue and taxation; to provide for assessment of real property rented or leased to low-income persons.

LEGISLATIVE BILL 1215. Introduced by Quandahl, 31; Bourne, 8; Landis, 46.

A BILL FOR AN ACT relating to loans; to amend sections 45-705, 45-706, 45-709, 45-711, 45-714, 45-715, 76-252, and 76-1014.01, Reissue Revised Statutes of Nebraska, sections 45-702 and 45-707, Revised Statutes

Supplement, 2000, and sections 45-1007, 45-1024, 45-1025, 45-1033, and 45-1966, Revised Statutes Supplement, 2001; to change provisions relating to the Mortgage Bankers Registration and Licensing Act, the Nebraska Installment Loan Act, mortgagee liability, and trust deeds; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1216. Introduced by Byars, 30.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to require a plan and report regarding services for persons with disabilities.

LEGISLATIVE BILL 1217. Introduced by Aguilar, 35; Stuhr, 24.

A BILL FOR AN ACT relating to security services; to amend section 81-1423, Reissue Revised Statutes of Nebraska, and section 81-1425, Revised Statutes Supplement, 2000; to adopt the Security Services Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1218. Introduced by Baker, 44.

A BILL FOR AN ACT relating to health care; to amend sections 44-3,144 and 44-3,146, Reissue Revised Statutes of Nebraska; to define terms; to provide for use of the national medical support notice for children; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1219. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Nebraska Natural Resources Commission.

LEGISLATIVE BILL 1220. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to schools; to amend sections 79-570 and 79-571, Reissue Revised Statutes of Nebraska; to provide for and change provisions relating to removal of disorderly persons from school events; to change and provide penalties; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1221. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-112, Revised Statutes Supplement, 2000, and section 77-1344, Revised Statutes Supplement, 2001; to redefine actual value; to change valuation of agricultural land and horticultural land; and to repeal the original sections.

LEGISLATIVE BILL 1222. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to elections; to amend sections 32-615 and 32-617, Reissue Revised Statutes of Nebraska, and section 32-608, Revised Statutes Supplement, 2000; to change provisions relating to the payment and distribution of filing fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1223. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to the Office of Juvenile Services; to amend sections 43-401, 43-404, 43-405, 43-421, 43-422, 43-423, 68-1732, 83-107.01, 83-108, and 83-364, Reissue Revised Statutes of Nebraska, sections 43-411, 43-2411, and 81-101, Revised Statutes Supplement, 2000, and sections 43-408 and 43-413, Revised Statutes Supplement, 2001; to create the Office of Juvenile Services as an executive department; to rename the administrator; to transfer functions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1224. Introduced by Brown, 6.

A BILL FOR AN ACT relating to government; to amend sections 81-829.42 and 81-829.46, Reissue Revised Statutes of Nebraska, and section 81-829.39, Revised Statutes Supplement, 2000; to adopt the Emergency Health Powers Act; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 1225. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Revised Statutes Supplement, 2001; to provide an income tax credit for public school teachers; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 1226. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-9,118, 85-9,122, 85-9,124, 85-9,126, 85-9,128, and 85-1412, Reissue Revised Statutes of Nebraska, and Laws 2001, LB 543, sections 167 and 169, as amended by sections 103 and 105, respectively, Legislative Bill 1, Ninety-seventh Legislature, First Special Session, 2001; to state intent; to provide duties; to change provisions relating to the Scholarship Assistance Program Act; to change and provide for appropriations; to adopt the Private Postsecondary Career School Assistance Program Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1227. Introduced by Dw. Pedersen, 39; Schimek, 27.

A BILL FOR AN ACT relating to parole and probation; to amend sections 29-2250, 29-2254, 83-1,125, and 83-933, Reissue Revised Statutes of

Nebraska; to adopt the Interstate Compact for Adult Offender Supervision; to eliminate a uniform act; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 29-2637 and 29-2638, Reissue Revised Statutes of Nebraska.

GENERAL FILE

LEGISLATIVE BILL 259. Senator Janssen offered the following amendment to the Standing Committee amendment:

FA814

Amend AM0234

1. On page 1 line 8 after "77-2713" insert "that occur outside any incorporated municipality, but", and strike from the second "that" on line 15 through line 19.

The Janssen amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1228. Introduced by Foley, 29.

A BILL FOR AN ACT relating to schools; to amend section 79-602, Revised Statutes Supplement, 2001; to change provisions relating to inspection of pupil transportation vehicles; and to repeal the original section.

LEGISLATIVE BILL 1229. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the Transit Authority Law; to amend section 14-1813, Reissue Revised Statutes of Nebraska; to change residency requirements for transit authority board members; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1230. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to public utilities; to amend sections 14-2101, 14-2122, and 71-6316, Reissue Revised Statutes of Nebraska, and section 14-2116, Revised Statutes Supplement, 2001; to require metropolitan utilities districts to make payments to counties for retail gas and water sales as prescribed; to provide duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1231. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to employment security; to amend section

48-656, Revised Statutes Supplement, 2001; to change provisions relating to late reports; and to repeal the original section.

LEGISLATIVE BILL 1232. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1380, Revised Statutes Supplement, 2000; to require reporting of information to agricultural and horticultural land valuation boards; and to repeal the original section.

LEGISLATIVE BILL 1233. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to bridges; to amend sections 39-855 and 39-867, Reissue Revised Statutes of Nebraska; to change provisions relating to interstate county bridges; to redefine a term; to harmonize provisions; and to repeal the original sections.

AMENDMENTS - Print in Journal

Senator Wickersham filed the following amendment to LB 568:
AM2371

(Amendments to Standing Committee amendments, AM0380)

- 1 1. On page 1, line 3, strike "2001" and insert "2002";
- 2 and in line 15 strike "2002" and insert "2003".

Senator Dierks filed the following amendment to LB 436:
AM2372

(Amendments to Standing Committee amendments, AM0286)

- 1 1. Insert the following amendments:
- 2 "1. Strike original sections 8, 11, and 15 and insert the
- 3 following new sections:
- 4 'Sec. 8. Section 2-2635, Revised Statutes Supplement,
- 5 2001, is amended to read:
- 6 2-2635. (1) Except as provided in subsection (2) of this
- 7 section, a person shall not distribute at wholesale or retail or
- 8 possess pesticides with an intent to distribute them without a
- 9 pesticide dealer license for each distribution location. Any
- 10 manufacturer, registrant, or distributor who has no pesticide
- 11 dealer outlet licensed within this state and who distributes such
- 12 pesticides directly into this state shall obtain a pesticide dealer
- 13 license for his, her, or its principal out-of-state location or
- 14 outlet.
- 15 (2) The requirements of subsection (1) of this section
- 16 shall not apply to:
- 17 (a) A commercial applicator or noncommercial applicator
- 18 licensed under sections 2-2636 to 2-2642 who uses restricted-use
- 19 pesticides only as an integral part of a pesticide application
- 20 service and does not distribute any unapplied pesticide;
- 21 (b) A federal, state, county, or municipal agency using

22 restricted-use pesticides only for its own program;

23 (c) Persons who sell only pesticide products in
1 containers holding fifty pounds or less by weight or one gallon or
2 less by volume and do not sell any restricted-use pesticides or
3 bulk pesticides; or

4 (d) Persons who sell only general-use specialty
5 pesticides.

6 (3) A pesticide dealer may distribute restricted-use
7 pesticides only to:

8 (a) A licensed pesticide dealer;

9 (b) A licensed certified applicator issued a license with
10 the appropriate category for using the restricted-use pesticide
11 being distributed;

12 (c) An applicator issued a license by another state with
13 the appropriate category for using the restricted-use pesticide
14 being distributed;

15 (d) A noncertified applicator authorized by the act to
16 apply restricted-use pesticides if the licensed certified
17 applicator supervising the noncertified applicator is issued a
18 license with the appropriate category for using the restricted-use
19 pesticide being distributed; or

20 (e) Any other person if the pesticide dealer maintains
21 records set out in rules and regulations adopted and promulgated
22 pursuant to the act requiring the person to verify in writing that:

23 (i) The restricted-use pesticide will be delivered to an
24 applicator described in subdivision (3)(b), (c), or (d) of this
25 section; and

26 (ii) The applicator receiving the restricted-use
27 pesticide acknowledges and agrees to the distribution. a certified
1 applicator, a licensed pesticide dealer, or, under rules and
2 regulations adopted by the department, a person who is not a
3 certified applicator for application by a certified applicator.

4 (4) A pesticide dealer license shall expire on December
5 31 of each year, unless it is suspended or revoked before that
6 date. Such license shall not be transferable to another person or
7 location and shall be prominently displayed to the public in the
8 pesticide dealer's place of business.

9 (5) If the pesticide dealer has had a license suspended
10 or revoked, or has otherwise had a history of violations of the
11 Pesticide Act, the department may require an additional
12 demonstration of dealer qualifications prior to issuance or renewal
13 of a license to such person.

14 (6) Application for an initial pesticide dealer license
15 shall be submitted to the department prior to commencing business
16 as a pesticide dealer. Application for renewal of a pesticide
17 dealer license shall be submitted to the department by January 1 of
18 each year. All applications shall be accompanied by an annual
19 license fee of twenty-five dollars. The fee may be increased by
20 the director ~~after a public hearing is held outlining the reason~~

21 for any proposed change in the fee. In no event shall the by rules
22 and regulations adopted and promulgated pursuant to the act. The
23 fee shall not exceed one hundred dollars per license. Application
24 shall be on a form prescribed by the department and shall include
25 the full name of the person applying for such license. If such
26 applicant is an individual, the application shall include the
27 applicant's social security number. If such applicant is a
1 partnership, limited liability company, association, corporation,
2 or organized group of persons, the full name of each member of the
3 firm, partnership, or limited liability company or of the principal
4 officers of the association or corporation shall be given on the
5 application. Such application shall further state the address of
6 each outlet to be licensed, the principal business address of the
7 applicant, the name of the person domiciled in this state
8 authorized to receive and accept service of summons of legal
9 notices of all kinds for the applicant, and any other necessary
10 information prescribed by the department.

11 An applicant located outside this state shall file with
12 the department a ~~written instrument designating~~ designation of a
13 resident agent for service of process in actions taken in the
14 administration and enforcement of the act. In lieu of designating
15 a resident agent, the applicant may designate the Secretary of
16 State as the recipient of service of process for the applicant in
17 this state.

18 If an application for renewal of a pesticide dealer
19 license is not filed before January 1 of the year for which the
20 license is to be issued, an additional fee equal to twenty-five
21 percent of the fee due and owing per month, not to exceed one
22 hundred percent, shall be paid by the applicant before the license
23 may be issued.

24 An application for a duplicate pesticide dealer's license
25 shall be accompanied by a nonrefundable application fee of ten
26 dollars.

27 All fees collected shall be remitted to the State

1 Treasurer for credit to the Pesticide Administrative Cash Fund.

2 (7) Each licensed pesticide dealer shall be responsible
3 for the acts of each person employed by him or her in the
4 solicitation and distribution of pesticides and all claims and
5 recommendations for use of pesticides. The dealer's license shall
6 be subject to denial, suspension, modification, or revocation after
7 a hearing for any violation of the act, whether committed by the
8 dealer or by the dealer's officer, agent, or employee.

9 (8) The department shall require each pesticide dealer to
10 maintain records of the dealer's purchases and distribution of all
11 restricted-use pesticides and may require such records to be kept
12 separate from other business records. The department may prescribe
13 by rules and regulations the information to be included in the
14 records. The dealer shall keep such records for a period of three
15 years and shall provide the department access to examine such

16 records and a copy of any record on request.

17 Sec. 11. Section 2-2638, Revised Statutes Supplement,

18 2001, is amended to read:

19 2-2638. (1) An individual who applies uses

20 restricted-use pesticides ~~to on the land property~~ of another person

21 for hire or compensation shall meet all certification requirements

22 of the Pesticide Act and apply to the department for a commercial

23 applicator license issued for the categories and subcategories in

24 which the pesticide application use is to be made.

25 (2) Any person who applies uses lawn care or structural

26 pest control pesticides ~~to on the land property~~ of another person

27 for hire or compensation shall apply to the department for a

1 commercial applicator license, regardless of whether such ~~business~~

2 applies person uses any restricted-use pesticide.

3 (3) Application for an original or renewal commercial

4 applicator license shall be on forms prescribed by the department.

5 The application shall include information as required by the

6 director and be accompanied by a license fee of ninety dollars. If

7 the applicant is an individual, the application shall include the

8 applicant's social security number. The fee may be increased by

9 the director by rules and regulations adopted and promulgated

10 pursuant to the act. The fee shall not after a public hearing is

11 held outlining the reasons for any proposed change. In no event

12 shall the fee exceed one hundred fifty dollars per license. All

13 fees collected shall be remitted to the State Treasurer for credit

14 to the Natural Resources Water Quality Fund.

15 (4) The department may deny a commercial applicator

16 license if it has determined that:

17 (a) The applicant has had a license as a licensed

18 certified applicator issued by this state or another state revoked

19 within the last two years;

20 (b) The applicant has been unable to satisfactorily

21 fulfill certification or licensing requirements;

22 (c) The applicant for any other reason cannot be expected

23 to be able to fulfill the provisions of the Pesticide Act

24 applicable to the category for which application is made; or

25 (d) An applicant for an original commercial applicator

26 license has not passed an examination under sections 2-2637 and

27 2-2640.

1 (5) An individual to whom a commercial applicator license

2 is issued shall be a licensed certified applicator authorized to

3 use restricted-use pesticides in the categories and subcategories

4 in which the individual is licensed.

5 (6) As a condition to issuance of a commercial applicator

6 license, an applicant located outside this state shall file with

7 the department a written instrument designating designation of a

8 resident agent for service of process in actions taken in the

9 administration and enforcement of the act. In lieu of designating

10 a resident agent, the applicant may designate in writing the

11 Secretary of State as the recipient of service of process for the
12 applicant in this state.

13 ~~(7) Any person who operates a business that applies~~
14 ~~pesticides to the land of another person for hire or compensation~~
15 ~~shall be responsible for the acts of each certified applicator~~
16 ~~employed by him or her in the application of a pesticide. Such~~
17 ~~person shall be subject to the same penalties and violations as the~~
18 ~~applicator.~~

19 Sec. 15. Section 2-2641, Revised Statutes Supplement,
20 2001, is amended to read:

21 2-2641. (1) A person shall be deemed to be a private
22 applicator if the person uses a restricted-use pesticide for the
23 purpose of producing an agricultural commodity:

24 (a) On property owned or rented by the person or person's
25 employer or under the person's general control; or

26 (b) On the property of another person if applied without
27 compensation other than the trading of personal services between
1 producers of agricultural commodities.

2 (2) An employee shall qualify as a private applicator
3 under subdivision (1)(a) of this section only if he or she provides
4 labor for the pesticide application use but does not provide the
5 necessary equipment or pesticides.

6 (3) Every person applying for a license as a private
7 applicator shall ~~(a) undertake meet the certification requirement~~
8 ~~of (a) undertaking~~ a training session approved by the department,
9 ~~or (b) pass completing a self-study training manual, or (c) passing~~
10 an examination showing that the person is properly qualified to
11 perform functions associated with pesticide application use to a
12 degree directly related to the nature of the activity and the
13 associated responsibility. If the applicant is an individual, the
14 application shall include the applicant's social security number.

15 (4) Application for an original or renewal private
16 applicator license shall be accompanied by a license fee of
17 twenty-five dollars. All fees collected shall be remitted to the
18 State Treasurer for credit to the Natural Resources Water Quality
19 Fund."

20 3. On page 37, line 9, reinstate the stricken matter;
21 and in line 10 reinstate beginning with 'license' through '2-2638'
22 and after the reinstated '2-2638' insert 'for commercial applicator
23 licenses or section 2-2639 for noncommercial applicator licenses,
24 if any'.

25 7. On page 53, line 26, strike '2-2635 to' and insert
26 '2-2636, 2-2637, 2-2639, 2-2640, 2-2642,'; in line 27 strike 'and';
27 and in line 28 before 'are' insert 'and sections 2-2635, 2-2638,

1 and 2-2641, Revised Statutes Supplement, 2001.'."

2 2. Renumber the remaining amendments accordingly.

Senator Chambers filed the following amendment to LB 259:
FA815

Amend AM0234

Page 1, line 19 after the period add, "No county shall levy and collect a license or occupation tax unless approved by a majority of those voting on the question at a special, primary or general election."

MOTION - Print in Journal

Senator Beutler filed the following motion to LB 259:
Indefinitely postpone LB 259.

NOTICE OF COMMITTEE HEARINGS

Urban Affairs

Room 1510

| | | |
|---------|---------------------------|---------|
| LB 1161 | Tuesday, January 29, 2002 | 1:30 PM |
| LB 1110 | Tuesday, January 29, 2002 | 1:30 PM |
| LB 1151 | Tuesday, January 29, 2002 | 1:30 PM |

(Signed) D. Paul Hartnett, Chairperson

Nebraska Retirement Systems

Room 1525

| | | |
|---------|-----------------------------|----------|
| LB 1019 | Wednesday, January 30, 2002 | 12:00 PM |
| LB 1038 | Wednesday, January 30, 2002 | 12:00 PM |
| LB 1111 | Wednesday, January 30, 2002 | 12:00 PM |
| LB 1144 | Wednesday, January 30, 2002 | 12:00 PM |
| LB 1027 | Wednesday, January 30, 2002 | 12:00 PM |

(Signed) Jon Bruning, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 290. Introduced by Robak, 22.

WHEREAS, the Columbus Scotus Shamrocks girls' volleyball team is the 2001 Class C-1 state volleyball champion; and

WHEREAS, the Shamrocks capped a 29-0 season by winning their sixth title in seven years and their eighth title overall; and

WHEREAS, the Shamrocks have a 194-6 record over the past seven years; and

WHEREAS, the Columbus Scotus Shamrocks exemplified dedication, discipline, and perseverance through talent and hard work; and

WHEREAS, Coach John Petersen displayed and provided effective guidance throughout the season.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes and congratulates the Columbus Scotus Shamrocks girls' volleyball team and the coaches, parents, and supporters.

2. That a copy of this resolution be sent to the Columbus Scotus Shamrocks girls' volleyball team and Coach John Petersen.

Laid over.

LEGISLATIVE RESOLUTION 291. Introduced by Robak, 22.

WHEREAS, the Howells High School football team won the 2001 Class D-1 High School Football Championship with a 34-20 win over Bloomfield High School; and

WHEREAS, this was the second straight title for the Howells Bobcats and their Coach, Mike Speirs; and

WHEREAS, the Howells High School team and the coaches, families, and supporters should be commended and are deserving of special recognition for the team's exemplary season of good sportsmanship and athleticism.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Howells High School football team on winning the 2001 Class D-1 State High School Football Championship.

2. That a copy of this resolution be sent to Coach Speirs and the Howells High School football team.

Laid over.

ANNOUNCEMENT

Senator Bruning announced the Nebraska Retirement Systems Committee will hold an executive session Wednesday, January 23, 2002, after noon recess, in Room 2022.

UNANIMOUS CONSENT - Add Cointroducer

Senator Schimek asked unanimous consent to have her name added as cointroducer to LB 1169. No objections. So ordered.

VISITORS

Visitors to the Chamber were Farm and Industrial Equipment Dealers from across the state; and John and Paul Virgl from Wahoo.

The Doctor of the Day was Dr. Dale Zaruba from Lincoln.

ADJOURNMENT

At 11:54 a.m., on a motion by Senator Dierks, the Legislature adjourned until 9:00 a.m., Wednesday, January 23, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

TENTH DAY - JANUARY 23, 2002
LEGISLATIVE JOURNAL
NINETY-SEVENTH LEGISLATURE
SECOND SESSION

TENTH DAY

Legislative Chamber, Lincoln, Nebraska
 Wednesday, January 23, 2002

PRAYER

The prayer was offered by Pastor Harvey Macklin, Kimball Assembly of God Church, Kimball, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senator Suttle who was excused; and Senators Beutler, Byars, Coordsen, Kristensen, Landis, Dw. Pedersen, Robak, and Synowiecki who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 173, line 19, strike "Karnes, David" and insert "Karavas, Julie M.". The Journal for the fourth day was approved as corrected.

The Journal for the ninth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 824. Placed on Select File as amended.

E & R amendment to LB 824:

AM7137

- 1 1. In the Foley amendment, AM2336:
- 2 a. On page 1, line 8, after "8" insert "of this act";
- 3 and
- 4 b. On page 2, line 8, strike the comma.
- 5 2. On page 1, strike beginning with "sections" in line 1
- 6 through line 6 and insert "section 28-101, Revised Statutes
- 7 Supplement, 2000; to adopt the Homicide of the Unborn Child Act; to
- 8 provide penalties; to harmonize provisions; to provide

9 severability; to repeal the original section; and to declare an
10 emergency."

LEGISLATIVE BILL 93. Placed on Select File.

LEGISLATIVE BILL 406. Placed on Select File.

LEGISLATIVE BILL 446. Placed on Select File as amended.

E & R amendment to LB 446:

AM7136

1 1. Because of the amendment of section 3-511 by Laws

2 2001, LB 173:

3 a. Strike original section 4;

4 b. On page 1, line 2; and page 7, line 10, strike

5 "3-511,"; and

6 c. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 417. Placed on Select File.

LEGISLATIVE BILL 58. Placed on Select File.

LEGISLATIVE BILL 589. Placed on Select File as amended.

E & R amendment to LB 589:

AM7140

1 1. On page 2, line 9, after "address" insert an

2 underscored comma.

3 2. On page 4, line 7, strike the comma.

4 3. On page 5, line 23, strike "alternation" and insert

5 "alteration"; and in line 26 after the first comma insert "the".

6 4. On page 7, line 5, strike "of" and show as stricken.

LEGISLATIVE BILL 474. Placed on Select File as amended.

E & R amendment to LB 474:

AM7142

1 1. In the Erdman-Dierks amendment, AM2326, on page 1,

2 lines 4, 6, 12, and 14, before "and" insert "on the effective date

3 of this act".

LEGISLATIVE BILL 413. Placed on Select File.

LEGISLATIVE BILL 500. Placed on Select File as amended.

(E & R amendment, AM7138, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 241. Placed on Select File as amended.

E & R amendment to LB 241:

AM7141

1 1. Because of the amendment of section 71-340 by Laws

2 2001, LB 209, strike original section 1 and insert the following

3 new section:

- 4 "Section 1. Section 71-340, Revised Statutes Supplement,
 5 2001, is amended to read:
 6 71-340. Sections 71-340 to 71-3,235 and sections 9, 10,
 7 11, 14, and 34 of this act shall be known and may be cited as the
 8 Nebraska Cosmetology Act."
 9 2. On page 1, line 8; and page 46, line 20, strike
 10 "71-340,".
 11 3. On page 1, line 11; and page 46, line 23, after
 12 "2000" insert ", and section 71-340, Revised Statutes Supplement,
 13 2001".
 14 4. On page 7, line 25, strike "ten", show as stricken,
 15 and insert "eleven".
 16 5. On page 12, line 17, strike "2002" and insert "2003".
 17 6. On page 32, lines 26 and 27, strike "from advanced
 18 students"; and in line 27 strike "33" and insert "34".

LEGISLATIVE BILL 241A. Placed on Select File as amended.
 E & R amendment to LB 241A:
 AM7139

- 1 1. On page 1, line 3; and page 2, lines 6 and 7, strike
 2 "First Session, 2001" and insert "Second Session, 2002".

LEGISLATIVE BILL 712. Placed on Select File.

LEGISLATIVE BILL 830. Placed on Select File.

(Signed) Philip Erdman, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bills:

| LB/LR | Committee |
|--------------|---|
| LB 1143 | Urban Affairs |
| LB 1145 | Revenue (rereferral) |
| LB 1149 | Revenue |
| LB 1177 | Appropriations |
| LB 1178 | Revenue |
| LB 1179 | Appropriations |
| LB 1180 | Education |
| LB 1181 | Judiciary |
| LB 1182 | Judiciary |
| LB 1183 | Education |
| LB 1184 | Revenue |
| LB 1185 | Business and Labor |
| LB 1186 | Natural Resources |
| LB 1187 | Judiciary |
| LB 1188 | Revenue |
| LB 1189 | Government, Military and Veterans Affairs |

| | |
|---------|---|
| LB 1190 | Judiciary |
| LB 1191 | Appropriations |
| LB 1192 | Government, Military and Veterans Affairs |
| LB 1193 | Banking, Commerce and Insurance |
| LB 1194 | Business and Labor |
| LB 1195 | Transportation and Telecommunications |
| LB 1196 | Judiciary |
| LB 1197 | Appropriations |
| LB 1198 | Banking, Commerce and Insurance |
| LB 1199 | Banking, Commerce and Insurance |

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARINGS

Health and Human Services

Room 1510

| | | |
|---------|--|---------|
| LB 956 | Wednesday, January 30, 2002 | 1:30 PM |
| LB 988 | Wednesday, January 30, 2002 | 1:30 PM |
| LB 1015 | Wednesday, January 30, 2002 | 1:30 PM |
| LB 958 | Wednesday, January 30, 2002 (reschedule) | 1:30 PM |
| LB 862 | Thursday, January 31, 2002 | 1:30 PM |
| LB 896 | Thursday, January 31, 2002 | 1:30 PM |

(Signed) Jim Jensen, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1234. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1342, Revised Statutes Supplement, 2001; to change provisions relating to the Department of Property Assessment and Taxation Cash Fund; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1235. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to the Deferred Building Renewal Act; to amend sections 81-179, 81-184, 81-188.01, and 81-188.03 to 81-188.06, Revised Statutes Supplement, 2000, and section 81-188.02, Revised Statutes Supplement, 2001; to change provisions relating to the cost of administering the act and the assessment of depreciation charges; to authorize expenditures from certain funds subject to appropriations

approved by the Legislature; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1236. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to the State Board of Agriculture; to amend section 2-101, Reissue Revised Statutes of Nebraska, and sections 49-1401 and 49-1493, Revised Statutes Supplement, 2001; to change provisions relating to the operation of the board; to provide for an executive board, an advisory committee, and a foundation; to provide powers and duties; to create a fund; to require members of the board to file a statement of financial interest; to prohibit employment of family members; to require action regarding potential conflicts of interest; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1237. Introduced by Redfield, 12.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3446, Revised Statutes Supplement, 2001; to change the base limitation for budget limitation purposes for cities and villages; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1238. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Connealy, 16; Janssen, 15; McDonald, 41; Redfield, 12; Synowiecki, 7.

A BILL FOR AN ACT relating to motor vehicle license plates; to amend section 60-311.14, Revised Statutes Supplement, 2000; to change provisions relating to application for and issuance of plates for handicapped or disabled persons; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 259. The Standing Committee amendment, AM0234, found on page 525, First Session, 2001, and considered on page 300, was renewed.

Senator Chambers renewed his pending amendment, FA815, found on page 310, to the Standing Committee amendment.

Senators Schimek, McDonald, Jensen, Stuhr, Robak, Hudkins, and Redfield asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1239. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Connealy, 16; Janssen, 15; McDonald, 41; Redfield, 12; Synowiecki, 7.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend sections 31-786 to 31-789, 31-791, and 31-792, Reissue Revised Statutes of Nebraska, and section 31-735, Revised Statutes Supplement, 2000; to change election and recall provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1240. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the Nebraska Visitors Development Act; to amend sections 81-1245, 81-1251, 81-1254 to 81-1258, and 81-1261, Reissue Revised Statutes of Nebraska, and section 77-2711, Revised Statutes Supplement, 2001; to authorize certain cities to assume responsibilities under the act as prescribed; to rename funds; to redefine a term; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1241. Introduced by Erdman, 47.

A BILL FOR AN ACT relating to the Nongame and Endangered Species Conservation Act; to amend sections 37-805, 37-806, 37-807, and 37-808, Reissue Revised Statutes of Nebraska; to require gubernatorial approval of certain actions by the Game and Parks Commission; and to repeal the original sections.

LEGISLATIVE BILL 1242. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to inheritance taxes; to amend sections 77-2003, 77-2008.01, 77-2014, 77-2017, 77-2018, 77-2018.02, 77-2018.07, and 77-2032, Reissue Revised Statutes of Nebraska; to change payment and distribution of tax revenue; to create a fund; to provide duties for the Tax Commissioner; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1243. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2004, Revised Statutes Supplement, 2000; to change the exempt amount for inheritance tax purposes; and to repeal the original section.

LEGISLATIVE BILL 1244. Introduced by Hartnett, 45; Preister, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2715.07, 77-2717, and 77-2734.03, Revised Statutes Supplement, 2001; to provide a renewable energy tax credit for certain electricity generation; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1245. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to ethanol; to amend sections 66-1344 to 66-1345.01 and 66-1345.04, Revised Statutes Supplement, 2001; to change ethanol production credit provisions; to eliminate a requirement for agreements; to change excise tax rates and intent; to change report requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1246. Introduced by Aguilar, 35.

A BILL FOR AN ACT relating to nonprofit corporations; to amend section 21-1927, Revised Statutes Supplement, 2000; to provide tax-exempt status for certain property and purchases as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1247. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Nebraska Pickle Card Lottery Act; to amend sections 9-301, 9-303, 9-304, 9-340.02, 9-347, 9-348, 9-349, and 9-350, Reissue Revised Statutes of Nebraska, and sections 9-322, 9-329.02, 9-345.03, and 77-3001, Revised Statutes Supplement, 2000; to authorize the use of pickle card technological aids as prescribed; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1248. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to teachers; to amend section 79-1108, Revised Statutes Supplement, 2000, section 79-1018.01, Revised Statutes Supplement, 2001, section 79-8.136, Revised Statutes Supplement, 2000, as amended by section 6, Legislative Bill 3, Ninety-seventh Legislature, First Special Session, 2001, and section 9-812, Revised Statutes Supplement, 2001, as amended by section 1, Legislative Bill 3, Ninety-seventh Legislature, First Special Session, 2001; to provide for extended contract days; to provide duties for the State Department of Education; to change and eliminate provisions relating to allocations from the Education Innovation Fund; to eliminate quality education incentive payments, mentor teacher programs, the Attracting Excellence to Teaching Program Act and a fund, and funding related to programs for accelerated or differentiated curricula; to provide an operative date; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-758, 79-761, 79-8.132 to 79-8.135, 79-8.137 to 79-8.140, and 79-1108.02, Revised Statutes Supplement, 2000, and section 79-1328, Revised Statutes Supplement, 2000, as amended by section 8, Legislative Bill 3, Ninety-seventh Legislature, First Special Session, 2001.

LEGISLATIVE BILL 1249. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Public Service Commission; to amend

sections 75-106, 75-128, 75-150, 75-305, 75-307.01, 75-384, 86-1214, 86-1304, 86-1305, 86-1409, 88-527, 88-529, 88-545.01, 88-551, 88-552, 89-1,104, and 89-1,104.01, Reissue Revised Statutes of Nebraska, sections 71-4604.01, 71-4609, and 75-903, Revised Statutes Supplement, 2000, and sections 71-1559, 86-1405, 86-2208, 86-2210, and 86-2306, Revised Statutes Supplement, 2001; to state intent regarding agency funding; to change provisions relating to the establishment and disbursement of fees; to provide duties; to create a fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1250. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to education; to provide duties for textbook publishers or manufacturers as prescribed.

LEGISLATIVE BILL 1251. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to schools; to create and provide for the Public Education Finance Study Commission; to provide duties; and to declare an emergency.

LEGISLATIVE BILL 1252. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to schools; to amend sections 79-831 and 79-1236, Reissue Revised Statutes of Nebraska, sections 79-4,111, 79-1005.01, 79-1007.02, 79-1017.01, 79-1022, and 79-1031.01, Revised Statutes Supplement, 2000, and sections 79-1001, 79-1003, 79-1007.01, 79-1008.01, 79-1008.02, 79-1009, 79-1024, and 79-1083.03, Revised Statutes Supplement, 2001; to change provisions relating to certification of state aid for certain fiscal years as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1253. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to schools; to amend section 79-499, Revised Statutes Supplement, 2000, and section 79-458, Revised Statutes Supplement, 2001; to change provisions relating to freeholder petitions and cooperative programs; and to repeal the original sections.

LEGISLATIVE BILL 1254. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to schools; to authorize assessment of fees and charges for certain activities; to provide for waivers; and to provide duties for the State Board of Education.

LEGISLATIVE BILL 1255. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-15,121, Reissue Revised Statutes of Nebraska; to change fees

going to the Underground Storage Tank Fund; and to repeal the original section.

LEGISLATIVE BILL 1256. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to the Central Interstate Low-Level Radioactive Waste Compact; to provide for revocation of contracts and agreements as prescribed.

LEGISLATIVE BILL 1257. Introduced by Dierks, 40; Cunningham, 18; Jones, 43; Vrtiska, 1.

A BILL FOR AN ACT relating to redistricting; to adopt changes in the boundaries of legislative districts; and to outright repeal sections 50-1118, 50-1119.01, 50-1125, 50-1131, 50-1133, 50-1135, 50-1136, 50-1139, 50-1141.01, 50-1142, and 50-1144, Revised Statutes Supplement, 2001.

LEGISLATIVE BILL 1258. Introduced by Bromm, 23; Baker, 44; Brown, 6.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-625, Reissue Revised Statutes of Nebraska; to change provisions relating to the construction of viaducts and subways; to provide a duty for the Director-State Engineer; and to repeal the original section.

LEGISLATIVE BILL 1259. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-980.01, 85-9,122, 85-9,145, and 85-9,151, Reissue Revised Statutes of Nebraska; to adopt the Forward Nebraska Scholarship Program Act; to redefine terms; to change and eliminate scholarship funding provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 85-9,102.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1260. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to natural gas; to amend section 77-2704.13, Reissue Revised Statutes of Nebraska, section 77-2702.07, Revised Statutes Supplement, 2000, and section 77-2701, Revised Statutes Supplement, 2001; to exempt natural gas from sales and use taxes; to impose an excise tax on natural gas; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 1261. Introduced by Brown, 6.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Hepatitis C Education and Prevention Act; and to provide severability.

LEGISLATIVE BILL 1262. Introduced by Tyson, 19.

A BILL FOR AN ACT relating to highways; to amend section 39-2519, Revised Statutes Supplement, 2001; to authorize the relinquishment of street improvement funds to counties as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1263. Introduced by Connealy, 16; Bourne, 8.

A BILL FOR AN ACT relating to health and human services; to adopt the Nebraska Senior Drug Program Act.

LEGISLATIVE BILL 1264. Introduced by Connealy, 16; Aguilar, 35.

A BILL FOR AN ACT relating to state government; to adopt a policy toward newcomers to the state.

LEGISLATIVE BILL 1265. Introduced by Connealy, 16.

A BILL FOR AN ACT relating to construction contracts; to adopt the Owner Protection and Construction Contract Payment Act; and to provide an operative date.

LEGISLATIVE BILL 1266. Introduced by Connealy, 16; Engel, 17.

A BILL FOR AN ACT relating to government contracts; to provide duties for sheriffs, the Director of Correctional Services, and the Director of Health and Human Services with respect to contracting with private persons for the transportation of persons under their respective control.

GENERAL FILE

LEGISLATIVE BILL 259. Senator Chambers asked unanimous consent to replace his pending amendment, FA815, found on page 310 and considered in this day's Journal, with a substitute amendment. No objections. So ordered.

Senator Chambers withdrew his pending amendment, FA815, found on page 310.

Senator Chambers offered the following substitute amendment to the Standing Committee amendment:

FA816

Amend AM0234

Page 1, line 19 after the period add, "No county shall levy and collect a license or occupation tax under this section unless approved by a majority of those voting on the question at a special, primary or general election."

Senator Schrock asked unanimous consent to be excused. No objections. So ordered.

The Chambers amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

SPEAKER KRISTENSEN PRESIDING

Senator Beutler offered the following amendment to the Standing Committee amendment:

AM2380

(Amendments to Standing Committee amendments, AM0234)

- 1 1. On page 1, line 3, after "county" insert "that has
- 2 agreed by resolution to enter into arbitration when requested by a
- 3 natural resources district as provided in section 4 of this act".
- 4 2. Insert the following new section:
- 5 "Sec. 4. (1) If it is necessary to vacate a county road
- 6 or roads in order to carry out an authorized purpose and the county
- 7 board will not enter into an agreement with the district pursuant
- 8 to section 39-1501 for the purpose of vacating the road or roads,
- 9 the district may request that the county board submit to
- 10 arbitration under this section. A request that a county board
- 11 submit to arbitration under this section shall be made in writing.
- 12 The request shall include a detailed description of the road or
- 13 roads to be vacated and the name and address of the arbitrator
- 14 selected by the district.
- 15 (2) An arbitration panel shall be formed to arbitrate the
- 16 road vacation dispute. The arbitration panel shall collect
- 17 necessary information and determine whether the public benefits to
- 18 the state of the use by the district outweigh the public detriment
- 19 to the state from the closing of the county road.
- 20 (3) The arbitration panel shall consist of three members,
- 21 one of whom shall be selected by the district, one of whom shall be
- 22 selected by the county board, and a third shall be selected by the
- 23 other two arbitrators. The arbitrators shall not be employees,
- 1 agents, or consultants of any party to the dispute and shall have
- 2 no financial or personal interest in the result of the arbitration.
- 3 (4) The arbitration panel shall be appointed within
- 4 forty-five days after the receipt of the request for arbitration.
- 5 The county shall notify the district in writing of the name and
- 6 address of the arbitrator selected by the county within thirty days
- 7 after receipt of the request. The two arbitrators selected by the
- 8 parties shall notify the parties in writing of the name and address
- 9 of the third arbitrator selected by them.
- 10 (5) Each of the parties to the dispute shall pay the
- 11 costs and expenses of the arbitrator selected by it together with
- 12 one-half of the costs and expenses of the third arbitrator and
- 13 one-half of the costs and expenses of the hearing, unless the
- 14 parties otherwise agree or the arbitration board, in its
- 15 discretion, assesses such costs and expenses, or any part thereof,
- 16 in a different manner.
- 17 (6) The arbitration panel shall hire an official

18 stenographer to report its hearings and may hire an attorney to
19 assist it in ruling on the admissibility of evidence offered and in
20 the preparation of the record which will constitute the bill of
21 exceptions in any appeal from the decision of the arbitration board
22 and may hire such other personnel as it deems necessary to conduct
23 the hearing.

24 (7) The arbitration panel shall meet within thirty days
25 of the appointment of the third arbitrator. The third arbitrator
26 shall be the chairperson and preside at all meetings and hearings
27 of the arbitration panel and shall provide notice to the parties at
1 least five days before the first meeting. The parties shall meet
2 with the arbitration panel at its first meeting for the purpose of
3 clarifying and narrowing the specific issues from those set forth
4 in the detailed statement of disputed issues.

5 (8) If a party to the dispute fails or refuses to appoint
6 its arbitrator within the time established in this section, the
7 arbitrator appointed by the other party shall, within ten days
8 after such failure apply to the American Arbitration Association
9 for the appointment of the second arbitrator. Within ten days
10 after the appointment of the second arbitrator, the two arbitrators
11 so selected shall appoint a third arbitrator.

12 (9) The arbitration panel may proceed in the absence of
13 any party who, after due notice, fails to appear or obtain a
14 continuance. An award shall not be made without a hearing or based
15 solely on the default of a party. The arbitration panel shall (a)
16 consider only those matters necessary for the resolution of the
17 disputed issues, (b) have no authority to add to, subtract from, or
18 alter the issues except as otherwise agreed to by the parties, and
19 (c) not alter or modify any existing contract.

20 (10) Except as otherwise provided in this section, the
21 Commercial Arbitration Rules of the American Arbitration
22 Association, as amended and in effect on the effective date of this
23 act, shall be used to the extent that they are determined by the
24 arbitration panel to be applicable to the procedures set forth in
25 this section. The Administrative Fee Schedule contained in the
26 rules shall not apply.

27 (11) The parties shall submit preliminary written
1 statements to the arbitration panel within thirty days after the
2 convening of the first meeting of the arbitration panel. The
3 arbitration panel shall fix the time and place for a public hearing
4 which shall commence not more than sixty days after the convening
5 of the first meeting of the arbitration panel. The arbitration
6 panel shall give each party written notice of the hearing by
7 certified mail, at least ten days in advance of the hearing, unless
8 the parties waive such notice. The arbitration panel shall publish
9 notice of the hearing in a newspaper having general circulation in
10 the county three consecutive weeks.

11 (12) At all times after receipt of the notice of the
12 dispute, each party shall make available to the other, for

13 inspection and copying, all documents, data, and records with
14 respect to the dispute for the presentation of the matter to the
15 arbitration panel. If the parties fail to agree on the production
16 of documents and records, the arbitration panel shall determine the
17 matter. The parties may also take depositions with respect to the
18 dispute.

19 (13) At the hearing the arbitration panel shall hear
20 testimony and receive evidence in person or by deposition relating
21 to the dispute and may continue the hearing from time to time. The
22 arbitration panel shall be bound by the rules of evidence
23 applicable in district court. The arbitration panel may require a
24 party to submit such evidence as the board may deem necessary or
25 desirable for making its decision and the board is authorized to
26 subpoena witnesses and documents. Opportunity shall be afforded to
27 both parties to present evidence and cross-examine witnesses. The
1 parties may be represented by counsel.

2 (14) The arbitration panel shall seek to complete its
3 hearing on the issues submitted to it within thirty days after the
4 commencement of the hearing. The arbitration panel may extend the
5 time to complete the hearing beyond the thirty-day period if the
6 arbitration panel determines that such extension is necessary.

7 (15) The arbitration panel shall render its decision
8 within thirty days after completion of the hearing. The decision
9 shall be in writing, be accompanied by findings of fact, and be
10 signed by the arbitrators supporting the decision. The findings of
11 fact shall consist of a concise statement of the conclusions upon
12 each contested issue of fact. The decision of a majority of the
13 arbitrators shall be the decision of the arbitration board. A copy
14 of the decision and accompanying findings and conclusions shall be
15 mailed to each party and its attorney of record by certified mail.

16 (16) Except as otherwise provided in subsection (17) of
17 this section, the parties may, by mutual written agreement filed
18 with the arbitration board, extend any of the time limits
19 prescribed in this section.

20 (17) The final decision of the arbitration board shall be
21 binding upon the parties. If a party to any arbitration proceeding
22 is not satisfied with the decision entered by the arbitration
23 panel, such party may appeal to reverse, vacate, or modify the
24 decision, and such decision shall be in abeyance until the
25 appellate court has issued its opinion. The procedure to obtain
26 reversal, modification, or vacation of a decision rendered by the
27 arbitration panel shall be by filing notice of appeal with the
1 Court of Appeals within thirty days after the date of the decision.
2 The appeal shall be deemed perfected and the appellate court shall
3 have jurisdiction of the cause when a notice of an appeal has been
4 filed and appeal has been taken in the manner provided by law for
5 appeals from the district court in civil cases.

6 (18) Trial in the appellate court shall be de novo on the
7 record. Such case shall be advanced in the same manner as other

- 8 causes which involve the public welfare and convenience and shall
 9 be set for an early hearing.
 10 (19) The verbatim testimony transcribed by the official
 11 stenographer, including all exhibits received, shall constitute the
 12 bill of exceptions. The decision appealed and the bill of
 13 exceptions duly certified by the members of the arbitration panel
 14 shall constitute the complete record on appeal.
 15 Sec. 5. The Revisor of Statutes shall assign section 4
 16 of this act within sections 2-3201 to 2-32,114."
 17 3. Renumber the remaining section accordingly.

Senator Wehrbein requested a ruling of the Chair on whether the Beutler amendment is germane to the Standing Committee amendment.

The Chair ruled the Beutler amendment is not germane to the Standing Committee amendment.

The Standing Committee amendment, as amended, was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1267. Introduced by Landis, 46; Preister, 5.

A BILL FOR AN ACT relating to radioactive waste; to state intent; to define terms; to provide for shipment fees; to create a fund; and to provide duties for the Department of Health and Human Services.

LEGISLATIVE BILL 1268. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Uniform Interstate Family Support Act; to amend sections 42-701, 42-702, 42-704 to 42-706, 42-709 to 42-714, 42-716 to 42-721, 42-723 to 42-727, 42-729, 42-730, 42-732 to 42-734.02, 42-734.05 to 42-740, 42-742, 42-745 to 42-747.01, and 42-748 to 42-751, Reissue Revised Statutes of Nebraska; to adopt uniform changes to the act; to provide a duty for the Revisor of Statutes; to provide an operative date; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 1269. Introduced by Landis, 46.

A BILL FOR AN ACT relating to telecommunications; to amend sections 75-134 and 75-156, Revised Statutes Supplement, 2000, and section 75-132.01, Revised Statutes Supplement, 2001; to prohibit the use of customer proprietary network information by telecommunications companies; to provide powers and duties for the Public Service Commission; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1270. Introduced by Jones, 43; Bromm, 23; Bruning, 3; Hudkins, 21; Kremer, 34; Stuhr, 24.

A BILL FOR AN ACT relating to electrical service; to provide requirements relating to net metering systems.

LEGISLATIVE BILL 1271. Introduced by Smith, 48.

A BILL FOR AN ACT relating to the Licensing of Truth and Deception Examiners Act; to amend sections 81-1917, 81-1918, and 81-1919, Reissue Revised Statutes of Nebraska; to change provisions relating to licensure requirements for the operation of a voice stress analysis instrument; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1272. Introduced by Brown, 6; Chambers, 11; Kruse, 13.

A BILL FOR AN ACT relating to environmental protection; to amend section 9-812, Revised Statutes Supplement, 2001, as amended by section 1, Legislative Bill 3, Ninety-seventh Legislature, First Special Session, 2001; to create the Environmental Response Contingency Fund; to provide for its use and funding; and to repeal the original section.

LEGISLATIVE BILL 1273. Introduced by Brown, 6.

A BILL FOR AN ACT relating to Class V school districts; to amend sections 32-552 and 79-552, Reissue Revised Statutes of Nebraska; to provide for review of changes in boundaries of election districts by the school board; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1274. Introduced by Byars, 30.

A BILL FOR AN ACT relating to public health; to amend sections 71-507, 71-510, and 71-511, Revised Statutes Supplement, 2000; to include public safety officials in disease exposure provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1275. Introduced by Connealy, 16; Kruse, 13; Synowiecki, 7.

A BILL FOR AN ACT relating to individual development accounts; to appropriate funds for a pilot project.

LEGISLATIVE BILL 1276. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to cities of the first class; to amend sections 16-901 and 16-902, Reissue Revised Statutes of Nebraska; to change provisions relating to zoning outside a city's corporate boundaries; and to repeal the original sections.

LEGISLATIVE BILL 1277. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to children; to provide for voluntary service agreements between parents and the Department of Health and Human Services; and to provide a duty for the Revisor of Statutes.

LEGISLATIVE BILL 1278. Introduced by Brashear, 4; Dierks, 40.

A BILL FOR AN ACT relating to unlawful restraint of trade; to amend sections 59-806, 59-808 to 59-810, 59-812, 59-815, 59-816, 59-819 to 59-822, 59-824, 59-826 to 59-831, and 68-1035, Reissue Revised Statutes of Nebraska, section 59-823, Revised Statutes Supplement, 2000, and section 59-1803, Revised Statutes Supplement, 2001; to provide for illegal overcharge or undercharge actions as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1279. Introduced by Brashear, 4; Jensen, 20.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 30-24,113 and 30-2601.01, Reissue Revised Statutes of Nebraska, and sections 30-1601, 30-2201, 30-2220, 30-2620.01, and 30-2643, Revised Statutes Supplement, 2000; to adopt the Nebraska Family Trust Act; to provide for the establishment of and distribution from trusts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1280. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2702.17, 77-2704.07, 77-2704.13, 77-2704.24, 77-3506.02, 77-3509.01 to 77-3509.03, 77-3511, 77-3521, 77-3522, and 77-3529, Reissue Revised Statutes of Nebraska, sections 77-2702.07, 77-2702.13 to 77-2702.15, 77-2703, 77-2715.02, 77-3501, 77-3510, 77-3512 to 77-3514, 77-3516, and 77-3523, Revised Statutes Supplement, 2000, and sections 77-2701, 77-2715.07, 77-3442, and 79-1008.01, Revised Statutes Supplement, 2001; to change income tax, sales and use tax, levy limit, and homestead provisions; to eliminate sales tax exemptions as prescribed; to create an income tax credit; to change income tax rates; to provide a homestead exemption; to harmonize provisions; to provide severability; to provide operative dates; to repeal the original sections; to outright repeal sections 77-2704.03, 77-2704.04, 77-2704.22, and 77-2704.36 to 77-2704.38, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 1281. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to the death penalty; to amend sections 28-303, 29-2520, 29-2521, 29-2522, 29-2532, 29-2533, 29-2542, and 29-2543, Reissue Revised Statutes of Nebraska; to change the method of determination of a sentence of death; to change the method of inflicting the

death penalty; to provide duties for the warden of the Nebraska Penal and Correctional Complex; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 1282. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to civil procedure; to provide that the Supreme Court promulgate rules of pleading in civil actions.

LEGISLATIVE BILL 1283. Introduced by Synowiecki, 7.

A BILL FOR AN ACT relating to juveniles; to amend sections 28-705 and 43-248, Reissue Revised Statutes of Nebraska; to adopt the Abandoned Infants Safe Haven Act; to provide a defense to prosecution as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1284. Introduced by Kremer, 34.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend section 77-4108, Reissue Revised Statutes of Nebraska; to provide for the transfer of credits as prescribed; and to repeal the original section.

LEGISLATIVE BILL 1285. Introduced by Bromm, 23; Dierks, 40; Jones, 43; Raikes, 25; Robak, 22; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to agriculture; to create the Livestock Industry Issue Task Force; to provide duties; and to declare an emergency.

LEGISLATIVE BILL 1286. Introduced by Bromm, 23; Byars, 30; Hudkins, 21; Jones, 43.

A BILL FOR AN ACT relating to telecommunications; to amend sections 86-802, 86-1303, and 86-1305, Reissue Revised Statutes of Nebraska, sections 75-134 and 75-156, Revised Statutes Supplement, 2000, and sections 75-132.01, 86-804, 86-808, 86-1405, and 86-2204, Revised Statutes Supplement, 2001; to authorize regulation of wireless carriers as prescribed; to provide powers and duties; to define and redefine terms; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1287. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-908, Reissue Revised Statutes of Nebraska; to change provisions relating to failure to appear in cases of misdemeanor or city or village ordinance violations; and to repeal the original section.

GENERAL FILE

LEGISLATIVE BILL 259. Senator Beutler renewed his pending motion, found on page 311, to indefinitely postpone.

Senator Beutler withdrew his motion to indefinitely postpone.

Advanced to E & R for review with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 285 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 285.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs
 Room 1507

| | | |
|---------|-----------------------------|---------|
| LB 882 | Wednesday, January 30, 2002 | 1:30 PM |
| LB 908 | Wednesday, January 30, 2002 | 1:30 PM |
| LB 932 | Wednesday, January 30, 2002 | 1:30 PM |
| LB 951 | Wednesday, January 30, 2002 | 1:30 PM |
| LB 954 | Wednesday, January 30, 2002 | 1:30 PM |
| LB 903 | Thursday, January 31, 2002 | 1:30 PM |
| LB 965 | Thursday, January 31, 2002 | 1:30 PM |
| LB 966 | Thursday, January 31, 2002 | 1:30 PM |
| LB 1108 | Thursday, January 31, 2002 | 1:30 PM |

(Signed) DiAnna R. Schimek, Chairperson

Judiciary
 Room 1113

| | | |
|---------|-----------------------------|---------|
| LB 1076 | Wednesday, January 30, 2002 | 1:30 PM |
| LB 1109 | Wednesday, January 30, 2002 | 1:30 PM |
| LB 1196 | Wednesday, January 30, 2002 | 1:30 PM |
| LB 861 | Thursday, January 31, 2002 | 1:30 PM |
| LB 1080 | Thursday, January 31, 2002 | 1:30 PM |
| LB 1190 | Thursday, January 31, 2002 | 1:30 PM |

(Signed) Kermit A. Brashear, Chairperson

AMENDMENT - Print in Journal

Senator Brashear filed the following amendment to LB 82:
AM2314

(Amendments to Standing Committee amendments, AM1962)

- 1 1. On page 3, line 3, strike "Fourth" and insert
- 2 "Fifth"; and in line 4 strike "7" and insert "12".

RESOLUTIONS

LEGISLATIVE RESOLUTION 292CA. Introduced by Beutler, 28.

THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2002 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 24:

III-24 "(1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for other purposes as directed by the Legislature. No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees within a licensed racetrack enclosure or (b) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.

(5) For purposes of this section:

(a) Gaming means any game played with cards, dice, equipment, or a machine for money, credit, or any representative of value if the game is not included within the definition of Class I or Class II gaming under the federal Indian Gaming Regulatory Act as of January 1, 2002; and

(b) Interdiction gaming zone means an area of the state that lies within

two miles of an adjoining state which allows gaming, except that (i) no such zone may contain lands within the limits of a federally recognized Indian tribe's Indian reservation in Nebraska recognized as of October 1988, or real property in Knox County and Boyd County held by the Secretary of the Interior in trust for the benefit of the Ponca Tribe, and (ii) no interdiction gaming zone or gaming in such zone once established shall be continued if the adjoining state has prohibited gaming in its jurisdiction for two years.

(6) Nothing in the statutes or Constitution of Nebraska shall be construed to prohibit or restrict gaming operated by a federally recognized Indian tribe in Nebraska on lands within the limits of the tribe's Indian reservation recognized as of October 1988, or on real property in Knox County and Boyd County held by the Secretary of the Interior in trust for the benefit of the Ponca Tribe, and over which the tribe has jurisdiction when such gaming is conducted in accordance with federal law.

(7) Nothing in the Constitution of Nebraska shall be construed to prohibit or restrict gaming as authorized in this section in an interdiction gaming zone created by the Legislature pursuant to this subsection. The Legislature may make laws creating one interdiction gaming zone and authorizing up to six gaming facilities within the zone. The Legislature may provide for regulation and taxation of gaming activities in the interdiction gaming zone. The Legislature may grant one or more federally recognized Indian tribes in Nebraska the authority to conduct gaming activities in one or more facilities within the interdiction gaming zone if the tribe or tribes agree not to conduct gaming activities on the reservation land of the tribe or tribes or upon land in Knox County or Boyd County held by the Secretary of the Interior in trust for the benefit of the Ponca Tribe.

(8) Of all revenue received by the state from gaming activities in gaming facilities located in the interdiction gaming zone or from revenue-sharing agreements contained in or resulting from a compact between the State of Nebraska and a federally recognized Indian tribe in Nebraska which authorizes gaming on reservation or trust lands within the state, forty-five percent shall be used by the state for property tax relief, and forty-five percent shall be used to enhance after-school and summer programs in public school districts."

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

"A constitutional amendment to define gaming, to authorize creation of an interdiction gaming zone, to permit gaming on Indian lands and in the interdiction gaming zone, and to provide for distribution of state revenue from such gaming.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 293CA. Introduced by Bromm, 23;
Dw. Pedersen, 39.

THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2002 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 7:

III-7 "At the general election to be held in November 1964, one-half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature.

When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall ~~where~~ if necessary specify the newly established district which they shall represent for the balance of their ~~term~~ terms.

Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization.

Each member of the Legislature shall receive a salary of not to exceed one thousand dollars per month during the term of his or her office. In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no ~~pay nor perquisites~~ compensation other than ~~his or her~~ their salary and expenses, ~~and employees~~ except that members of the Legislature may participate in any group insurance programs or plans in which other state officers are authorized to participate. Employees of the Legislature shall receive no compensation other than their salary or per diem."

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

"A constitutional amendment to authorize members of the Legislature to participate in group insurance programs or plans in which other state officers are authorized to participate.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 294CA. Introduced by Synowiecki, 7.

THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2002 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VI, section 2:

VI-2 "(1) No person shall be qualified to vote who is non compos mentis,

or who has been convicted of treason or felony under the laws of the state or of the United States, unless restored to civil rights.

(2) No person who is convicted of a felony is qualified to vote until (a) a full pardon is granted by the Governor, Attorney General, and Secretary of State, sitting as a board pursuant to Article IV, section 13 of this Constitution, or (b) ten years have elapsed after the completion of the sentence imposed for the felony, including any period of probation or parole, and such board approves the person's application to have such voting rights restored."

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

"A constitutional amendment to prohibit a felon from voting until pardoned or until ten years after the completion of the felon's sentence and approval by the board of pardons consisting of the Governor, Attorney General, and Secretary of State.

For

Against".

Referred to the Reference Committee.

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 857. Placed on Select File as amended.

E & R amendment to LB 857:

AM7143

- 1 1. On page 8, strike beginning with "sections" in line
- 2 12 through "76-894" in line 13, show as stricken, and insert "the
- 3 Nebraska Condominium Act".
- 4 2. On page 10, line 14, strike "or", show as stricken,
- 5 and insert an underscored comma.

LEGISLATIVE BILL 858. Placed on Select File.

LEGISLATIVE BILL 859. Placed on Select File.

LEGISLATIVE BILL 860. Placed on Select File.

(Signed) Philip Erdman, Chairperson

SENATOR CUDABACK PRESIDING

GENERAL FILE

LEGISLATIVE BILL 482. Title read. Considered.

Advanced to E & R for review with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

SPEAKER KRISTENSEN PRESIDING

LEGISLATIVE BILL 848. Title read. Considered.

Senators Erdman and Aguilar asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers offered the following amendment:

FA817

Page 2, line 12, after "bar" insert "nor permitted to retain such admittance

Senators Price and Engel asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers amendment was adopted with 29 ayes, 1 nay, 13 present and not voting, and 6 excused and not voting.

Senator Chambers offered the following amendment:

FA818

Page 3, line 24, strike beginning with "who" all language through "age" in line 27.

Senator Foley asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers amendment was adopted with 32 ayes, 1 nay, 12 present and not voting, and 4 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 520. Indefinitely postponed.

LEGISLATIVE BILL 521. Indefinitely postponed.

LEGISLATIVE BILL 522. Indefinitely postponed.

LEGISLATIVE BILL 609. Indefinitely postponed.

LEGISLATIVE BILL 689. Indefinitely postponed.

LEGISLATIVE BILL 747. Indefinitely postponed.

(Signed) Ron Raikes, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 864. Placed on General File.

LEGISLATIVE BILL 863. Placed on General File as amended.

Standing Committee amendment to LB 863:

AM2379

- 1 1. Insert the following new section:
- 2 "Sec. 28. Section 81-885.55, Reissue Revised Statutes of

3 Nebraska, is amended to read:

4 81-885.55. (1) Commencing January 1, 1993, every
5 licensee under the Nebraska Real Estate License Act, except an
6 inactive broker or salesperson, shall have errors and omissions
7 insurance to cover all activities contemplated under the act. The
8 commission shall make the errors and omissions insurance available
9 to all licensees by contracting with an insurer for a group policy
10 after competitive bidding. Any group policy obtained by the
11 commission shall be available to all licensees with no right on the
12 part of the insurer to cancel any licensee. Licensees may obtain
13 errors and omissions insurance independently if the coverage
14 complies with the minimum requirements established by the
15 commission.

16 (2) The commission shall determine the terms and
17 conditions of coverage required under this section, including the
18 minimum limits of coverage, the permissible deductible, and
19 permissible exemptions. Each licensee shall be notified of the
20 required terms and conditions at least thirty days prior to the
21 annual license renewal date. A certificate of coverage showing
22 compliance with the required terms and conditions shall be filed
23 with the commission by the annual license renewal date by each
24 licensee who does not participate in the group program administered
1 by the commission.

2 (3) If the commission is unable to obtain errors and
3 omissions insurance coverage to insure all licensees who choose to
4 participate in the group program at a reasonable premium not to
5 exceed ~~one~~ two hundred dollars, the errors and omissions insurance
6 requirement of this section shall not apply during the year for
7 which coverage cannot be obtained."

8 2. On page 5, line 18, strike "co-owner", show as
9 stricken, and insert "or more co-owners".

10 3. On page 44, line 21, strike "and"; and in line 22
11 after the first comma insert "and 81-885.55,".

12 4. Renumber the remaining section accordingly.

LEGISLATIVE BILL 962. Placed on General File as amended.
Standing Committee amendment to LB 962:
AM2377

1 1. Insert the following new sections:

2 "Section 1. Section 52-1601, Revised Statutes
3 Supplement, 2000, is amended to read:

4 52-1601. (1) Prior to July 1, 2001, the Secretary of
5 State shall compile lien information received by his or her office
6 pursuant to subsection (2) of section 9-414, Uniform Commercial
7 Code, into a master lien list in alphabetical order according to
8 the last name of the individual against whom such lien is filed or,
9 in the case of an entity doing business other than as an
10 individual, the first word in the name of the debtor. Such master
11 lien list shall contain the name and address of the debtor, the

12 name and address of the lienholder, and the type of such lien.
 13 (2) On and after July 1, 2001, the Secretary of State
 14 shall compile lien information relative to liens created under
 15 Chapter 52, articles 2, 5, 7, 9, 11, 12, and 14, and Chapter 54,
 16 article 2, received by his or her office pursuant to subsection ~~(b)~~
 17 (a) of section 9-530, Uniform Commercial Code, into a master lien
 18 list in alphabetical order according to the last name of the
 19 individual against whom such lien is filed or, in the case of an
 20 entity doing business other than as an individual, the first word
 21 in the name of the debtor. Such master lien list shall contain the
 22 name and address of the debtor, the name and address of the
 23 lienholder, and the type of such lien.

- 24 Sec. 4. Since an emergency exists, this act takes effect
 1 when passed and approved according to law."
 2 2. On page 3, line 3, reinstate the stricken "(3)
 3 Except" and "as provided in"; in line 4 after the stricken
 4 "subsection" insert "subsections (1) and"; reinstate beginning with
 5 the stricken "(2)" in line 4 through line 7; and in line 9 strike
 6 "is" and insert "and section 52-1601, Revised Statutes Supplement,
 7 2000, are".
 8 3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 871. Indefinitely postponed.

LEGISLATIVE BILL 900. Indefinitely postponed.

(Signed) David M. Landis, Chairperson

AMENDMENT - Print in Journal

Senator Landis filed the following amendment to LB 814:
 AM2382

- 1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 "Section 1. Section 53-167.03, Reissue Revised Statutes
 4 of Nebraska, is amended to read:
 5 53-167.03. (1) Any person who unlawfully tampers with,
 6 alters, or removes the keg identification number from a beer
 7 container after such container has been taken from the licensed
 8 premises pursuant to a retail sale and before its return to such
 9 licensed premises or other place where returned kegs are accepted
 10 shall be guilty of a Class III misdemeanor.
 11 (2) A licensee may require a deposit of not more than
 12 ~~fifty dollars~~ the replacement cost of the container described in
 13 section 53-167.02 from a person purchasing beer for consumption off
 14 the premises, ~~in a container described in section 53-167.02.~~ Such
 15 deposit may be retained by the licensee, in the amount of actual
 16 damages, if upon return the container or any associated equipment
 17 is damaged or if the keg identification number has been unlawfully
 18 tampered with, altered, or removed and such tampering, alteration,

19 or removal has been reported to a law enforcement officer.

20 Sec. 2. Original section 53-167.03, Reissue Revised

21 Statutes of Nebraska, is repealed."

NOTICE OF COMMITTEE HEARINGS

Revenue
Room 1524

| | | |
|---------|---|---------|
| LB 1013 | Wednesday, January 30, 2002 | 2:30 PM |
| LB 1022 | Wednesday, January 30, 2002 | 2:30 PM |
| LB 1042 | Wednesday, January 30, 2002 | 2:30 PM |
| LB 1098 | Wednesday, January 30, 2002 | 2:30 PM |
| LB 1165 | Wednesday, January 30, 2002 | 2:30 PM |
| LB 943 | Thursday, January 31, 2002 | 1:30 PM |
| LB 1064 | Thursday, January 31, 2002 | 1:30 PM |
| LB 1176 | Thursday, January 31, 2002 | 1:30 PM |
| LB 881 | Thursday, January 31, 2002 (reschedule) | 1:30 PM |
| LB 1117 | Thursday, January 31, 2002 | 1:30 PM |
| LB 1146 | Thursday, January 31, 2002 | 1:30 PM |

(Signed) William R. Wickersham, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1288. Introduced by Beutler, 28; Jones, 43.

A BILL FOR AN ACT relating to the Niobrara scenic river corridor; to amend sections 72-2005, 72-2006, 72-2008, 72-2010, and 72-2011, Revised Statutes Supplement, 2000; to name the act; to change council powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1289. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-1223, 25-1225, 25-1226, 25-1228, 25-1230, 25-1231, and 25-1236, Reissue Revised Statutes of Nebraska; to change provisions relating to subpoenas for witnesses and witness fees and expenses; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1290. Introduced by Coordsen, 32; Bromm, 23; Chambers, 11; Kristensen, 37; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to state government; to amend section 84-1604, Reissue Revised Statutes of Nebraska; to authorize elected state officials to participate in the Nebraska State Insurance Program; to redefine

state employee for purposes of the program; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 1291. Introduced by Preister, 5.

A BILL FOR AN ACT relating to scrap tires; to amend sections 81-1504.01, 81-15,159.02, 81-15,161, 81-15,162, and 81-15,164, Reissue Revised Statutes of Nebraska, sections 81-15,167, 81-15,173, 81-15,174, and 81-15,175, Revised Statutes Supplement, 2000, and section 81-15,160, Revised Statutes Supplement, 2001; to change and eliminate provisions relating to allocation and expenditure of tire fees; to create funds; to provide duties for the Nebraska Environmental Trust Board; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-15,159.01, 81-15,161.01, 81-15,162.02, and 81-15,162.08, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 1292. Introduced by Preister, 5.

A BILL FOR AN ACT relating to the Nebraska Clean Indoor Air Act; to amend section 71-5707, Revised Statutes Supplement, 2000; to prohibit smoking in buildings of political subdivisions; and to repeal the original section.

LEGISLATIVE BILL 1293. Introduced by Preister, 5.

A BILL FOR AN ACT relating to the Integrated Solid Waste Management Act; to amend sections 13-2020 and 25-2803, Reissue Revised Statutes of Nebraska; to eliminate a filing limitation for claims by political subdivisions in Small Claims Court; and to repeal the original sections.

LEGISLATIVE BILL 1294. Introduced by Preister, 5.

A BILL FOR AN ACT relating to pesticides; to adopt the Pesticide Notification Act; and to provide severability.

LEGISLATIVE BILL 1295. Introduced by Preister, 5.

A BILL FOR AN ACT relating to pesticides; to amend section 2-2625, Reissue Revised Statutes of Nebraska; to adopt the Local Pesticide Notification Act; to harmonize provisions; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 1296. Introduced by Preister, 5.

A BILL FOR AN ACT relating to pesticides; to adopt the School Pesticide Notification Act; and to provide severability.

LEGISLATIVE BILL 1297. Introduced by Preister, 5.

A BILL FOR AN ACT relating to public power; to amend sections 70-1012 and 70-1014, Reissue Revised Statutes of Nebraska, and section 70-1001.01, Revised Statutes Supplement, 2000; to define a term; to exempt net metering generating facilities from approval requirements; to change duties of the Power Review Board; and to repeal the original sections.

LEGISLATIVE BILL 1298. Introduced by Coordsen, 32; Dierks, 40.

A BILL FOR AN ACT relating to commercial motor vehicles; to amend section 60-465, Reissue Revised Statutes of Nebraska; to redefine commercial motor vehicle; and to repeal the original section.

LEGISLATIVE BILL 1299. Introduced by Hartnett, 45; Thompson, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 13-518, Revised Statutes Supplement, 2001; to redefine restricted funds; and to repeal the original section.

LEGISLATIVE BILL 1300. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend section 77-4104, Revised Statutes Supplement, 2000; to change employment requirements; and to repeal the original section.

LEGISLATIVE BILL 1301. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to historic preservation; to adopt the Nebraska Historic Preservation Act; to change property tax assessments on historically significant real property as prescribed; and to provide powers and duties for the county assessor.

LEGISLATIVE BILL 1302. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Campaign Finance Limitation Act; to amend sections 32-1601, 32-1607, and 32-1612, Reissue Revised Statutes of Nebraska, section 32-1604.01, Revised Statutes Supplement, 2000, and section 32-1604, Revised Statutes Supplement, 2001; to prohibit exceeding spending limitations as prescribed; to provide for civil penalties; to provide for adjustments to spending limitations and for reports; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 1303. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-3601, 29-3603, and 29-3604, Reissue Revised Statutes of Nebraska, and

section 29-3602, Revised Statutes Supplement, 2000; to provide for a driver's safety training program as pretrial diversion; to provide duties for the Department of Motor Vehicles; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 1304. Introduced by Smith, 48; Dierks, 40; Erdman, 47.

A BILL FOR AN ACT relating to ethanol; to amend sections 66-1345.01 and 66-1345.04, Revised Statutes Supplement, 2001; to change excise tax rates and intent; and to repeal the original sections.

LEGISLATIVE BILL 1305. Introduced by Kremer, 34; Burling, 33; Robak, 22.

A BILL FOR AN ACT relating to schools; to amend sections 79-234 and 79-475, Reissue Revised Statutes of Nebraska, and section 79-473, Revised Statutes Supplement, 2000; to change provisions relating to annexed territory; and to repeal the original sections.

LEGISLATIVE BILL 1306. Introduced by Preister, 5.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-101, Revised Statutes Supplement, 2001; to state intent; to prohibit certain sales of alcoholic liquor as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 1307. Introduced by Executive Board: Coordsen, 32, Chairperson; Beutler, 28; Byars, 30; Chambers, 11; Cudaback, 36; Engel, 17; Jones, 43; Kristensen, 37.

A BILL FOR AN ACT relating to state buildings; to amend section 81-1108.21, Reissue Revised Statutes of Nebraska; to change provisions relating to allocation of space; to repeal the original section; and to declare an emergency.

UNANIMOUS CONSENT - Add Cointroducers

Senator Bruning asked unanimous consent to have his name added as cointroducer to LB 82 and LB 426. No objections. So ordered.

Senator Vrtiska asked unanimous consent to have his name added as cointroducer to LB 912. No objections. So ordered.

Senator Maxwell asked unanimous consent to have his name added as cointroducer to LB 988. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 848. Senator Beutler offered the following

amendment:

FA819

On lines 5 and 6 and 7, page 2 put a period after "Court" on line 5 and strike the remainder of the sentence

The Beutler amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 848A. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

VISITORS

Visitor to the Chamber was Andrew Heilbrun from Kimball.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator Dierks, the Legislature adjourned until 9:00 a.m., Thursday, January 24, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

ELEVENTH DAY - JANUARY 24, 2002**LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE
SECOND SESSION****ELEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, January 24, 2002

PRAYER

The prayer was offered by Senator Dierks.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Aguilar and Suttle who were excused; and Senators Brown, Coordsen, Engel, Kristensen, Landis, Maxwell, Dw. Pedersen, and Raikes who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the tenth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bills and legislative resolution:

| LB/LR | Committee |
|--------------|---|
| LB 1200 | Government, Military and Veterans Affairs |
| LB 1201 | Education |
| LB 1202 | Judiciary |
| LB 1203 | Urban Affairs |
| LB 1204 | Education |
| LB 1205 | Banking, Commerce and Insurance |
| LB 1206 | Education |
| LB 1207 | Health and Human Services |
| LB 1208 | Revenue |
| LB 1209 | Agriculture |
| LB 1210 | Transportation and Telecommunications |

| | |
|----------|---|
| LB 1211 | Transportation and Telecommunications |
| LB 1212 | Education |
| LB 1213 | Education |
| LB 1214 | Revenue |
| LB 1215 | Banking, Commerce and Insurance |
| LB 1216 | Health and Human Services |
| LB 1217 | Judiciary |
| LB 1218 | Judiciary |
| LB 1219 | Appropriations |
| LB 1220 | Judiciary |
| LB 1221 | Revenue |
| LB 1222 | Government, Military and Veterans Affairs |
| LB 1223 | Judiciary |
| LB 1225 | Revenue |
| LB 1226 | Education |
| LB 1227 | Judiciary |
| LB 1228 | Transportation and Telecommunications |
| LB 1229 | Urban Affairs |
| LB 1230 | Urban Affairs |
| LB 1231 | Business and Labor |
| LB 1232 | Revenue |
| LB 1233 | Government, Military and Veterans Affairs |
| LR 289CA | Executive Board |

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

STANDING COMMITTEE REPORTS Urban Affairs

LEGISLATIVE BILL 970. Placed on General File.

LEGISLATIVE BILL 973. Placed on General File as amended.
Standing Committee amendment to LB 973:
AM2383

- 1 1. Insert the following new section:
- 2 "Sec. 2. This act becomes operative on October 1,
- 3 2002."
- 4 2. Renumber the remaining section accordingly.

(Signed) D. Paul Hartnett, Chairperson

ANNOUNCEMENTS

Senator Vrtiska designates LB 1104 as his priority bill.

Senator Quandahl designates LB 391 as his priority bill.

Senator Cunningham designates LB 1257 as his priority bill.

Senator D. Pederson designates LB 185 as his priority bill.

Senator Tyson designates LB 1211 as his priority bill.

Senator Raikes designates LB 1172 as his priority bill.

Senator Coordsen designates LB 600 as his priority bill.

Senator Byars designates LB 1120 as his priority bill.

Senator Schimek designates LR 6CA as her priority resolution.

Senator Jones designates LB 470 as his priority bill.

Senator Brown designates LB 1089 as her priority bill.

Senator Baker designates LB 384 as his priority bill.

Senator McDonald designates LB 935 as her priority bill.

GENERAL FILE

LEGISLATIVE BILL 82. Title read. Considered.

The Standing Committee amendment, AM1962, printed separately and referred to on page 1937, First Session, 2001, was considered.

Senator Brashear renewed his pending amendment, AM2314, found on page 331, to the Standing Committee amendment.

Senator Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

The Brashear amendment was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Senator Beutler requested a division of the question on the Standing Committee amendment.

The Chair sustained the division of the question.

The first Standing Committee amendment is as follows:
FA821

- 1 1. Strike original section 2 and insert the following
- 2 new sections:
- 3 "Section 1. A citation issued by a law enforcement

4 officer shall not contain the cited person's social security
5 number.

6 Sec. 2. Section 18-1741.03, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 18-1741.03. To insure uniformity, the Supreme Court may
9 prescribe the form of the handicapped parking citation to be used
10 for handicapped parking infractions. The handicapped parking
11 citation shall include a description of the handicapped parking
12 infraction, the time and place at which the person cited is to
13 appear, a warning that failure to appear in accordance with the
14 command of the citation is a punishable offense, and such other
15 matter as the Supreme Court deems appropriate, but shall not
16 include a place for the cited person's social security number. The
17 handicapped parking citation shall provide space for an affidavit
18 by a peace officer certifying that the recipient of the citation is
19 the lawful possessor in his or her own right of a handicapped or
20 disabled parking permit issued under the provisions of section
21 18-1738 or 18-1738.01 and that the peace officer has personally
22 viewed the permit. The Supreme Court may provide that a copy of
23 the handicapped parking citation constitutes the complaint filed in
24 the trial court.

11 Sec. 5. Section 28-106, Revised Statutes Supplement,
12 2000, is amended to read:

13 28-106. (1) For purposes of the Nebraska Criminal Code
14 and any statute passed by the Legislature after the date of passage
15 of the code, misdemeanors are divided into seven classes which are
16 distinguished from one another by the following penalties which are
17 authorized upon conviction:

18 Class I misdemeanor..... Maximum -- not more than one year
19 imprisonment, or one thousand dollars
20 fine, or both

21 Minimum -- none

22 Class II misdemeanor..... Maximum -- six months imprisonment, or
23 one thousand dollars fine, or both

24 Minimum -- none

25 Class III misdemeanor..... Maximum -- three months imprisonment,
26 or five hundred dollars fine, or both

27 Minimum -- none

1 Class IIIA misdemeanor.... Maximum -- seven days imprisonment,
2 five hundred dollars fine, or both

3 Minimum -- none

4 Class IV misdemeanor..... Maximum -- no imprisonment, five
5 hundred dollars fine

6 Minimum -- one hundred dollars fine

7 Class V misdemeanor..... Maximum -- no imprisonment, one hundred
8 dollars fine

9 Minimum -- none

10 Class W misdemeanor..... Driving while intoxicated -- implied
11 consent refusal

- 12 First conviction
 13 Maximum -- sixty days imprisonment and
 14 five hundred dollars fine
 15 Mandatory minimum -- seven days
 16 imprisonment and four hundred dollars
 17 fine
 18 Second conviction
 19 Maximum -- ninety days imprisonment and
 20 five hundred dollars fine
 21 Mandatory minimum -- thirty days
 22 imprisonment and five hundred dollars
 23 fine
 24 Third conviction
 25 Maximum -- one year imprisonment and
 26 six hundred dollars fine
 27 Mandatory minimum -- ninety days
 1 imprisonment and six hundred dollars
 2 fine
 3 (2) Sentences of imprisonment in misdemeanor cases shall
 4 be served in the county jail, except that in the following
 5 circumstances the court may, in its discretion, order that such
 6 sentences be served in institutions under the jurisdiction of the
 7 Department of Correctional Services:
 8 (a) If the sentence is for a term of one year upon
 9 conviction of a Class I misdemeanor; ~~or for a combined term of one~~
 10 ~~year or more in the event of conviction of more than one~~
 11 ~~misdemeanor offense;~~
 12 (b) If the sentence is to be served concurrently or
 13 consecutively with a term for conviction of a felony; or
 14 (c) If the Department of Correctional Services has
 15 certified as provided in section 28-105 as to the availability of
 16 facilities and programs for short-term prisoners and the sentence
 17 is for a term ~~or combined terms~~ of six months or more.
 12 Sec. 10. Section 28-1204.04, Reissue Revised Statutes of
 13 Nebraska, is amended to read:
 14 28-1204.04. (1) Any person who possesses a firearm in a
 15 school, on school grounds, in a school-owned vehicle, or at a
 16 school-sponsored activity or athletic event shall be guilty of the
 17 offense of unlawful possession of a firearm on school grounds.
 18 Unlawful possession of a firearm on school grounds is a Class ~~IV~~ II
 19 misdemeanor. This subsection shall not apply to (a) the issuance
 20 of firearms to or possession by members of the armed forces of the
 21 United States, active or reserve, National Guard of this state, or
 22 Reserve Officers Training Corps or peace officers or other duly
 23 authorized law enforcement officers when on duty or training, (b)
 24 firearms which may lawfully be possessed by the person receiving
 25 instruction, for instruction under the immediate supervision of an
 26 adult instructor, or (c) firearms contained within a private
 27 vehicle operated by a nonstudent adult which are not loaded and (i)

1 are encased or (ii) are in a locked firearm rack that is on a motor
2 vehicle. For purposes of this subsection, encased shall mean
3 enclosed in a case that is expressly made for the purpose of
4 containing a firearm and that is completely zipped, snapped,
5 buckled, tied, or otherwise fastened with no part of the firearm
6 exposed.

7 (2) Any firearm possessed in violation of subsection (1)
8 of this section in a school, on school grounds, in a school-owned
9 vehicle, or at a school-sponsored activity or athletic event shall
10 be confiscated without warrant by a peace officer or may be
11 confiscated without warrant by school administrative or teaching
12 personnel. Any firearm confiscated by school administrative or
13 teaching personnel shall be delivered to a peace officer as soon as
14 practicable.

15 (3) Any firearm confiscated by or given to a peace
16 officer pursuant to subsection (2) of this section shall be
17 declared a common nuisance and shall be held by the peace officer
18 prior to his or her delivery of the firearm to the property
19 division of the law enforcement agency which employs the peace
20 officer. The property division of such law enforcement agency
21 shall hold such firearm for as long as the firearm is needed as
22 evidence. After the firearm is no longer needed as evidence it
23 shall be destroyed in such manner as the court may direct.

24 (4) Whenever a firearm is confiscated and held pursuant
25 to this section or section 28-1204.02, the peace officer who
26 received such firearm shall cause to be filed within ten days after
27 the confiscation a petition for destruction of such firearm. The
1 petition shall be filed in the district court of the county in
2 which the confiscation is made. The petition shall describe the
3 firearm held, state the name of the owner, if known, allege the
4 essential elements of the violation which caused the confiscation,
5 and conclude with a prayer for disposition and destruction in such
6 manner as the court may direct. At any time after the confiscation
7 of the firearm and prior to court disposition, the owner of the
8 firearm seized may petition the district court of the county in
9 which the confiscation was made for possession of the firearm. The
10 court shall release the firearm to such owner only if the claim of
11 ownership can reasonably be shown to be true and either (a) the
12 owner of the firearm can show that the firearm was taken from his
13 or her property or place of business unlawfully or without the
14 knowledge and consent of the owner and that such property or place
15 of business is different from that of the person from whom the
16 firearm was confiscated or (b) the owner of the firearm is
17 acquitted of the charge of unlawful possession of a revolver in
18 violation of section 28-1204, unlawful transfer of a firearm to a
19 juvenile, or unlawful possession of a firearm on school grounds.
20 No firearm having significant antique value or historical
21 significance as determined by the Nebraska State Historical Society
22 shall be destroyed. If a firearm has significant antique value or

23 historical significance, it shall be sold at auction and the
24 proceeds deposited in the permanent school fund.

25 Sec. 11. Section 28-1213, Revised Statutes Supplement,
26 2000, is amended to read:

27 28-1213. For purposes of sections 28-1213 to 28-1239,
1 unless the context otherwise requires:

2 (1) Person shall mean any individual, corporation,
3 company, association, firm, partnership, limited liability company,
4 society, or joint-stock company;

5 (2) Business enterprise shall mean any corporation,
6 partnership, limited liability company, company, or joint-stock
7 company;

8 (3) Explosive materials shall mean explosives, blasting
9 agents, and detonators;

10 (4) Explosives shall mean any chemical compound, mixture,
11 or device, the primary or common purpose of which is to function by
12 explosion, including, but not limited to, dynamite and other high
13 explosives, black powder, pellet powder, initiating explosives,
14 detonators, safety fuses, squibs, detonating cord, ignited cord,
15 igniters, display fireworks as defined in section 28-1241, and
16 firecrackers or devices containing more than one hundred thirty
17 milligrams of explosive composition, but shall not include common
18 fireworks as defined in such section, gasoline, kerosene, naphtha,
19 turpentine, benzine, acetone, ethyl ether, benzol, fixed ammunition
20 and primers for small arms, safety fuses, or matches;

21 (5) Blasting agent shall mean any material or mixture,
22 intended for blasting which meets the requirements of the federal
23 Hazardous Material Regulations, 49 C.F.R. part 173, subpart C, as
24 such subpart existed on the effective date of this act;

25 (6) Detonator shall mean any device containing an
26 initiating or primary explosive that is used for initiating
27 detonation. Excluding ignition or delay charges, a detonator shall
1 not contain more than ten grams of explosive material per unit.
2 Detonator shall include an electric detonator of instantaneous or
3 delay type, a detonator for use with safety fuses, a detonating
4 cord delay connector, and a nonelectric detonator of instantaneous
5 or delay type which consists of detonating cord, shock tube, or any
6 other replacement for electric leg wires;

7 (7) Destructive devices shall mean:

8 (a) Any explosive, incendiary, chemical or biological
9 poison, or poison gas (i) bomb, (ii) grenade, (iii) rocket having a
10 propellant charge of more than four ounces, (iv) missile having an
11 explosive or incendiary charge of more than one-quarter ounce, (v)
12 mine, (vi) booby trap, (vii) Molotov cocktail, (viii) bottle bomb,
13 ~~or~~ (ix) vessel or container intentionally caused to rupture or
14 mechanically explode by expanding pressure from any gas, acid, dry
15 ice, or other chemical mixture, or (x) any similar device, the
16 primary or common purpose of which is to explode and to be used as
17 a weapon against any person or property; or

18 (b) Any combination of parts either designed or intended
19 for use in converting any device into a destructive device as
20 defined in subdivision (7)(a) of this section from which a
21 destructive device may be readily assembled. The term destructive
22 device shall not include (i) any device which is neither designed
23 nor redesigned for use as a weapon to be used against person or
24 property, (ii) any device, although originally designed for use as
25 a weapon, which is redesigned for use as a signaling, pyrotechnic,
26 line-throwing, safety, or similar device, (iii) surplus ordnance
27 sold, loaned, or given by the Secretary of the Army pursuant to 10
1 U.S.C. 4684(2), 4685, or 4686, (iv) any other device which the
2 Nebraska State Patrol finds is not likely to be used as a weapon or
3 is an antique, or (v) any other device possessed under
4 circumstances negating an intent that the device be used as a
5 weapon against any person or property;

6 (8) Federal permittee shall mean any lawful user of
7 explosive materials who has obtained a federal user permit under 18
8 U.S.C. chapter 40;

9 (9) Federal licensee shall mean any importer,
10 manufacturer, or dealer in explosive materials who has obtained a
11 federal importers', manufacturers', or dealers' license under 18
12 U.S.C. chapter 40, as such chapter existed on the effective date of
13 this act; and

14 (10) Smokeless propellants shall mean solid propellants
15 commonly called smokeless powders in the trade and used in small
16 arms ammunition.

17 Sec. 12. Section 28-1221, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 28-1221. (1) ~~Any~~ A person who conveys any threat or
20 maliciously conveys to any other person false information knowing
21 the same to be false, concerning an attempt or alleged attempt
22 being made or to be made to kill, injure, or intimidate any
23 individual or unlawfully to damage or destroy any building,
24 vehicle, or other real or personal property by means of any
25 explosive material or destructive device commits the offense of
26 threatening the use of explosives.

27 (2) A person who places or causes to be placed any device
1 or object that by its design, construction, content, or character
2 appears to be or appears to contain a bomb, destructive device, or
3 explosive, but is in fact an inoperative facsimile or imitation of
4 a bomb, destructive device, or explosive and which such person
5 knows, intends, or reasonably believes is likely to cause public
6 alarm or inconvenience, commits the offense of placing a false
7 bomb.

8 (3) Threatening the use of explosives or placing a false
9 bomb is a Class IV felony.

10 Sec. 13. Section 29-423, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 29-423. To achieve uniformity, the Supreme Court may

13 prescribe the form of citation. The citation shall include a
14 description of the crime or offense charged, the time and place at
15 which the person cited is to appear, a warning that failure to
16 appear in accordance with the command of the citation is a
17 punishable offense, and such other matter as the court deems
18 appropriate, but shall not include a place for the cited person's
19 social security number. The court may provide that a copy of the
20 citation shall constitute the complaint filed in the trial court.

8 Sec. 17. Section 29-3504, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 29-3504. Administration of criminal justice shall mean
11 performance of any of the following activities: Detection,
12 apprehension, detention, pretrial release, pretrial diversion,
13 posttrial release, prosecution, defense by a full-time public
14 defender's office, defense by the Commission on Public Advocacy,
15 adjudication, correctional supervision, or rehabilitation of
16 accused persons or criminal offenders. The administration of
17 criminal justice shall include criminal identification activities
18 and the collection, storage, and dissemination of criminal history
19 record information.

20 Sec. 18. Section 32-1549, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 32-1549. (1) A peace officer may issue a citation in
23 lieu of arrest for any offense which is a misdemeanor under the
24 Election Act. The citation may be served in the same manner as an
25 arrest warrant, in the same manner as a summons in a civil action,
26 or by certified mail.

27 (2) To achieve uniformity, the Supreme Court may

1 prescribe the form of citation. The citation shall include a
2 description of the crime or offense charged, the time and place at
3 which the person cited is to appear, a warning that failure to
4 appear in accordance with the command of the citation is a
5 punishable offense, and such other matter as the court deems
6 appropriate, but shall not include a place for the cited person's
7 social security number. The court may provide that a copy of the
8 citation shall constitute the complaint filed in the trial court.

9 (3) When a citation is used by a peace officer, he or she
10 shall enter on the citation all required information, including the
11 name and address of the cited person, the offense charged, and the
12 time and place the person cited is to appear in court. Unless the
13 person cited requests an earlier date, the time of appearance shall
14 be at least three days after the issuance of the citation. One
15 copy of the citation shall be delivered to the person cited, and a
16 duplicate thereof shall be signed by such person, giving his or her
17 promise to appear at the time and place stated in the citation.
18 Such person shall be released from custody upon signing the
19 citation. As soon as practicable, the copy signed by the person
20 cited shall be delivered to the prosecuting attorney.

21 (4) At least twenty-four hours before the time set for

22 the appearance of the cited person, the prosecuting attorney shall
23 issue and file a complaint charging such person with an offense or
24 such person shall be released from the obligation to appear as
25 specified. A person cited pursuant to this section may waive his
26 or her right to trial. The Supreme Court may prescribe uniform
27 rules for such waivers.

1 (5) Anyone may use a credit card authorized by the court
2 in which the person is cited as a means of payment of his or her
3 fine and costs.

4 (6) Any person failing to appear or otherwise comply with
5 the command of a citation shall be guilty of a Class III
6 misdemeanor.

7 Sec. 19. Section 42-924, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 42-924. (1) Any victim of domestic abuse may file a
10 petition and affidavit for a protection order as provided in
11 subsection (2) of this section. Upon the filing of such a petition
12 and affidavit in support thereof, the judge or court may issue a
13 protection order without bond granting the following relief:

14 (a) Enjoining the respondent from imposing any restraint
15 upon the petitioner or upon the liberty of the petitioner;

16 (b) Enjoining the respondent from threatening,
17 assaulting, molesting, attacking, or otherwise disturbing the peace
18 of the petitioner;

19 (c) Enjoining the respondent from telephoning,
20 contacting, or otherwise communicating with the petitioner;

21 (d) Removing and excluding the respondent from the
22 residence of the petitioner, regardless of the ownership of the
23 residence;

24 (e) Ordering the respondent to stay away from any place
25 specified by the court;

26 (f) Awarding the petitioner temporary custody of any
27 minor children not to exceed ninety days; or

1 (g) Ordering such other relief deemed necessary to
2 provide for the safety and welfare of the petitioner and any
3 designated family or household member.

4 (2) Petitions for protection orders shall be filed with
5 the clerk of the district court, and the proceeding may be heard by
6 the county court or the district court as provided in section
7 25-2740.

8 (3) A petition filed pursuant to subsection (1) of this
9 section may not be withdrawn except upon order of the court. An
10 order issued pursuant to subsection (1) of this section shall
11 specify that it is effective for a period of one year and, if the
12 order grants temporary custody, the number of days of custody
13 granted to the petitioner unless otherwise modified by the court.
14 Any person who knowingly violates an order issued pursuant to
15 subsection (1) of this section or section 42-931 after service
16 shall be guilty of a Class II misdemeanor, except that (a) any

17 person convicted of violating such order who has a prior conviction
 18 for violating a protection order shall be guilty of a Class I
 19 misdemeanor and (b) any person convicted of violating such order
 20 who has a prior conviction for violating the same protection order
 21 or a protection order granted to the same petitioner shall be
 22 guilty of a Class IV felony.
 23 (4) If there is any conflict between sections 42-924 to
 24 42-926 and any other provision of law, sections 42-924 to 42-926
 25 shall govern.

Senator Bruning offered the following amendment to the first Standing
 Committee amendment:

FA825

Amend FA821

Strike the new language on page 1, lines 15-16 and on page 19, lines 6-7 and
 on page 14, lines 18-19.

Senators McDonald and Jensen asked unanimous consent to be excused
 until they return. No objections. So ordered.

Senator Brashear moved the previous question. The question is, "Shall the
 debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not
 voting.

Senator Bruning requested a record vote on his amendment.

Voting in the affirmative, 13:

| | | | | |
|---------|------------|----------|--------|------------|
| Bromm | Bruning | Burling | Byars | Cunningham |
| Hudkins | Janssen | Jones | Kremer | Smith |
| Stuhr | Synowiecki | Wehrbein | | |

Voting in the negative, 15:

| | | | | |
|--------|----------|----------|--------------|-------|
| Bourne | Brashear | Chambers | Connealy | Engel |
| Foley | Landis | Maxwell | Pederson, D. | Price |
| Raikes | Redfield | Schrock | Thompson | Tyson |

Present and not voting, 15:

| | | | | |
|----------|---------|----------|----------|------------|
| Baker | Beutler | Brown | Coordsen | Cudaback |
| Dierks | Erdman | Hartnett | Kruse | Preister |
| Quandahl | Robak | Schimek | Vrtiska | Wickersham |

Excused and not voting, 6:

| | | | | |
|---------|--------|------------|----------|---------------|
| Aguilar | Jensen | Kristensen | McDonald | Pedersen, Dw. |
| Suttle | | | | |

The Bruning amendment lost with 13 ayes, 15 nays, 15 present and not voting, and 6 excused and not voting.

The first Standing Committee amendment was adopted with 29 ayes, 5 nays, 9 present and not voting, and 6 excused and not voting.

Senator Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

The second Standing Committee amendment is as follows:

FA822

18 Sec. 7. Section 28-1006, Revised Statutes Supplement,
19 2000, is amended to read:

20 28-1006. (1) It shall be the duty of the sheriff, a
21 police officer, or the Nebraska State Patrol to make prompt
22 investigation of and arrest for any violation of section 28-1005.

23 (2) Any animal, equipment, device, or other property or
24 things involved in any violation of section 28-1005 shall be
25 subject to seizure, and disposition may be made in accordance with
26 the method of disposition directed for contraband in section
27 29-820.

1 (3) Any animal involved in any violation of section
2 28-1005 shall be subject to seizure. Distribution or disposition
3 may be made in such manner as the court may direct. The court may
4 give preference to adoption alternatives through humane societies
5 or comparable institutions and to the protection of such animal's
6 welfare. The court may prohibit an adopting or purchasing party
7 from selling such animal for a period not to exceed one year.

8 (4) In addition to any other sentence given for a
9 violation of section 28-1005, the sentencing court may order the
10 defendant to reimburse a public or private agency for expenses
11 incurred in conjunction with the care, impoundment, or disposal,
12 including adoption, of an animal involved in the violation of such
13 section. Whenever the court believes that such reimbursement may
14 be a proper sentence or the prosecuting attorney requests, the
15 court shall order that the presentence investigation report include
16 documentation regarding the nature and amount of the expenses
17 incurred. The court may order that reimbursement be made
18 immediately, in specified installments, or within a specified
19 period of time, not to exceed five years after the date of
20 judgment.

21 Sec. 8. Section 28-1009, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 28-1009. (1) ~~A person commits cruelty to animals if he~~
24 ~~or she abandons, cruelly mistreats, or cruelly neglects an animal.~~
25 ~~Cruelty to animals is a Class II misdemeanor for the first offense~~
26 ~~and a Class I misdemeanor for any subsequent offense.~~

27 (2) A person who abandons or cruelly neglects an animal

1 is guilty of a Class II misdemeanor for the first offense and a
2 Class I misdemeanor for any subsequent offense.

3 (2) A person who cruelly mistreats an animal is guilty of
4 a Class I misdemeanor for the first offense and a Class IV felony
5 for any subsequent offense.

6 (3) A person commits harassment of a police animal if he
7 or she knowingly and intentionally teases or harasses a police
8 animal in order to distract, agitate, or harm the police animal for
9 the purpose of preventing such animal from performing its
10 legitimate official duties. Harassment of a police animal is a
11 Class IV misdemeanor unless the harassment is the proximate cause
12 of the death of the police animal, in which case it is a Class IV
13 felony.

14 Sec. 9. Section 28-1012, Revised Statutes Supplement,
15 2000, is amended to read:

16 28-1012. (1) Any law enforcement officer who has reason
17 to believe that an animal has been abandoned or is being cruelly
18 neglected or cruelly mistreated may seek a warrant authorizing
19 entry upon private property to inspect, care for, or impound the
20 animal.

21 (2) Any law enforcement officer who has reason to believe
22 that an animal has been abandoned or is being cruelly neglected or
23 cruelly mistreated may issue a citation to the owner as prescribed
24 in sections 29-422 to 29-429.

25 (3) Any animal, equipment, device, or other property or
26 things involved in a violation of section 28-1009 or 28-1010 shall
27 be subject to seizure and distribution or disposition may be made
1 in such manner as the court may direct.

2 (4) Any animal involved in a violation of section 28-1009
3 or 28-1010 shall be subject to seizure. Distribution or
4 disposition may be made in such manner as the court may direct.
5 The court may consider adoption alternatives through humane
6 societies or comparable institutions and to the protection of such
7 animal's welfare. The court may prohibit an adopting or purchasing
8 party from selling such animal for a period not to exceed one year.

9 (5) Any law enforcement officer acting under this section
10 shall not be liable for damage to property if such damage is not
11 the result of the officer's negligence.

12 Sec. 14. Section 29-820, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 29-820. (1) Unless other disposition is specifically
24 provided by law, when property seized or held is no longer required
25 as evidence, it shall be disposed of by the law enforcement agency
26 on such showing as the law enforcement agency may deem adequate, as
27 follows:

1 (a) Property stolen, embezzled, obtained by false
2 pretenses, or otherwise obtained unlawfully from the rightful owner
3 thereof shall be restored to the owner;

4 (b) Money shall be restored to the owner unless it was

5 used in unlawful gambling or lotteries or it was used or intended
6 to be used to facilitate a violation of Chapter 28, article 4, in
7 which case the money shall be forfeited and disposed of as required
8 by Article VII, section 7, of the Constitution of Nebraska;
9 (c) Property which is unclaimed or the ownership of which
10 is unknown shall be sold at a public auction held by the officer
11 having custody thereof and the net proceeds disposed of as provided
12 in subdivision (b) of this subsection, as shall any money which is
13 unclaimed or the ownership of which is unknown;
14 (d) Except as provided in subdivision (2)(b) of this
15 section, articles of contraband shall be destroyed; and
16 (e) Except as provided in subdivision (2)(a) of this
17 section, firearms, ammunition, explosives, bombs, and like devices
18 which have been used in the commission of crime shall be destroyed.
19 (2) When the following property is seized or held and is
20 no longer required as evidence, such property shall be disposed of
21 on order of the court as the court may deem adequate:
22 (a) Firearms which may have a lawful use; and
23 (b) Goods which are declared to be contraband but may
24 reasonably be returned to a condition or state in which such goods
25 may be lawfully used, possessed, or distributed by the public.
26 (3) When any animal, as defined by section 28-1008, is
27 seized or held and is no longer required as evidence, such animal
1 may be disposed of in such manner as the court may direct. The
2 court may consider adoption alternatives through humane societies
3 or comparable institutions and to the protection of such animal's
4 welfare. The court may prohibit an adopting or purchasing party
5 from selling such animal for a period not to exceed one year.
6 (4) Unless otherwise provided by law, all other property
7 shall be disposed of in such manner as the court in its sound
8 discretion shall direct.

Senator Price renewed her pending amendment, AM2221, found on page 190, to the second Standing Committee amendment.

The Price amendment was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 259. Placed on Select File as amended.

E & R amendment to LB 259:

AM7144

1 1. Because of the amendment of section 13-518 by Laws
2 2001, LB 335, and section 13-519 by Laws 2001, LB 329, and to
3 incorporate general file amendments, strike the original sections

4 and all amendments thereto and insert the following new sections:
5 "Section 1. A county may raise revenue by levying and
6 collecting a license or occupation tax on any person, partnership,
7 limited liability company, corporation, or business engaged in the
8 sale of admissions to recreational, cultural, entertainment, or
9 concert events that are subject to sales tax under sections
10 77-2702.03 to 77-2713 that occur outside any incorporated
11 municipality, but within the boundary limits of the county. The
12 tax shall be uniform in respect to the class upon which it is
13 imposed. The tax shall be based upon a certain percentage of gross
14 receipts from sales in the county of the person, partnership,
15 limited liability company, corporation, or business, and may
16 include sales of other goods and services at such locations and
17 events, not to exceed one and one-half percent. A county may not
18 impose the tax on sales that are within an incorporated city or
19 village. No county shall levy and collect a license or occupation
20 tax under this section unless approved by a majority of those
21 voting on the question at a special, primary, or general election.
22 Sec. 2. Section 13-518, Revised Statutes Supplement,
23 2001, is amended to read:
24 13-518. For purposes of sections 13-518 to 13-522:
1 (1) Allowable growth means (a) for governmental units
2 other than community colleges, the percentage increase in taxable
3 valuation in excess of the base limitation established under
4 section 77-3446, if any, due to improvements to real property as a
5 result of new construction, additions to existing buildings, any
6 improvements to real property which increase the value of such
7 property, and any increase in valuation due to annexation and any
8 personal property valuation over the prior year and (b) for
9 community colleges, the percentage increase in excess of the base
10 limitation, if any, in full-time equivalent students from the
11 second year to the first year preceding the year for which the
12 budget is being determined;
13 (2) Capital improvements means (a) acquisition of real
14 property or (b) acquisition, construction, or extension of any
15 improvements on real property;
16 (3) Governing body has the same meaning as in section
17 13-503;
18 (4) Governmental unit means every political subdivision
19 which has authority to levy a property tax or authority to request
20 levy authority under section 77-3443 except sanitary and
21 improvement districts which have been in existence for five years
22 or less and school districts;
23 (5) Qualified sinking fund means a fund or funds
24 maintained separately from the general fund to pay for acquisition
25 or replacement of tangible personal property with a useful life of
26 five years or more which is to be undertaken in the future but is
27 to be paid for in part or in total in advance using periodic
1 payments into the fund. The term includes sinking funds under

2 subdivision (13) of section 35-508 for firefighting and rescue
3 equipment or apparatus;

4 (6) Restricted funds means (a) property tax, excluding
5 any amounts refunded to taxpayers, (b) payments in lieu of property
6 taxes, (c) local option sales taxes, (d) motor vehicle taxes, (e)
7 state aid, (f) transfers of surpluses from any user fee, permit
8 fee, or regulatory fee if the fee surplus is transferred to fund a
9 service or function not directly related to the fee and the costs
10 of the activity funded from the fee, (g) any funds excluded from
11 restricted funds for the prior year because they were budgeted for
12 capital improvements but which were not spent and are not expected
13 to be spent for capital improvements, and (h) the tax provided in
14 section 1 of this act beginning in the second fiscal year in which
15 the county will receive a full year of receipts, and (i) any excess
16 tax collections returned to the county under section 77-1776; and

17 (7) State aid means:

18 (a) For all governmental units, state aid paid pursuant
19 to sections 60-305.15 and 77-3523;

20 (b) For municipalities, state aid to municipalities paid
21 pursuant to sections 18-2605, 39-2501 to 39-2520, 60-3007,
22 77-27,136, and 77-27,139.04 and insurance premium tax paid to
23 municipalities;

24 (c) For counties, state aid to counties paid pursuant to
25 sections 39-2501 to 39-2520, 47-119.01, 60-3001 to 60-3007,
26 77-27,136, and 77-3618, insurance premium tax paid to counties, and
27 reimbursements to counties from the County Revenue Assistance Fund
1 under section 29-3933;

2 (d) For community colleges, state aid to community
3 colleges paid under sections 85-1536 to 85-1537.01;

4 (e) For natural resources districts, state aid to natural
5 resources districts paid pursuant to section 77-27,136; and

6 (f) For educational service units, state aid appropriated
7 under section 79-1241.

8 Sec. 3. Section 13-519, Revised Statutes Supplement,
9 2001, is amended to read:

10 13-519. (1) For fiscal years beginning on or after July
11 1, 1996, and before July 1, 1997, no governmental unit shall adopt
12 a budget containing a total of budgeted restricted funds more than
13 the last prior year's total of budgeted restricted funds plus
14 population growth plus two percent expressed in dollars. For
15 cities of the first and second class and villages, restricted funds
16 shall be reduced to take into account the fourteen-month fiscal
17 year for 1995-96. For fiscal years beginning on or after July 1,
18 1997, and before July 1, 1998, no governmental unit shall adopt a
19 budget containing a total of budgeted restricted funds more than
20 the last prior year's total of budgeted restricted funds plus
21 population growth expressed in dollars. For all fiscal years
22 beginning on or after July 1, 1998, no governmental unit shall
23 adopt a budget containing a total of budgeted restricted funds more

24 than the last prior year's total of budgeted restricted funds plus
25 allowable growth plus the basic allowable growth percentage of the
26 base limitation established under section 77-3446. For all fiscal
27 years beginning on or after July 1, 1998, and before July 1, 1999,

1 the last prior year's total of restricted funds shall be the last
2 prior year's total of restricted funds not excluding restricted
3 funds budgeted for acquisition or replacement of tangible personal
4 property with a useful life of five years or more in the last prior
5 year or the year before the last prior year, whichever excluded the
6 most, plus restricted funds budgeted to pay for lease-purchase
7 contracts approved on or after July 1, 1997, and before July 1,
8 1998, to the extent the lease payments are not budgeted restricted
9 funds for fiscal year 1997-98. For all fiscal years beginning on
10 or after July 1, 2001, and before July 1, 2002, the last prior
11 year's total of restricted funds shall be the last prior year's
12 total of restricted funds plus any amount budgeted to be received
13 from the Natural Resources Enhancement Fund in fiscal year
14 1999-2000. For the second fiscal year in which a county will
15 receive a full year of receipts from the tax imposed in section 1
16 of this act, the prior year's total of restricted funds shall be
17 the prior year's total of restricted funds plus the total receipts
18 from the tax imposed in section 1 of this act in the prior year.

19 If a governmental unit transfers the financial responsibility of
20 providing a service financed in whole or in part with restricted
21 funds to another governmental unit or the state, the amount of
22 restricted funds associated with providing the service shall be
23 subtracted from the last prior year's total of budgeted restricted
24 funds for the previous provider and may be added to the last prior
25 year's total of restricted funds for the new provider. For
26 governmental units that have consolidated, the calculations made
27 under this section for consolidating units shall be made based on
1 the combined total of restricted funds, population, or full-time
2 equivalent students of each governmental unit.

3 (2) In addition to the increase allowed in subsection (1)
4 of this section, for fiscal years beginning on or after July 1,
5 1998, and before July 1, 1999, a governmental unit may increase its
6 budget of restricted funds no more than four percent to create or
7 increase an existing qualified sinking fund or funds upon the
8 affirmative vote of at least seventy-five percent of the governing
9 body. Any unused authority granted in this subsection may not be
10 carried forward under section 13-521.

11 (3) A governmental unit may exceed the limit provided in
12 subsection (1) of this section for a fiscal year by up to an
13 additional one percent upon the affirmative vote of at least
14 seventy-five percent of the governing body.

15 (4) A governmental unit may exceed the applicable
16 allowable growth percentage otherwise prescribed in this section by
17 an amount approved by a majority of legal voters voting on the
18 issue at a special election called for such purpose upon the

19 recommendation of the governing body or upon the receipt by the
 20 county clerk or election commissioner of a petition requesting an
 21 election signed by at least five percent of the legal voters of the
 22 governmental unit. The recommendation of the governing body or the
 23 petition of the legal voters shall include the amount and
 24 percentage by which the governing body would increase its budgeted
 25 restricted funds for the ensuing year over and above the current
 26 year's budgeted restricted funds. The county clerk or election
 27 commissioner shall call for a special election on the issue within
 1 fifteen days after the receipt of such governing body
 2 recommendation or legal voter petition. The election shall be held
 3 pursuant to the Election Act, and all costs shall be paid by the
 4 governing body. The issue may be approved on the same question as
 5 a vote to exceed the levy limits provided in section 77-3444.
 6 (5) In lieu of the election procedures in subsection (4)
 7 of this section, any governmental unit may exceed the allowable
 8 growth percentage otherwise prescribed in this section by an amount
 9 approved by a majority of legal voters voting at a meeting of the
 10 residents of the governmental unit, called after notice is
 11 published in a newspaper of general circulation in the governmental
 12 unit at least twenty days prior to the meeting. At least ten
 13 percent of the registered voters residing in the governmental unit
 14 shall constitute a quorum for purposes of taking action to exceed
 15 the allowable growth percentage. If a majority of the registered
 16 voters present at the meeting vote in favor of exceeding the
 17 allowable growth percentage, a copy of the record of that action
 18 shall be forwarded to the Auditor of Public Accounts along with the
 19 budget documents. The issue to exceed the allowable growth
 20 percentage may be approved at the same meeting as a vote to exceed
 21 the limits or final levy allocation provided in section 77-3444.
 22 Sec. 4. Original sections 13-518 and 13-519, Revised
 23 Statutes Supplement, 2001, are repealed."
 24 2. On page 1, line 1, after the semicolon insert "to
 25 amend sections 13-518 and 13-519, Revised Statutes Supplement,
 26 2001;" and in line 2 before the period insert "; to harmonize
 27 budget provisions; and to repeal the original sections".

LEGISLATIVE BILL 482. Placed on Select File as amended.

E & R amendment to LB 482:

AM7147

- 1 1. On page 1, line 5, after the semicolon insert "to
- 2 change provisions relating to licensure;"
- 3 2. On page 4, line 4, strike "match" and show as
- 4 stricken.

(Signed) Philip Erdman, Chairperson

ANNOUNCEMENTS

Senator Dierks designates LB 1278 as his priority bill.

Senator Redfield designates LB 29 as her priority bill.

AMENDMENTS - Print in Journal

Senator Schimek filed the following amendment to LB 93:
AM2376

- 1 1. On page 2, line 8, after the period insert "The
- 2 committee may also include entities created by executive order or
- 3 by an agency director."; in line 17 strike "to the", show as
- 4 stricken, and insert "or other".

Senator Landis filed the following amendment to LB 547A:
AM2405

- 1 1. Strike original section 1 and insert the following
- 2 new section:
- 3 "Section 1. There is hereby appropriated (1) \$53,036
- 4 from the Department of Insurance Cash Fund for FY2002-03 and (2)
- 5 \$51,121 from the Department of Insurance Cash Fund for FY2003-04 to
- 6 the Department of Insurance, for Program 69, to aid in carrying out
- 7 the provisions of Legislative Bill 547, Ninety-seventh Legislature,
- 8 Second Session, 2002.
- 9 Total expenditures for permanent and temporary salaries
- 10 and per diems from funds appropriated in this section shall not
- 11 exceed \$33,560 for FY2002-03 or \$34,915 for FY2003-04."

Senator Bruning filed the following amendment to LB 619:
AM2386

(Amendments to Standing Committee amendments, AM2093)

- 1 1. Insert the following new section:
- 2 "Section 1. Section 16-1006, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 16-1006. Beginning January 1, 1984, and until the
- 5 effective date of this act, each city of the first class with
- 6 police officers participating in a retirement system shall
- 7 contribute to the retirement system a sum equal to six percent of
- 8 each such participating police officer's periodic salary. On and
- 9 after the effective date of this act, each city of the first class
- 10 with police officers participating in a retirement system shall
- 11 contribute to the retirement system a minimum of six percent of
- 12 each such participating police officer's periodic salary. Such
- 13 payment shall be contributed as provided in subsection (1) of
- 14 section 16-1005 for employee contributions and shall be credited to
- 15 his or her employer account on a monthly basis. Each such account
- 16 shall also be credited with regular interest. The city shall also
- 17 contribute to the employer account of any police officer employed

- 18 by the city on January 1, 1984, an amount equal to the employee
 19 contributions of such police officer that were made to the city
 20 prior to January 1, 1984, without interest, with such contribution
 21 to be made at the time the police officer retires or terminates
 22 employment with the city. The city may contribute such amount
 23 before the police officer's retirement or termination of employment
 1 or credit interest on such contribution."
 2 2. On page 3, line 16, strike "section" and insert
 3 "sections 16-1006 and"; and in line 17 strike "is" and insert
 4 "are".
 5 3. Renumber the remaining sections accordingly.

STANDING COMMITTEE REPORTS

Agriculture

LEGISLATIVE BILL 912. Placed on General File as amended.
 Standing Committee amendment to LB 912:
 AM2389

- 1 1. Strike the original sections and insert the following
 2 sections:
 3 "Section 1. Section 2-4816, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 2-4816. The Farm Mediation Act shall terminate on June
 6 30, ~~2003~~ 2009, unless extended by action of the Legislature.
 7 Sec. 2. Original section 2-4816, Reissue Revised
 8 Statutes of Nebraska, is repealed."

(Signed) Merton L. Dierks, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 972. Placed on General File.
LEGISLATIVE BILL 997. Placed on General File.

LEGISLATIVE BILL 917. Placed on General File as amended.
 Standing Committee amendment to LB 917:
 AM2343

- 1 1. On page 9, line 15, strike "applicable federal law,
 2 rules, or regulations" and insert "47 U.S.C. 153(25), as such
 3 section existed on the operative date of this section".
 4 2. On page 51, line 21, after "with" insert "47 C.F.R.
 5 64.1150, as such section existed on the operative date of this
 6 section, and"; and in lines 22 and 23 strike "and the Federal
 7 Communications Commission.", show as stricken, and insert an
 8 underscored period.
 9 3. On page 75, lines 25 and 26, strike "the rules and
 10 regulations of the Federal Trade Commission", show as stricken, and
 11 insert "16 C.F.R. 308.1 through 308.9, as such sections existed on
 12 the operative date of this section".

13 4. On page 85, line 17, strike "the rules of the Federal
 14 Communications Commission" and insert "47 C.F.R. 26.301, as such
 15 section existed on the operative date of this section".
 16 5. On page 149, strike beginning with "any" in line 12
 17 through "Commission" in line 14, show as stricken, and insert "47
 18 C.F.R. 54.400 through 54.409"; in line 14 strike "regulations" and
 19 insert "sections"; and strike beginning with "applicable" in line
 20 22 through "regulations" in line 24, show the old matter as
 21 stricken, and insert "47 C.F.R. 54.400 through 54.409, as such
 22 sections".

(Signed) Curt Bromm, Chairperson

GENERAL FILE

LEGISLATIVE BILL 82. The second Standing Committee amendment, FA822, as amended, was adopted with 32 ayes, 1 nay, 10 present and not voting, and 6 excused and not voting.

The third Standing Committee amendment is as follows:
 FA823

9 Sec. 15. (1) Prior to acceptance of a plea of guilty or
 10 nolo contendere to any offense punishable as a crime under state
 11 law, except offenses designated as infractions under state law, the
 12 court shall administer the following advisement on the record to
 13 the defendant:
 14 IF YOU ARE NOT A UNITED STATES CITIZEN, YOU ARE HEREBY
 15 ADVISED THAT CONVICTION OF THE OFFENSE FOR WHICH YOU HAVE
 16 BEEN CHARGED MAY HAVE THE CONSEQUENCES OF REMOVAL FROM
 17 THE UNITED STATES, OR DENIAL OF NATURALIZATION PURSUANT
 18 TO THE LAWS OF THE UNITED STATES.
 19 (2) Upon request, the court shall allow the defendant
 20 additional time to consider the appropriateness of the plea in
 21 light of the advisement as described in this section. If, on or
 22 after the effective date of this act, the court fails to advise the
 23 defendant as required by this section and the defendant shows that
 24 conviction of the offense to which the defendant pleaded guilty or
 25 nolo contendere may have the consequences for the defendant of
 26 removal from the United States, or denial of naturalization
 27 pursuant to the laws of the United States, the court, on the
 1 defendant's motion, shall vacate the judgment and permit the
 2 defendant to withdraw the plea of guilty or nolo contendere and
 3 enter a plea of not guilty. Absent a record that the court
 4 provided the advisement required by this section, the defendant
 5 shall be presumed not to have received the required advisement.
 6 (3) With respect to pleas accepted prior to the effective
 7 date of this act, it is not the intent of the Legislature that a
 8 court's failure to provide the advisement required by subsection
 9 (1) of this section should require the vacation of judgment and

10 withdrawal of the plea or constitute grounds for finding a prior
 11 conviction invalid. Nothing in this section, however, shall be
 12 deemed to inhibit a court, in the sound exercise of its discretion,
 13 from vacating a judgment and permitting a defendant to withdraw a
 14 plea.

15 Sec. 16. The Legislature finds and declares that in many
 16 instances involving an individual who is not a citizen of the
 17 United States and who is charged with an offense punishable as a
 18 crime under state law, a plea of guilty or nolo contendere is
 19 entered without the defendant knowing that a conviction of such
 20 offense is grounds for removal from the United States, or denial of
 21 naturalization pursuant to the laws of the United States.
 22 Therefore, it is the intent of the Legislature in enacting this
 23 section to promote fairness to such accused individuals by
 24 requiring in such cases that acceptance of a guilty plea or plea of
 25 nolo contendere be preceded by an appropriate warning of the
 26 special consequences for such a defendant which may result from the
 27 plea. It is also the intent of the Legislature that the court in
 1 such cases shall grant the defendant a reasonable amount of time to
 2 negotiate with the prosecuting agency in the event the defendant or
 3 the defendant's counsel was unaware of the possibility of removal
 4 from the United States, or denial of naturalization as a result of
 5 conviction. It is further the intent of the Legislature that at
 6 the time of the plea no defendant shall be required to disclose his
 7 or her legal status to the court.

The third Standing Committee amendment was adopted with 33 ayes, 1 nay,
 10 present and not voting, and 5 excused and not voting.

The fourth Standing Committee amendment is as follows:

FA824

1 Sec. 3. (1) The Legislature finds that audio and video
 2 electronic recordings are the most effective way for the
 3 prosecution to meet its burden of demonstrating a free, knowing,
 4 and intelligent waiver of a person's right to remain silent, to
 5 refuse to answer questions, to refuse to respond during a custodial
 6 interrogation, to have an attorney present during such questioning,
 7 and to have an attorney provided to such person if he or she cannot
 8 afford an attorney, as provided by the Constitution of the United
 9 States. Moreover, such a complete and accurate record of the
 10 context of confessions aids law enforcement officers in analyzing
 11 and rejecting untruthful confessions.
 12 (2) All custodial interrogation or questioning, including
 13 interrogation and questioning about rights described in subsection
 14 (1) of this section, or the waiver of such rights, shall be
 15 electronically recorded. Except as provided in subsection (3) of
 16 this section, if a law enforcement officer, or an individual
 17 working with such law enforcement officer, fails to comply with
 18 this subsection, any statements or confession a person makes in

- 19 response to such custodial interrogation shall be suppressed at a
 20 criminal proceeding against such person.
 21 (3) Notwithstanding the provisions of this section, if a
 22 law enforcement officer, or persons working with law enforcement
 23 officers, while acting in good faith and pursuant to a reasonable
 24 belief that any such custodial interrogation or questioning is
 25 being electronically recorded, but such custodial interrogation, or
 26 any part thereof, is not so recorded, a court may permit the
 27 introduction of statements or confession made by such person at a
 1 criminal proceeding.
 2 (4) For purposes of this section, custodial interrogation
 3 has the meaning prescribed to it under the Fourth Amendment to the
 4 Constitution of the United States and Article I, section 7, of the
 5 Constitution of Nebraska, as interpreted by the Nebraska Supreme
 6 Court.
 7 Sec. 4. Section 27-1103, Reissue Revised Statutes of
 8 Nebraska, is amended to read:
 9 27-1103. These rules ~~may~~ and section 3 of this act shall
 10 be known and may be cited as the Nebraska Evidence Rules

Senator Bruning offered the following amendment to the fourth Standing Committee amendment:

FA820

Amend AM1962

Strike the word "All" on line 12, page 2 and by striking the word "shall" on line 14, page 2 and inserting the word "should" in its place; and on line 15, page 2 adding the words "when feasible" after the word "recorded".

Senators Wehrbein, Wickersham, and Foley asked unanimous consent to be excused. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 887. Placed on General File.

LEGISLATIVE BILL 991. Placed on General File.

LEGISLATIVE BILL 947. Placed on General File as amended.

Standing Committee amendment to LB 947:

AM2398

- 1 1. Strike section 2.
- 2 2. On page 3, line 27, strike "86-802" and insert
- 3 "86-1403".
- 4 3. On page 6, line 15, strike "sections 1 and 2" and
- 5 insert "section 1".
- 6 4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 992. Placed on General File as amended.

Standing Committee amendment to LB 992:

AM2401

1 1. Strike the original sections and insert the following
2 new sections:

3 "Section 1. Section 77-3508, Revised Statutes

4 Supplement, 2000, is amended to read:

5 77-3508. (1) All homesteads in this state shall be

6 assessed for taxation the same as other property, except that there

7 shall be exempt from taxation, on any homestead of (a) veterans as

8 defined in section 80-401.01 who are totally disabled by a

9 non-service-connected accident or illness, (b) individuals who have

10 a permanent physical disability and have lost all mobility such as

11 to preclude locomotion without the regular use of a mechanical aid

12 or prostheses, and (c) individuals who have undergone amputation of

13 both arms above the elbow or who have a permanent partial

14 disability of both arms in excess of seventy-five percent, a

15 percentage of the exempt amount as limited by section 77-3506.03.

16 The exemption shall be based on the household income of a claimant

17 pursuant to subsections (2) through (4) of this section.

18 Application for such exemption shall include certification from a

19 qualified medical physician or such other licensed medical

20 professional as authorized in rules and regulations of the

21 Department of Revenue for subdivisions (1)(a) through (c) of this

22 section or certification from the United States Department of

23 Veterans Affairs affirming that the homeowner is totally disabled

24 due to non-service-connected accident or illness for subdivision

1 (1)(a) of this section. Such medical certification ~~from a~~

2 ~~qualified medical physician~~ shall be made on forms prescribed by

3 the Department of Revenue.

4 (2) For 2000, for a married or closely related claimant

5 as described in subsection (1) of this section, the percentage of

6 the exempt amount for which the claimant shall be eligible shall be

7 the percentage in Column B which corresponds with the claimant's

8 household income in Column A in the table found in this subsection.

| | Column A | Column B |
|--|------------------|------------|
| | Household Income | Percentage |
| | In Dollars | Of Relief |

12 0 through 24,700 100

13 24,701 through 25,900 85

14 25,901 through 27,100 70

15 27,101 through 28,300 55

16 28,301 through 29,500 40

17 29,501 through 30,700 25

18 30,701 and over 0

19 (3) For 2000, for a single claimant as described in

20 subsection (1) of this section, the percentage of the exempt amount

21 for which the claimant shall be eligible shall be the percentage in

22 Column B which corresponds with the claimant's household income in

23 Column A in the table found in this subsection.

| 24 | Column A | Column B |
|----|-----------------------|------------|
| 25 | Household Income | Percentage |
| 26 | In Dollars | Of Relief |
| 27 | 0 through 21,600 | 100 |
| 1 | 21,601 through 22,600 | 85 |
| 2 | 22,601 through 23,600 | 70 |
| 3 | 23,601 through 24,600 | 55 |
| 4 | 24,601 through 25,600 | 40 |
| 5 | 25,601 through 26,600 | 25 |
| 6 | 26,601 and over | 0 |

7 (4) For exemption applications filed in calendar year
8 2001 and each year thereafter, the income eligibility amounts in
9 subsections (2) and (3) of this section shall be adjusted for
10 inflation by the method provided in section 151 of the Internal
11 Revenue Code. The income eligibility amounts shall be adjusted for
12 cumulative inflation since 2000. If any amount is not a multiple
13 of one hundred dollars, the amount shall be rounded to the next
14 lower multiple of one hundred dollars.

15 Sec. 2. This act becomes operative on January 1, 2003.

16 Sec. 3. Original section 77-3508, Revised Statutes
17 Supplement, 2000, is repealed."

LEGISLATIVE BILL 995. Placed on General File as amended.
Standing Committee amendment to LB 995:
AM2400

1 1. On page 2, line 17, after "month" insert "following
2 the close".

(Signed) William R. Wickersham, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 935. Placed on General File.

(Signed) DiAnna R. Schimek, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Kruse asked unanimous consent to have his name added as
cointroducer to LB 1250. No objections. So ordered.

Senator Baker asked unanimous consent to have his name added as
cointroducer to LB 384. No objections. So ordered.

Senator Erdman asked unanimous consent to have his name added as
cointroducer to LB 948 and LB 964. No objections. So ordered.

Senator D. Pederson asked unanimous consent to have his name added as

cointroducer to LB 1278. No objections. So ordered.

Senators Engel, Coordsen, Beutler, Wehrbein, and Price asked unanimous consent to have their names added as cointroducers to LB 891. No objections. So ordered.

VISITORS

Visitors to the Chamber were Senator Maxwell's wife and daughter, Pam and Beverly, from Omaha.

ADJOURNMENT

At 12:03 p.m., on a motion by Senator Brashear, the Legislature adjourned until 9:00 a.m., Friday, January 25, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

TWELFTH DAY - JANUARY 25, 2002**LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE
SECOND SESSION****TWELFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, January 25, 2002

PRAYER

The prayer was offered by Senator Coordsen.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Aguilar, Dw. Pedersen, Suttle, and Thompson who were excused; and Senators Beutler, Cunningham, Engel, Landis, Maxwell, Raikes, Schrock, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eleventh day was approved.

**SELECT COMMITTEE REPORTS
Enrollment and Review**

LEGISLATIVE BILL 848. Placed on Select File as amended.
E & R amendment to LB 848:
AM7145

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 "Section 1. Section 7-102, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 7-102. (1) Admission to the Nebraska bar shall be
6 governed by admission standards and procedures established by rules
7 adopted by the Supreme Court. Such standards may include, without
8 limitation, educational requirements, character and fitness
9 standards, and satisfactory performance on a bar examination
10 testing the applicant's knowledge of such legal principles as the
11 court may determine. No person shall be admitted to the Nebraska

12 bar, nor permitted to retain such admittance, unless it is shown to
13 the satisfaction of the Supreme Court that such person is of good
14 moral character. The Supreme Court may appoint a bar commission,
15 designated as the Nebraska State Bar Commission, composed of not
16 less than six persons learned in the law to assist in or conduct
17 any bar examination and, by rule of court, to assist the Supreme
18 Court in matters pertaining to bar admission. The Supreme Court
19 shall fix times when examination shall take place, which may be
20 either in term or vacation, and shall prescribe and publish rules
21 to govern such examinations and may appoint a commission composed
22 of not less than three persons learned in the law to assist in or
23 conduct any such examination or examinations. But no person shall
24 be admitted to the bar unless such person is at least twenty-one
1 years of age, and of good moral character, and unless such person
2 either has had a preliminary education, other than legal,
3 equivalent to that involved in the completion of the first three
4 years of a high school course accredited by the state department of
5 public instruction and has regularly and attentively studied law in
6 a reputable law school or in the office of a practicing attorney,
7 or partly in such school and partly in such office, for a period of
8 at least three years, at least one year of which office study shall
9 have been passed in a law office in this state, or shall have been
10 the regular, qualified and acting clerk of the Supreme Court or any
11 district court of this state for at least eight years, and shall
12 pass a satisfactory examination upon the principles of the common
13 law, equity, criminal law, statutes and practice of this state; or
14 is a regular graduate of the College of Law of the University of
15 Nebraska or of such other college of law of this state having
16 entrance requirements and a course of study equal to and equivalent
17 to those of the law school of the University of Nebraska, as the
18 Supreme Court shall, upon application and showing, designate as a
19 college of law whose graduates shall be entitled to admission
20 without examination. Such other college of law shall be a member
21 of the Association of American Law Schools. Provision shall be
22 made, by rule of court, for the registration of students in law
23 offices in this state, at the beginning of their respective terms
24 of study in the office of the Clerk of the Supreme Court or the
25 office of the clerk of the district court in the county in which
26 any such law office is located.

27 (2) The application for admission to the bar shall
1 include the applicant's social security number. Each applicant
2 shall submit to the bar commission with the bar application for
3 admission a complete set of his or her legible fingerprints along
4 with written permission authorizing the set of fingerprints to be
5 forwarded to the Identification Division of the Federal Bureau of
6 Investigation, through the Nebraska State Patrol. Upon request by
7 the bar commission, the Nebraska State Patrol shall undertake a
8 search for criminal history record information relating to the
9 applicant, including transmittal of the applicant's fingerprints to

10 the Identification Division of the Federal Bureau of Investigation
 11 for a national criminal history record information check. The
 12 criminal history record information check shall include information
 13 concerning the applicant from federal repositories of such
 14 information and repositories of such information in other states if
 15 authorized by federal law. The Nebraska State Patrol shall issue a
 16 report to the bar commission and to the applicant which includes
 17 the criminal history record information concerning the applicant.
 18 The fingerprint record check provided for in this subsection shall
 19 be solely for the purpose of evaluating and confirming information
 20 provided by the applicant for admission, except that if the
 21 applicant appeals a denial of admission to the bar or a refusal of
 22 permission to take the bar examination, the filing of such an
 23 appeal with the Supreme Court shall constitute a release of the
 24 information obtained from such a fingerprint record check for
 25 purposes of the appeal.

26 Sec. 2. Original section 7-102, Reissue Revised Statutes
 27 of Nebraska, is repealed."

- 1 2. On page 1, line 3, strike "requirements" and insert
- 2 "and membership requirements for the Nebraska bar".

LEGISLATIVE BILL 848A. Placed on Select File as amended.

E & R amendment to LB 848A:

AM7146

- 1 1. On page 1, line 3; and page 2, line 6, strike "First
- 2 Session, 2001" and insert "Second Session, 2002".
- 3 2. On page 2, line 2, strike "FY2001-02" and insert
- 4 "FY2002-03"; and in line 3 strike "FY2002-03" and insert
- 5 "FY2003-04".

(Signed) Philip Erdman, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bills and legislative resolutions:

| LB/LR | Committee |
|--------------|---|
| LB 1224 | Health and Human Services |
| LB 1234 | Appropriations |
| LB 1235 | Appropriations |
| LB 1236 | Agriculture |
| LB 1237 | Revenue |
| LB 1238 | Transportation and Telecommunications |
| LB 1239 | Urban Affairs |
| LB 1240 | Government, Military and Veterans Affairs |
| LB 1241 | Natural Resources |
| LB 1242 | Revenue |
| LB 1243 | Revenue |

| | |
|---------|---|
| LB 1244 | Revenue |
| LB 1245 | Revenue |
| LB 1246 | Revenue |
| LB 1247 | General Affairs |
| LB 1248 | Education |
| LB 1249 | Appropriations |
| LB 1250 | Education |
| LB 1251 | Education |
| LB 1252 | Education |
| LB 1253 | Education |
| LB 1254 | Education |
| LB 1255 | Natural Resources |
| LB 1256 | Natural Resources |
| LB 1257 | Executive Board |
| LB 1258 | Urban Affairs |
| LB 1259 | Education |
| LB 1260 | Revenue |
| LB 1261 | Health and Human Services |
| LB 1262 | Urban Affairs |
| LB 1263 | Health and Human Services |
| LB 1264 | Government, Military and Veterans Affairs |
| LB 1265 | Judiciary |
| LB 1266 | Judiciary |
| LB 1267 | Natural Resources |
| LB 1268 | Judiciary |
| LB 1269 | Transportation and Telecommunications |
| LB 1270 | Natural Resources |
| LB 1271 | Government, Military and Veterans Affairs |
| LB 1272 | Natural Resources |
| LB 1273 | Education |
| LB 1274 | Health and Human Services |
| LB 1275 | Business and Labor |
| LB 1276 | Urban Affairs |
| LB 1277 | Health and Human Services |
| LB 1278 | Judiciary |
| LB 1279 | Judiciary |
| LB 1280 | Revenue |
| LB 1281 | Judiciary |
| LB 1282 | Judiciary |
| LB 1283 | Judiciary |
| LB 1284 | Revenue |
| LB 1285 | Agriculture |
| LB 1286 | Transportation and Telecommunications |
| LB 1287 | Judiciary |
| LB 1288 | Natural Resources |
| LB 1289 | Judiciary |
| LB 1290 | Executive Board |
| LB 1291 | Natural Resources |
| LB 1292 | Health and Human Services |

LB 1293 Judiciary
 LB 1294 Agriculture
 LB 1295 Agriculture
 LB 1296 Agriculture
 LB 1297 Natural Resources
 LB 1298 Transportation and Telecommunications
 LB 1299 Revenue
 LB 1300 Revenue
 LB 1301 Revenue
 LB 1302 Government, Military and Veterans Affairs
 LB 1303 Judiciary
 LB 1304 Revenue
 LB 1305 Education
 LB 1306 General Affairs
 LB 1307 Executive Board

LR 292CA General Affairs
 LR 293CA Executive Board
 LR 294CA Government, Military and Veterans Affairs

(Signed) George Coordsen, Chairperson
 Legislative Council
 Executive Board

ANNOUNCEMENTS

Senator Bruning designates LB 865 as his priority bill.

Senator Jensen designates LB 1149 as his priority bill.

MESSAGES FROM THE GOVERNOR

January 16, 2002

President, Speaker Kristensen
 and Members of the Legislature
 State Capitol Building
 Lincoln, NE 68509

Dear Mr. President, Speaker Kristensen and Members:

Contingent upon your approval, the following individual has been appointed to the Nebraska Investment Council.

APPOINTEE:
 John Maddux, 74287 333 Ave, Imperial NE 69033

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

January 18, 2002

President, Speaker Kristensen
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Kristensen and Members:

Contingent upon your approval, the following individual has been appointed to the Foster Care Review Board.

APPOINTEE:

Debra K. Starr, 2402 S 101 Ave, Omaha NE 68124

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

January 22, 2002

President, Speaker Kristensen
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Kristensen and Members:

Contingent upon your approval, the following individuals have been appointed to the Commission for the Blind and Visually Impaired.

APPOINTEES:

*Dorothy Westin-Yockey, 3810 G St #3, South Sioux City NE 68776
Nichelle Ferreyra, 1319 5th Ave, Scottsbluff NE 69361

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/
*Reappointment

January 22, 2002

President, Speaker Kristensen
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Kristensen and Members:

Contingent upon your approval, the following individual has been appointed to the Tax Equalization and Review Commission.

APPOINTEE:

Susan S. Lore, 7006 Otoe Rd, Alliance NE 69301

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 25, 2002, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Bailey, Jon M.
Center for Rural Affairs

Cutshall & Associates
Antelope Valley Authority, Joint

Fahleson, Mark A.
Agri-Business Association, Nebraska

Kelley, Michael A.
Beverage Operators of Nebraska, Responsible

Liquor Distributors, Nebraska
Radcliffe & Associates

Mumgaard, D. Milo
Applesseed Center for Law in the Public Interest, Nebraska

Papa, Jolene M.
Media of Nebraska, Inc.

Schroeder, William R.
Alliance of American Insurers

Virgil, Steven M.
Applesseed Center for Law in the Public Interest, Nebraska

Watson, James S.
United HealthCare Corporation

REPORTS

The following reports were received by the Legislature:

Geographic Information Systems (GIS) Steering Committee, Nebraska
Annual Report and Strategic Plan Update of Building a Spatial Data
Infrastructure for Nebraska

Health and Human Services System
Operator's Licenses Suspended Annual Report

Roads, Department of
State Highway Commission for the period ending December 31, 2001,
Quarterly Report

GENERAL FILE

LEGISLATIVE BILL 82. Senator Bruning renewed his pending amendment, FA820, found on page 365, to the fourth Standing Committee amendment, FA824, found on page 364.

Senator Bruning withdrew his pending amendment, FA820.

SPEAKER KRISTENSEN PRESIDING

Senator Chambers offered the following amendment to the fourth Standing Committee amendment:

FA826

Amend FA824

"This section shall take effect June 1, 2003."

Senator Chambers moved for a call of the house. The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

Senator Chambers requested a record vote on his amendment.

Voting in the affirmative, 2:

Chambers Price

Voting in the negative, 33:

| | | | | |
|----------|----------|--------------|------------|---------|
| Baker | Bourne | Brashear | Bromm | Bruning |
| Burling | Byars | Connealy | Cunningham | Engel |
| Erdman | Foley | Hartnett | Hudkins | Janssen |
| Jensen | Jones | Kremer | Kristensen | Landis |
| Maxwell | McDonald | Pederson, D. | Quandahl | Raikes |
| Redfield | Robak | Schrock | Smith | Stuhr |
| Tyson | Vrtiska | Wehrbein | | |

Present and not voting, 10:

| | | | | |
|---------|----------|----------|------------|------------|
| Beutler | Brown | Coordsen | Cudaback | Dierks |
| Kruse | Preister | Schimek | Synowiecki | Wickersham |

Excused and not voting, 4:

Aguilar Pedersen, Dw. Suttle Thompson

The Chambers amendment lost with 2 ayes, 33 nays, 10 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers requested a roll call vote on the fourth Standing Committee amendment.

The Standing Committee amendment lost with 1 aye, 34 nays, 10 present and not voting, and 4 excused and not voting.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 41:

| | | | | |
|------------|--------------|----------|----------|----------|
| Baker | Bourne | Brashear | Bromm | Brown |
| Bruning | Burling | Byars | Connealy | Coordsen |
| Cudaback | Dierks | Engel | Erdman | Foley |
| Hartnett | Hudkins | Janssen | Jensen | Jones |
| Kremer | Kristensen | Kruse | Landis | Maxwell |
| McDonald | Pederson, D. | Preister | Price | Raikes |
| Redfield | Robak | Schimek | Schrock | Smith |
| Stuhr | Synowiecki | Tyson | Vrtiska | Wehrbein |
| Wickersham | | | | |

Voting in the negative, 1:

Chambers

Present and not voting, 3:

Beutler Cunningham Quandahl

Excused and not voting, 4:

Aguilar Pedersen, Dw. Suttle Thompson

Advanced to E & R for review with 41 ayes, 1 nay, 3 present and not voting, and 4 excused and not voting.

AMENDMENTS - Print in Journal

Senator Erdman filed the following amendment to LB 474:
AM2391

(Amendments to Standing Committee amendments, AM0244)

- 1 1. On page 1, line 6, strike "twenty-five", show as
- 2 stricken, and insert "twenty-one".

Senator Erdman filed the following amendment to LB 500:
(Amendment, AM2249, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

NOTICE OF COMMITTEE HEARINGS

Appropriations Room 1524

| | | |
|--|---------------------------|---------|
| LB 1100 | Monday, February 4, 2002 | 1:30 PM |
| LB 1101 | Monday, February 4, 2002 | 1:30 PM |
| LB 906 | Monday, February 4, 2002 | 1:30 PM |
| Monday, February 4, 2002 | | 1:30 PM |
| AGENCY 84 - Dept. of Environmental Quality | | |
| AGENCY 24 - Dept. of Motor Vehicles | | |
| LB 929 | Tuesday, February 5, 2002 | 1:30 PM |
| LB 1142 | Tuesday, February 5, 2002 | 1:30 PM |
| Tuesday, February 5, 2002 | | 1:30 PM |
| AGENCY 76 - Nebraska Indian Commission | | |
| AGENCY 81 - Blind & Visually Impaired | | |
| AGENCY 82 - Comm. Deaf & Hard of Hearing | | |
| AGENCY 20 - HHS -- Regulation & Licensure | | |
| AGENCY 25 - Health & Human Services | | |

AGENCY 26 - HHS--Finance & Support

(Signed) Roger R. Wehrbein, Chairperson

Executive Board
Room 1510

LB 1257 Monday, February 4, 2002

6:30 PM

(Signed) George Coordsen, Chairperson

ANNOUNCEMENT

Senator Beutler designates LB 707 as his priority bill.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 886. Placed on General File.
LEGISLATIVE BILL 1112. Placed on General File.

LEGISLATIVE BILL 907. Indefinitely postponed.
LEGISLATIVE BILL 920. Indefinitely postponed.
LEGISLATIVE BILL 948. Indefinitely postponed.
LEGISLATIVE BILL 1024. Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 1029. Placed on General File.

LEGISLATIVE BILL 945. Placed on General File as amended.
Standing Committee amendment to LB 945:
AM2414

1 1. On page 4, line 22, after the period insert "If a
2 payment is made electronically by credit card, charge card, debit
3 card, or electronic funds transfer as part of a system for
4 providing or retrieving information electronically, the county
5 treasurer, county official, or political subdivision official shall
6 be authorized but not required to impose an additional surcharge or
7 convenience fee upon the person making a payment.".
8 2. On page 11, line 28, after the period insert "If a
9 payment is made electronically by credit card, charge card, debit
10 card, or electronic funds transfer as part of a system for
11 providing or retrieving information electronically, the state
12 official or state agency shall be authorized but not required to
13 impose an additional surcharge or convenience fee upon the person
14 making a payment.".

(Signed) DiAnna R. Schimek, Chairperson

UNANIMOUS CONSENT - Member Excused

Senator Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 82A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 436. Title read. Considered.

The Standing Committee amendment, AM0286, found on page 620, First Session, 2001, was considered.

Senator Dierks renewed his pending amendment, AM2372, found on page 306, to the Standing Committee amendment.

Senator Brashear asked unanimous consent to be excused. No objections. So ordered.

The Dierks amendment was adopted with 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Senator Beutler offered the following amendment:

AM2403

- 1 1. On page 34, line 16, after "who" insert "owns or";
- 2 and in line 18 after "acts" insert "or omissions".
- 3 2. On page 48, strike beginning with the last comma in
- 4 line 4 through "unless" in line 5, show as stricken, and insert
- 5 "and".

The Beutler amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Senators Robak and Erdman asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 436A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

MOTION - Suspend Rules

Senator Raikes moved to suspend the rules, Rule 3, Sec. 14, to permit scheduling of a public hearing on LB 1254 by the Education Committee.

The Raikes motion to suspend the rules prevailed with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 568. Title read. Considered.

Senator Dierks asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment, AM0380, found on page 629, First Session, 2001, was considered.

Senator Wickersham renewed his pending amendment, AM2371, found on page 306, to the Standing Committee amendment.

The Wickersham amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

NOTICE OF COMMITTEE HEARINGS**Education
Room 1525**

| | | |
|---------|---------------------------|---------|
| LB 1254 | Tuesday, January 29, 2002 | 1:30 PM |
| LB 1072 | Monday, February 4, 2002 | 1:30 PM |
| LB 1141 | Monday, February 4, 2002 | 1:30 PM |
| LB 1183 | Monday, February 4, 2002 | 1:30 PM |
| LB 1213 | Monday, February 4, 2002 | 1:30 PM |
| LB 1226 | Monday, February 4, 2002 | 1:30 PM |
| LB 1259 | Monday, February 4, 2002 | 1:30 PM |

(Signed) Ron Raikes, Chairperson

**Business and Labor
Room 2102**

| | | |
|---------|--------------------------|---------|
| LB 1168 | Monday, February 4, 2002 | 1:30 PM |
|---------|--------------------------|---------|

| | | |
|---------|---------------------------|---------|
| LB 1155 | Monday, February 4, 2002 | 1:30 PM |
| LB 1078 | Monday, February 4, 2002 | 1:30 PM |
| LB 1157 | Monday, February 4, 2002 | 1:30 PM |
| LB 1158 | Monday, February 4, 2002 | 1:30 PM |
| LB 1231 | Monday, February 11, 2002 | 1:30 PM |
| LB 1167 | Monday, February 11, 2002 | 1:30 PM |
| LB 1185 | Monday, February 11, 2002 | 1:30 PM |
| LB 1194 | Monday, February 11, 2002 | 1:30 PM |

(Signed) Matt Connealy, Chairperson

Agriculture
Room 2102

| | | |
|---------|---------------------------|---------|
| LB 1236 | Tuesday, February 5, 2002 | 1:30 PM |
| LB 1294 | Tuesday, February 5, 2002 | 1:30 PM |
| LB 1295 | Tuesday, February 5, 2002 | 1:30 PM |
| LB 1296 | Tuesday, February 5, 2002 | 1:30 PM |

(Signed) Merton L. Dierks, Chairperson

AMENDMENT - Print in Journal

Senator Redfield filed the following amendment to LB 57:
AM2360

- 1 1. Strike original section 2 and insert the following
- 2 new section:
- 3 "Sec. 2. Section 77-2701, Revised Statutes Supplement,
- 4 2001, is amended to read:
- 5 77-2701. Sections 77-2701 to 77-27,135.01 and 77-27,222
- 6 and section 3 of this act shall be known and may be cited as the
- 7 Nebraska Revenue Act of 1967."
- 8 2. On page 3, line 5, strike "2001" and insert "2002";
- 9 in line 6 strike "sections 33-126.05 and 77-2701" and insert
- 10 "section 33-126.05"; and in line 7 after the last comma insert "and
- 11 section 77-2701, Revised Statutes Supplement, 2001,".

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointments:

Ferreyra, Nichelle - Commission for the Blind and Visually Impaired - Health and Human Services

Lore, Susan S. - Tax Equalization and Review Commission - Revenue

Maddux, John - Nebraska Investment Council - Nebraska Retirement Systems

Starr, Debra K. - Foster Care Review Board - Health and Human Services

Westin-Yockey, Dorothy - Commission for the Blind and Visually Impaired - Health and Human Services

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

VISITORS

Visitors to the Chamber were 25 eighth grade students and teacher from Helen Hiatt Middle School, Lincoln; members of the Nebraska Indian Commission; members of the Nebraska Dental Hygiene Association from Lincoln; Michelle Hupp from Albion; and Representative Bill Friend and Dr. Trent Jones from Indiana.

The Doctor of the Day was Dr. Brad Hupp from Albion.

ADJOURNMENT

At 11:55 a.m., on a motion by Senator Coordsen, the Legislature adjourned until 9:00 a.m., Monday, January 28, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTEENTH DAY - JANUARY 28, 2002**LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE
SECOND SESSION****THIRTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, January 28, 2002

PRAYER

The prayer was offered by Pastor Sharon Stevens, United Methodist Church, Wausa, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

The roll was called and all members were present except Senator Maxwell who was excused; and Senators Bromm, Dierks, Engel, Hartnett, Landis, McDonald, Redfield, Schrock, Vrtiska, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twelfth day was approved.

NOTICE OF COMMITTEE HEARINGS**Banking, Commerce and Insurance**

Room 1507

| | | |
|---------|---------------------------|---------|
| LB 885 | Monday, February 4, 2002 | 1:30 PM |
| LB 1016 | Monday, February 4, 2002 | 1:30 PM |
| LB 1048 | Monday, February 4, 2002 | 1:30 PM |
| LB 1163 | Monday, February 4, 2002 | 1:30 PM |
| LB 963 | Tuesday, February 5, 2002 | 1:30 PM |
| LB 1012 | Tuesday, February 5, 2002 | 1:30 PM |
| LB 1020 | Tuesday, February 5, 2002 | 1:30 PM |
| LB 1071 | Tuesday, February 5, 2002 | 1:30 PM |

(Signed) David M. Landis, Chairperson

ANNOUNCEMENTS

Senator Wehrbein designates LB 523 as his priority bill.

Senator Smith designates LB 564 as his priority bill.

Senator Price designates LB 460 as her priority bill.

AMENDMENT - Print in Journal

Senator Beutler filed the following amendment to LB 460:

AM2312

(Amendments to Standing Committee amendments, AM1697)

- 1 1. On page 1, line 6, strike "total" through the first
- 2 comma and show as stricken; in line 23 after the last comma insert
- 3 "and"; and in line 24 strike beginning with the comma through "of"
- 4 and show as stricken.
- 5 2. On page 2, line 1, strike "contingency funds" and
- 6 show as stricken; in line 12 after the first comma insert "and";
- 7 and strike beginning with the last comma in line 12 through "funds"
- 8 in line 13 and show as stricken.

GENERAL FILE

LEGISLATIVE BILL 251. Title read. Considered.

Senator Beutler offered the following amendment:

FA827

On page 2 strike lines 23 and 24

On page 3 strike lines 12 and 13 and 14 and 15 and 16

On page 3 line 17, strike the entire line except the last "The".

The Beutler amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 814. Title read. Considered.

Senator Landis renewed his pending amendment, AM2382, found on page 337.

The Landis amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Senator Suttle asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 235. Title read. Considered.

The Standing Committee amendment, AM0494, found on page 674, First Session, 2001, was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 385. Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 458. Title read. Considered.

Senator Baker renewed his pending amendment, AM2277, found on page 286.

The Baker amendment was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Senator Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Baker renewed his pending amendment, AM2293, found on page 287.

The Baker amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Senator Burling asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 112. Title read. Considered.

Senator Chambers offered the following amendment:

FA828

P. 4, line 3, after the period add: "No person who performs labor or work pursuant to this section shall be required to wear manacles, shackles or other restraints"

The Chambers amendment was adopted with 35 ayes, 0 nays, 10 present and

not voting, and 4 excused and not voting.

Advanced to E & R for review with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 604. Title read. Considered.

Senator Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 491. Title read. Considered.

Pending.

STANDING COMMITTEE REPORT Nebraska Retirement Systems

LEGISLATIVE BILL 687. Placed on General File as amended. (Standing Committee amendment, AM2432, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Jon Bruning, Chairperson

AMENDMENTS - Print in Journal

Senator Suttle filed the following amendment to LB 22: (Amendment, AM2306, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Chambers filed the following amendment to LB 752:
AM2443

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. The Legislature finds and declares that the
- 4 interests of justice are thwarted by unreliable testimony at trial.
- 5 There is a compelling state interest in providing safeguards
- 6 against the admission of testimony the reliability of which may be
- 7 or has been compromised through improper inducements.
- 8 The Legislature further finds and declares that the
- 9 testimony of a jailhouse informer is inherently unreliable. A
- 10 jailhouse informer due to the receipt or promise of a benefit, is
- 11 presumed to provide testimony that is unreliable.
- 12 For purposes of sections 1 to 3 of this act, a jailhouse
- 13 informer is a person in custody as an accused defendant, a
- 14 convicted defendant awaiting sentencing, a convicted defendant

15 serving a sentence, or a criminal suspect.

16 Sec. 2. Before the testimony of a jailhouse informer is
17 admissible in court, a pretrial hearing shall be conducted by the
18 court at which time the state shall prove to the court's
19 satisfaction that the truthfulness of the jailhouse informer's
20 statements to be given at trial is more probable than not.

21 Sec. 3. At least ten days before trial, the state shall
22 disclose to the person against whom the jailhouse informer will
23 testify, or to such person's counsel:

24 (1) The complete criminal history of the jailhouse
1 informer;

2 (2) Any deal, promise, inducement, or benefit that the
3 state or any person acting on behalf of the state has made or may
4 make in the future to the jailhouse informer;

5 (3) The specific statements allegedly made by the person
6 against whom the jailhouse informer will testify and the time,
7 place, and manner of disclosure;

8 (4) All known cases in which the jailhouse informer
9 testified or offered statements against a person but was not called
10 as a witness, whether or not the statements were admitted as
11 evidence in the case, and whether the jailhouse informer received
12 any deal, promise, inducement, or benefit in exchange for or
13 subsequent to such testimony or statement;

14 (5) Whether at any time the jailhouse informer recanted
15 such testimony or statement and, if so, a transcript or copy of
16 such recantation; and

17 (6) Any other information relevant to the jailhouse
18 informer's credibility.".

Senator Raikes filed the following amendment to LB 824:
AM2441

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 "Section 1. Section 28-101, Revised Statutes Supplement,
4 2000, is amended to read:

5 28-101. Sections 28-101 to 28-1348 and sections 2 to 7
6 of this act shall be known and may be cited as the Nebraska
7 Criminal Code.

8 Sec. 2. Sections 2 to 7 of this act shall be known and
9 may be cited as the Criminal Termination of Pregnancy Act.

10 Sec. 3. (1) A person commits criminal termination of
11 pregnancy in the first degree if he or she in committing an act or
12 engaging in conduct that causes the termination of pregnancy,
13 intends, with deliberate and premeditated malice, to terminate the
14 pregnancy or kill the pregnant woman with knowledge of the
15 pregnancy.

16 (2) Criminal termination of pregnancy in the first degree
17 is a Class IA felony.

18 Sec. 4. (1) A person commits criminal termination of

- 19 pregnancy in the second degree if he or she, in committing an act
20 or engaging in conduct that terminates the pregnancy, intends, but
21 without premeditation, to terminate the pregnancy or kill another.
22 (2) Criminal termination of pregnancy in the second
23 degree is a Class IB felony.
- 24 Sec. 5. (1) A person commits criminal termination of
1 pregnancy in the third degree if he or she (a) terminates a
2 pregnancy without malice upon a sudden quarrel with any person or
3 (b) causes the termination of pregnancy unintentionally while in
4 the perpetration of or attempt to perpetrate a criminal assault,
5 any sexual assault, arson, robbery, kidnapping, intentional child
6 abuse, hijacking of any public or private means of transportation,
7 or burglary.
8 (2) Criminal termination of pregnancy in the third degree
9 is a Class III felony.
- 10 Sec. 6. (1)(a) A person who causes the termination of
11 pregnancy unintentionally while engaged in the operation of a motor
12 vehicle in violation of the law of the State of Nebraska or in
13 violation of any city or village ordinance commits misdemeanor
14 motor vehicle termination of pregnancy.
15 (b) Misdemeanor motor vehicle termination of pregnancy is
16 a Class I misdemeanor.
17 (2)(a) A person commits motor vehicle termination of
18 pregnancy by reckless or willful reckless driving if the proximate
19 cause of the termination of pregnancy is the operation of a motor
20 vehicle in violation of section 60-6,213 or 60-6,214.
21 (b) Motor vehicle termination of pregnancy by reckless or
22 willful reckless driving is a Class IV felony.
23 (3)(a) A person commits motor vehicle termination of
24 pregnancy by driving under the influence if the proximate cause of
25 the termination of pregnancy is the operation of a motor vehicle in
26 violation of section 60-6,196.
27 (b) Except as provided in subdivision (c) of this
1 subsection, motor vehicle termination of pregnancy by driving under
2 the influence is a Class IV felony and the court shall, as part of
3 the judgment of conviction, order the person not to drive any motor
4 vehicle for any purpose for a period of at least sixty days and not
5 more than fifteen years after the date ordered by the court and
6 shall order that the operator's license of such person be revoked
7 for the same period. The revocation shall not run concurrently
8 with any jail term imposed.
9 (c) If a person commits motor vehicle termination of
10 pregnancy by driving under the influence and the defendant has a
11 prior conviction under section 60-6,196 or a city or village
12 ordinance enacted pursuant to such section, motor vehicle
13 termination of pregnancy by driving under the influence is a Class
14 III felony and the court shall, as part of the judgment of
15 conviction, order the person not to drive any motor vehicle for any
16 purpose for a period of at least sixty days and not more than

17 fifteen years after the date ordered by the court and shall order
 18 that the operator's license of such person be revoked for the same
 19 period. The revocation shall not run concurrently with any jail
 20 term imposed.

21 Sec. 7. The Criminal Termination of Pregnancy Act does
 22 not apply to procedures performed under sections 28-325 to 28-345,
 23 71-6901 to 71-6909, or as otherwise allowed by law.

24 Sec. 8. If any section in this act or any part of any
 25 section is declared invalid or unconstitutional, the declaration
 26 shall not affect the validity or constitutionality of the remaining
 27 portions.

1 Sec. 9. Original section 28-101, Revised Statutes

2 Supplement, 2000, is repealed.

3 Sec. 10. Since an emergency exists, this act takes

4 effect when passed and approved according to law."

Senator Wickersham filed the following amendment to LB 123:
 AM2440

1 1. On page 3, line 14, strike "2001" and insert "2002".

NOTICE OF COMMITTEE HEARINGS

Education

Room 1525

| | | |
|---------|---------------------------|---------|
| LB 1169 | Tuesday, February 5, 2002 | 1:30 PM |
| LB 1170 | Tuesday, February 5, 2002 | 1:30 PM |
| LB 1180 | Tuesday, February 5, 2002 | 1:30 PM |
| LB 1159 | Tuesday, February 5, 2002 | 1:30 PM |
| LB 1248 | Tuesday, February 5, 2002 | 1:30 PM |

(Signed) Ron Raikes, Chairperson

General Affairs

Room 1510

| | | |
|---------|--------------------------|---------|
| LB 873 | Monday, February 4, 2002 | 1:30 PM |
| LB 1068 | Monday, February 4, 2002 | 1:30 PM |
| LB 1126 | Monday, February 4, 2002 | 1:30 PM |
| LB 1247 | Monday, February 4, 2002 | 1:30 PM |

(Signed) Ray Janssen, Chairperson

Transportation and Telecommunications

Room 1113

| | | |
|---------|--------------------------|---------|
| LB 1069 | Monday, February 4, 2002 | 1:30 PM |
| LB 1195 | Monday, February 4, 2002 | 1:30 PM |
| LB 1211 | Monday, February 4, 2002 | 1:30 PM |
| LB 1269 | Monday, February 4, 2002 | 1:30 PM |

| | | |
|---------|---------------------------|---------|
| LB 1286 | Monday, February 4, 2002 | 1:30 PM |
| LB 883 | Tuesday, February 5, 2002 | 1:30 PM |
| LB 923 | Tuesday, February 5, 2002 | 1:30 PM |
| LB 998 | Tuesday, February 5, 2002 | 1:30 PM |
| LB 1150 | Tuesday, February 5, 2002 | 1:30 PM |
| LB 1298 | Tuesday, February 5, 2002 | 1:30 PM |

(Signed) Curt Bromm, Chairperson

STANDING COMMITTEE REPORT **Natural Resources**

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Game and Parks Commission
William L. Grewcock

VOTE: Aye: Senators Bruning, Hudkins, Jones, Kremer, Preister, Schrock, and Stuhr. Nay: None. Absent: Senator Bromm.

(Signed) Ed Schrock, Chairperson

ANNOUNCEMENTS

Senator Foley designates LB 825 as his priority bill.

Senator Kruse designates LB 1187 as his priority bill.

UNANIMOUS CONSENT - Add Cointroducers

Senator Aguilar asked unanimous consent to have his name added as cointroducer to LB 112. No objections. So ordered.

Senator Beutler asked unanimous consent to have his name added as cointroducer to LB 79. No objections. So ordered.

VISITORS

Visitors to the Chamber were Sam White from North Platte; and Doug Kindig from LaVista.

ADJOURNMENT

At 11:22 a.m., on a motion by Senator Coordsen, the Legislature adjourned until 9:00 a.m., Tuesday, January 29, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTEENTH DAY - JANUARY 29, 2002

LEGISLATIVE JOURNAL

**NINETY-SEVENTH LEGISLATURE
SECOND SESSION**

FOURTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 29, 2002

PRAYER

The prayer was offered by Senator Dierks.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

The roll was called and all members were present except Senator Jensen who was excused; and Senators Beutler, Brown, Cunningham, Engel, Hartnett, Landis, Maxwell, Preister, Robak, Synowiecki, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirteenth day was approved.

STANDING COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 1096. Placed on General File as amended.
Standing Committee amendment to LB 1096:
AM2439

- 1 1. On page 2, strike beginning with the semicolon in
2 line 4 through "Swimming" in line 11, show the old matter as
3 stricken, and insert ", swimming"; and in line 23 after the period
4 insert "Swimming pool includes a spa, hot tub, or whirlpool or
5 similar device which (1) is designed for recreational use and not
6 to be drained, cleaned, and refilled after each individual use and
7 (2) may consist of elements including, but not limited to, hydrojet
8 circulation, hot water, cold water, mineral baths, air induction
9 systems, or any combination thereof."
10 2. On page 3, line 7, strike ", spas"; in line 15
11 strike "and spa"; in lines 16, 18, and 22 strike "or spa"; and in

12 lines 26 and 27 strike "and spas".

13 3. On page 4, lines 1, 3, and 15, strike the new matter.

LEGISLATIVE BILL 985. Indefinitely postponed.

(Signed) Jim Jensen, Chairperson

ANNOUNCEMENT

Senator Stuhr designates LB 687 as her priority bill.

NOTICE OF COMMITTEE HEARINGS

Health and Human Services

Room 1510

| | | |
|---------|--------------------------------------|---------|
| LB 1216 | Wednesday, February 6, 2002 | 1:30 PM |
| LB 1035 | Wednesday, February 6, 2002 | 1:30 PM |
| LB 1107 | Wednesday, February 6, 2002 | 1:30 PM |
| LB 892 | Wednesday, February 6, 2002 | 1:30 PM |
| LB 1207 | Wednesday, February 6, 2002 | 1:30 PM |
| LB 1077 | Friday, February 8, 2002 | 1:30 PM |
| LB 301 | Friday, February 8, 2002 (rehearing) | 1:30 PM |
| LB 1032 | Wednesday, February 13, 2002 | 1:30 PM |
| LB 1224 | Wednesday, February 13, 2002 | 1:30 PM |
| LB 1274 | Wednesday, February 13, 2002 | 1:30 PM |
| LB 1261 | Wednesday, February 13, 2002 | 1:30 PM |
| LB 1292 | Thursday, February 14, 2002 | 1:30 PM |
| LB 1277 | Thursday, February 14, 2002 | 1:30 PM |

(Signed) Jim Jensen, Chairperson

Education

Room 1525

| | | |
|---------|----------------------------|---------|
| LB 1204 | Monday, February 11, 2002 | 1:30 PM |
| LB 1206 | Monday, February 11, 2002 | 1:30 PM |
| LB 1212 | Monday, February 11, 2002 | 1:30 PM |
| LB 1253 | Monday, February 11, 2002 | 1:30 PM |
| LB 1273 | Monday, February 11, 2002 | 1:30 PM |
| LB 1305 | Monday, February 11, 2002 | 1:30 PM |
| LB 982 | Tuesday, February 12, 2002 | 1:30 PM |
| LB 1046 | Tuesday, February 12, 2002 | 1:30 PM |
| LB 1082 | Tuesday, February 12, 2002 | 1:30 PM |
| LB 1250 | Tuesday, February 12, 2002 | 1:30 PM |

| | | |
|---------|----------------------------|---------|
| LB 898 | Tuesday, February 19, 2002 | 1:30 PM |
| LB 1134 | Tuesday, February 19, 2002 | 1:30 PM |
| LB 1162 | Tuesday, February 19, 2002 | 1:30 PM |
| LB 1201 | Tuesday, February 19, 2002 | 1:30 PM |
| LB 1251 | Tuesday, February 19, 2002 | 1:30 PM |
| LB 1252 | Tuesday, February 19, 2002 | 1:30 PM |

(Signed) Ron Raikes, Chairperson

STANDING COMMITTEE REPORT Health and Human Services

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Board of Emergency Medical Services

Shawn Baumgartner

Robert Dunn

Richard J. Sheehy

Michael Westcott, M.D.

VOTE: Aye: Senators Jensen, Byars, Price, Cunningham, Maxwell, and Erdman. Nay: None. Absent: Senator Suttle.

(Signed) Jim Jensen, Chairperson

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 286, 287, and 288 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 286, 287, and 288.

MOTION - Withdraw LB 913

Senator Dierks renewed his pending motion, found on page 296, to withdraw LB 913.

The Dierks motion to withdraw prevailed with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 491. Considered.

Senator Bruning asked unanimous consent to be excused until he returns.

No objections. So ordered.

Advanced to E & R for review with 27 ayes, 1 nay, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 21. Title read. Considered.

Senator Suttle withdrew her pending amendment, AM0298, found on page 565, First Session, 2001.

Senator Suttle offered the following amendment:
AM2463

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. The Department of Health and Human Services
- 4 Finance and Support shall report to the Clerk of the Legislature,
- 5 the Legislative Fiscal Analyst, and the Governor on July 1, 2002,
- 6 on the status of the federal substance abuse and alcohol treatment
- 7 plan amendment being pursued under the medicaid program.
- 8 Sec. 2. Since an emergency exists, this act takes effect
- 9 when passed and approved according to law."

The Suttle amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 21A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Senator McDonald asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 499. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 616. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 547. Title read. Considered.

The Standing Committee amendment, AM0498, found on page 692, First

Session, 2001, was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 547A. Title read. Considered.

Senator Landis renewed his pending amendment, AM2405, found on page 361.

The Landis amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 123. Title read. Considered.

Senator Wickersham renewed his pending amendment, AM2440, found on page 391.

The Wickersham amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 57. Title read. Considered.

The Standing Committee amendment, AM0531, found on page 711, First Session, 2001, was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Senator Redfield renewed her pending amendment, AM2360, found on page 382.

The Redfield amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Transportation and Telecommunications
Room 1113

| | | |
|---------|---------------------------|---------|
| LB 867 | Monday, February 11, 2002 | 1:30 PM |
| LB 1081 | Monday, February 11, 2002 | 1:30 PM |

| | | |
|---------|---------------------------|---------|
| LB 1105 | Monday, February 11, 2002 | 1:30 PM |
| LB 1147 | Monday, February 11, 2002 | 1:30 PM |
| LB 1238 | Monday, February 11, 2002 | 1:30 PM |

(Signed) Curt Bromm, Chairperson

Revenue
Room 1524

| | | |
|---------|------------------------------|---------|
| LB 1104 | Wednesday, February 6, 2002 | 2:30 PM |
| LB 1025 | Wednesday, February 6, 2002 | 2:30 PM |
| LB 1149 | Wednesday, February 6, 2002 | 2:30 PM |
| LB 1145 | Wednesday, February 6, 2002 | 2:30 PM |
| LB 1178 | Thursday, February 7, 2002 | 1:30 PM |
| LB 1284 | Thursday, February 7, 2002 | 1:30 PM |
| LB 1136 | Thursday, February 7, 2002 | 1:30 PM |
| LB 1300 | Thursday, February 7, 2002 | 1:30 PM |
| LB 1036 | Thursday, February 7, 2002 | 1:30 PM |
| LB 1037 | Thursday, February 7, 2002 | 1:30 PM |
| LB 1137 | Thursday, February 7, 2002 | 1:30 PM |
| LB 946 | Friday, February 8, 2002 | 1:30 PM |
| LB 1188 | Friday, February 8, 2002 | 1:30 PM |
| LB 1087 | Friday, February 8, 2002 | 1:30 PM |
| LB 1184 | Friday, February 8, 2002 | 1:30 PM |
| LB 1039 | Wednesday, February 13, 2002 | 2:30 PM |
| LB 1060 | Wednesday, February 13, 2002 | 2:30 PM |
| LB 1245 | Wednesday, February 13, 2002 | 2:30 PM |
| LB 1304 | Wednesday, February 13, 2002 | 2:30 PM |
| LB 1125 | Wednesday, February 13, 2002 | 2:30 PM |
| LB 893 | Thursday, February 14, 2002 | 1:30 PM |
| LB 1053 | Thursday, February 14, 2002 | 1:30 PM |
| LB 1124 | Thursday, February 14, 2002 | 1:30 PM |
| LB 1160 | Thursday, February 14, 2002 | 1:30 PM |
| LB 934 | Thursday, February 14, 2002 | 1:30 PM |
| LB 1097 | Wednesday, February 20, 2002 | 2:30 PM |
| LB 1099 | Wednesday, February 20, 2002 | 2:30 PM |
| LB 1128 | Wednesday, February 20, 2002 | 2:30 PM |
| LB 1237 | Wednesday, February 20, 2002 | 2:30 PM |
| LB 1299 | Wednesday, February 20, 2002 | 2:30 PM |
| LB 1242 | Thursday, February 21, 2002 | 1:30 PM |
| LB 1243 | Thursday, February 21, 2002 | 1:30 PM |
| LB 1225 | Thursday, February 21, 2002 | 1:30 PM |
| LB 1244 | Thursday, February 21, 2002 | 1:30 PM |

| | | |
|---------|------------------------------|---------|
| LB 1260 | Thursday, February 21, 2002 | 1:30 PM |
| LB 1280 | Thursday, February 21, 2002 | 1:30 PM |
| LB 1121 | Thursday, February 21, 2002 | 1:30 PM |
| LB 928 | Friday, February 22, 2002 | 1:30 PM |
| LB 1232 | Friday, February 22, 2002 | 1:30 PM |
| LB 1214 | Friday, February 22, 2002 | 1:30 PM |
| LB 1221 | Friday, February 22, 2002 | 1:30 PM |
| LB 1246 | Friday, February 22, 2002 | 1:30 PM |
| LB 1301 | Friday, February 22, 2002 | 1:30 PM |
| LB 905 | Wednesday, February 27, 2002 | 1:30 PM |
| LB 953 | Wednesday, February 27, 2002 | 1:30 PM |
| LB 1122 | Wednesday, February 27, 2002 | 1:30 PM |
| LB 1208 | Wednesday, February 27, 2002 | 1:30 PM |
| LB 1045 | Wednesday, February 27, 2002 | 1:30 PM |
| LB 996 | Wednesday, February 27, 2002 | 1:30 PM |

(Signed) William R. Wickersham, Chairperson

Executive Board

Room 2102

| | | |
|----------|-----------------------------|----------|
| LB 1290 | Thursday, February 14, 2002 | 12:00 PM |
| LR 289CA | Thursday, February 14, 2002 | 12:00 PM |
| LR 293CA | Thursday, February 14, 2002 | 12:00 PM |
| LB 1011 | Tuesday, February 19, 2002 | 12:00 PM |
| LB 1014 | Tuesday, February 19, 2002 | 12:00 PM |
| LB 1307 | Tuesday, February 19, 2002 | 12:00 PM |
| LR 283CA | Tuesday, February 19, 2002 | 12:00 PM |

(Signed) George Coordsen, Chairperson

Appropriations

Room 1003

| | | |
|---------|-----------------------------|---------|
| LB 1164 | Wednesday, February 6, 2002 | 1:30 PM |
| LB 1197 | Wednesday, February 6, 2002 | 1:30 PM |
| LB 1234 | Wednesday, February 6, 2002 | 1:30 PM |
| LB 1235 | Wednesday, February 6, 2002 | 1:30 PM |

Wednesday, February 6, 2002 1:30 PM

AGENCY 16 - Dept. of Revenue

AGENCY 9 - Secretary of State

AGENCY 10 - Auditor of Public Accounts

AGENCY 12 - State Treasurer

AGENCY 65 - Dept. of Administrative Services

AGENCY 85 - Employees Retirement Bd.

AGENCY 93 - Tax Equalization & Review
 AGENCY 13 - Dept. of Education

LB 1051 Thursday, February 7, 2002 1:30 PM
 LB 1179 Thursday, February 7, 2002 1:30 PM
 LB 1249 Thursday, February 7, 2002 1:30 PM

Thursday, February 7, 2002 1:30 PM
 AGENCY 14 - Public Service Commission
 AGENCY 21 - State Fire Marshal
 AGENCY 31 - Military
 AGENCY 51 - University Systemwide

Room 1524

LB 1166 Monday, February 11, 2002 1:30 PM

Monday, February 11, 2002 1:30 PM
 AGENCY 37 - Workers' Compensation Court
 AGENCY 47 - Educational Telecommunications
 AGENCY 48 - Postsecondary Education
 AGENCY 83 - Community College Aid
 AGENCY 54 - State Historical Society

LB 1041 Tuesday, February 12, 2002 1:30 PM

Tuesday, February 12, 2002 1:30 PM
 AGENCY 5 - Supreme Court
 AGENCY 11 - Attorney General
 AGENCY 46 - Correctional Services
 AGENCY 64 - State Patrol
 AGENCY 78 - NE Commission on Law Enforcement
 AGENCY 94 - Comm. on Public Advocacy

Room 1003

LB 1177 Wednesday, February 13, 2002 1:30 PM
 LB 1191 Wednesday, February 13, 2002 1:30 PM
 LB 1219 Wednesday, February 13, 2002 1:30 PM

Wednesday, February 13, 2002 1:30 PM
 AGENCY 36 - Racing Commission
 AGENCY 60 - Ethanol Board

(Signed) Roger R. Wehrbein, Chairperson

Urban Affairs
 Room 1510

LB 1230 Tuesday, February 5, 2002 1:30 PM
 LB 1239 Tuesday, February 5, 2002 1:30 PM
 LB 1258 Tuesday, February 5, 2002 1:30 PM
 LB 1262 Tuesday, February 5, 2002 1:30 PM
 LB 1276 Tuesday, February 5, 2002 1:30 PM

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|---------|----------------------------|---------|
| LB 1143 | Tuesday, February 12, 2002 | 1:30 PM |
| LB 1203 | Tuesday, February 12, 2002 | 1:30 PM |
| LB 1229 | Tuesday, February 12, 2002 | 1:30 PM |

(Signed) D. Paul Hartnett, Chairperson

Health and Human Services
Room 1510

| | | |
|---------|----------------------------|---------|
| LB 1152 | Thursday, February 7, 2002 | 1:30 PM |
| LB 1148 | Thursday, February 7, 2002 | 1:30 PM |
| LB 1263 | Thursday, February 7, 2002 | 1:30 PM |
| LB 1017 | Thursday, February 7, 2002 | 1:30 PM |

(Signed) Jim Jensen, Chairperson

SENATOR CUDABACK PRESIDING

GENERAL FILE

LEGISLATIVE BILL 95. Title read. Considered.

The Standing Committee amendment, AM0355, found on page 711, First Session, 2001, was considered.

Senators Beutler, Landis, and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers offered the following amendment to the Standing Committee amendment:

FA829

Amend AM0355

In line 12 after "liquor", insert "and alcoholic liquor shall not be present in any area that is readily accessible to the driver while in his or her seating position, including any compartments in such area".

Senators Stuhr, Raikes, and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers withdrew his amendment.

Senator Chambers offered the following amendment to the Standing Committee amendment:

FA830

Amend AM0355

Strike beginning with "as" in line 5 through the second "and" in line 6

Pending.

ATTORNEY GENERAL'S OPINION

Opinion #02003

DATE: January 28, 2002

SUBJECT: LB 1257. Whether Legislative Redistricting May Be Done More Often Than Once After Each Federal Decennial Census

REQUESTED BY: Senator Merton L. Dierks

WRITTEN BY: Don Stenberg, Attorney General
Steve Grasz, Deputy Attorney General

In connection with your introduction of LB 1257, you have requested an Attorney General's Opinion addressing the ability of the Legislature, under Article III, section 5, of the Nebraska Constitution, to engage in legislative redistricting more often than once after each federal decennial census, in the absence of a court order.

Thirty-five Years of Confusion. The "Dangers" of Obiter Dictum

Your request presents an unusually interesting question of state constitutional law. The trail leading to its answer is so exceptional that before we can even begin to address the issue presented we must first attempt to untangle a thirty-five year-old legal puzzle.

In 1961 the Nebraska Legislature adopted a bill proposing a constitutional amendment pertaining to legislative redistricting. 1961 Neb. Laws LB 217. This proposal was submitted to the voters of Nebraska at the 1962 election. *See Carpenter v. State*, 179 Neb. 628, 630, 139 N.W.2d 541 (1966). As approved by the voters in 1962, Article III, section 5, of the Nebraska Constitution then provided, in pertinent part, "The Legislature may redistrict the state from time to time, not more often than once in ten years." *Id.*

However, in 1964, a federal court declared portions of the 1962 amendment unconstitutional. *League of Nebraska Municipalities v. Marsh*, 232 F. Supp. 411 (D. Neb. 1964). *See also League of Nebraska Municipalities v. Marsh*, 242 F.Supp. 357 (D. Neb. 1965), appeal dismissed, *Marsh v. Dworak*, 382 U.S. 1021 (1965). Thus, the redistricting performed by the Nebraska Legislature under the 1962 amendment was invalidated. *See Carpenter v. State*, 179 Neb. at 631. The Legislature started over in 1965 (five years after the decennial census). *Id.* In addition to redistricting, the Legislature passed LB 923 (1965 Neb. Laws). This bill once again submitted a proposed revision of Article III, section 5 to the voters. As approved by the voters in 1966, the new constitutional provision deleted the "not more than once in ten years" language, and replaced it with

"The Legislature shall redistrict the state after each federal decennial census." Neb. Const. art. III, § 5.

Thus, having just completed multiple attempts at legislative redistricting subsequent to the 1960 census, the Legislature proposed, and the voters approved, removing the language in the Constitution specifically limiting redistricting to "not more often than once in ten years." However, a year after the new constitutional provision was adopted, a federal court released an opinion in which it stated, "Congressional redistricting differs from legislative redistricting in one important aspect that should be mentioned here. Under Section 5 of Article III of the Nebraska Constitution, the Legislature may redistrict itself not more often than once in ten years. There is no such limitation on Congressional redistricting." *Exon v. Tiemann*, 279 F. Supp. 603, 608 (D. Neb. 1967) (emphasis added).

The court in *Exon* was considering the constitutionality of new Congressional districts enacted in 1961. *Id.* at 605. The court's comments concerning state legislative redistricting were purely dicta and have no legal force.¹ More importantly, though, the court in *Exon* was clearly quoting from the wrong (old) constitution. *Id.* at 608. *Compare* Neb. Const. art. III, § 5. This mistake has apparently caused confusion regarding this issue for the last 35 years.

Compounding the error of the federal court, and adding to the confusion created thereby, the published opinion of the court was supplemented with an editor's headnote (undoubtedly relied upon by subsequent researchers) which repeated the faulty dicta as a proposition of law: "Congressional redistricting differs from legislative redistricting . . . in that under [the] Nebraska Constitution the Legislature may redistrict itself not more than once in ten years, while there is no such limitation or congressional redistricting." *Exon*, 279 F. Supp. at 605 (headnote 6).

In 1971, an Attorney General's Opinion was issued to a state senator on several reapportionment questions. One question was whether the Legislature could redistrict more often than every ten years. In response, the Opinion cited *Exon v. Tiemann*, 279 F. Supp. 603 (D. Neb. 1967) to

¹"Statements and comments in an opinion concerning some rule of law or legal proposition not necessarily involved nor essential to determination of the case in hand are obiter dicta, and lack the force of adjudication." *Blacks Law Dictionary* (5th ed. 1979) p. 409. Not only was the court's statement dicta, but it was not even an issue that would be proper for a federal court to address since it was solely a matter of interpreting a provision of state law that had not been construed by a state court. *See Robinson v. City of Omaha*, 866 F. 2d 1042 1043 (8th Cir. 1989) (discussing the duty of federal courts to avoid deciding issues of state law where no state court has interpreted the provision at issue). Furthermore, no federal constitutional issue was intertwined with the question of state law.

support the proposition that redistricting could not occur more than once in ten years. Oddly, the opinion set forth the text of the current constitution, but stated, "This matter is controlled by Article III, section 5, which specifically provides for redistricting no earlier than every ten years." 1971-72 Report of the Attorney General 29, 30 (Feb. 11, 1971) (emphasis added). This statement was correct as to the Constitution in effect prior to 1966, but not with regard to the Constitution as it existed at the time of the Opinion. Even if one were to interpret the new language as permitting redistricting only once in ten years, one could not say the Constitution "specifically" provides for this result. The "specific" language to which the *Exon* case referred was deleted by the voters in 1966.

The *Exon* dicta once again led to confusion in Op. Att'y Gen. No. 92090 (Aug. 3, 1992). In addressing the issue of whether court ordered redistricting could involve a statewide redistricting plan (as opposed to merely redrawing the specific districts involved in the litigation) the Opinion cited to both *Exon v. Tiemann*, and the 1971 Attorney General's Opinion for the proposition that "Article III, section 5 of the Nebraska Constitution does not allow the Legislature to redistrict itself more often than once in every ten years." Op. Att'y Gen. No. 92098 at 2. This statement was itself dicta, as the issue of redistricting frequency was not at issue in the Opinion. Furthermore, the statement was simply a reiteration of the same proposition from the 1971 Opinion and the 1967 *Exon* decision.

In sum, the question of whether the Nebraska Legislature may redraw legislative districts more often than once in ten years has been confused for 35 years by a series of mistakes, dicta and recitation of prior mistakes and dicta. Thus, the answer to your question must be determined from a fresh examination of the language of the Constitution as it now exists, using the rules of constitutional interpretation.

Rules of Constitutional Construction

In order to determine whether legislative redistricting may be done more often than once in ten years in Nebraska it is necessary to examine the relevant language of the Constitution in light of the rules established by the Nebraska Supreme Court for construing constitutional provisions. First, we are bound by the cardinal rule that the State Constitution must be applied and enforced as it is written. *State ex rel. Spire v. Conway*, 238 Neb. 766, 472 N.W.2d 403 (1991). Next, the provisions of the Constitution must be read as a whole. *Jaksha v. State*, 222 Neb. 690, 385 N.W.2d 922 (1986). Constitutional provisions are not open to construction as a matter of course. *In re Applications A-16027*, 242 Neb. 315, 328, 495 N.W.2d 23 (1993), modified, 243 Neb. 419, 499 N.W.2d 548 (1993). Construction of a constitutional clause is appropriate only when it has been demonstrated that its meaning is not clear and that construction is necessary. *Id.* If a provision must be construed because its meaning is not clear, then "its words are to be interpreted in their most natural and obvious sense, although they should

receive a more liberal construction than statutes. *Spire*, 238 Neb. at 775, 472 N.W.2d at 409.

When a constitutional provision is ambiguous, it is also appropriate to search for intent. "Effect must be given to the intent of the framers of the organic law and of the people adopting it. This is the polestar in the construction of constitutions." *In re Application A-16027 et al.*, 242 Neb. at 329. *Id.* at 3. The Nebraska Supreme Court has often examined the records of constitutional conventions to help determine intent. When an amendment is proposed by the legislature, rather than by a constitutional convention, evidence of intent may be gathered from the legislative history. As the Nebraska Supreme Court held ninety-nine years ago, "The legislature, in proposing an amendment to the constitution, acts in a capacity in strict analogy to that of a constitutional convention." *Weston v. Ryan*, 70 Neb. 211, 221, 97 N.W. 347 (1903). *Id.*

Finally, because the Nebraska Constitution "is not a grant but, rather, a restriction on legislative power, . . . the Legislature is free to act on any subject not inhibited by the Constitution." *State ex rel. Stenberg v. Douglas Racing Corp.*, 246 Neb. 901, 905, 524 N.W.2d 61, 64 (1994). As the Nebraska Supreme Court has repeatedly held, "The Legislature has plenary legislative authority except as limited by the state and federal Constitutions." *State ex rel. Stenberg v. Moore*, 249 Neb. 589, 595, 544 N.W. 2d 344 (1996).

Analysis of Article III, Section 5

Applying the foregoing rules of constitutional interpretation, we first look to the language of the constitution to determine whether the provision is clear on its face, or whether an ambiguity exists which requires construction.

Article III, section 5 currently provides, in pertinent part, "The Legislature shall by law determine the number of members to be elected and divide the state into legislative districts. . . . The Legislature shall redistrict the state after each federal decennial census. . . ." Neb. Const. art. III, § 5. The first quoted provision places broad power in the Legislature to apportion the State, and contains no limitations as to frequency of its action. The second quoted provision, on its face, mandates redistricting "after each federal decennial census." This provision clearly places a floor or minimum requirement on legislative action. It does not, by its express terms, establish a ceiling or maximum limit on legislative action. The question, then, is whether the provision read as a whole (including the reference to the decennial census) was intended to limit the Legislature's power to redistrict to only once after each census. It could be argued that since the population numbers used in redistricting "shall be the population . . . as shown by the next preceding federal census," *id.*, it would not make sense to redistrict more than once in ten years. However, this argument fails to account for the possibility of legislative boundaries being reconfigured for reasons other than population changes.

We find the words of section 5 to be ambiguous with respect to the issue presented. Therefore, we look to the historical background of the provision and any legislative floor debate on the language as it now exists.

The legislative history of 1965 Neb. Laws LB 923 contains some discussion pertinent to the issue at hand. As originally introduced, the bill provided that the Legislature may redistrict the state after each federal decennial census. Committee Records on LB 923 (Neb. 1965) p. 5. However, some legislators felt that, in light of recent federal court decisions requiring redistricting to be done based on population (one person - one vote), it was important that redistricting be mandatory after each census, rather than optional, in order to avoid future litigation. *Id.*

The pertinent committee debate centered on having redistricting at least once in ten years (a minimum standard). *Id.* at 11-12. Nonetheless, a proposed amendment to change "may" redistrict to "shall" redistrict was defeated in committee. Committee Records on LB 923 (July 22, 1965) (Executive Session minutes).

The floor debate on LB 923 also contains some pertinent discussion. Perhaps most relevant was an amendment proposed by Senator Bauer: "What my amendment does is . . . it provides that redistricting may be done once after each federal census. . . ." Floor Debate on LB 923 at 2913A. (emphasis added). According to Senator Bauer, "We have been talking about five things altogether that we have been dealing with in the Constitution. One is this matter of how often you redistrict." *Id.* In response, Senator Warner stated, "I believe, Senator Bauer, we have already adopted all of the provisions of your resolution with one exception and that is the word 'once', that the legislature may redistrict once following the federal census. . . . but as I see your amendment, there is not any change from where we now . . . stand with the exception of adding the word once." *Id.* at 2913A - 2914A. After limited debate, Senator Bauer withdrew his amendment. *Id.* at 2914A.

Later, Senator Knight proposed changing the word "may" redistrict to "shall" redistrict. *Id.* at 2921A. Again, as in committee, the debate seemed to be centered on whether it should be mandatory to do a redistricting after each census or whether the Legislature should have the option of doing it less often. *Id.* at 2921A - 2922A. The procedural history of this proposal is somewhat cloudy due to an intervening motion to indefinitely postpone the bill. However, the final proposed amendment did contain the word "shall" rather than "may" with regard to redistricting after each federal decennial census. *See* Floor Debate on LB 923, Aug. 3, 1965 at 2985 (Sen. Warner discussing his select file amendment, including the replacement of "may" with "shall").

It is also noteworthy that in discussing his opposition to a motion to indefinitely postpone the bill, Senator Warner listed several changes that, in

his view, had to be made to the Constitution. One was a provision for staggered terms; one was a change to county line requirements; and "I think that you are going to have to have the constitutional change so that you can strike the language about you may redistrict a state from time to time and not more oftener than every ten years. . . ." *Id.* at 2923A. His reasoning was "you are going to have to reapportion every federal census or else you will be in another problem in 1971 session following the census at that time." *Id.*

As a whole, the history of the current constitutional provision argues against reading a frequency limitation on legislative redistricting authority into the Constitution. As discussed above, in 1965 the Legislature adopted a bill proposing to remove an express constitutional limitation on frequency of redistricting ("The Legislature may redistrict . . . not more often than once in ten years."). See 1965 Neb. Laws LB 923. In 1966, the voters approved this amendment, and deleted the restriction from the Constitution. History also shows that at the time of the amendment's adoption, the Legislature had just completed multiple attempts at legislative redistricting following the 1960 decennial census due to the invalidation of the Legislature's plans by a federal court. See *Carpenter v. State*, 179 Neb. 628 (1966). A reasonable inference is that the removal from the Constitution of the express limitation on redistricting frequency was a response to recent experience and was intended to remove the frequency limitation.

Guidance From Other Jurisdictions

Nebraska is certainly not the first state to be faced with this question. In *Harris v. Shanahan*, 387 P.2d 771 (Kan. 1963) the court stated, "It is the general rule that once a valid apportionment law is enacted no future act may be passed by the legislature until after the next regular apportionment period prescribed by the Constitution." *Id.* at 779-780. This statement must certainly be examined. However, "general rules" are of little value or application where a unique provision of a state constitution is at issue. It is unlikely, given its rules of construction, the Nebraska Supreme Court would go beyond the language and history of Nebraska's unique provision. Furthermore, even the "general rule" referenced by the Kansas Supreme Court refers to a limitation created by the "apportionment period prescribed by the Constitution." *Id.* Thus, the "rule" is predicated on the assumption that the provisions in question have prescribed periods for redistricting. This, in fact, is the norm. Typical redistricting provisions in cases cited in *Harris* have language stating that redistricting is to be done "the first session after each census" or "the year following the year in which the census is taken." See e.g., *Mooney v. Hutchinson*, 50 N.E. 599 (Ill. 1898) (finding the Illinois provision requiring "the general assembly shall apportion the state every ten years, beginning winter 1871 . . ." impliedly prohibited apportionment at any other time). Nebraska's provision, by contrast, is less specific, and provides only that redistricting be done "after" each federal decennial census.

It is also relevant that the duty to apportion is a continuous obligation of the Legislature until it is performed. Op. Att'y Gen. No. 92098 ("The duty to apportion the state which is imposed upon the legislature is mandatory, and continues until it is properly discharged.") (citing *Selzer v. Synhorst*, 253 Iowa 936, 113 N.W.2d 724 (1962) and 81A C.J.S. *States* § 63). This concept would seem to support the notion that "after" each census could be any time during the ten year period, as opposed to provisions requiring that it be done "in the first session" after the census, etc. See, e.g. *State ex rel. v. Zimmerman*, 266 Wis. 307, 63 N.W.2d 52 (1954) (Wisconsin provision limiting legislature redistricting to the "first session after each enumeration"). See also *Legislature of the State of California v. Deukmejian*, 669 P.2d 17 (Cal. 1983) (California provision requiring redistricting "in the year following the year in which the national census is taken - - - at the beginning of each decade. . . .") (emphasis added) (citing cases from Michigan, North Carolina and New York - each with provisions expressly limiting the frequency of redistricting). *Id.* at 23. Thus, *Deukmajian* is distinguishable in that any reapportionment done other than "in the year following . . . the national census . . . at the beginning of each decade . . ." would not follow the language of the California Constitution. In contrast, the Nebraska Constitution mandates redistricting "after each federal decennial census." It does not specify the session or year, or expressly prohibit more than one adjustment of boundaries, provided it is done "after each . . . census."

Conclusion

As discussed above, where a constitutional provision is ambiguous, and therefore subject to construction, the Nebraska Supreme Court will look to the meaning of the words used "in their most natural sense" with the aid of historical context. *Spire*, 238 Neb. at 775. We believe both the language and the history of article III, § 5 lead to the same conclusion.

In 1874 the Nebraska Constitution limited redistricting to the "first session after" each state or federal enumeration. Neb. Const. art. II, § 3. The 1875 Nebraska Constitution provided that "at its first regular session after each [state] enumeration, and also after each enumeration made by the authority of the United States, but at no other time, the legislature shall apportion the senators and representatives. . . ." Neb. Const. art. III, § 2 (1875) (emphasis added).

The inclusion of express language in the Constitution limiting redistricting to once in ten years continued for many decades. See *Rogers v. Morgan*, 127 Neb. 456, 459, 462 (1934) (quoting the then existing version of article III, § 5) ("the State may be redistricted from time to time, but not oftener than once in ten years"). See also *Buller v. City of Omaha*, 164 Neb. 435, 439, 82 N.W.2d 578 (1957) ("The State may be redistricted from time to time, but no oftener than once in ten years.") (quoting Neb. Const. art. III, § 5); *Id.* at 441 ("the only manner in which such boundaries can be changed is by legislative action and then "no oftener than once in ten

years."). The version of Article III, section 5 adopted in 1962 made the frequency of legislative redistricting a matter of legislative discretion as to the minimum time between reapportionment, but again set the maximum frequency at "once in ten years." *See Carpenter v. State*, 179 Neb. at 630.

Thus, it is clear beyond any dispute the Legislature knew how to draft express language limiting the frequency of legislative redistricting. Instead, the drafters of the current provision chose to delete the express prohibition on redistricting more than once in ten years. The result is a provision mandating redistricting "after each federal decennial census" without further limitation. *See Day v. Nelson*, 240 Neb. 997, 999, 485 N.W. 2d 583 (1992) ("Article III, § 5 of the Nebraska Constitution requires the Legislature to redistrict the State after each federal decennial census."); *Hlava v. Nelson*, 247 Neb. 482, 484, 528 N.W. 2d 306 (1995) (Article III, § 5 of the Nebraska Constitution . . . requires the Legislature to redistrict the legislative districts of the State after each federal decennial census. . . .").

In light of the plenary authority of the legislature to legislate on matters not prohibited by the Constitution, and in light of the broad constitutional authority vested in the Nebraska Legislature to redistrict, we conclude that your proposed legislation does not offend Article III, § 5 of the Nebraska Constitution insofar as it proposes to redraw legislative districts for the second time "after the federal decennial census." As the Nebraska Supreme Court has held, "The matter of apportionment is so essentially legislative, restrained only by the Constitution, that courts interfere therein only when there appears a clear and palpable violation of the fundamental law." *Rogers*, 127 Neb. at 461.

Sincerely,
 DON STENBERG
 Attorney General
 (Signed) Steve Grasz
 Deputy Attorney General

3-201-14

AMENDMENTS - Print in Journal

Senator Dierks filed the following amendment to LB 435:
 AM2279

(Amendments to E & R amendments, AM7119)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Sections 1 to 8 of this act shall be known
- 4 and may be cited as the Agricultural Suppliers Lease Protection
- 5 Act.
- 6 Sec. 2. The Legislature finds that agricultural
- 7 production in this state is highly dependent upon businesses
- 8 providing inputs for agricultural producers and markets for
- 9 agricultural commodities which have historically located on lands

10 owned and served by railroads. It is vital to the continued
11 prosperity of agriculture that such businesses maintain reasonable
12 access to rail service and maintain reasonable terms of tenancy
13 upon land owned by railroads or their successors in interest. The
14 Legislature also finds that agribusiness leaseholders' substantial
15 investments in structures and improvements unique to their rail
16 location, as well as dependency on rail access, place them at a
17 disadvantage in negotiating lease renewals. The Legislature
18 further finds that given the substantial investment in structures
19 and improvements made by agribusiness leaseholders, it is equitable
20 that such agribusiness leaseholders have a right of first refusal
21 to purchase the land they lease, should it be offered for sale.
22 The purpose of the Agricultural Suppliers Lease Protection Act is
23 to establish a system for fair resolution of lease disputes that
1 may arise between railroad property owners or their successors and
2 agribusiness tenants and to guard against unreasonable lease
3 renewal terms or unjust lease termination.
4 Sec. 3. For purposes of the Agricultural Suppliers Lease
5 Protection Act:
6 (1) Agricultural tenant means any public warehouse
7 licensee as defined in section 88-526, any livestock auction market
8 as defined in section 54-1158, or any other persons primarily
9 engaged in the sale or distribution of fertilizer or agricultural
10 chemicals or farm implements, machinery, or equipment occupying
11 railroad land owned or controlled by a railroad or its grantee or
12 successor in interest;
13 (2) Fair market lease rate means the lease rate of
14 comparable commercial properties adjusted according to accepted
15 appraisal standards which may include, but are not necessarily
16 limited to, lease terms, conditions of rental, market conditions,
17 location, physical characteristics, economic characteristics
18 stipulated in the lease, use of railroad land, and nonrealty
19 components or, in the absence of comparability, the lease rate as
20 determined by comparable rates of return realized on the lease of
21 other commercial property in proximity to the lease site.
22 (3) Good faith means honesty in fact in the conduct of
23 the transaction concerned;
24 (4) Lease means any agreement between a railroad and a
25 tenant under the terms of which a tenant occupies the surface of
26 railroad land;
27 (5) Railroad land means any land acquired by a railroad
1 in strips for right-of-way and any parcel or tract acquired by a
2 railroad adjacent to its right-of-way to aid in the construction,
3 maintenance, and accommodation of its railway and which is occupied
4 pursuant to a lease by a tenant who owns substantial improvements
5 thereon;
6 (6) Substantial improvements means buildings or other
7 structures or fixtures to structures that are permanent in nature
8 and includes equipment that is affixed to real property or

9 structures; and

10 (7) Successor in interest includes any agent, successor,
11 assignee, trustee, receiver, or other person acquiring interests or
12 rights in railroad land, including, but not limited to, the owner
13 or holder of any servient estate or right of reversion relating to
14 railroad land.

15 Sec. 4. (1) Except when an owner of railroad land has
16 received a bona fide, third-party offer to lease the property, at
17 the expiration of an existing lease, the agricultural tenant shall
18 be given the opportunity to renew the lease at fair market lease
19 rate. If a bona fide third-party offer has been made to lease the
20 property, then the agricultural tenant shall be given first
21 opportunity to renew the lease at a rate that is substantially
22 equal in value to the third-party offer.

23 (2) All controversies regarding application and
24 reasonableness of lease terms and conditions or fair market lease
25 rate arising between a railroad or its successor in interest and an
26 agricultural tenant who is the owner, lessee, or licensee of a
27 substantial improvement situated on railroad land owned or
1 controlled by the railroad or its successor in interest shall be
2 resolved by negotiation or by Department of Agriculture action.

3 (3) The parties shall first negotiate in good faith to
4 resolve any controversy. If any such controversy is not resolved
5 within sixty days after notification is given to an agricultural
6 tenant by a railroad or its successor in interest that it wishes to
7 (a) renew a lease upon new terms, (b) terminate a lease, (c) not
8 renew a lease upon the expiration of a current lease, or (d) change
9 the terms of an existing lease, then either party may file a
10 complaint with the department setting forth facts upon which such
11 complaint is based.

12 (4) The department, after reasonable notice to the
13 parties, shall hear and determine all matters in controversy and
14 make such order as the facts of the controversy warrant. In
15 conducting its hearing, the department shall have those powers
16 granted to it under the Administrative Procedure Act. Any person
17 shall have the right to appeal from such order in accordance with
18 the act.

19 Sec. 5. (1)(a) Except when an owner of railroad land has
20 received a bona fide, third-party offer to purchase the property,
21 if a railroad or its successor in interest wishes to sell or offer
22 to sell property leased to an agricultural tenant upon which
23 substantial improvements owned by the agricultural tenant are
24 located, then, except when the sale or offer to sell is made to a
25 purchaser who is a common carrier who intends to operate a railroad
26 on railroad right-of-way adjacent to the leased property for the
27 public benefit or a purchaser who intends to use the railroad land
1 for interim trail use under the National Trails System Act, 16
2 U.S.C. 1243, as such act existed on the effective date of this act,
3 the railroad or its successor in interest shall first extend to the

4 agricultural tenant a written offer to sell the railroad land to
5 the agricultural tenant at fair market value. (b) If a bona fide
6 third-party offer has been made to a railroad or its successor in
7 interest to purchase property leased to an agricultural tenant upon
8 which substantial improvements owned by the agricultural tenant are
9 located, the railroad or its successor in interest shall first
10 extend to the agricultural tenant a written offer to sell the
11 railroad land at a price that is substantially equal in value to
12 the third-party offer of purchase.

13 (2) The agricultural tenant shall have thirty days after
14 a written offer made to the agricultural tenant pursuant to
15 subdivision (1)(a) of this section to give written notice of either
16 (a) acceptance of the offer to sell and of the offerer's
17 determination of fair market value or (b) acceptance of the offer
18 to sell and rejection of the offerer's determination of fair market
19 value in which case the parties shall negotiate the fair market
20 value and, if the parties cannot agree, the agricultural tenant
21 shall have sixty days after the agricultural tenant gives notice of
22 rejection to file a complaint with the Department of Agriculture
23 seeking determination of fair market value.

24 (3) The Department of Agriculture, after reasonable
25 notice to the parties, shall hear and determine the fair market
26 value of the land offered for sale and make such order as the facts
27 of the controversy warrant. In conducting its hearing, the
1 department shall have those powers granted it under the
2 Administrative Procedure Act. Any person shall have the right to
3 appeal from such order in accordance with the act.

4 (4) If the agricultural tenant fails to give timely
5 notice or to file a timely complaint under subsection (2) of this
6 section or fails to complete the purchase of the railroad land
7 within sixty days after the fair market value has been accepted by
8 the agricultural tenant or determined by the department, unless the
9 delay in completing the purchase is attributable to the railroad or
10 its successor in interest, the railroad or its successor in
11 interest may sell or offer to sell the railroad land to any
12 purchaser and such purchaser shall not be bound by this section.
13 If the railroad land is sold to a purchaser which will use the
14 railroad land for railroad operating purposes or for interim trail
15 use as described in subdivision (1)(a) of this section, then the
16 purchaser shall be bound by all of the provisions of the
17 Agricultural Suppliers Lease Protection Act.

18 Sec. 6. (1) The Department of Agriculture, in
19 consultation with the parties, may employ the services of a
20 certified general real estate appraiser when determination of fair
21 market value is a matter in controversy or relevant to the hearing
22 and determination of the matter in controversy.

23 (2) All costs incurred by the department hearing and
24 determining all matters in controversy pursuant to the Agricultural
25 Suppliers Lease Protection Act shall be paid equally by the

26 parties.

27 Sec. 7. (1) The Agricultural Suppliers Lease Protection

1 Act shall not apply to any valid lease entered into prior to the
2 effective date of this act or any renewal or extension thereof on
3 the same terms and conditions, but the provisions of the act shall
4 apply to and govern any renewal or extension of such lease on any
5 different terms or conditions or any material modifications of any
6 such lease effected on or after the effective date of this act.

7 (2) Any party having a right of first refusal or right of
8 renewal under the Agricultural Suppliers Lease Protection Act shall
9 be barred from making any subsequent claim to possession or title
10 to the railroad land if it fails to bring an action asserting that
11 it has been denied its right of first refusal or right of renewal
12 in violation of the act within six months after the date of a lease
13 or after the expiration of a lease or sale by the railroad to a
14 party other than the agricultural tenant.

15 Sec. 8. The Agricultural Suppliers Lease Protection Cash

16 Fund is created. All funds collected by the Department of
17 Agriculture under the Agricultural Suppliers Lease Protection Act
18 shall be remitted to the State Treasurer for credit to the fund.
19 The fund shall be used by the department to aid in defraying the
20 expenses of administering the act. Any money in the fund available
21 for investment shall be invested by the state investment officer
22 pursuant to the Nebraska Capital Expansion Act and the Nebraska
23 State Funds Investment Act.

24 Sec. 9. Section 75-109, Revised Statutes Supplement,
25 2000, is amended to read:

26 75-109. (1) Except as provided in the Agricultural

27 Suppliers Lease Protection Act and sections 19-4603, 86-803, and
1 86-808, the commission shall regulate and exercise general control
2 as provided by law over all common and contract carriers engaged in
3 the transportation of freight or passengers for hire or furnishing
4 telecommunications services for hire in Nebraska intrastate
5 commerce.

6 (2) The commission is authorized to do all things
7 reasonably necessary and appropriate to implement the federal
8 Telecommunications Act of 1996, Public Law 104-104, including 47
9 U.S.C. 251 et seq., as such sections existed on the effective date
10 of this act, including section 252 of the act which establishes
11 specific procedures for negotiation and arbitration of
12 interconnection agreements between telecommunications companies.
13 Interconnection agreements approved by the commission pursuant to
14 section 252 of the act may contain such enforcement mechanisms and
15 procedures that the commission determines to be consistent with the
16 establishment of fair competition in Nebraska telecommunications
17 markets. In addition, the commission may administratively fine
18 pursuant to section 75-156 any person who violates any enforcement
19 mechanism or procedure established pursuant to this subsection.
20 The authority granted to the commission pursuant to this subsection

- 21 shall be broadly construed in a manner consistent with the federal
 22 Telecommunications Act of 1996.
 23 Sec. 10. Original section 75-109, Revised Statutes
 24 Supplement, 2000, is repealed."

Senator Hartnett filed the following amendment to LB 482:
 AM2420

- 1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 "Section 1. Section 81-8,130, Reissue Revised Statutes
 4 of Nebraska, is amended to read:
 5 81-8,130. The State Athletic Commissioner may issue an
 6 annual license for conducting amateur events to any nonprofit club,
 7 association, or organization which has been located and established
 8 in this state for a period of one year before the license is
 9 issued. Each application for a license shall be accompanied by a
 10 fee of ~~set by the commissioner in rule and regulation~~. Such fee
 11 shall be not less than twenty-five dollars and not more than one
 12 hundred dollars.
 13 Sec. 2. Section 81-8,130.01, Revised Statutes
 14 Supplement, 2000, is amended to read:
 15 81-8,130.01. Licenses and permits may be issued to
 16 professional boxing or wrestling promoters, whether persons, clubs,
 17 or associations, for the sole purpose of conducting professional
 18 matches under such rules and regulations as the State Athletic
 19 Commissioner shall adopt. Each application for such license shall
 20 be accompanied by a fee of ~~set by the commissioner in rule and~~
 21 regulation. Such fee shall be not less than one hundred dollars
 22 and not more than three hundred dollars. If the promoter is an
 23 individual, the application shall include his or her social
 24 security number.
 1 Sec. 3. Section 81-8,133, Reissue Revised Statutes of
 2 Nebraska, is amended to read:
 3 81-8,133. The State Athletic Commissioner is authorized
 4 to grant licenses to competent referees, upon an application and
 5 the payment of a fee of ~~set by the commissioner in rule and~~
 6 regulation. Such fee shall be not less than ten dollars and not
 7 more than forty dollars per annum. ~~The commissioner, to competent~~
 8 ~~referees. He or she~~ may revoke any license so granted for such
 9 cause as may be deemed sufficient. At every wrestling, ~~or~~ boxing,
 10 or sparring match or exhibition there shall be in attendance a duly
 11 licensed referee, who shall direct and control the ~~same~~ match. The
 12 referee shall stop the match whenever he or she deems it advisable,
 13 (1) because of the physical condition of the contestants or one of
 14 them, (2) when one of the contestants is clearly outclassed by his
 15 or her opponent, or (3) for any other sufficient reason. The
 16 referee shall, at the termination of every wrestling, boxing, or
 17 sparring match or exhibition, indicate a winner. The fees of the
 18 referee and other licensed officials may be fixed by the

19 commissioner and shall be paid by the licensed organization.
20 Sec. 4. Section 81-8,133.01, Revised Statutes
21 Supplement, 2000, is amended to read:
22 81-8,133.01. The State Athletic Commissioner may grant
23 licenses to qualified physicians, managers, matchmakers, and
24 professional wrestling, boxing, or sparring match or exhibition
25 judges upon an application and payment of an annual fee of set by
26 the commissioner in rule and regulation. Such fee for matchmakers
27 shall be not less than ten dollars and not more than one hundred
1 dollars. Such fee for physicians, managers, and professional
2 wrestling, boxing, or sparring match or exhibition judges shall be
3 not less than ten dollars and not more than twenty dollars. The
4 commissioner may also grant licenses to qualified timekeepers,
5 contestants, and seconds upon an application and payment of an
6 annual fee of five set by the commissioner in rule and regulation.
7 Such fee shall be not less than ten dollars and not more than
8 twenty dollars. The application shall include the applicant's
9 social security number. No person shall serve as physician,
10 manager, matchmaker, or judge at any professional wrestling, or
11 boxing, or sparring match or exhibition match who is not licensed
12 as such. No person shall serve as timekeeper or contestant at any
13 professional wrestling or boxing match who is not licensed as such.
14 The commissioner shall have summary authority to stop any match at
15 which any person is serving in violation of the provisions of this
16 section. Any license granted under the provisions of this section
17 may be revoked for cause.

18 Sec. 5. Section 81-8,139, Reissue Revised Statutes of
19 Nebraska, is amended to read:
20 81-8,139. The State Athletic Commissioner shall make
21 such rules and regulations for the administration and enforcement
22 of sections 81-8,128 to 81-8,142.01 as he or she may deem
23 necessary. Such rules and regulations shall include, but not be
24 limited to, the establishment of written criteria for the granting
25 and revoking of licenses, the setting of license fees, and the
26 qualification requirements for those to be licensed as referees,
27 physicians, managers, matchmakers, and professional wrestling,
1 boxing, or sparring match or exhibition judges. He or she shall
2 have the power and may control and limit the number of wrestling,
3 boxing, or sparring matches or exhibitions given, or to be held,
4 each year, or within one week, in any city or town, or by any
5 organization. He or she may reprimand any amateur or professional
6 athlete or any official or suspend for a period, not to exceed one
7 year, his or her right to participate in any match or exhibition
8 conducted by any licensee for unsportsmanlike conduct while engaged
9 in or arising directly from any match or exhibition, failure to
10 compete in good faith, engaging in any sham match or exhibition, or
11 the use of threatening and abusive language toward officials, other
12 contestants, or spectators.

13 Sec. 6. Original sections 81-8,130, 81-8,133, and

14 81-8,139, Reissue Revised Statutes of Nebraska, and sections
15 81-8,130.01 and 81-8,133.01, Revised Statutes Supplement, 2000, are
16 repealed."

Senator Cudaback filed the following amendment to LB 157A:
AM2455

- 1 1. Strike original section 1 and insert the following
- 2 new section:
- 3 "Section 1. There is hereby appropriated \$32,500 from
- 4 the Department of Motor Vehicles Cash Fund for FY2002-03 to the
- 5 Department of Motor Vehicles, for Program 70, to aid in carrying
- 6 out the provisions of Legislative Bill 157, Ninety-seventh
- 7 Legislature, Second Session, 2002.
- 8 No expenditures for permanent and temporary salaries and
- 9 per diems for state employees shall be made from funds appropriated
- 10 in this section."

Senator Hartnett filed the following amendment to LB 1240:
AM2461

- 1 1. On page 7, line 28; and page 8, line 24, strike
- 2 "located within such county".
- 3 2. On page 9, line 25, after "years" insert "immediately
- 4 preceding or".
- 5 3. On page 10, line 1, after "county" insert "having a
- 6 population in excess of two hundred thousand persons".

NOTICE OF COMMITTEE HEARINGS

Natural Resources

Room 1525

| | | |
|---------|-----------------------------|---------|
| LB 942 | Wednesday, February 6, 2002 | 1:30 PM |
| LB 960 | Wednesday, February 6, 2002 | 1:30 PM |
| LB 1140 | Wednesday, February 6, 2002 | 1:30 PM |
| LB 1256 | Wednesday, February 6, 2002 | 1:30 PM |
| LB 936 | Thursday, February 7, 2002 | 1:30 PM |
| LB 939 | Thursday, February 7, 2002 | 1:30 PM |
| LB 1026 | Thursday, February 7, 2002 | 1:30 PM |
| LB 1288 | Thursday, February 7, 2002 | 1:30 PM |

(Signed) Ed Schrock, Chairperson

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 82. Placed on Select File as amended.
(E & R amendment, AM7149, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 82A. Placed on Select File as amended.
E & R amendment to LB 82A:
AM7148

- 1 1. On page 1, line 3; and page 2, line 6, strike "First
2 Session, 2001" and insert "Second Session, 2002".

LEGISLATIVE BILL 436. Placed on Select File as amended.
(E & R amendment, AM7150, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 436A. Placed on Select File as amended.
E & R amendment to LB 436A:
AM7152

- 1 1. On page 1, line 3; and page 2, line 16, strike "First
2 Session, 2001" and insert "Second Session, 2002".
- 3 2. On page 2, lines 1, 3, and 12, strike "FY2001-02" and
4 insert "FY2002-03"; and in lines 6, 8, and 13, strike "FY2002-03"
5 and insert "FY2003-04".

(Signed) Philip Erdman, Chairperson

STANDING COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 968. Placed on General File.
LEGISLATIVE BILL 981. Placed on General File.

(Signed) David M. Landis, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Erdman asked unanimous consent to have his name added as cointroducer to LB 57. No objections. So ordered.

Senator Stuhr asked unanimous consent to have her name added as cointroducer to LB 870. No objections. So ordered.

WITHDRAW - Cointroducers

Senators Erdman and Kremer withdrew their names as cointroducers to LB 185.

VISITORS

Visitors to the Chamber were Brian Himmelberg from Friend; Mike McCabe and Tim Anderson from Illinois; 25 twelfth grade students and teacher from Clarkson; and 30 fourth grade students from Longfellow Elementary School, Hastings.

The Doctor of the Day was Dr. Plasek from Lincoln.

ADJOURNMENT

At 11:59 a.m., on a motion by Senator Redfield, the Legislature adjourned until 9:00 a.m., Wednesday, January 30, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTEENTH DAY - JANUARY 30, 2002**LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE
SECOND SESSION****FIFTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 30, 2002

PRAYER

The prayer was offered by Senator Kruse.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Heineman presiding.

The roll was called and all members were present except Senator McDonald who was excused; and Senators Brashear, Bromm, Cunningham, Engel, Hartnett, Landis, Maxwell, Dw. Pedersen, D. Pederson, and Raikes who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourteenth day was approved.

NOTICE OF COMMITTEE HEARINGS**Judiciary
Room 1113**

| | | |
|---------|-----------------------------|---------|
| LB 949 | Wednesday, February 6, 2002 | 1:30 PM |
| LB 1067 | Wednesday, February 6, 2002 | 1:30 PM |
| LB 1091 | Wednesday, February 6, 2002 | 1:30 PM |
| LB 1187 | Wednesday, February 6, 2002 | 1:30 PM |
| LB 1287 | Wednesday, February 6, 2002 | 1:30 PM |
| LB 1303 | Wednesday, February 6, 2002 | 1:30 PM |
| LB 1005 | Thursday, February 7, 2002 | 1:30 PM |
| LB 1217 | Thursday, February 7, 2002 | 1:30 PM |
| LB 1220 | Thursday, February 7, 2002 | 1:30 PM |
| LB 983 | Friday, February 8, 2002 | 1:30 PM |
| LB 1202 | Friday, February 8, 2002 | 1:30 PM |

| | | |
|---------|------------------------------|---------|
| LB 1223 | Friday, February 8, 2002 | 1:30 PM |
| LB 910 | Wednesday, February 13, 2002 | 1:30 PM |
| LB 927 | Wednesday, February 13, 2002 | 1:30 PM |
| LB 1120 | Wednesday, February 13, 2002 | 1:30 PM |
| LB 1265 | Wednesday, February 13, 2002 | 1:30 PM |
| LB 1279 | Wednesday, February 13, 2002 | 1:30 PM |
| LB 1115 | Thursday, February 14, 2002 | 1:30 PM |
| LB 1156 | Thursday, February 14, 2002 | 1:30 PM |
| LB 1282 | Thursday, February 14, 2002 | 1:30 PM |
| LB 1293 | Thursday, February 14, 2002 | 1:30 PM |
| LB 1181 | Wednesday, February 20, 2002 | 1:30 PM |
| LB 1182 | Wednesday, February 20, 2002 | 1:30 PM |
| LB 1218 | Wednesday, February 20, 2002 | 1:30 PM |
| LB 1268 | Wednesday, February 20, 2002 | 1:30 PM |
| LB 1283 | Wednesday, February 20, 2002 | 1:30 PM |
| LB 895 | Thursday, February 21, 2002 | 1:30 PM |
| LB 979 | Thursday, February 21, 2002 | 1:30 PM |
| LB 1061 | Thursday, February 21, 2002 | 1:30 PM |
| LB 1093 | Thursday, February 21, 2002 | 1:30 PM |
| LB 1227 | Thursday, February 21, 2002 | 1:30 PM |
| LB 1266 | Thursday, February 21, 2002 | 1:30 PM |
| LB 865 | Wednesday, February 27, 2002 | 1:30 PM |
| LB 1278 | Wednesday, February 27, 2002 | 1:30 PM |
| LB 1281 | Wednesday, February 27, 2002 | 1:30 PM |
| LB 1289 | Wednesday, February 27, 2002 | 1:30 PM |

(Signed) Kermit A. Brashear, Chairperson

ANNOUNCEMENTS

Senator Cudaback designates LB 276 as his priority bill.

Senator Thompson designates LB 1073 as her priority bill.

MOTION - Approve Appointment

Senator Schrock moved the adoption of the report of the Natural Resources Committee for the following appointment found on page 392: Game and Parks Commission - William L. Grewcock.

Voting in the affirmative, 25:

| | | | | |
|---------|----------|--------|----------|------------|
| Aguilar | Connealy | Jensen | Quandahl | Synowiecki |
| Baker | Dierks | Jones | Redfield | Tyson |
| Brown | Erdman | Kremer | Schimek | Vrtiska |
| Burling | Hudkins | Kruse | Schrock | Wehrbein |
| Byars | Janssen | Price | Stuhr | Wickersham |

Voting in the negative, 0.

Present and not voting, 13:

| | | | | |
|---------|----------|------------|--------|----------|
| Beutler | Chambers | Foley | Robak | Thompson |
| Bourne | Coordsen | Kristensen | Smith | |
| Bruning | Cudaback | Preister | Suttle | |

Excused and not voting, 11:

| | | | |
|------------|----------|---------------|--------------|
| Brashear | Engel | Maxwell | Pederson, D. |
| Bromm | Hartnett | McDonald | Raikes |
| Cunningham | Landis | Pedersen, Dw. | |

The appointment was confirmed with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 400. Considered.

Senator Jensen withdrew his pending motion, found on page 2287, First Session, 2001, to indefinitely postpone LB 400.

Senator Tyson moved to recommit LB 400 to the Health and Human Services Committee.

SENATOR CUDABACK PRESIDING

SPEAKER KRISTENSEN PRESIDING

Senator Thompson asked unanimous consent to bracket LB 400 to February 7, 2002. No objections. So ordered.

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB 436:
AM2470

(Amendments to E & R amendments, AM7150)

- 1 1. On page 5, line 12, before the semicolon insert "as
- 2 the act and regulations existed on the effective date of this act".
- 3 2. On page 11, lines 1 and 5, after the last comma
- 4 insert "as the section existed on the effective date of this act".
- 5 3. On page 14, line 21, after "seq." insert "as the

6 act existed on the effective date of this act."

7 4. On page 18, line 21, before the semicolon insert "

8 as the regulation existed on the effective date of this act".

9 5. On page 30, line 22, after "171" insert ", as the
10 regulation existed on the effective date of this act."

Senator Kremer filed the following amendment to LB 777:
AM2253

(Amendments to Standing Committee amendments, AM0742)

- 1 1. On page 2, line 13, strike "Published a", show as
- 2 stricken, and insert "Provided"; in line 14 strike "in each region"
- 3 and insert "by publication in a newspaper of general circulation in
- 4 each county in that portion"; in line 19 strike "and natural
- 5 resources district" and insert ", municipality, natural resources
- 6 district, public power district, and other applicable agency or
- 7 entity"; and in line 25 strike "thirty", show as stricken, and
- 8 insert "sixty".
- 9 2. On page 3, line 6, after "commission" insert "or a
- 10 state or federal fish and wildlife agency"; strike line 10 and
- 11 insert "subsection, developed a description of the potential
- 12 impacts, requirements, or"; in line 12 after "rights" insert "on
- 13 behalf of themselves or others"; in line 22 strike "an outline" and
- 14 insert "a description"; and in line 24 strike "and outline" and
- 15 insert ", including an explanation of any changes or modifications
- 16 the commission has made to its proposal as a result of the peer
- 17 review, and the description."

STANDING COMMITTEE REPORT

Education

LEGISLATIVE BILL 647. Placed on General File as amended.
Standing Committee amendment to LB 647:
AM2438

- 1 1. Strike the original sections and insert the following
- 2 new section:
- 3 "Section 1. Section 79-1217, Revised Statutes
- 4 Supplement, 2001, is amended to read:
- 5 79-1217. (1) All educational service units, except
- 6 Educational Service Units No. 18 and 19, shall be governed by a
- 7 board to be known as the Board of Educational Service Unit No.
- 8 The educational service unit board shall be composed of
- 9 one member from each county and four members at large, all of whom
- 10 shall reside within the geographical boundaries of the educational
- 11 service unit, but no more than two of the members at large shall be
- 12 appointed or elected from the same county unless any one county
- 13 within the educational service unit has a population in excess of
- 14 one hundred fifty thousand inhabitants or the educational service
- 15 unit consists of only one county. The four candidates who receive
- 16 the highest number of votes for at-large representative shall be

17 elected, except that if more than two of such candidates reside
18 within the same county which has a population of one hundred fifty
19 thousand inhabitants or less, the candidates from such county
20 receiving fewer votes than the two candidates receiving the highest
21 number of votes for at-large representative from such county shall
22 not be elected and a vacancy or vacancies shall exist for at-large
23 representative. The vacancy shall be filled pursuant to subsection
24 (2) of this section. Successors to the members initially appointed

1 shall be elected pursuant to section 32-515.

2 (2) Vacancies in office shall occur as set forth in
3 section 32-560. Whenever any vacancy occurs on the board, the
4 remaining members of such board shall appoint an individual
5 residing within the geographical boundaries of the educational
6 service unit and meeting the qualifications for the office to fill
7 such vacancy for the balance of the unexpired term.

8 (3) Members of the board shall receive no compensation
9 for their services but shall be reimbursed for the actual and
10 necessary expenses incurred in the performance of their duties
11 under the Educational Service Units Act as provided in sections
12 81-1174 to 81-1177.

13 (4) Except as provided in subsection (5) of this section,
14 any ~~local~~ joint school district located in two or more counties
15 shall be considered a part of the educational service unit in which
16 the greater number of school-age children of such joint school
17 district reside. All legal voters of any such joint school
18 district shall be eligible to hold office as the county
19 representative of the county in which the greater number of
20 school-age children reside. Any legal voter of any joint school
21 district shall be eligible to hold office as the at-large
22 representative if such legal voter resides within the geographical
23 boundary of the school district comprising the educational service
24 unit.

25 (5) Any Class I district which is part of a Class VI
26 district shall be considered a part of the educational service unit
27 of which the Class VI district is a member. If the Class VI
1 district has removed itself from an educational service unit, each
2 Class I district which is part of such Class VI district may
3 continue its existing membership in an educational service unit or
4 may change its status relative to membership in an educational
5 service unit in accordance with section 79-1209. The patrons of a
6 Class I district maintaining membership in an educational service
7 unit pursuant to this subsection shall have the same rights and
8 privileges as other patrons of the educational service unit, and
9 the taxable valuation of the taxable property within the geographic
10 boundaries of such Class I district shall be subject to the
11 educational service unit's tax levy established pursuant to section
12 79-1225.

13 (6) The administrator of each educational service unit,
14 prior to July 1 of each year in which a statewide primary election

15 is to be held, shall certify to the election commissioner or county
 16 clerk of each county located within the unit the corporate name of
 17 each school district, as described in section 79-405, located
 18 within the county. If a school district is a joint school district
 19 located in two or more counties, the administrator shall certify to
 20 each election commissioner or county clerk the educational service
 21 unit of which the school district is considered to be a part.
 22 (7) Educational Service Unit No. 18 shall be governed by
 23 the school board of School District 55-001 of Lancaster County.
 24 (8) Educational Service Unit No. 19 shall be governed by
 25 the school board of School District 28-001 of Douglas County.
 26 Sec. 4. Original section 79-1217, Revised Statutes
 27 Supplement, 2001, is repealed."

(Signed) Ron Raikes, Chairperson

SELECT COMMITTEE REPORT Enrollment and Review

LEGISLATIVE BILL 568. Placed on Select File as amended.
 (E & R amendment, AM7154, may be found in the Bill Books. The
 amendment has been printed separately and is on file in the Bill Room -
 Room 1102.)

(Signed) Philip Erdman, Chairperson

SELECT FILE

LEGISLATIVE BILL 435. Senator Beutler withdrew his pending
 amendments, AM1728, AM1732, AM1737, AM1731, AM1736, AM1730,
 AM1733, AM2065, AM2062, AM2059, AM2060, AM2066, and AM2061,
 found on pages 2050, 2051, 2074, and 2075, First Session, 2001.

Senator Dierks withdrew his pending amendment, AM2279, found on page
 409.

Senator Dierks offered the following amendment:
 AM2487

(Amendments to E & R amendments, AM7119)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Sections 1 to 8 of this act shall be known
- 4 and may be cited as the Agricultural Suppliers Lease Protection
- 5 Act.
- 6 Sec. 2. The Legislature finds that agricultural
- 7 production in this state is highly dependent upon businesses
- 8 providing inputs for agricultural producers and markets for
- 9 agricultural commodities which have historically located on lands
- 10 owned and served by railroads. It is vital to the continued

11 prosperity of agriculture that such businesses maintain reasonable
12 access to rail service and maintain reasonable terms of tenancy
13 upon land owned by railroads or their successors in interest. The
14 Legislature also finds that agribusiness leaseholders' substantial
15 investments in structures and improvements unique to their rail
16 location, as well as dependency on rail access, place them at a
17 disadvantage in negotiating lease renewals. The Legislature
18 further finds that given the substantial investment in structures
19 and improvements made by agribusiness leaseholders, it is equitable
20 that such agribusiness leaseholders have a right of first refusal
21 to purchase the land they lease, should it be offered for sale.
22 The purpose of the Agricultural Suppliers Lease Protection Act is
23 to establish a system for fair resolution of lease disputes that
1 may arise between railroad property owners or their successors and
2 agribusiness tenants and to guard against unreasonable lease
3 renewal terms or unjust lease termination.

4 Sec. 3. For purposes of the Agricultural Suppliers Lease
5 Protection Act:

6 (1) Agricultural tenant means any public warehouse
7 licensee as defined in section 88-526, any livestock auction market
8 as defined in section 54-1158, or any other persons primarily
9 engaged in the sale or distribution of fertilizer or agricultural
10 chemicals or farm implements, machinery, or equipment occupying
11 railroad land owned or controlled by a railroad or its grantee or
12 successor in interest;

13 (2) Fair market lease rate means the lease rate of
14 comparable commercial properties adjusted according to accepted
15 appraisal standards which may include, but are not necessarily
16 limited to, lease terms, market conditions, location, physical
17 characteristics, economic characteristics stipulated in the lease,
18 and nonrealty components or, in the absence of comparability, the
19 lease rate as determined by comparable rates of return realized on
20 the lease of other commercial property in proximity to the lease
21 site.

22 (3) Good faith means honesty in fact in the conduct of
23 the transaction concerned;

24 (4) Lease means any agreement between a railroad and a
25 tenant under the terms of which a tenant occupies the surface of
26 railroad land;

27 (5) Railroad land means any land acquired by a railroad
1 in strips for right-of-way and any parcel or tract acquired by a
2 railroad adjacent to its right-of-way to aid in the construction,
3 maintenance, and accommodation of its railway and which is occupied
4 pursuant to a lease by a tenant who owns substantial improvements
5 thereon;

6 (6) Substantial improvements means buildings or other
7 structures or fixtures to structures that are permanent in nature
8 and includes equipment that is affixed to real property or
9 structures; and

10 (7) Successor in interest includes any agent, successor,
11 assignee, trustee, receiver, or other person acquiring interests or
12 rights in railroad land, including, but not limited to, the owner
13 or holder of any servient estate or right of reversion relating to
14 railroad land.

15 Sec. 4. (1) Except when an owner of railroad land has
16 received a bona fide, third-party offer to lease the property that
17 the owner desires to accept, at the expiration of an existing
18 lease, the agricultural tenant shall be given the opportunity to
19 renew the lease at fair market lease rate. If a bona fide
20 third-party offer has been made to lease the property that the
21 owner desires to accept, then the agricultural tenant shall be
22 given first opportunity for a period of thirty days after receipt
23 of written notice of such third-party offer to renew the lease at a
24 rate that is substantially equal in value to the third-party offer.

25 (2) All controversies regarding application and
26 reasonableness of lease terms and conditions or fair market lease
27 rate arising between a railroad or its successor in interest and an
1 agricultural tenant who is the owner, lessee, or licensee of a
2 substantial improvement situated on railroad land owned or
3 controlled by the railroad or its successor in interest shall be
4 resolved by negotiation or by Department of Agriculture action.

5 (3) The parties shall first negotiate in good faith to
6 resolve any controversy. If any such controversy is not resolved
7 within sixty days after notification is given to an agricultural
8 tenant by a railroad or its successor in interest that it wishes to
9 renew a lease upon new terms, (b) terminate a lease, (c) not
10 renew a lease upon the expiration of a current lease, or (d) change
11 the terms of an existing lease, then either party may file a
12 complaint with the department setting forth facts upon which such
13 complaint is based.

14 (4) The department, after reasonable notice to the
15 parties, shall hear and determine all matters in controversy and
16 make such order as the facts of the controversy warrant. In
17 conducting its hearing, the department shall have those powers
18 granted to it under the Administrative Procedure Act. Any person
19 shall have the right to appeal from such order in accordance with
20 the act.

21 Sec. 5. (1)(a) Except when an owner of railroad land has
22 received a bona fide, third-party offer to purchase the property
23 that the owner desires to accept, if a railroad or its successor in
24 interest wishes to sell or offer to sell property leased to an
25 agricultural tenant upon which substantial improvements owned by
26 the agricultural tenant are located, then, except when the sale or
27 offer to sell is made to a purchaser who is a common carrier who
1 intends to operate a railroad on railroad right-of-way adjacent to
2 the leased property for the public benefit or a purchaser who
3 intends to use the railroad land for interim trail use under the
4 National Trails System Act, 16 U.S.C. 1243, as such act existed on

5 the effective date of this act, the railroad or its successor in
6 interest shall first extend to the agricultural tenant a written
7 offer to sell the railroad land to the agricultural tenant at fair
8 market value. (b) If a bona fide third-party offer that a railroad
9 or its successor in interest desires to accept has been made to
10 purchase property leased to an agricultural tenant upon which
11 substantial improvements owned by the agricultural tenant are
12 located, the railroad or its successor in interest shall first
13 extend to the agricultural tenant a written offer to sell the
14 railroad land at a price that is substantially equal in value to
15 such third-party offer of purchase. If the agricultural tenant
16 does not accept such written offer within thirty days after receipt
17 of the offer, then the railroad or its successor in interest may
18 sell the property to the third party, and such third party is not
19 bound under this section.

20 (2) The agricultural tenant shall have thirty days after
21 a written offer made to the agricultural tenant pursuant to
22 subdivision (1)(a) of this section to give written notice of either
23 (a) acceptance of the offer to sell and of the offerer's
24 determination of fair market value or (b) acceptance of the offer
25 to sell and rejection of the offerer's determination of fair market
26 value in which case the parties shall negotiate the fair market
27 value and, if the parties cannot agree, the agricultural tenant
1 shall have sixty days after the agricultural tenant gives notice of
2 rejection to file a complaint with the Department of Agriculture
3 seeking determination of fair market value.

4 (3) The Department of Agriculture, after reasonable
5 notice to the parties, shall hear and determine the fair market
6 value of the land offered for sale and make such order as the facts
7 of the controversy warrant. In conducting its hearing, the
8 department shall have those powers granted it under the
9 Administrative Procedure Act. Any person shall have the right to
10 appeal from such order in accordance with the act.

11 (4) If the agricultural tenant fails to give timely
12 notice or to file a timely complaint under subsection (2) of this
13 section or fails to complete the purchase of the railroad land
14 within sixty days after the fair market value has been accepted by
15 the agricultural tenant or determined by the department, unless the
16 delay in completing the purchase is attributable to the railroad or
17 its successor in interest, the railroad or its successor in
18 interest may sell or offer to sell the railroad land to any
19 purchaser and such purchaser shall not be bound by this section.
20 If the railroad land is sold to a purchaser which will use the
21 railroad land for railroad operating purposes or for interim trail
22 use as described in subdivision (1)(a) of this section, then the
23 purchaser shall be bound by all of the provisions of the
24 Agricultural Suppliers Lease Protection Act.

25 Sec. 6. (1) The Department of Agriculture, in
26 consultation with the parties, may employ the services of a

- 27 certified general real estate appraiser when determination of fair
1 market value is a matter in controversy or relevant to the hearing
2 and determination of the matter in controversy.
3 (2) All costs incurred by the department hearing and
4 determining all matters in controversy pursuant to the Agricultural
5 Suppliers Lease Protection Act shall be paid equally by the
6 parties.
7 Sec. 7. (1) The Agricultural Suppliers Lease Protection
8 Act shall not apply to any valid lease entered into prior to the
9 effective date of this act or any renewal or extension thereof on
10 the same terms and conditions, but the provisions of the act shall
11 apply to and govern any renewal or extension of such lease on any
12 different terms or conditions or any material modifications of any
13 such lease effected on or after the effective date of this act.
14 (2) Any party having a right of first refusal or right of
15 renewal under the Agricultural Suppliers Lease Protection Act shall
16 be barred from making any subsequent claim to possession or title
17 to the railroad land if it fails to bring an action asserting that
18 it has been denied its right of first refusal or right of renewal
19 in violation of the act within six months after the date of a lease
20 or after the expiration of a lease or sale by the railroad to a
21 party other than the agricultural tenant.
22 Sec. 8. The Agricultural Suppliers Lease Protection Cash
23 Fund is created. All funds collected by the Department of
24 Agriculture under the Agricultural Suppliers Lease Protection Act
25 shall be remitted to the State Treasurer for credit to the fund.
26 The fund shall be used by the department to aid in defraying the
27 expenses of administering the act. Any money in the fund available
1 for investment shall be invested by the state investment officer
2 pursuant to the Nebraska Capital Expansion Act and the Nebraska
3 State Funds Investment Act.
4 Sec. 9. Section 75-109, Revised Statutes Supplement,
5 2000, is amended to read:
6 75-109. (1) Except as provided in the Agricultural
7 Suppliers Lease Protection Act and sections 19-4603, 86-803, and
8 86-808, the commission shall regulate and exercise general control
9 as provided by law over all common and contract carriers engaged in
10 the transportation of freight or passengers for hire or furnishing
11 telecommunications services for hire in Nebraska intrastate
12 commerce.
13 (2) The commission is authorized to do all things
14 reasonably necessary and appropriate to implement the federal
15 Telecommunications Act of 1996, Public Law 104-104, including 47
16 U.S.C. 251 et seq., as such sections existed on the effective date
17 of this act, including section 252 of the act which establishes
18 specific procedures for negotiation and arbitration of
19 interconnection agreements between telecommunications companies.
20 Interconnection agreements approved by the commission pursuant to
21 section 252 of the act may contain such enforcement mechanisms and

22 procedures that the commission determines to be consistent with the
23 establishment of fair competition in Nebraska telecommunications
24 markets. In addition, the commission may administratively fine
25 pursuant to section 75-156 any person who violates any enforcement
26 mechanism or procedure established pursuant to this subsection.
27 The authority granted to the commission pursuant to this subsection
1 shall be broadly construed in a manner consistent with the federal
2 Telecommunications Act of 1996.
3 Sec. 10. Original section 75-109, Revised Statutes
4 Supplement, 2000, is repealed."

Senator Aguilar asked unanimous consent to be excused until he returns. No objections. So ordered.

The Dierks amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 435A. Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 95. Senator Chambers renewed his pending amendment, FA830, found on page 401, to the Standing Committee amendment, AM0355, found on page 711, First Session, 2001.

Senators Beutler and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 290 and 291 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 290 and 291.

STANDING COMMITTEE REPORTS Business and Labor

LEGISLATIVE BILL 1001. Placed on General File.

LEGISLATIVE BILL 921. Placed on General File as amended.
Standing Committee amendment to LB 921:
AM2469

- 1 1. Insert the following new section:
- 2 "Sec. 4. This act becomes operative January 1, 2003."
- 3 2. Renumber the remaining section accordingly.

LEGISLATIVE BILL 415. Indefinitely postponed.

LEGISLATIVE BILL 456. Indefinitely postponed.

LEGISLATIVE BILL 492. Indefinitely postponed.

LEGISLATIVE BILL 675. Indefinitely postponed.

(Signed) Matt Connealy, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 1089. Placed on General File.

LEGISLATIVE BILL 1094. Placed on General File.

LEGISLATIVE BILL 1139. Placed on General File as amended.

(Standing Committee amendment, AM2460, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) David M. Landis, Chairperson

MOTION - Print in Journal

Senator Brashear filed the following motion to LB 82A:
Indefinitely Postpone Legislative Bill 82A.

AMENDMENTS - Print in Journal

Senator Foley filed the following amendment to LB 824:
AM2492

(Amendments to AM2336)

- 1 1. On page 1, line 11, after the comma insert "the
- 2 following definitions apply".

Senator Chambers filed the following amendment to LB 283:
AM2477

(Amendments to Standing Committee amendments, AM0118)

- 1 1. On page 14, line 22, strike "from time to time" and
- 2 show as stricken; and in line 23 before the period insert ", as
- 3 such section existed on the effective date of this act".
- 4 2. On page 16, line 20 before "and" insert ", as such
- 5 section existed on the effective date of this act".
- 6 3. On page 20, line 22, after "23 U.S.C. 131" insert ",
- 7 as such section existed on the effective date of this act".
- 8 4. On page 22, line 14, after the comma insert "as such
- 9 section existed on the effective date of this act"; in line 15
- 10 after "131" insert ", as such section existed on the effective date

- 11 of this act"; and strike beginning with "as" in line 15 through
 12 "89-285," in line 16 and show as stricken.
- 13 5. On page 23, line 4, after "23 U.S.C. 131(j)" insert
 14 "as such section existed on the effective date of this act";
 15 strike beginning with "and" in line 5 through "1970" in line 6 and
 16 show as stricken; and strike beginning with "as" in line 24 through
 17 "89-285," in line 25 and show as stricken.
- 18 6. On page 24, line 14, after the first comma insert "as
 19 such section and regulations existed on the effective date of this
 20 act." and strike beginning with "as" through the period and show as
 21 stricken.
- 22 7. On page 28, line 11, after the first comma insert "as
 23 such section existed on the effective date of this act"; in line
 16 after "23 U.S.C. 131(o)" insert "as such section existed on the
 2 effective date of this act"; and in line 18, after the third
 3 comma, insert "as such regulation existed on the effective date
 4 of this act".
- 5 8. On page 53, line 18, after "Act" insert "as the act
 6 existed on the effective date of this act".
- 7 9. On page 56, line 2, strike "as amended", show as
 8 stricken, and insert "as such section existed on the effective date
 9 of this act"; and in line 20 before the period insert "as such
 10 regulation existed on the effective date of this act".
- 11 10. On page 61, line 21, after the last comma insert "as
 12 the act existed on the effective date of this act".

Senator Janssen filed the following amendment to LB 545:
 AM2478

(Amendments to Standing Committee amendments, AM0571)

- 1 1. Strike beginning with the first comma on page 7, line
 2 27, through the second "and" on page 8, line 3, and insert "or any
 3 authorized sales outlet location shall expire on May 31 of every
 4 even-numbered year or such other date as the department may
 5 prescribe by rule and regulation, and may be renewed biennially.
 6 All licenses issued to any lottery worker shall expire on May 31 of
 7 every odd-numbered year or such other date as the department may
 8 prescribe by rule and regulation, and".

GENERAL FILE

LEGISLATIVE BILL 95. The Chambers pending amendment, FA830, found on page 401 and considered in this day's Journal, to the Standing Committee amendment, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 9:

| | | | | |
|----------|--------|---------------|--------|----------|
| Aguilar | Erdman | Kremer | Price | Redfield |
| Cudaback | Jensen | Pedersen, Dw. | Raikes | |

Voting in the negative, 10:

| | | | | |
|---------|---------|----------|---------|----------|
| Bromm | Janssen | Quandahl | Schrock | Thompson |
| Bruning | Landis | Schimek | Smith | Wehrbein |

Present and not voting, 27:

| | | | | |
|---------|------------|------------|--------------|------------|
| Baker | Chambers | Foley | Pederson, D. | Tyson |
| Beutler | Connealy | Hudkins | Preister | Vrtiska |
| Bourne | Coordsen | Jones | Robak | Wickersham |
| Brown | Cunningham | Kristensen | Stuhr | |
| Burling | Dierks | Kruse | Suttle | |
| Byars | Engel | Maxwell | Synowiecki | |

Excused and not voting, 3:

| | | |
|----------|----------|----------|
| Brashear | Hartnett | McDonald |
|----------|----------|----------|

The Chambers amendment lost with 9 ayes, 10 nays, 27 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers moved to reconsider the vote on his amendment, FA830.

Senators Beutler, Dierks, D. Pederson, Aguilar, Brashear, and Wehrbein asked unanimous consent to be excused. No objections. So ordered.

Senator Chambers requested a record vote on his motion to reconsider.

Voting in the affirmative, 5:

| | | | | |
|----------|----------|--------|---------------|-------|
| Chambers | Cudaback | Jensen | Pedersen, Dw. | Price |
|----------|----------|--------|---------------|-------|

Voting in the negative, 18:

| | | | | |
|---------|----------|---------|----------|----------|
| Baker | Byars | Foley | Maxwell | Thompson |
| Brown | Connealy | Hudkins | Quandahl | Tyson |
| Bruning | Engel | Janssen | Smith | |
| Burling | Erdman | Kruse | Suttle | |

Present and not voting, 19:

| | | | | |
|------------|------------|----------|---------|------------|
| Bourne | Hartnett | Landis | Robak | Synowiecki |
| Bromm | Jones | Preister | Schimek | Vrtiska |
| Coordsen | Kremer | Raikes | Schrock | Wickersham |
| Cunningham | Kristensen | Redfield | Stuhr | |

Excused and not voting, 7:

| | | | |
|---------|----------|--------------|----------|
| Aguilar | Brashear | McDonald | Wehrbein |
| Beutler | Dierks | Pederson, D. | |

The Chambers motion to reconsider failed with 5 ayes, 18 nays, 19 present and not voting, and 7 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 30. Indefinitely postponed.
LEGISLATIVE BILL 94. Indefinitely postponed.
LEGISLATIVE BILL 613. Indefinitely postponed.
LEGISLATIVE BILL 625. Indefinitely postponed.
LEGISLATIVE BILL 708. Indefinitely postponed.
LEGISLATIVE BILL 715. Indefinitely postponed.
LEGISLATIVE BILL 987. Indefinitely postponed.
LEGISLATIVE BILL 1102. Indefinitely postponed.

(Signed) Ron Raikes, Chairperson

ANNOUNCEMENTS

Senator Aguilar designates LB 1115 as his priority bill.

Senator Burling designates LB 1109 as his priority bill.

NOTICE OF COMMITTEE HEARING Transportation and Telecommunications Room 1113

LB 1147 Monday, February 11, 2002 (cancel) 1:30 PM

(Signed) Curt Bromm, Chairperson

MOTIONS - Print in Journal

Senators Vrtiska and Stuhr filed the following motion to LB 1147:
 Withdraw LB 1147.

Senator Bruning filed the following motion to LR 6CA:
 Indefinitely postpone LR 6CA.

Senator Bruning filed the following motion to LB 752:
Indefinitely postpone LB 752.

Senator Bruning filed the following motion to LB 1276:
Indefinitely postpone LB 1276.

Senator Bruning filed the following motion to LB 1240:
Indefinitely postpone LB 1240.

AMENDMENTS - Print in Journal

Senator Bruning filed the following amendment to LB 82:
AM2435

(Amendments to E & R amendments, AM7149)

- 1 1. On page 1, lines 4 and 16, after "person's" insert
- 2 "complete"; and in line 5 after "number" insert ", but may contain
- 3 the last four digits of his or her social security number".
- 4 2. On page 14, line 21; and page 19, line 15, after
- 5 "person's" insert "complete".

Senator Chambers filed the following amendment to LB 95:
FA831

Amend AM0355

In line 18, after "taxicabs" insert ", hotel or airport buses".

NOTICE OF COMMITTEE HEARINGS Government, Military and Veterans Affairs Room 1507

Thursday, February 7, 2002 1:30 PM
John A. Hilgert, Director - Department of Veterans Affairs

| | | |
|--------|----------------------------|---------|
| LB 868 | Thursday, February 7, 2002 | 1:30 PM |
| LB 877 | Thursday, February 7, 2002 | 1:30 PM |
| LB 964 | Thursday, February 7, 2002 | 1:30 PM |
| LB 977 | Thursday, February 7, 2002 | 1:30 PM |

| | | |
|---------|--------------------------|---------|
| LB 1084 | Friday, February 8, 2002 | 1:30 PM |
| LB 1129 | Friday, February 8, 2002 | 1:30 PM |
| LB 1264 | Friday, February 8, 2002 | 1:30 PM |

| | | |
|---------|------------------------------|---------|
| LB 1018 | Wednesday, February 13, 2002 | 1:30 PM |
| LB 1031 | Wednesday, February 13, 2002 | 1:30 PM |
| LB 1123 | Wednesday, February 13, 2002 | 1:30 PM |
| LB 1200 | Wednesday, February 13, 2002 | 1:30 PM |
| LB 1233 | Wednesday, February 13, 2002 | 1:30 PM |

(Signed) DiAnna R. Schimek, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Senator Bruning asked unanimous consent to have his name added as cointroducer to LB 276. No objections. So ordered.

VISITORS

Visitors to the Chamber were 50 students and teacher from Syracuse High School; 18 seventh grade students and teacher from Stromsburg; and Gretchen Garrison from Hickman and Dani Buhr from Lincoln.

The Doctor of the Day was Dr. Amy Vertin from Lincoln.

ADJOURNMENT

At 11:56 a.m., on a motion by Senator Coordsen, the Legislature adjourned until 9:00 a.m., Thursday, January 31, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTEENTH DAY - JANUARY 31, 2002**LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE
SECOND SESSION****SIXTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, January 31, 2002

PRAYER

The prayer was offered by Senator Janssen.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Bourne and McDonald who were excused; and Senators Brown, Chambers, Dierks, Engel, Hartnett, Kruse, Maxwell, and Synowiecki who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifteenth day was approved.

**STANDING COMMITTEE REPORTS
Urban Affairs**

LEGISLATIVE BILL 1110. Placed on General File.

LEGISLATIVE BILL 1161. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

**SELECT COMMITTEE REPORTS
Enrollment and Review**

LEGISLATIVE BILL 251. Placed on Select File as amended.

E & R amendment to LB 251:

AM7157

1 1. On page 1, line 3, after "change" insert "and
2 eliminate".

- 3 2. On page 2, lines 25, 26, and 28, strike the new
 4 matter and reinstate the stricken matter.
 5 3. On page 3, line 17, before "The" insert "(2)".

LEGISLATIVE BILL 814. Placed on Select File as amended.

E & R amendment to LB 814:

AM7153

- 1 1. On page 1, strike lines 2 through 6 and insert
 2 "section 53-167.03, Reissue Revised Statutes of Nebraska; to change
 3 provisions relating to keg deposits; and to repeal the original
 4 section."

LEGISLATIVE BILL 235. Placed on Select File as amended.

E & R amendment to LB 235:

AM7155

- 1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 "Section 1. Section 71-519, Revised Statutes Supplement,
 4 2001, is amended to read:
 5 71-519. (1) All infants born in the State of Nebraska
 6 shall be screened for phenylketonuria, primary hypothyroidism,
 7 biotinidase deficiency, galactosemia, hemoglobinopathies,
 8 medium-chain acyl co-a dehydrogenase (MCAD) deficiency, and such
 9 other metabolic diseases as the Department of Health and Human
 10 Services may from time to time specify. Confirmatory tests shall
 11 be performed ~~in the event that~~ if a presumptive positive result on
 12 the screening test is obtained.
 13 (2) The attending physician shall collect or cause to be
 14 collected the prescribed blood specimen or specimens and shall
 15 submit or cause to be submitted the same to a the laboratory
 16 designated by the department for the performance of such tests
 17 within the period and in the manner prescribed by the department.
 18 ~~In the event~~ If a birth is not attended by a physician and the
 19 infant does not have a physician, the person registering the birth
 20 shall cause such tests to be performed within the period and in the
 21 manner prescribed by the department. The laboratory shall within
 22 the period and in the manner prescribed by the department perform
 23 such tests as are prescribed by the department on the specimen or
 24 specimens submitted and report the results of these tests to the
 1 physician, if any, and the hospital or other birthing facility or
 2 other submitter, and the department. The laboratory shall report
 3 to the department the results of such tests that are presumptive
 4 positive or confirmed positive within the period and in the manner
 5 prescribed by the department.
 6 (3) The hospital or other birthing facility shall record
 7 the collection of specimens for tests for metabolic diseases and
 8 the reporting report of the results of such tests or the absence of
 9 such report. For purposes of tracking, monitoring, and referral,
 10 the hospital or other birthing facility shall provide from its

11 records, upon the department's request, information about the
12 infant's and mother's location and contact information, and care
13 and treatment of the infant. The hospital shall report the results
14 of such tests to the department within the period and in the manner
15 prescribed by the department.

16 (4) The department shall do all of the following in
17 regard to the blood specimens taken for purposes of conducting the
18 tests required under subsection (1) of this section:

19 (a) Develop a schedule for the retention and disposal of
20 the blood specimens used for the tests after the tests are
21 completed. The schedule shall meet the following requirements:

22 (i) Be consistent with nationally recognized standards
23 for laboratory accreditation and federal law;

24 (ii) Require that the disposal be conducted in the
25 presence of a witness. For purposes of this subdivision, the
26 witness may be an individual involved in the disposal or any other
27 individual; and

1 (iii) Require that a written record of the disposal be
2 made and kept and that the witness sign the record; and

3 (b) With the written consent of the parent or legal
4 guardian of the infant, allow the blood specimens to be used for
5 medical research during the retention period as long as the medical
6 research is conducted in a manner that preserves the
7 confidentiality of the test subjects and is consistent to protect
8 human subjects from research risks under subpart A of part 46 of 45
9 C.F.R., as such regulations existed on September 1, 2001.

10 (5) The department shall prepare written materials
11 explaining the requirements of this section. The department shall
12 include the following information in the pamphlet:

13 (a) The nature and purpose of the testing program
14 required under this section, including, but not limited to, a brief
15 description of each condition or disorder listed in subsection (1)
16 of this section;

17 (b) The purpose and value of the infant's parent,
18 guardian, or person in loco parentis retaining a blood specimen
19 obtained under subsection (6) of this section in a safe place;

20 (c) The department's schedule for retaining and disposing
21 of blood specimens developed under subdivision (4)(a) of this
22 section; and

23 (d) That the blood specimens taken for purposes of
24 conducting the tests required under subsection (1) of this section
25 may be used for medical research pursuant to subdivision (4)(b) of
26 this section.

27 (6) In addition to the requirements of subsection (1) of
1 this section, the attending physician or person registering the
2 birth may offer to draw an additional blood specimen from the
3 infant. If such an offer is made, it shall be made to the infant's
4 parent, guardian, or person in loco parentis at the time the blood
5 specimens are drawn for purposes of subsection (1) of this section.

6 If the infant's parent, guardian, or person in loco parentis
 7 accepts the offer of an additional blood specimen, the blood
 8 specimen shall be preserved in a manner that does not require
 9 special storage conditions or techniques, including, but not
 10 limited to, lamination. The attending physician or person making
 11 the offer shall explain to the parent, guardian, or person in loco
 12 parentis at the time the offer is made that the additional blood
 13 specimen can be used for future identification purposes and should
 14 be kept in a safe place. The attending physician or person making
 15 the offer may charge a fee that is not more than the actual cost of
 16 obtaining and preserving the additional blood specimen.

17 (7) The person responsible for causing the tests to be
 18 performed under subsection (2) of this section shall inform the
 19 parent or legal guardian of the infant of the tests and of the
 20 results of the tests and provide, upon any request for further
 21 information, at least a copy of the written materials prepared
 22 under subsection (5) of this section.

23 (8) Dietary and therapeutic management of the infant with
 24 phenylketonuria, primary hypothyroidism, biotinidase deficiency,
 25 galactosemia, hemoglobinopathies, MCAD deficiency, or such other
 26 metabolic diseases as the department may from time to time specify
 27 shall be the responsibility of the child's parent, guardian, or

1 custodian with the aid of a physician selected by such person.

2 (9) Except for acts of gross negligence or willful or

3 wanton conduct, any physician, hospital or other birthing facility,

4 laboratory, or other submitter making reports or notifications

5 under sections 71-519 to 71-524 shall be immune from criminal or

6 civil liability of any kind or character based on any statements

7 contained in such reports or notifications.

8 Sec. 2. Section 71-520, Revised Statutes Supplement,

9 2000, is amended to read:

10 71-520. The Department of Health and Human Services
 11 shall establish a program to provide food supplements and treatment
 12 services to individuals suffering from the metabolic diseases set
 13 forth in section 71-519. To defray or help defray the costs of any
 14 program which may be established by the department under this
 15 section, the department may:

16 ~~(1) Prescribe~~ prescribe and assess a scale of fees for
 17 the food supplements. The maximum prescribed fee for food
 18 supplements shall be no more than the actual cost of providing such
 19 supplements. No fees may be charged for formula, and up to two
 20 thousand dollars of pharmaceutically manufactured food supplements
 21 shall be available to an individual without fees each year; ~~and~~

22 ~~(2) Assess a fee of three dollars for each infant~~
 23 ~~screened pursuant to section 71-519. The laboratory performing the~~
 24 ~~tests pursuant to section 71-519 shall collect the three-dollar fee~~
 25 ~~for infant screening and shall submit the amounts collected to the~~
 26 ~~Department of Health and Human Services Finance and Support on a~~
 27 ~~monthly basis.~~

1 Any fees collected shall be deposited in the state
2 treasury and shall be credited to the Department of Health and
3 Human Services Finance and Support Cash Fund.

4 Sec. 3. Section 71-521, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 71-521. The Department of Health and Human Services
7 Regulation and Licensure with the advice of the Department of
8 Health and Human Services shall prescribe the tests, the test
9 methods and techniques, and such reports and reporting procedures
10 as are necessary to implement sections 71-519 to 71-524.

11 ~~The Department of Health and Human Services Regulation~~
12 ~~and Licensure shall set fees for metabolic disease tests performed~~
13 ~~by the department's laboratory. The fees shall be set at the rate~~
14 ~~necessary to recover the actual costs of providing such tests.~~

15 ~~Such fees shall be deposited in the state treasury and credited to~~
16 ~~the Department of Health and Human Services Regulation and~~
17 ~~Licensure Cash Fund.~~

18 Sec. 4. Section 71-522, Revised Statutes Supplement,
19 2000, is amended to read:

20 71-522. The Department of Health and Human Services
21 shall establish and maintain a central data registry for the
22 collection and storage of reported data concerning metabolic
23 diseases. The department shall use reported data to ensure that
24 all infants born in the State of Nebraska are tested for diseases
25 set forth in section 71-519 or by rule and regulation. The
26 department shall also use reported data to evaluate the quality of
27 the statewide system of newborn screening and develop procedures

1 for quality assurance. Reported data in anonymous or statistical
2 form may be made available by the department for purposes of
3 research.

4 Sec. 5. Section 71-523, Revised Statutes Supplement,
5 2000, is amended to read:

6 71-523. (1) The Department of Health and Human Services
7 shall provide educational and resource services regarding metabolic
8 diseases to persons affected by sections 71-519 to 71-524 and to
9 the public generally.

10 (2) The Department of Health and Human Services, the
11 Department of Health and Human Services Finance and Support, and
12 the Department of Health and Human Services Regulation and
13 Licensure may apply for, receive, and administer assessed fees and
14 federal or other funds which are available for the purpose of
15 implementing sections 71-519 to 71-524 and may contract for or
16 provide services as may be necessary to implement such sections.

17 (3) ~~The Department of Health and Human Services~~
18 ~~Regulation and Licensure with the advice of the Department of~~
19 ~~Health and Human Services shall adopt and promulgate rules and~~
20 ~~regulations to implement sections 71-519 to 71-524.~~

21 (4) The Department of Health and Human Services shall
22 contract, following competitive bidding, with a single laboratory

23 to perform tests, report results, set forth the fee the laboratory
24 will charge for testing, and collect and submit fees pursuant to
25 sections 71-519 to 71-524. The department shall require the
26 contracting laboratory to: (a) Perform testing for all of the
27 diseases pursuant to section 71-519 and in accordance with rules
1 and regulations adopted and promulgated pursuant to this section,
2 (b) maintain certification under the federal Clinical Laboratories
3 Improvements Act of 1967, 42 U.S.C. 263a, as such act and section
4 existed on the effective date of this act, (c) participate in
5 appropriate quality assurance proficiency testing programs offered
6 by the Centers for Disease Control and Prevention of the United
7 States Department of Health and Human Services or other
8 professional laboratory organization, as determined by the
9 Department of Health and Human Services, (d) maintain sufficient
10 contingency arrangements to ensure testing delays of no longer than
11 twenty-four hours in the event of natural disaster or laboratory
12 equipment failure, and (e) charge to the hospital, other birthing
13 facility, or other submitter the fee provided in the contract for
14 laboratory testing costs and the administration fee specified in
15 subsection (5) of this section. The administration fee collected
16 pursuant to such subsection shall be remitted to the Department of
17 Health and Human Services Finance and Support.
18 (5) The Department of Health and Human Services shall set
19 an administration fee of not more than ten dollars. The department
20 may use the administration fee to pay for the costs of the central
21 data registry, tracking, monitoring, referral, quality assurance,
22 program operation, program development, program evaluation, and
23 treatment services authorized under sections 71-519 to 71-523. The
24 fee shall be collected by the contracting laboratory as provided in
25 subdivision (4)(e) of this section.
26 (6) Fees collected for the department pursuant to
27 sections 71-519 to 71-523 shall be remitted to the State Treasurer
1 for credit to the Department of Health and Human Services Finance
2 and Support Cash Fund.

3 Sec. 6. Section 71-524, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 71-524. In addition to any other remedies which may be
6 available by law, a civil proceeding to enforce section 71-519 may
7 be brought in the district court of the county where the infant is
8 domiciled or found. The attending physician, the hospital or other
9 birthing facility, the Attorney General, or the county attorney of
10 the county where the infant is domiciled or found may institute
11 such proceedings as are necessary to enforce such section. It
12 shall be the duty of the Attorney General or the county attorney to
13 whom the Director of Regulation and Licensure reports a violation
14 to cause appropriate proceedings to be initiated without delay. A
15 hearing on any action brought pursuant to this section shall be
16 held within seventy-two hours of the filing of such action, and a
17 decision shall be rendered by the court within twenty-four hours of

18 the close of the hearing.

19 Sec. 7. Original sections 71-521 and 71-524, Reissue

20 Revised Statutes of Nebraska, sections 71-520, 71-522, and 71-523,

21 Revised Statutes Supplement, 2000, and section 71-519, Revised

22 Statutes Supplement, 2001, are repealed."

23 2. On page 1, line 3, strike "and sections 71-519," and

24 insert "sections"; in line 4 after "2000" insert ", and section

25 71-519, Revised Statutes Supplement, 2001" and after "change"

26 insert "and eliminate"; and in line 6 strike "and fees" and insert

27 "fees, records, reports, and rules and regulations; to provide

1 immunity from liability; to provide powers and duties".

LEGISLATIVE BILL 385. Placed on Select File.

LEGISLATIVE BILL 458. Placed on Select File as amended.

E & R amendment to LB 458:

AM7156

1 1. On page 1, strike beginning with "wells" in line 1

2 through "costs" in line 4 and insert "; to amend sections 46-677,

3 46-1225, and 46-1237.03, Reissue Revised Statutes of Nebraska, and

4 section 46-656.28, Revised Statutes Supplement, 2000; to change a

5 termination date for temporary suspension of water well drilling;

6 to change a date for permits to transfer ground water; to eliminate

7 a reporting duty and change certain payment provisions under the

8 Water Well Standards and Contractors' Licensing Act".

LEGISLATIVE BILL 112. Placed on Select File as amended.

E & R amendment to LB 112:

AM7151

1 1. In the Chambers amendment, FA828, after "shackles"

2 insert an underscored comma and after "restraints" insert an

3 underscored period.

LEGISLATIVE BILL 604. Placed on Select File.

LEGISLATIVE BILL 491. Placed on Select File.

LEGISLATIVE BILL 21. Placed on Select File as amended.

E & R amendment to LB 21:

AM7159

1 1. On page 1, strike lines 2 and 3 and insert "a report

2 on a federal medicaid program amendment; and to declare an

3 emergency."

LEGISLATIVE BILL 21A. Placed on Select File as amended.

E & R amendment to LB 21A:

AM7158

1 1. On page 1, line 3, strike "First Session, 2001" and

2 insert "Second Session, 2002".

LEGISLATIVE BILL 499. Placed on Select File.

LEGISLATIVE BILL 616. Placed on Select File as amended.

E & R amendment to LB 616:

AM7160

- 1 1. On page 1, line 4, strike "to harmonize provisions;"
- 2 2. On page 2, line 19, strike "subsections" and insert
- 3 "subdivisions"; and in line 21 strike ", as described in
- 4 subsection" and insert "as described in subdivision".

LEGISLATIVE BILL 547. Placed on Select File as amended.

(E & R amendment, AM7161, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 547A. Placed on Select File as amended.

E & R amendment to LB 547A:

AM7162

- 1 1. On page 1, line 3, strike "First Session, 2001" and
- 2 insert "Second Session, 2002".

LEGISLATIVE BILL 123. Placed on Select File.

LEGISLATIVE BILL 57. Placed on Select File as amended.

E & R amendment to LB 57:

AM7163

- 1 1. On page 1, strike beginning with "sections" in line 1
- 2 through "2000" in line 2 and insert "section 33-126.05, Revised
- 3 Statutes Supplement, 2000, and section 77-2701, Revised Statutes
- 4 Supplement, 2001".

ANNOUNCEMENTS

Senator Hudkins designates LB 479 as her priority bill.

Senator Robak designates LB 1028 as her priority bill.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 31, 2002, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Kay, Sara A.
AIA Nebraska

Mueller, William J.
AT&T Corporation (Withdrawn 01/29/2002)
Court Reporters Association, Nebraska

Radcliffe, Walter H.
West Dodge Task Force, The

Riskowski, Alvin
Nonpartisan Family Coalition

Ruth, Larry L.
AT&T Corporation (Withdrawn 01/29/2002)
Court Reporters Association, Nebraska

Yontz, Randall G.
American Heart Association

Zavodny, Donald
American federation of State, County and Municipal Employees

REPORTS

The following reports were received by the Legislature:

Economic Development, Department of
Microenterprise Development Act (LB 327)
Legislative Program Evaluation Committee
Nebraska Habitat Fund - Final Committee Report
Policy Research Office, Governor's
Municipal Natural Gas Regulation Revolving Loan Fund for the quarter
ending December 31, 2001
Roads, Department of
Board of Public Roads Classifications and Standards Minutes for
December 21, 2001
Traffic Accident Facts Annual Report

SPEAKER KRISTENSEN PRESIDING

SELECT FILE

LEGISLATIVE BILL 824. E & R amendment, AM7137, found on page 313, was adopted.

Senator Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Jones asked unanimous consent to be excused. No objections. So ordered.

Senator Foley renewed his pending amendment, AM2243, found on page 125.

Senator Foley withdrew his amendment.

Senator Foley withdrew his pending amendments, AM2244 and 2245, found on page 125.

Senator Brashear withdrew his pending amendment, AM2316, found on page 231.

Senator Wickersham renewed his pending amendment, FA811, found on page 270.

The Wickersham amendment was adopted with 35 ayes, 0 nays, 5 present and not voting, and 9 excused and not voting.

Senator Landis renewed his pending amendment, AM2338, found on page 270.

SENATOR CUDABACK PRESIDING

Senator Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Smith requested a record vote on the Landis amendment.

Voting in the affirmative, 12:

| | | | |
|----------|--------------|----------|------------|
| Chambers | Landis | Raikes | Thompson |
| Connealy | Pederson, D. | Redfield | Vrtiska |
| Janssen | Price | Schimek | Wickersham |

Voting in the negative, 19:

| | | | | |
|----------|------------|--------|---------------|----------|
| Aguilar | Bruning | Engel | Kremer | Stuhr |
| Baker | Byars | Erdman | Pedersen, Dw. | Tyson |
| Brashear | Cunningham | Foley | Quandahl | Wehrbein |
| Bromm | Dierks | Jensen | Smith | |

Present and not voting, 9:

| | | | | |
|----------|----------|----------|---------|--------|
| Burling | Cudaback | Hudkins | Robak | Suttle |
| Coordsen | Hartnett | Preister | Schrock | |

Excused and not voting, 9:

| | | | | |
|---------|-------|------------|----------|------------|
| Beutler | Brown | Kristensen | Maxwell | Synowiecki |
| Bourne | Jones | Kruse | McDonald | |

The Landis amendment lost with 12 ayes, 19 nays, 9 present and not voting, and 9 excused and not voting.

Senator Raikes renewed his pending amendment, AM2441, found on page 389.

Senator Chambers moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Senator Chambers requested a record vote on the Raikes amendment.

Voting in the affirmative, 12:

| | | | |
|----------|---------|---------|------------|
| Brown | Janssen | Price | Suttle |
| Chambers | Kruse | Raikes | Thompson |
| Connealy | Landis | Schimek | Wickersham |

Voting in the negative, 27:

| | | | | |
|----------|------------|---------------|------------|----------|
| Aguilar | Byars | Foley | Redfield | Tyson |
| Baker | Coordsen | Hudkins | Robak | Vrtiska |
| Brashear | Cunningham | Jensen | Schrock | Wehrbein |
| Bromm | Dierks | Kremer | Smith | |
| Bruning | Engel | Pedersen, Dw. | Stuhr | |
| Burling | Erdman | Quandahl | Synowiecki | |

Present and not voting, 4:

| | | | |
|----------|----------|--------------|----------|
| Cudaback | Hartnett | Pederson, D. | Preister |
|----------|----------|--------------|----------|

Excused and not voting, 6:

| | | |
|---------|------------|----------|
| Beutler | Jones | Maxwell |
| Bourne | Kristensen | McDonald |

The Raikes amendment lost with 12 ayes, 27 nays, 4 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers withdrew his pending amendment, FA808, found on page 270.

Senators Aguilar, Wehrbein, Janssen, Jensen, D. Pederson, Thompson, and Vrtiska asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers renewed his pending amendment, FA809, found on page 270.

Senator Kristensen asked unanimous consent to be excused. No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Senator Chambers requested a record vote on his amendment.

Voting in the affirmative, 9:

| | | | | |
|----------|--------|--------|---------|------------|
| Chambers | Kruse | Price | Schimek | Wickersham |
| Hudkins | Landis | Raikes | Suttle | |

Voting in the negative, 24:

| | | | | |
|----------|------------|--------|---------------|------------|
| Aguilar | Burling | Dierks | Pedersen, Dw. | Smith |
| Baker | Byars | Engel | Quandahl | Stuhr |
| Brashear | Connealy | Erdman | Redfield | Synowiecki |
| Bromm | Cudaback | Foley | Robak | Tyson |
| Bruning | Cunningham | Kremer | Schrock | |

Present and not voting, 4:

| | | | |
|-------|----------|----------|----------|
| Brown | Coordsen | Hartnett | Preister |
|-------|----------|----------|----------|

Excused and not voting, 12:

| | | | |
|---------|------------|--------------|----------|
| Beutler | Jensen | Maxwell | Thompson |
| Bourne | Jones | McDonald | Vrtiska |
| Janssen | Kristensen | Pederson, D. | Wehrbein |

The Chambers amendment lost with 9 ayes, 24 nays, 4 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Senator Chambers renewed his pending amendment, FA810, found on page 270.

Senator Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Senator Chambers requested a record vote on his amendment.

Voting in the affirmative, 33:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Chambers | Foley | Price | Smith |
| Baker | Connealy | Hudkins | Quandahl | Stuhr |
| Brashear | Coordsen | Kremer | Raikes | Suttle |
| Bromm | Cudaback | Kruse | Redfield | Synowiecki |
| Brown | Cunningham | Landis | Robak | Wickersham |
| Bruning | Engel | Pedersen, Dw. | Schimek | |
| Byars | Erdman | Preister | Schrock | |

Voting in the negative, 1:

Tyson

Present and not voting, 2:

Burling Hartnett

Excused and not voting, 13:

| | | | | |
|---------|---------|------------|--------------|----------|
| Beutler | Janssen | Kristensen | Pederson, D. | Wehrbein |
| Bourne | Jensen | Maxwell | Thompson | |
| Dierks | Jones | McDonald | Vrtiska | |

The Chambers amendment was adopted with 33 ayes, 1 nay, 2 present and not voting, and 13 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:

FA832

Amend AM2336

Page 1, line 15 after "utero" insert "or in vitro"

Senator Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

LEGISLATIVE BILL 857. E & R amendment, AM7143, found on page 334, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 858. Advanced to E & R for engrossment.

LEGISLATIVE BILL 859. Advanced to E & R for engrossment.

LEGISLATIVE BILL 860. Advanced to E & R for engrossment.

Senators Robak and Dw. Pedersen asked unanimous consent to be excused

until they return. No objections. So ordered.

MOTION - Approve Appointment

Senator Jensen moved the adoption of the report of the Health and Human Services Committee for the following appointments found on page 395: Board of Emergency Medical Services - Shawn Baumgartner, Robert Dunn, Richard J. Sheehy, and Michael Westcott, M.D.

Voting in the affirmative, 27:

| | | | | |
|----------|------------|----------|------------|------------|
| Aguilar | Cudaback | Jensen | Raikes | Tyson |
| Bruning | Cunningham | Kremer | Schimek | Wehrbein |
| Burling | Engel | Kruse | Stuhr | Wickersham |
| Byars | Erdman | Preister | Suttle | |
| Chambers | Hartnett | Price | Synowiecki | |
| Coordsen | Hudkins | Quandahl | Thompson | |

Voting in the negative, 0.

Present and not voting, 9:

| | | | | |
|----------|-------|----------|----------|-------|
| Baker | Bromm | Connealy | Redfield | Smith |
| Brashear | Brown | Foley | Schrock | |

Excused and not voting, 13:

| | | | | |
|---------|------------|----------|---------------|---------|
| Beutler | Janssen | Landis | Pedersen, Dw. | Vrtiska |
| Bourne | Jones | Maxwell | Pederson, D. | |
| Dierks | Kristensen | McDonald | Robak | |

The appointments were confirmed with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 869. Placed on General File.

LEGISLATIVE BILL 882. Placed on General File.

LEGISLATIVE BILL 930. Placed on General File.

LEGISLATIVE BILL 932. Placed on General File.

LEGISLATIVE BILL 951. Placed on General File.

(Signed) DiAnna R. Schimek, Chairperson

Revenue

LEGISLATIVE BILL 989. Placed on General File as amended.

(Standing Committee amendment, AM2516, may be found in the Bill

Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 651. Indefinitely postponed.
LEGISLATIVE BILL 662. Indefinitely postponed.
LEGISLATIVE BILL 1013. Indefinitely postponed.
LEGISLATIVE BILL 1022. Indefinitely postponed.
LEGISLATIVE BILL 1044. Indefinitely postponed.
LEGISLATIVE BILL 1063. Indefinitely postponed.
LEGISLATIVE BILL 1098. Indefinitely postponed.
LEGISLATIVE BILL 1165. Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

AMENDMENTS - Print in Journal

Senator Smith filed the following amendment to LB 58:
 AM2429

1 1. On page 2, line 4, strike the new language; and in
 2 line 10 after the period insert "A person purchasing a policy of
 3 insurance to insure any real property in this state against loss by
 4 fire, tornado, windstorm, lightning, or explosion shall have an
 5 option to purchase coverage that conclusively values the contents
 6 insured and sets the amount of loss and measure of damages for the
 7 contents insured at the amount of the insurance written when the
 8 property insured is wholly destroyed without criminal fault on the
 9 part of the insured or his or her assignee.".

Senator Smith filed the following amendment to LB 584:
 AM2260

1 1. Strike original section 6 and insert the following
 2 new section:
 3 "Sec. 6. Section 60-2125, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 60-2125. (1) The department shall establish minimum
 6 requirements for both basic and advanced motorcycle safety courses
 7 which qualify for reimbursement under the Motorcycle Safety
 8 Education Act. The courses shall be designed to develop, instill,
 9 and improve the knowledge, attitudes, habits, and skills necessary
 10 for safe operation of a motorcycle. The courses shall also meet
 11 the criteria required by the Motorcycle Safety Foundation for
 12 approval as a rider education course.
 13 (2) Minimum requirements for a basic course shall
 14 include, but not be limited to, sufficient :
 15 (a) At least six hours of classroom instruction and
 16 sufficient laboratory instruction time for the student to apply and
 17 practice through observation and actual driving experience what has
 18 been learned in the classroom, ;
 19 (b) At least eight hours of laboratory instruction time

20 which includes actual driving of a motorcycle by the student; and
 21 (e) Classroom and laboratory instruction shall be
 22 scheduled in an integrated and correlated sequence with laboratory
 23 driving experience following the relevant classroom instruction.
 24 (3) Minimum requirements for an advanced course shall be
 1 based on the Motorcycle Safety Foundation's standards and include,
 2 but not be limited to, at least six hours of coordinated classroom
 3 and laboratory instruction and driving experience specifically
 4 designed for the experienced motorcycle operator."

Senator Schimek filed the following amendment to LB 93:
 (Amendment, AM2511, may be found in the Bill Books. The amendment
 has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Schimek filed the following amendment to LB 824:
 FA833

Amend AM2336

On line 4 of Section 5 that "(a)" be struck and that beginning on line 8 a
 period be inserted after "pregnancy" and the rest of the section be struck
 beginning with "or" on line 8 and ending with pregnancy on line 10.

ANNOUNCEMENT

The Nebraska Retirement Systems Committee designates LB 407 as its
 priority bill.

NOTICE OF COMMITTEE HEARINGS

Natural Resources

Room 1525

| | | |
|---------|--------------------------|---------|
| LB 1255 | Friday, February 8, 2002 | 1:30 PM |
| LB 1270 | Friday, February 8, 2002 | 1:30 PM |
| LB 1297 | Friday, February 8, 2002 | 1:30 PM |

(Signed) Ed Schrock, Chairperson

Agriculture

Room 2102

| | | |
|---------|----------------------------|---------|
| LB 1209 | Tuesday, February 12, 2002 | 1:30 PM |
| LB 1285 | Tuesday, February 12, 2002 | 1:30 PM |
| LB 1119 | Tuesday, February 12, 2002 | 1:30 PM |

| | |
|--|---------|
| Tuesday, February 19, 2002 | 1:30 PM |
| Kenneth L. Rhoades - Dry Bean Commission | |

| | | |
|---------|----------------------------|---------|
| LB 1055 | Tuesday, February 19, 2002 | 1:30 PM |
| LB 1056 | Tuesday, February 19, 2002 | 1:30 PM |
| LB 1057 | Tuesday, February 19, 2002 | 1:30 PM |

LB 1058 Tuesday, February 19, 2002

1:30 PM

(Signed) Merton L. Dierks, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Cunningham asked unanimous consent to have his name added as cointroducer to LB 1244. No objections. So ordered.

Senator Burling asked unanimous consent to have his name added as cointroducer to LB 1285. No objections. So ordered.

VISITORS

Visitor to the Chamber was Wade Fornander from the University of Nebraska Medical Center.

The Doctor of the Day was Dr. Bridgett Broz from Lincoln.

ADJOURNMENT

At 11:44 a.m., on a motion by Senator Brashear, the Legislature adjourned until 9:00 a.m., Monday, February 4, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTEENTH DAY - FEBRUARY 4, 2002**LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE
SECOND SESSION****SEVENTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, February 4, 2002

PRAYER

The prayer was offered by Reverend Todd Schave, First Baptist Church, Blair, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senator D. Pederson who was excused; and Senators Bromm, Coordsen, Erdman, Kristensen, and Vrtiska who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixteenth day was approved.

**SELECT COMMITTEE REPORTS
Enrollment and Review****Correctly Engrossed**

The following bills were correctly engrossed: LBs 435, 435A, 857, 858, 859, and 860.

Enrollment and Review Change to LB 435

The following changes, required to be reported for publication in the Journal, have been made:

ER9103

1. In the Dierks amendment, AM2487:
 - a. On page 2, line 21, the period has been struck and an underscored semicolon inserted; and
 - b. On page 3, line 16; and page 4, line 22, the comma has been struck.

Enrollment and Review Change to LB 435A

The following changes, required to be reported for publication in the Journal, have been made:

ER9102

1. On page 1, line 3; and page 2, line 6, "First Session, 2001" has been struck and "Second Session, 2002" inserted.

2. On page 2, line 2, "FY2001-02" has been struck and "FY2002-03" inserted; and in line 4 "FY2002-03" has been struck and "FY2003-04" inserted.

Enrollment and Review Change to LB 857

The following changes, required to be reported for publication in the Journal, have been made:

ER9104

1. On page 5, line 26, "section" has been struck and "act" inserted.

(Signed) Philip Erdman, Chairperson

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 1000. Placed on General File as amended.
 Standing Committee amendment to LB 1000:
 AM2518

- 1 1. On page 3, line 18, strike "ten", show as stricken,
- 2 and insert "nine"; and strike beginning with "and" in line 19
- 3 through the comma in line 20, show as stricken, and insert an
- 4 underscored comma.
- 5 2. On page 4, strike beginning with "The" in line 18
- 6 through the period in line 19 and show as stricken.

(Signed) DiAnna R. Schimek, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion #02004

DATE: January 31, 2002

SUBJECT: Student Fees And The Right To Free Instruction In
The Public Schools

REQUESTED BY: Douglas D. Christensen
Commissioner of Education

WRITTEN BY: Don Stenberg, Attorney General
Steve Grasz, Deputy Attorney General

In connection with your responsibilities as Commissioner of Education, and at the request of the State Board of Education, you have presented a series of questions concerning the issue of student fees in light of the Constitutional provision regarding free instruction in the public schools.

More specifically, you have presented a series of 13 questions concerning the meaning of free instruction and various aspects of the Department's and/or school districts' authority with regard to charging various student fees.

The Nebraska Constitution provides, in relevant part, "The Legislature shall provide for the free instruction in the common schools of this State of all persons between the ages of five and twenty-one years." Neb. Const. art. VII, § 1 (emphasis added). Due to the perceived lack of any definition of what constitutes "free instruction" under the Nebraska Constitution we conducted a thorough review of the case law and Attorney General's Opinions from around the nation regarding similar free education provisions in other states. Then, to confirm the perceived absence of direction on the issue from our own courts, we reviewed every reported decision in which the Nebraska Supreme Court mentioned the "free instruction" requirement contained in the Nebraska Constitution.

To our surprise we found that the answers to your questions lie not in the considerable body of case law from foreign jurisdictions, but rather in the jurisprudence of our own Nebraska Supreme Court. Far from being silent on the issue, the Court has set forth an extensive body of law on this subject spanning an entire century. The current school fee "crisis," it seems, is not so much a matter of errant school districts as it is a matter of widespread misunderstanding of the Nebraska Constitution.

The key to the issue of student fees under the free instruction clause is the distinction between a self-executing Constitutional provision and a non-self-executing provision. The Nebraska Supreme Court has made it quite clear that the free instruction provision in Article VII, § 1 of the Nebraska Constitution is not self-executing. The following discussion will consider the implications of this fact on the issue of student fees. The Opinion will then proceed to address each of your specific questions.

Article VII, § 1 Is Not Self-Executing

Due to recent litigation, and the publicity and concern it has generated, it is now rather well understood by the public that the Nebraska Constitution contains a provision granting to every Nebraska child from age 5 to 21 years old the right to "free instruction in the common schools" of the State. It is widely assumed this provision, in and of itself, creates an enforceable cause of action or constitutional entitlement to completely free education in the public schools.

This assumption is mistaken. The right to "free instruction in the common schools" is not a fundamental Constitutional right. See *Kolesnick v. Omaha Pub. Sch. Dist.*, 251 Neb. 575, 581, 558 N.W.2d 807 (1997). In fact, the free instruction provision is not even self-executing. *Peterson v. Hancock*, 155 Neb. 801, 810, 54 N.W.2d 85 (1952). See also *Op. Att'y Gen. No. 97029* (May 21, 1997). This means the provision, in and of itself, imposes no duty on school districts nor does it bestow on children an enforceable Constitutional right, in the absence of action by the Legislature to implement the Constitutional provision. See *State ex rel. Lamm v. Nebraska Bd. of Pardons*, 260 Neb. 1000, 1006-1007, 620 N.W.2d 763 (2001) ("A constitutional provision is not self-executing . . . if the language of the constitutional provision is directed to the Legislature. . . ."). See also *Patteson v. Johnson*, 219 Neb. 852, 857, 367 N.W.2d 123, 127 (1985). Legislation is necessary to implement rights contained in a non-self-executing constitutional provision. Otherwise, "there are no remedies available for enforcement of such rights." *Lamm*, 260 Neb. at 1007. This has been the consistent view of the Nebraska Supreme Court with respect to the free instruction provision since 1897.

In *State ex rel. Shineman v. Bd. of Educ.*, 152 Neb. 644, 42 N.W.2d 168 (1950), the Court examined the free instruction clause of the Nebraska Constitution and concluded as follows:

The Constitutional provision is clearly directed to the Legislature. We held in *State ex rel. Walker v. Bd. of Commissioners*, 141 Neb. 172, 3 N.W.2d 196, that a constitutional provision is not self-executing if the language of the Constitution is directed to the Legislature, or if it appears from the language used and the circumstances of its adoption that subsequent legislation was contemplated to carry it into effect. With reference to this provision we said in *Affholder v. State*, 51 Neb. 91, 70 N.W. 544, that the method and means to be adopted in order to furnish free instruction to the children of the state have been left by the Constitution to the Legislature. Clearly, legislation is necessary to carry into effect the Constitutional provision. It is not a self-executing provision. It follows that relators must find statutory authority to sustain this contention.

Id. at 647-648. (emphasis added).

The context of the *Shineman* case is particularly significant. In this case parents sued a school district to compel the district to establish a kindergarten for students who attained the age of five years, but not six years, on or before October 15. Such students were not old enough to be admitted to first grade. The parents' suit was based on the express Constitutional provision for free instruction of all persons between five and 21. Notwithstanding the explicit language of the Constitution, the Court found the parents' claim must fail in the absence of a statute implementing the right. The Court found the matter of creating a kindergarten program to

be discretionary with the school district in accordance with state statutes governing classification of students and establishment of grades. *Id.*

The *Shineman* decision was consistent with Nebraska case law dating to 1897. In *Affholder v. State*, 51 Neb. 91, 70 N.W.544 (1897), the plaintiffs sued a local school board to require the board to furnish free textbooks to the district's school children in accordance with an 1891 statute. *Id.* at 92. The Court reviewed the Constitutional provision for free instruction and concluded as follows:

Section 6, Article 8 [now Article VII, section 1], of the Constitution of Nebraska provides: "The Legislature shall provide for the free instruction in the common schools of this state. . . ." What methods and what means should be adopted in order to furnish free instruction to the children of the State has been left by the Constitution to the Legislature. Prior to the passage of the Act under consideration instruction in all public schools was gratuitous, and by this Act the Legislature has seen fit to require the various school districts to purchase text-books necessary to be used in the schools. We do not think the term 'text-books' should be given a technical meaning, but that it is comprehensive enough to and does include globes, maps, charts, pens, ink, paper, etc., and all other apparatus and appliances which are proper to be used in the schools in instructing the youth. . . ."

Id. at 93 (emphasis added).

Thus, the Court clearly held that the method and means of providing free instruction is up to the Legislature. Furthermore, the Court noted that prior to enactment of the statute requiring school districts to furnish the textbooks and supplies, only "instruction" in all public schools was free. In other words, the Court distinguished between tuition free "instruction" and free textbooks, maps, globes, pens, paper, and other "necessary" supplies. This means that free textbooks and other necessary supplies are encompassed within the parameters of the constitutional right to "free instruction" only because the Legislature has determined that they should be. This concept is not unfamiliar to college students who pay for instruction (tuition) separately from books and supplies.

Another significant case is *State ex rel. Baldwin v. Dorsey*, 108 Neb. 134, 187 N.W. 879 (1922). In *Baldwin* the Court noted, "the Legislature jealously guards its supervision to the end that the Constitutional provision for free instruction in the public schools shall in all respects be fulfilled. Neb. Const. art. VII, § 6." *Id.* at 137. The *Baldwin* case involved the right of non-resident students to attend school without being charged additional tuition for optional courses. The Legislature had enacted a statute authorizing school districts that received non-resident students (receiving districts) to charge sending districts \$1.50/week for each non-resident pupil accepted. *Id.* at 136. At issue was whether the receiving district could charge

more than \$1.50 where the school offered courses beyond those required by the State:

In the case before us the evidence . . . discloses that the high school course at the Hebron school included several subjects which were not embraced in nor required by the high school manual, and hence it was not required that such subjects be taught in the high school in order to qualify it to accept pupils and to receive the statutory tuition fees from the school districts from which they were sent. It follows that a high school district that receives non-resident pupils from another school district, and which adds subjects or course of study which are not required by the high school manual, may not for that reason require the sending school district to pay tuition fees for its high school privileges in excess of the tuition fee fixed by the Legislature. Neither the parent nor the guardian of a non-resident pupil, under the facts of the present case, can be required to pay a tuition fee to a receiving school district.

Id. at 137.

Thus, the Court concluded the Legislature, as the guardian of free instruction in the public schools, had decreed that no more than \$1.50/week/pupil could be charged (to sending districts) for non-resident student tuition even where the receiving district offered subjects and courses of study that were not part of the required state course of study or manual. Furthermore, the parents or guardians of the non-resident child could not be charged a tuition fee for the extra subjects. This case once again stands for the proposition that the boundaries of what constitutes "free instruction" are left to the Legislature to decide and generally will not be disturbed by the courts. See also *Farrell v. Sch. Dist. No. 54*, 164 Neb. 853, 84 N.W.2d 126 (1957). In *Farrell*, the Court stated, "Article VII, section 6, of this State's Constitution provides: 'The legislature shall provide for the free instruction in the common schools of this State of all persons between the ages of five and twenty-one years.' This provision of the Constitution leaves all matters pertaining to schools and school districts . . . with the Legislature." Id. at 858.

Nebraska case law on this matter continues into more recent years. In 1988, the Court stated: "The Legislature is faced with the duty imposed on it by Neb. Const. art. VII, § 1, to furnish 'free instruction in the common schools of this State of all persons between the ages of five and twenty-one years.' Since 1899, the Legislature has attempted in various ways to satisfy that duty. . . ." *Ewing v. Scottsbluff Cty. Bd. of Equal.*, 227 Neb. 798, 801, 420 N.W.2d 685 (1988).

Finally, in 1993, Justice White wrote as follows: "From an analysis of Article VII of our Constitution, certain conclusions are readily apparent. Among them: (1) the Constitution does not define what constitutes "instruction," leaving that to be defined by the Legislature . . . (3) in determining whether "free instruction" has been denied, the courts may

review the action of the Legislature and decide whether the instruction provided [by the school district] compares with the constitutional command. . . ." Gould v. Orr, 244 Neb. 163, 170, 506 N.W.2d 349 (1993)(White, J. dissenting, in part). (emphasis added).

With this foundation, we will attempt to answer each of the 13 specific questions presented.

1, 3. Q: What is "free public instruction?" What is "free education?"

A: The definitions of "free public instruction" and "free education" depend, as a legal matter, upon their context. If used in a statute containing defined terms, for example, they would have the meaning ascribed by the statutory definition. Outside such a context, the words would have their ordinary and common meaning. However, this answer is of little assistance in addressing your concerns. Although not stated, we assume your question pertains to the use of these terms in the Administrative Code. As used in section 001-01 of 92 NAC 19 we believe the term "free public education" is synonymous with "free instruction in the common schools of this State" as used in Article VII, section 1 of the Nebraska Constitution. This conclusion is based on the context of section 001-01 and the apparent intent to use the terms interchangeably.

Furthermore, at least one Judge of the Nebraska Supreme Court has equated a "common school" with a "free public school." Judge Shanahan stated, "A common school is 'a free public school now usu[ally] including primary and secondary grades.'" State ex rel. Spire v. Beermann, 235 Neb. 384, 402, 455 N.W.2d 749 (1990) (Shanahan, J., dissenting) (quoting Webster's Third New International Dictionary, Unabridged 459 (1981)). This further supports the conclusion that "free public instruction" is synonymous in Nebraska law with "free instruction in the common schools." Likewise, we conclude the term "free education" in the Administrative Code, unless otherwise defined, is synonymous with "free instruction" in the Constitution.

2. Q: What is "free instruction," as referenced in 92 NAC 19?

A: Section 003 of 92 NAC 19 provides that "A public school district shall, upon request, enroll and provide free instruction to any person between the ages of 5 and 21 who has not completed high school. . . ." Based on a reading of Section 003 in the context of Chapter 19 as a whole, and especially in light of Section 001.01, we conclude that "free instruction" in Section 003 has the same meaning as "free instruction in the common schools" as used in Neb. Const. art. VII, § 1.

3. Q: What is "free education?"

A: See answer 1, above.

4. Q: What is a "free public education," as referenced in 92 NAC 19?

A: For the reasons discussed above, we conclude "free public education" as referenced in 92 NAC 19 has the same meaning as "free instruction in the common schools" as used in Neb. Const. art. VII, § 1. See *Spire v. Beermann*, 235 Neb. at 402 (Shanahan, J., dissenting)(equating "common school" with a "free public school").

5. Q: What is the authority of school districts to charge a student fee?

A: The powers and duties of a school district are narrow and specifically tailored by statute. The Nebraska Supreme Court has stated, "school boards are creatures of statute, and their powers are limited. Any action taken by a school board must be through either express or an implied power conferred by legislative grant." *Busch ex rel. Knave v. Omaha Pub. Sch. Dist.*, 261 Neb. 484, 488, 623 N.W.2d 672 (2001) (emphasis added). As the Supreme Court has stated, "A school district is a creation of the Legislature. Its purpose is to fulfill the constitutional duty placed upon the Legislature. . . ." *Campbell v. Area Vocational Technical Sch. No. 2*, 183 Neb. 318, 323, 159 N.W.2d 817 (1968) (quoting 78 C.J.S., *Schools and School Districts*, § 24, p.656). *Accord Banks v. Bd. of Educ. of Chase County*, 202 Neb. 717, 719-720, 277 N.W.2d 76 (1979) (quoting *Campbell*) (emphasis added).

School districts are expressly authorized to charge fees for reproducing student files, Neb. Rev. Stat. § 79-2,104(2); for protective eye wear (for labs and vocational courses), Neb. Rev. Stat. 79-715(1)(b) and for before-and-after school programs, Neb. Rev. Stat. § 79-1104. Conversely, they are prohibited from charging fees for textbooks, equipment, and supplies necessary for the schools of the district, Neb. Rev. Stat. § 79-734, as well as for transportation, Neb. Rev. Stat. § 79-611.

Neb. Rev. Stat. § 79-215(1) provides that resident students "shall be admitted to any such school district upon request without charge." Similarly, section 79-215(10) provides, "No tuition shall be charged for students who may be by law allowed to attend the school without charge." Thus, it is clear no tuition "fees" may be charged by school districts except as specifically authorized by statute.

It could be argued that since the Legislature has specifically authorized fees for copying student files and for protective eye wear, etc., no other fees are permitted, on the theory that what is not specifically included is thereby excluded. However, it can also be argued that Neb. Rev. Stat. §§ 79-734 and 79-611 support an opposite conclusion. Since the Legislature saw the need to expressly prohibit fees for transportation, textbooks, and "necessary" equipment and supplies, it may be inferred that fees for other items are not prohibited. We are of the opinion that the latter view is more persuasive. This conclusion is supported by *Affholder v. State*, 51 Neb. 91 (1897), as well as *Att'y Gen. v. East Jackson Pub. Sch.* 372 N.W.2d 638 (Mich. App. 1985).

Furthermore, the Legislature arguably has provided school districts broad enough authority in Neb. Rev. Stat. § 79-526 to charge student fees in certain circumstances. This statute provides as follows:

The school board . . . has responsibility for the general care and upkeep of the schools, shall provide the necessary supplies and equipment, and except as otherwise provided, has the power to cause pupils to be taught in such branches and classified in such grades or departments as may seem best adopted to a course of study which the board shall establish with the consent and advice of the State Department of Education. . . . The board shall make rules and regulations as it deems necessary for the government and health of the pupils and devise any means as may seem best to secure the regular attendance and progress of children at school.

Neb. Rev. Stat. § 79-526. This conclusion is supported by *Dykeman v. Bd. of Ed. of Sch. Dist. of Coleridge, Cedar County*, 210 Neb. 596, 599 316 N.W.2d 69 (1982) ("The board of education is given the general authority to manage and direct the schools within the district. This includes the power to conduct non-teaching and extra curricular duties as a part of the educational program."). See also *Att'y Gen. v. East Jackson Pub. Sch.*, 372 N.W.2d 638 (Mich. App. 1985). In addition, this statute arguably limits the duty of school districts with regard to expenses. As quoted above, Neb. Rev. Stat. § 79-526 requires only that school boards "shall provide the necessary supplies and equipment." (emphasis added). Likewise, Neb. Rev. Stat. § 79-734 provides, "School boards . . . shall purchase all textbooks, equipment, and supplies necessary for the schools of such district. . . ." (emphasis added). See also *Affholder*, 51 Neb. at 93 ("by this Act the Legislature has seen fit to require the various school districts to purchase textbooks necessary to be used in the schools") (emphasis added). By implication, these Nebraska statutes require school districts to pay only for expenses which are "necessary" rather than optional.

Admittedly, the statutes are less than clear and our conclusion is not without some doubt. However, we believe this conclusion is warranted and further supported by the longstanding practice of the local school districts and apparent acquiescence by the Department of Education. The Nebraska Supreme Court has held that "[l]ong-continued practical construction of a statute by the officers charged by law with its enforcement is entitled to considerable weight in interpreting that law." *Belitz v. City of Omaha*, 172 Neb. 36, 45, 108 N.W.2d 421 (1961). Thus, a strong argument can be made that school districts do have authority to charge student fees for optional or non-necessary items. Nonetheless, clear direction from the Legislature in this regard would provide certainty and clarity to this question. See *Ewing*, 227 Neb. at 810 (discussing the authority of the Legislature to delegate legislative powers to the State Department of Education to supervise and administer the state school system).

6. Q: For purposes of drafting future Department rule clarifications, does "free instruction," as referenced in the Nebraska Constitution, and the current 92 NAC 19, encompass optional non-credit extracurricular programs such as football, marching band, debate, and vocational student groups such as FFA?

A: Not necessarily. Under Nebraska law, free instruction includes what the Legislature says it includes (through legislation), or what the Department says it means under authority delegated from the Legislature. If the programs in question are not required by the Legislature through state law or regulation, they are not encompassed within the constitutional right to free instruction. As your office would be in a better position to ascertain the current scope of required instruction than this office, we decline to list specific programs.

6A: Q: Does the Department currently have any authority to promulgate a rule to provide school districts with the ability to charge fees or costs for such programs?

A: See response to question 7.

6B: Q: If the Department does not currently have that rule-making authority, may the Legislature give the Department that authority?

A: Yes. As discussed above, the constitutional provision for free instruction is not self-executing, and the Legislature may determine the scope of what free instruction includes.

6C: Q: Are such programs part of a "free public education?"

A: See response to questions 4 and 6.

6D: Q: Could the Department promulgate a rule to allow a district to require that students provide supplies and equipment, such as uniforms or instruments, as a condition for participation in such programs, in light of Section 79-734 R.R.S.?

A: Yes, but only for those supplies and equipment that are not "necessary" pursuant to Nebraska law. See response to question 5.

6E: Q: If a district may be given authority to charge fees for such programs, must provisions be made for fee waivers for students who are unable to pay the fees, so they are not excluded from participation on financial status?

A: No, so far as the state and federal constitutions are concerned, but the Legislature may wish to consider doing so as a matter of public policy. "Optional" programs, as discussed above, are not encompassed within the right to free instruction unless specified by the Legislature. Also, there is no constitutional right to participate in sports or other optional activities. See

Farver v. Bd. of Educ. Of Carroll County, 40 F.Supp.2d 323, 324 (D. Md. 1999) ("The right to participate in extra curricular activities, as distinguished from the right to attend school, is not considered to be a protected interest under the Fourteenth Amendment.").

Your question does raise the issue of equal protection. However, financial status is not a suspect classification. Therefore, it seems likely a district could articulate a rational basis for any perceived disparate treatment (ie. budget constraints and limited funding). We have not undertaken an analysis of federal regulations, if any, concerning financial status discrimination, but would do so upon request.

Note: There may be distinctions between whether an optional course is encompassed within the right to free instruction for purposes of tuition and for purposes of fees for materials used in the course. See Affholder, 51 Neb. at 93. The Legislature may prohibit tuition for non-required instruction while permitting fees for materials. Id.

7. Q: Could the Department promulgate a rule change that states a school district, upon enrollment, "shall provide the programs and services of the school district to a student without charge, except as otherwise specified by law?"

A: Yes, provided such rule is within the existing authority of the Department as delegated by the Legislature. Such a rule is clearly within the authority of the Legislature under Neb. Const. art. VII, § 1. We will explore the existing authority of the Department in this regard further if requested to do so.

8. Q: In light of Section 79-734 R.R.S. and the current 92 NAC 19 may a school district charge a "lab" or "materials" fee for supplies or equipment as a requirement for a student to take a class?

A: Not if the supplies or equipment are "necessary" supplies or equipment. For example, if the lab fee was for materials essential to instruction in a required course, it would be impermissible.

Conclusion

The Nebraska Constitution delegates to the Legislature the task of determining what "free instruction" will be available to Nebraska school children. Therefore, the answers to the various questions about what supplies or services a school district must provide at the district's expense, and what fees a district may charge must be found in the Nebraska statutes.

Generally speaking, it is our opinion that under current law a school district must provide free instruction for all courses which are required by state law or regulation and must provide all things necessary for that instruction, such as lab equipment, textbooks and so forth, without charge or

fee to the student. For other activities which are not required by law or regulation, such as athletics, cheerleading, and chess club, the school district may require students to provide their own equipment and may charge fees, but the district is not required to do so. The Legislature, if it chooses to do so, may amend the law to either expand or limit the authority of school districts to charge fees.

Sincerely,
DON STENBERG
Attorney General

(Signed) Steve Gras
Deputy Attorney General

3-203-14

ANNOUNCEMENTS

Senator Janssen designates LB 791 as his priority bill.

Senator Connealy designates LB 899 as his priority bill.

NOTICE OF COMMITTEE HEARINGS Health and Human Services Room 1510

LB 1154 Thursday, February 14, 2002 1:30 PM

(Signed) Jim Jensen, Chairperson

Banking, Commerce and Insurance Room 1507

LB 888 Monday, February 11, 2002 1:30 PM

LB 1090 Monday, February 11, 2002 1:30 PM

LB 1118 Monday, February 11, 2002 1:30 PM

LB 944 Tuesday, February 12, 2002 1:30 PM

LB 1006 Tuesday, February 12, 2002 1:30 PM

LB 1215 Tuesday, February 12, 2002 1:30 PM

LB 986 Tuesday, February 19, 2002 1:30 PM

LB 1114 Tuesday, February 19, 2002 1:30 PM

LB 1193 Tuesday, February 19, 2002 1:30 PM

LB 1106 Monday, February 25, 2002 1:30 PM

LB 1153 Monday, February 25, 2002 1:30 PM

LB 1205 Monday, February 25, 2002 1:30 PM

LB 1047 Tuesday, February 26, 2002 1:30 PM

LB 1198 Tuesday, February 26, 2002 1:30 PM

LB 1199 Tuesday, February 26, 2002

1:30 PM

(Signed) David M. Landis, Chairperson

SELECT FILE

LEGISLATIVE BILL 824. Senator Chambers withdrew his pending amendment, FA832, found on page 449.

Senator Schimek renewed her pending amendment, FA833, found on page 452.

The Schimek amendment was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Senator Schimek offered the following amendment:
AM2542

(Amendments to AM2336)

- 1 1. On page 1, strike beginning with "an" in line 14
- 2 through "birth" in line 17 and insert "the unborn offspring of a
- 3 human being conceived, but not yet born".

Senator Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

The Schimek amendment lost with 7 ayes, 27 nays, 11 present and not voting, and 4 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS**Judiciary**

LEGISLATIVE BILL 212. Placed on General File.

LEGISLATIVE BILL 496. Placed on General File.

LEGISLATIVE BILL 779. Placed on General File.

LEGISLATIVE BILL 844. Placed on General File.

LEGISLATIVE BILL 40. Placed on General File as amended.

Standing Committee amendment to LB 40:

AM1974

- 1 1. On page 2, strike lines 16 and 17.

LEGISLATIVE BILL 501. Placed on General File as amended.

Standing Committee amendment to LB 501:

AM2301

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 53-1,121, Reissue Revised Statutes

4 of Nebraska, is amended to read:

5 53-1,121. (1) City police, county sheriffs, officers of
6 the Nebraska State Patrol, and any other such law enforcement
7 officer with power to arrest for traffic violations may take a
8 person who is intoxicated and in the judgment of the officer
9 dangerous to himself, herself, or others, or who is otherwise
10 incapacitated, from any public or quasi-public property. An
11 officer removing an intoxicated person from public or quasi-public
12 property shall make a reasonable effort to take such intoxicated
13 person to his or her home or to place such person in any hospital,
14 clinic, alcoholism center, or with a medical doctor as may be
15 necessary to preserve life or to prevent injury. Such effort at
16 placement shall be deemed reasonable if the officer contacts those
17 facilities or doctors which have previously represented a
18 willingness to accept and treat such ~~individuals~~ persons and which
19 regularly do accept such ~~individuals~~ persons. If such efforts are
20 unsuccessful or are not feasible, the officer may then place such
21 intoxicated person in civil protective custody. ~~Civil~~, ~~except~~
22 ~~that civil~~ protective custody shall be used only as long as is
23 necessary to preserve life or to prevent injury, and ~~under no~~
24 ~~circumstances~~ for no longer than twenty-four hours, except that a
1 person who has been placed in civil protective custody three or
2 more times in the previous six months may be placed in civil
3 protective custody for up to seventy-two hours.

4 (2) The placement of such person in civil protective
5 custody shall be recorded at the facility or jail to which he or
6 she is delivered and communicated to his or her family or next of
7 kin, if they can be located, or to such person designated by the
8 person taken into civil protective custody.

9 (3) The law enforcement officer who acts in compliance
10 with this section shall be deemed to be acting in the course of his
11 or her official duty and shall not be criminally or civilly liable
12 for such actions.

13 (4) The taking of ~~an individual~~ a person into civil
14 protective custody under this section shall not be considered an
15 arrest. No entry or other record shall be made to indicate that
16 the person has been arrested or charged with a crime.

17 (5) For purposes of this section:

18 (a) Public, ~~public~~ property shall ~~mean~~ means any public
19 right-of-way, street, highway, alley, park, or other state, county,
20 or municipally owned property; ~~and~~.

21 (b) Quasi-public ~~(6) For the purposes of this section,~~
22 ~~quasi-public~~ property shall ~~mean and include~~ means and includes
23 private or publicly owned property utilized for proprietary or
24 business uses which invites patronage by the public or which
25 invites public ingress and egress.

26 Sec. 2. Section 83-1020, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 83-1020. (1) Whenever any peace officer believes that

2 any individual is a mentally ill dangerous person and that the harm
 3 described by section 83-1009 is likely to occur before mental
 4 health board proceedings under the Nebraska Mental Health
 5 Commitment Act may be invoked to obtain custody of the individual,
 6 such peace officer may immediately take such individual into
 7 custody, cause him or her to be taken into custody, or continue his
 8 or her custody if he or she is already in custody. Such individual
 9 shall be placed in a mental health center, state hospital,
 10 substance abuse treatment center, or other government or private
 11 hospital with the capacity and capability of detaining mentally ill
 12 dangerous persons. A physician or psychologist shall have a
 13 limited privilege to hold an individual until a peace officer
 14 arrives if such physician or psychologist has probable cause to
 15 believe such individual is a mentally ill dangerous person. ~~When a~~
 16 ~~mental health center, a state hospital, or other government or~~
 17 ~~private hospital has the capability to detain such an individual in~~
 18 ~~the county in which the individual is found, the individual shall~~
 19 ~~be placed in such facility.~~
 20 (2) All counties shall contract with medical facilities
 21 inside or outside the county to provide a place where individuals
 22 subject to subsection (1) of this section shall be held. Such
 23 individuals in such counties shall not be placed in a jail.
 24 Sec. 3. Original sections 53-1,121 and 83-1020, Reissue
 25 Revised Statutes of Nebraska, are repealed.".

LEGISLATIVE BILL 847. Placed on General File as amended.
 Standing Committee amendment to LB 847:
 AM2395

1 1. Insert the following new section:
 2 "Sec. 15. Section 81-1850, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 81-1850. (1) Upon request of the victim and at the time
 5 of conviction of the offender, the county attorney of the
 6 jurisdiction in which a person is convicted of a felony shall
 7 forward to the Board of Parole, the Department of Correctional
 8 Services, and the Department of Health and Human Services the name
 9 and address of any victim as defined in section 29-119 of the
 10 convicted person. The board, the Department of Correctional
 11 Services, and the Department of Health and Human Services shall
 12 include the name in the file of the convicted person, but the name
 13 shall not be part of the public record of any parole hearings of
 14 the convicted person. Any victim, including a victim who has
 15 waived his or her right to notification at the time of conviction,
 16 may request the notification prescribed in this section by sending
 17 a written request to the board, the Department of Correctional
 18 Services, and the Department of Health and Human Services any time
 19 after the convicted person is incarcerated and until the convicted
 20 person is no longer under the jurisdiction of the board or the
 21 Department of Correctional Services or, if the person is under the

22 jurisdiction of the Department of Health and Human Services, within
23 the three-year period after the convicted person is no longer under
24 the jurisdiction of the board or the Department of Correctional
1 Services.

2 (2) A victim whose name appears in the file of the
3 convicted person shall be notified by the Board of Parole:

4 (a) When a convicted person who is on parole is returned
5 to custody because of parole violations; and

6 (b) If the convicted person has been adjudged a mentally
7 disordered sex offender or is a convicted sex offender, when such
8 person is released from custody or treatment.

9 Such notification shall be given in person, by
10 telecommunication, or by certified or registered mail.

11 (3) A victim whose name appears in the file of the
12 convicted person shall be notified by the Department of
13 Correctional Services:

14 (a) When a convicted person is granted a furlough or
15 release from incarceration for twenty-four hours or longer;

16 (b) When a convicted person is released into
17 community-based programs, including educational release, work
18 release, and extended-leave programs. Such notification shall
19 occur at the beginning and termination of any such program;

20 (c) When a convicted person escapes or does not return
21 from a granted furlough or release and again when the convicted
22 person is returned into custody; and

23 (d) When a convicted person is discharged from custody
24 upon completion of his or her sentence.

25 (4) A victim whose name appears in the file of a
26 convicted person shall be notified by the Department of Health and
27 Human Services:

1 (a) When a person convicted of an offense listed in
2 subsection (5) of this section becomes the subject of a mental
3 health petition pursuant to the Nebraska Mental Health Commitment
4 Act prior to his or her discharge from custody upon the completion
5 of his or her sentence or within thirty days after such discharge.

6 The county attorney who filed the mental health petition shall
7 notify the Department of Correctional Services of such petition.
8 The Department of Correctional Services shall forward the names and
9 addresses of victims appearing in the file of the convicted person
10 to the Department of Health and Human Services;

11 (b) When a person under a mental health board commitment
12 pursuant to subdivision (a) of this subsection escapes from an
13 inpatient facility providing board-ordered treatment and again when
14 the person is returned to an inpatient facility;

15 (c) When a person under a mental health board commitment
16 pursuant to subdivision (a) of this subsection is discharged or has
17 a change in disposition from inpatient board-ordered treatment;

18 (d) When a person under a mental health board commitment
19 pursuant to subdivision (a) of this subsection is granted a

20 furlough or release for twenty-four hours or longer; and
 21 (e) When a person under a mental health board commitment
 22 pursuant to subdivision (a) of this subsection is released into
 23 educational release programs, work release programs, or
 24 extended-leave programs. Such notification shall occur at the
 25 beginning and termination of any such program.
 26 (5) Subsection (4) of this section applies to persons
 27 convicted of at least one of the following offenses which is also
 1 alleged to be the recent act or threat underlying the commitment of
 2 such persons as mentally ill dangerous persons:
 3 (a) Murder in the first degree pursuant to section
 4 28-303;
 5 (b) Murder in the second degree pursuant to section
 6 28-304;
 7 (c) Kidnapping pursuant to section 28-313;
 8 (d) Assault in the first degree pursuant to section
 9 28-308;
 10 (e) Assault in the second degree pursuant to section
 11 28-309;
 12 (f) Sexual assault in the first degree pursuant to
 13 section 28-319;
 14 (g) Sexual assault in the second degree pursuant to
 15 section 28-320;
 16 (h) Sexual assault of a child pursuant to section
 17 28-320.01;
 18 (i) Stalking pursuant to section 28-311.03; or
 19 (j) An attempt, solicitation, or conspiracy to commit an
 20 offense listed in subdivisions (a) through (i) of this subsection.
 21 (6) The Board of Parole, the Department of Correctional
 22 Services, and the Department of Health and Human Services shall
 23 adopt and promulgate rules and regulations to carry out this
 24 section."
 25 2. On page 5, line 13, strike "81-1848", show as
 26 stricken, and strike "section 9" and insert "sections 7 and 10 to
 27 14".
 1 3. On page 6, line 18, after "distribute" insert "to the
 2 victim".
 3 4. On page 8, line 22, after "The" insert "crimes for
 4 which the defendant is charged, the defendant's bond, and the"; in
 5 line 24 after "(ii)" insert "The right to be notified if there is
 6 an offer of a plea bargain;
 7 (iii)"; in line 25 strike "(iii)" and insert "(iv)"; and
 8 in line 26 strike "(iv)" and insert "(v)".
 9 5. On page 9, line 1, strike "(v)" and insert "(vi)"; in
 10 line 3 strike "(vi)" and insert "(vii)"; in line 7 strike "(vii)"
 11 and insert "(viii)"; in line 9 strike "(viii)" and insert "(ix)";
 12 and strike beginning with "pardon" in line 21 through "proceedings"
 13 in line 22 and insert "conditional release proceedings as provided
 14 in section 81-1850, pardon proceedings, or commutation

- 15 proceedings".
 16 6. On page 11, line 16, after the first "the" insert
 17 "county attorney upon whom notice of appeal was served shall notify
 18 the Attorney General in writing of the name and last-known address
 19 of any victim as defined in section 29-119.
 20 (2) The".
 21 7. On page 12, line 1, strike "(2)" and insert "(3)".
 22 8. On page 14, line 15, strike "and 81-1848" and insert
 23 "81-1848, and 81-1850".
 24 9. Renumber the remaining sections accordingly.

(Signed) Kermit A. Brashear, Chairperson

Health and Human Services

LEGISLATIVE BILL 894. Placed on General File.

LEGISLATIVE BILL 896. Placed on General File.

LEGISLATIVE BILL 988. Placed on General File.

LEGISLATIVE BILL 255. Placed on General File as amended.

Standing Committee amendment to LB 255:

AM2501

- 1 1. Insert the following new sections:
 2 "Sec. 5. The Community-Based Neurobehavioral
 3 Rehabilitation Implementation Act terminates on June 30, 2004.
 4 Sec. 6. Section 79-11,146, Revised Statutes Supplement,
 5 2001, is amended to read:
 6 79-11,146. The statewide needs and resource assessment
 7 shall include, but not be limited to, an assessment of the full
 8 spectrum of care and services from initial acute treatment through
 9 community reintegration for individuals of all ages having
 10 traumatic brain injury. The statewide action plan shall include,
 11 but not be limited to, the development of a comprehensive,
 12 community-based system of care that encompasses physical,
 13 psychological, educational, vocational, and social aspects of
 14 traumatic brain injury services and addresses the needs of the
 15 individual having traumatic brain injury as well as family members.
 16 A report of the statewide needs and resources assessment and the
 17 statewide action plan shall be made to the Legislature, the State
 18 Department of Education, and the Department of Health and Human
 19 Services by September 30, ~~2004~~ 2002.
 20 Sec. 7. Section 79-11,149, Revised Statutes Supplement,
 21 2001, is amended to read:
 22 79-11,149. The Community-Based Neurobehavioral Action
 23 Plan Act terminates on June 30, ~~2002~~ 2003.
 24 Sec. 8. Original sections 79-11,146 and 79-11,149,
 1 Revised Statutes Supplement, 2001, are repealed.
 2 Sec. 9. Since an emergency exists, this act takes effect
 3 when passed and approved according to law."

- 4 2. On page 2, line 1, strike "This" and insert "Sections
5 1 to 5 of this"; and in line 22 strike "department" and insert
6 "Department of Health and Human Services".
7 3. Underscore original sections 1 to 4.

LEGISLATIVE BILL 721. Placed on General File as amended.
Standing Committee amendment to LB 721:
AM2520

- 1 1. Strike the original sections and insert the following
2 new sections:
3 "Section 1. Section 81-649, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 81-649. Sections 81-642 to 81-650 shall not be deemed to
6 compel any individual to submit to any medical examination or
7 supervision by the department, any of its authorized
8 representatives, or an approved researcher. No person who seeks
9 information or obtains registry data pursuant to such sections or
10 sections 81-663 to 81-675 shall contact a patient on the registry
11 or such patient's family without first obtaining the permission of
12 a physician actively involved in the care of such patient unless
13 the registry has first obtained the permission of such patient or
14 patient's family. The registry shall coordinate its activities
15 with the person desiring such contact and may authorize the person
16 desiring such contact to perform these contacts under the direction
17 of the registry.
18 Sec. 2. Section 81-666, Reissue Revised Statutes of
19 Nebraska, is amended to read:
20 81-666. The department may approve an individual or
21 entity to be an approved researcher upon application and proof
22 satisfactory to the department that the applicant is a qualified
23 researcher, that the data will be used for bona fide scientific or
24 medical research for prevention, cure, or control of certain
1 diseases or injuries, and that the applicant will maintain the
2 confidentiality and security of data obtained. The application
3 shall contain, but not be limited to, the following information:
4 (1) The qualifications of the applicant and of the
5 principal investigator, if other than the applicant, including
6 education, experience, prior publications, and recommendations of
7 professional colleagues who have knowledge and experience of
8 scientific or medical research;
9 (2) The purpose of the research project, a summary of the
10 project, and the anticipated time of completion of such project;
11 (3) The location where the research project will be
12 conducted and the equipment, personnel, and other resources
13 available to the applicant to carry out the project;
14 (4) The identity of the individual or entity funding the
15 research project, a description of the availability of funds for
16 the research project, and any conditions on the receipt or
17 continuation of such funding;

18 (5) The specific data requested and a description of the
 19 use to be made of such data and, if patient-identifying data is
 20 requested, a substantiation of the need for access to such
 21 patient-identifying data;

22 (6) A description of the measures to be taken to secure
 23 the data and maintain the confidentiality of such data during the
 24 research project, for disposal of the data upon completion of the
 25 study, and to assure that the results of the study will not divulge
 26 or make public information that will disclose the identity of any
 27 individual patient;

1 (7) If contact with a patient or patient's family is
 2 planned or expected, substantiation of the need for such contact
 3 and a description of the method to be used to obtain permission
 4 from ~~the patient's physician~~ such patient or patient's family for
 5 such contact; and

6 (8) Such additional information as the department
 7 determines to be necessary to assure that release of data to the
 8 applicant is appropriate and will further the purpose of sections
 9 81-663 to 81-675 or the laws governing the specific registry.

10 Sec. 3. Section 81-673, Reissue Revised Statutes of
 11 Nebraska, is amended to read:

12 81-673. Nothing in sections 81-663 to 81-675 shall be
 13 deemed to compel any individual to submit to any medical
 14 examination or supervision by the department, any of its authorized
 15 representatives, or an approved researcher. No person who seeks
 16 information or obtains registry data pursuant to such sections
 17 shall contact a patient on the registry or such patient's family
 18 without first obtaining the permission of a physician actively
 19 involved in the care of such patient unless the registry has first
 20 obtained the permission of such patient or patient's family. The
 21 registry shall coordinate its activities with the person desiring
 22 such contact and may authorize the person desiring such contact to
 23 perform these contacts under the direction of the registry.

24 Sec. 4. Section 81-6,105, Revised Statutes Supplement,
 25 2001, is amended to read:

26 81-6,105. Nothing in the Parkinson's Disease Registry
 27 Act shall be deemed to compel any individual to submit to any
 1 medical examination or supervision by the department, any of its
 2 authorized representatives, or an approved researcher. No person
 3 who seeks information or obtains registry data pursuant to the act
 4 shall contact a patient on the registry or such patient's family
 5 without first obtaining the permission of a physician actively
 6 involved in the care of such patient unless the registry has first
 7 obtained the permission of such patient or patient's family. The
 8 registry shall coordinate its activities with the person desiring
 9 such contact and may authorize the person desiring such contact to
 10 perform these contacts under the direction of the registry.

11 Sec. 5. Original sections 81-649, 81-666, and 81-673,
 12 Reissue Revised Statutes of Nebraska, and section 81-6,105, Revised

13 Statutes Supplement, 2001, are repealed."

LEGISLATIVE BILL 911. Placed on General File as amended.

Standing Committee amendment to LB 911:

AM2419

- 1 1. On page 2, lines 2, 5, 26, and 27; and page 3, lines
- 2 3, 6, and 10, strike "calcium-enriched" and insert "calcium-rich".
- 3 2. On page 2, strike lines 9 through 11 and insert:
- 4 "(1) Calcium-rich food and beverage means food or
- 5 beverage that is naturally high in calcium or food and beverage to
- 6 which calcium has been added in processing to improve its
- 7 nutritional value; and"; and in line 28 strike
- 8 "non-calcium-enriched" and insert "non-calcium-rich".

LEGISLATIVE BILL 952. Placed on General File as amended.

Standing Committee amendment to LB 952:

AM2472

- 1 1. Strike sections 1 and 2.
- 2 2. On page 2, strike beginning with "and" in line 27
- 3 through "act" in line 28.
- 4 3. On page 3, line 5, after "if" insert "(1)(a) the
- 5 adopted person is deceased, (b) both biological parents of the
- 6 adopted person are deceased or if only one biological parent is
- 7 known, such parent is deceased, and (c) each spouse of the
- 8 biological parent or parents of the adopted person, if any, is
- 9 deceased, if such spouse is not a biological parent, or (2)"; and
- 10 strike "such" and insert "the"; and in line 15 after the period
- 11 insert "For purposes of this section, an heir of an adopted person
- 12 means a direct biological descendent of such adopted person.
- 13 The department may adopt and promulgate rules and
- 14 regulations to carry out this section.".
- 15 4. On page 4, strike beginning with the first "a" in
- 16 line 11 through line 14 and insert "a written consent or
- 17 relinquishment for adoption under this section shall not be valid
- 18 unless signed at least forty-eight hours after the birth of the
- 19 child.".
- 20 5. On page 5, line 13, after "71-627.02" insert "and
- 21 section 1 of this act"; and strike lines 17 through 20.
- 22 6. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 978. Placed on General File as amended.

Standing Committee amendment to LB 978:

AM2491

- 1 1. On page 2, line 22, before "trainer" insert "bona
- 2 fide"; and in line 28 after the period insert "A trainer
- 3 accompanied by a dog in such public places shall present
- 4 documentation upon request of his or her qualifications as a bona
- 5 fide trainer of a dog guide, hearing aid dog, or service dog.".
- 6 2. On page 3, line 11, before "trainer" insert "bona
- 7 fide".

LEGISLATIVE BILL 1021. Placed on General File as amended.

Standing Committee amendment to LB 1021:

AM2500

- 1 1. Strike original sections 9 and 83 and insert the
- 2 following new sections:
- 3 "Sec. 9. Section 71-161.09, Revised Statutes Supplement,
- 4 2000, is amended to read:
- 5 71-161.09. (1)(a) Each professional board shall
- 6 establish continuing competency standards for the recredentialing
- 7 of any person who is in active practice within the State of
- 8 Nebraska and who is credentialed under the Advanced Practice
- 9 Registered Nurse Act, the Emergency Medical Services Act, the
- 10 Licensed Practical Nurse-Certified Act, the Nebraska Certified
- 11 Nurse Midwifery Practice Act, the Nebraska Cosmetology Act, the
- 12 Nurse Practice Act, the Occupational Therapy Practice Act, the
- 13 Uniform Licensing Law, the Water Well Standards and Contractors'
- 14 Licensing Act, or sections 71-3702 to 71-3715, 71-4701 to 71-4719,
- 15 or 71-6053 to 71-6068. The standards shall be specified in rules
- 16 and regulations approved by the board and adopted and promulgated
- 17 by the department. As specified in subdivisions (c) and (d) of
- 18 this subsection, the standards may include, but are not limited to,
- 19 any one or a combination of the following continuing competency
- 20 activities as determined by the board:
- 21 (i) Continuing education;
- 22 (ii) Clinical privileging in an ambulatory surgical
- 23 center or hospital as defined in section 71-405 or 71-419;
- 24 (iii) Board certification in a clinical specialty area;
- 1 (iv) Professional certification;
- 2 (v) Self-assessment;
- 3 (vi) Peer review or evaluation;
- 4 (vii) Professional portfolio;
- 5 (viii) Practical demonstration;
- 6 (ix) Audit;
- 7 (x) Exit interviews with consumers;
- 8 (xi) Outcome documentation;
- 9 (xii) Testing;
- 10 (xiii) Refresher course; or
- 11 (xiv) Any other similar modalities.
- 12 (b) The board and the department shall consult with the
- 13 appropriate professional academies, professional societies, and
- 14 professional associations in the development of such standards.
- 15 (c) For persons credentialed under such acts and sections
- 16 for which there are no continuing education requirements on the
- 17 operative date of this act, the standards may include, but are not
- 18 limited to, any one or a combination of the continuing competency
- 19 activities listed in subdivisions (1)(a)(i) through (1)(a)(xiv) of
- 20 this section.
- 21 (d) For persons credentialed under such acts and sections
- 22 for which there are continuing education requirements on the

23 operative date of this act, the standards shall include continuing
24 education as an activity which is sufficient by itself to meet
25 continuing competency requirements. Such standards may also
26 include, but are not limited to, any one or a combination of the
27 continuing competency activities listed in subdivisions (1)(a)(ii)
1 through (1)(a)(xiv) of this section which a credentialed person may
2 select as an alternative to continuing education.

3 (2) The purpose of continuing competency requirements is
4 to assure that a credentialed person (a) maintains the knowledge
5 and skills to practice his or her profession or occupation
6 competently, (b) utilizes new techniques based upon scientific and
7 clinical advances, or (c) promotes research to assure expansive and
8 comprehensive services to the public. Each professional board,
9 with the approval of the department, may adopt and promulgate, by
10 rules and regulations, standards of recredentialing for each person
11 credentialed by and in active practice within the State of
12 Nebraska. Such regulations may include the prescribed number of
13 hours which are to be attained biennially for receiving information
14 presented by or in the form of board approved scientific schools,
15 clinics, forums, lectures, courses of study, home study courses, or
16 educational seminars relating to the practice of such profession or
17 occupation and held within or outside the state. The board and the
18 department shall consult with the appropriate professional
19 academies, professional societies, and professional associations in
20 the development of such standards. The purpose of any such action
21 by such board shall be to the end that the utilization and
22 application of new techniques, scientific and clinical advances,
23 and the achievements of research will assure expansive and
24 comprehensive service to the public. The number of hours that may
25 be required shall be prescribed by the board in such rules and
26 regulations for any calendar year. In no instance may the board
27 require a greater number of hours of approved scientific schools,
1 clinics, forums, lectures, courses of study, or educational
2 seminars than are available at approved scientific schools,
3 clinics, forums, lectures, courses of study, or educational
4 seminars held within the State of Nebraska.

5 Sec. 83. (1) The Department of Health and Human Services
6 Regulation and Licensure shall establish continuing competency
7 standards for the recredentialing of a person who is in active
8 practice within the State of Nebraska and who is credentialed under
9 the Asbestos Control Act, the Nebraska Safe Drinking Water Act, the
10 Radiation Control Act, or the Residential Lead-Based Paint
11 Professions Certification Act. The standards shall be specified in
12 rules and regulations adopted and promulgated by the department.
13 As specified in subsections (2) and (3) of this section, the
14 standards may include, but are not limited to, any one or a
15 combination of the continuing competency activities listed in
16 subdivisions (1)(a)(i) through (1)(a)(xiv) of section 71-161.09.
17 (2) For persons credentialed under such acts for which

18 there are no continuing education requirements on the operative
 19 date of this act, the standards may include, but are not limited
 20 to, any one or a combination of the continuing competency
 21 activities listed in subdivisions (1)(a)(i) through (1)(a)(xiv) of
 22 section 71-161.09.

23 (3) For persons credentialed under such acts for which
 24 there are continuing education requirements on the operative date
 25 of this act, the standards shall include continuing education as an
 26 activity which is sufficient by itself to meet continuing
 27 competency requirements. Such standards may also include, but are
 1 not limited to, any one or a combination of the activities listed
 2 in subdivisions (1)(a)(ii) through (1)(a)(xiv) of section 71-161.09
 3 which a credentialed person may select as an alternative to
 4 continuing education."

5 2. On page 88, lines 26 and 27; and page 89, lines 27

6 and 28, reinstate the stricken matter and after the reinstated

7 matter insert "or".

LEGISLATIVE BILL 322. Indefinitely postponed.

LEGISLATIVE BILL 328. Indefinitely postponed.

LEGISLATIVE BILL 331. Indefinitely postponed.

LEGISLATIVE BILL 396. Indefinitely postponed.

LEGISLATIVE BILL 529. Indefinitely postponed.

LEGISLATIVE BILL 548. Indefinitely postponed.

LEGISLATIVE BILL 583. Indefinitely postponed.

LEGISLATIVE BILL 612. Indefinitely postponed.

LEGISLATIVE BILL 698. Indefinitely postponed.

LEGISLATIVE BILL 770. Indefinitely postponed.

(Signed) Jim Jensen, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 925. Placed on General File.

LEGISLATIVE BILL 1052. Placed on General File.

LEGISLATIVE BILL 1073. Placed on General File.

LEGISLATIVE BILL 1074. Placed on General File.

LEGISLATIVE BILL 904. Placed on General File as amended.

Standing Committee amendment to LB 904:

AM2433

1 1. On page 3, line 2, strike "prior", show as stricken,
 2 and insert ":

3 (a) Prior"; in line 5 strike "(a)", show as stricken, and
 4 insert "(i)"; in line 7 strike "(b)", show as stricken, and insert

5 "(ii)"; and in line 8 after "inaccurate" insert "; or

6 (b) In the case of a clearly established business
 7 relationship in which the consumer has previously authorized the
 8 seller to place charges on the consumer's credit account, within

9 seven days after placement of a charge on the consumer's credit
10 account that includes:

11 (i) All of the information contained in subdivision (2)
12 of this section; and

13 (ii) The procedures by which the consumer can obtain a
14 refund from the seller in the event the confirmation is
15 inaccurate".

LEGISLATIVE BILL 922. Placed on General File as amended.
Standing Committee amendment to LB 922:
AM2407

- 1 1. On page 2, strike beginning with "(1)(a)" in line 3
- 2 through "(c)" in line 17, show as stricken, and insert "(1)".

LEGISLATIVE BILL 976. Placed on General File as amended.
Standing Committee amendment to LB 976:
AM2442

- 1 1. Strike original section 9 and insert the following
- 2 new section:
- 3 "Sec. 9. Electric personal assistive mobility device
- 4 shall mean a self-balancing, two-nontandem-wheeled device, designed
- 5 to transport only one person and containing an electric propulsion
- 6 system with an average power of seven hundred fifty watts or one
- 7 horsepower, whose maximum speed on a paved level surface, when
- 8 powered solely by such a propulsion system and while being ridden
- 9 by an operator who weighs one hundred seventy pounds, is less than
- 10 twenty miles per hour."
- 11 2. On page 24, strike beginning with "Prohibit" in line
- 12 27 through line 28 and insert "Regulate operation of electric
- 13 personal assistive mobility devices;".
- 14 3. On page 25, strike line 1.
- 15 4. On page 30, strike lines 8 through 11.

LEGISLATIVE BILL 999. Placed on General File as amended.
Standing Committee amendment to LB 999:
AM2479

- 1 1. On page 2, line 27, strike "An employer shall not"
- 2 and insert "No employer may".

LEGISLATIVE BILL 1131. Placed on General File as amended.
Standing Committee amendment to LB 1131:
AM2452

- 1 1. On page 4, lines 1 and 6 and 7, strike "or consumer
- 2 care or service facility" and insert "or warranty repair service
- 3 facility".

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Nebraska Transit and Rail Advisory Council

Gary A. Ruegg

VOTE: Aye: Senators Jones, Baker, Dw. Pedersen, Byars, Hudkins, Brown, and Bromm. Nay: None. Absent: Senator Robak.

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Board of Public Roads Classifications and Standards

Gene Acklie

Alan D. Doll

Dean T. Lux

Arthur Yonkey

VOTE: Aye: Senators Jones, Baker, Dw. Pedersen, Byars, Hudkins, Brown, and Bromm. Nay: None. Absent: Senator Robak.

(Signed) Curt Bromm, Chairperson

NOTICE OF COMMITTEE HEARING

General Affairs

Room 1510

| | | |
|---|---------------------------|---------|
| LB 950 | Monday, February 11, 2002 | 1:30 PM |
| LB 959 | Monday, February 11, 2002 | 1:30 PM |
| LB 1127 | Monday, February 11, 2002 | 1:30 PM |
| LR 292CA | Monday, February 11, 2002 | 1:30 PM |
| Monday, February 11, 2002 | | 1:30 PM |
| Louise Bereuter - Nebraska Arts Council | | |

(Signed) Ray Janssen, Chairperson

AMENDMENTS - Print in Journal

Senator Wickersham filed the following amendment to LB 935:
AM2431

- 1 I. Insert the following new sections:
- 2 "Section 1. Section 32-101, Revised Statutes Supplement,

3 2001, is amended to read:

4 32-101. Sections 32-101 to 32-1551 and section 4 of this
5 act shall be known and may be cited as the Election Act.

6 Sec. 2. Section 32-314, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 32-314. (1) Any person going into another territory or
9 state and registering to vote or voting shall lose his or her
10 residence in this state. Any person going into another county of
11 this state and registering to vote or voting shall lose his or her
12 residence in the county where he or she was registered. Any
13 registered voter shall register again if he or she changes his or
14 her residence to a different county or state.

15 (2) A registered voter who changes his or her name, party
16 affiliation, or residence within the county and has retained legal
17 residence in the county since the date of his or her last
18 registration may change his or her registration to vote by
19 completing an abbreviated transfer of registration form as provided
20 in section 32-325 or a new registration form. Any registered voter
21 who changes his or her name or his or her residence within a county
22 may be entitled to vote pursuant to section 32-914.01, 32-914.02,
23 or 32-915.

24 (3) After the deadline provided in section 32-302, a
1 registered voter who is not affiliated with any political party may
2 change his or her political party affiliation for purposes of the
3 statewide primary election by stating to the election official who
4 checks the status of the voter as a registered voter that the voter
5 desires to affiliate with a political party. The election official
6 shall make a notation that the registered voter desires to
7 affiliate with the party chosen by the voter and shall give the
8 voter an abbreviated transfer of registration form under section
9 32-325. The voter shall be entitled to vote pursuant to section 4
10 of this act.

11 Sec. 3. Section 32-325, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 32-325. (1)(a) An abbreviated transfer of registration
14 form shall contain the information prescribed in subsection (2) of
15 this section. The voter shall date and sign the form.

16 (b) If the form is received by the voter under subsection
17 (3) of section 32-314, the voter may (i) complete the form and
18 leave it with the election officials at the polling place or
19 election office for processing pursuant to this section, (ii)
20 complete the form and deliver it to the office of the election
21 commissioner or county clerk so that it arrives in the office by
22 the close of business on the seventh day after the election, (iii)
23 complete the form and mail it to the office of the election
24 commissioner or county clerk postmarked on or before the seventh
25 day after the election, or (iv) choose not to return the form in
26 which case the party affiliation is valid only for that statewide
27 primary election.

- 1 (c) For all other forms, the The form shall be delivered
 2 or mailed to the office of the election commissioner or county
 3 clerk. If the application is delivered, it must physically arrive
 4 in such office prior to the regular registration deadline
 5 prescribed in section 32-302. If the application is mailed, the
 6 application must be postmarked by such deadline.
- 7 (2) The abbreviated transfer of registration form shall
 8 be prescribed by the Secretary of State and shall contain the full
 9 name, previous name, party affiliation, present address, and
 10 previous address of the registered voter and the effective date of
 11 the change of name, party affiliation, or address. The form shall
 12 also include space for the registered voter to sign and date the
 13 form and the following statement: I have maintained legal
 14 residence in the county continuously since the date of my last
 15 registration at my previous address shown above.
- 16 (3) After verifying the signature on the previous
 17 registration of the registered voter, the election commissioner or
 18 county clerk shall make the change of name, party affiliation, or
 19 address on all pertinent election records. The election
 20 commissioner or county clerk shall send an acknowledgment card to
 21 the registered voter indicating that the change of registration has
 22 been completed and shall include the address of the registered
 23 voter's new polling place.
- 24 Sec. 4. If a registered voter who is not affiliated with
 25 any political party changes his or her party affiliation for
 26 purposes of the statewide primary election as provided in section
 27 32-314, the voter shall be entitled to receive the statewide
 1 primary ballot for the party of his or her choice as stated to the
 2 election official under such section."
- 3 2. Renumber the remaining sections and correct the
 4 repealer accordingly.

Senator Brashear filed the following amendment to LB 88:
 AM2468

(Amendments to Standing Committee amendments, AM0458)

- 1 1. Strike amendment 1 and insert the following new
 2 amendment:
 3 "1. On page 2, line 7, after 'except' insert '(a) an
 4 interested person as defined in section 30-2209, (b) a title
 5 insurance agent as defined in section 44-19,108 acting within the
 6 scope of the Title Insurance Agent Act, (c) a registered abstractor
 7 as defined in section 76-537 acting within the scope of the
 8 Abstracters Act, or (d) any other person'."

Senator Smith filed the following amendment to LB 58:
 FA836

Pg 2 line 8: strike "conclusively" insert/replace with "automatically"

Senator Smith filed the following amendment to LB 58:

FA837

page 2, line 8, after "conclusively" insert "upon a written and signed affidavit

Senator Dierks filed the following amendment to LB 436:
AM2529

(Amendments to E & R amendments, AM7150)

- 1 1. On page 13, lines 16 through 18, strike the new
- 2 matter and insert "The department may contract with a city of the
- 3 metropolitan or primary class it deems qualified to conduct, on a
- 4 case-by-case basis, any regulatory functions authorized pursuant to
- 5 the act relating to the disposal of pesticides except those
- 6 functions relating to the issuance, suspension, or revocation of
- 7 permits or any order of probation, suspension, immediate
- 8 suspension, or revocation.".
- 9 2. On page 29, line 14; page 34, line 18; and page 36,
- 10 line 3, reinstate "written".
- 11 3. On page 35, line 6, strike "business operator" and
- 12 insert "person".
- 13 4. On page 37, line 10, strike the comma; in line 11
- 14 reinstate "or" and strike the new matter and insert "passing"; and
- 15 in line 15 after the period insert "The examination shall be
- 16 approved by the department and monitored by the department or its
- 17 authorized agent.".
- 18 5. On page 39, line 21, reinstate "a reasonable period
- 19 of time" and strike "three hours" and insert "as established by the
- 20 director by rules and regulations".
- 21 6. On page 42, lines 26 and 27, strike "forty-eight
- 22 hours" and insert "two business days".

Senator Smith filed the following amendment to LB 58:
AM2545

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. A person purchasing a policy of insurance to
- 4 insure the personal dwelling he or she occupies shall have the
- 5 option to purchase an endorsement to such policy that applies to
- 6 all tangible personal property located in the insured dwelling and
- 7 provides that the limit of coverage under such endorsement is the
- 8 true value of the tangible personal property insured under such
- 9 endorsement and the true amount of loss and measure of damages in
- 10 the event that all property described in the endorsement is
- 11 destroyed by fire without criminal fault on the part of the insured
- 12 or his or her assignee. Except for the provisions set forth in
- 13 such endorsement, all other provisions of the policy to which the
- 14 endorsement may be attached remain the same and apply to the
- 15 endorsement.
- 16 Sec. 2. This act becomes operative on July 1, 2003."

SELECT FILE

LEGISLATIVE BILL 824. Senator Chambers reoffered his amendment, FA832, found on page 449 and considered in this day's Journal.

SPEAKER KRISTENSEN PRESIDING**SENATOR CUDABACK PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Senator Chambers requested a roll call vote on his amendment.

Senator Tyson requested the roll call vote be taken in reverse order.

Voting in the affirmative, 5:

| | | | | |
|----------|-------|-------|--------|----------|
| Chambers | Kruse | Price | Suttle | Thompson |
|----------|-------|-------|--------|----------|

Voting in the negative, 32:

| | | | | |
|----------|------------|---------------|----------|------------|
| Baker | Byars | Jensen | Quandahl | Synowiecki |
| Beutler | Connealy | Jones | Redfield | Tyson |
| Bourne | Cunningham | Kristensen | Robak | Vrtiska |
| Brashear | Dierks | Landis | Schimek | Wehrbein |
| Brown | Engel | Maxwell | Schrock | |
| Bruning | Erdman | McDonald | Smith | |
| Burling | Hudkins | Pedersen, Dw. | Stuhr | |

Present and not voting, 8:

| | | | |
|---------|----------|----------|------------|
| Aguilar | Hartnett | Kremer | Raikes |
| Foley | Janssen | Preister | Wickersham |

Excused and not voting, 4:

| | | | |
|-------|----------|----------|--------------|
| Bromm | Coordsen | Cudaback | Pederson, D. |
|-------|----------|----------|--------------|

The Chambers amendment lost with 5 ayes, 32 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Foley withdrew his pending amendment, AM2492, found on page 430.

Senator Chambers offered the following amendment:
FA835

Amend AM2336

P. 1, line 14, strike "an individual" and insert "a".

Senator Chambers moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

The Chambers amendment lost with 10 ayes, 29 nays, 6 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Foley moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Senator Foley requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 41:

| | | | | |
|----------|------------|------------|---------------|------------|
| Aguilar | Connealy | Hudkins | Pedersen, Dw. | Synowiecki |
| Baker | Coordsen | Janssen | Preister | Thompson |
| Beutler | Cudaback | Jensen | Quandahl | Tyson |
| Bourne | Cunningham | Jones | Redfield | Vrtiska |
| Brashear | Dierks | Kremer | Robak | Wehrbein |
| Brown | Engel | Kristensen | Schrock | |
| Bruning | Erdman | Kruse | Smith | |
| Burling | Foley | Maxwell | Stuhr | |
| Byars | Hartnett | McDonald | Suttle | |

Voting in the negative, 6:

| | | |
|----------|--------|------------|
| Chambers | Price | Schimek |
| Landis | Raikes | Wickersham |

Excused and not voting, 2:

Bromm Pederson, D.

Advanced to E & R for engrossment with 41 ayes, 6 nays, and 2 excused and not voting.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 881. Indefinitely postponed.

LEGISLATIVE BILL 943. Indefinitely postponed.

LEGISLATIVE BILL 1117. Indefinitely postponed.

LEGISLATIVE BILL 1146. Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

Natural Resources

LEGISLATIVE BILL 941. Indefinitely postponed.

LEGISLATIVE BILL 993. Indefinitely postponed.

(Signed) Ed Schrock, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 235A. Introduced by Byars, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 235, Ninety-seventh Legislature, Second Session, 2002.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs
 Room 1507

| | | |
|----------|------------------------------|---------|
| LB 1049 | Thursday, February 14, 2002 | 1:30 PM |
| LB 1086 | Thursday, February 14, 2002 | 1:30 PM |
| LB 1302 | Thursday, February 14, 2002 | 1:30 PM |
| LB 1138 | Wednesday, February 20, 2002 | 1:30 PM |
| LB 1189 | Wednesday, February 20, 2002 | 1:30 PM |
| LB 1192 | Wednesday, February 20, 2002 | 1:30 PM |
| LB 1222 | Wednesday, February 20, 2002 | 1:30 PM |
| LB 1070 | Thursday, February 21, 2002 | 1:30 PM |
| LB 1240 | Thursday, February 21, 2002 | 1:30 PM |
| LB 1271 | Thursday, February 21, 2002 | 1:30 PM |
| LR 294CA | Thursday, February 21, 2002 | 1:30 PM |

(Signed) DiAnna R. Schimek, Chairperson

Natural Resources
 Room 1525

| | | |
|---------|------------------------------|---------|
| LB 940 | Wednesday, February 13, 2002 | 1:30 PM |
| LB 1066 | Wednesday, February 13, 2002 | 1:30 PM |
| LB 1103 | Wednesday, February 13, 2002 | 1:30 PM |
| LB 1130 | Wednesday, February 13, 2002 | 1:30 PM |
| LB 1291 | Wednesday, February 13, 2002 | 1:30 PM |

| | | |
|---------|------------------------------|---------|
| LB 1186 | Wednesday, February 20, 2002 | 1:30 PM |
| LB 1241 | Wednesday, February 20, 2002 | 1:30 PM |
| LB 1267 | Wednesday, February 20, 2002 | 1:30 PM |
| LB 1272 | Wednesday, February 20, 2002 | 1:30 PM |

(Signed) Ed Schrock, Chairperson

SELECT FILE

LEGISLATIVE BILL 93. Senator Schimek renewed her pending amendment, AM2376, found on page 361.

The Schimek amendment was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Schimek renewed her pending amendment, AM2511, printed separately and referred to on page 452.

Senator Bourne offered the following amendment to the Schimek pending amendment:

AM2521

(Amendments to AM2511)

- 1 1. On page 47, strike beginning with "and" in line 24
- 2 through the comma in line 25, show as stricken, and insert an
- 3 underscored comma.
- 4 2. On page 48, strike beginning with "The" in line 24
- 5 through the period in line 25 and show as stricken.

Senators Foley and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

The Bourne amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

The Schimek amendment, as amended, was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Withdraw LB 1147

Senators Vrtiska and Stuhr renewed their pending motion, found on page 433, to withdraw LB 1147.

The Vrtiska-Stuhr motion to withdraw prevailed with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 406. Advanced to E & R for engrossment.

LEGISLATIVE BILL 446. E & R amendment, AM7136, found on page 314, was adopted.

Senator Aguilar offered the following amendment:
AM2540

- 1 1. On page 4, strike lines 2 through 4 and insert:
- 2 "(e) Primary airport means any airport which:
- 3 (i) Receives scheduled passenger air service;
- 4 (ii) Has at least ten thousand revenue passenger
- 5 enplanements or boardings, as officially recorded by the Federal
- 6 Aviation Administration, in at least one of the most recent five
- 7 calendar years for which official numbers are available; and
- 8 (iii) Does not receive any funds apportioned by the
- 9 Federal Aviation Administration for non-primary airports."

Pending.

AMENDMENTS - Print in Journal

Senator Wickersham filed the following amendment to LB 568:
AM2547

(Amendments to E & R amendments, AM7154)

- 1 1. On page 1, strike beginning with "prepare" in line 8
- 2 through the comma in line 12, show the old matter as stricken, and
- 3 insert "annually prepare a proposed budget statement"; in line 13
- 4 strike ", a", show as stricken, and insert ". The proposed budget
- 5 statement shall be made available to the public by the political
- 6 subdivision prior to publication of the notice of the hearing on
- 7 the proposed budget statement pursuant to section 13-506. A"; and
- 8 in line 14 strike "containing", show as stricken, and insert "shall
- 9 contain".
- 10 2. On page 5, strike beginning with the comma in line 3
- 11 through the comma in line 4 and show as stricken; and in line 5
- 12 strike "such", show as stricken, and insert "its".
- 13 3. On page 12, strike beginning with "Not" in line 22
- 14 through "the" in line 23, show the old matter as stricken, and
- 15 insert "The".
- 16 4. On page 24, line 24, after the second comma insert
- 17 "housing agency as defined in section 71-1575."

Senator Beutler filed the following amendment to LB 82:
AM2550

(Amendments to E & R amendments, AM7149)

- 1 1. Strike sections 13 and 14.
- 2 2. Renumber the remaining sections and correct internal
- 3 references accordingly.

UNANIMOUS CONSENT - Add Cointroducer

Senator Price asked unanimous consent to have her name added as cointroducer to LB 460. No objections. So ordered.

WITHDRAW - Cointroducer

Senator Smith withdrew his name as cointroducer to LB 955.

VISITORS

Visitors to the Chamber were Bill Koenig from Lincoln; and Nicole Brown from Lincoln.

The Doctor of the Day was Dr. Uma Nooka from Lincoln.

ADJOURNMENT

At 12:00 p.m., on a motion by Senator Cudaback, the Legislature adjourned until 9:00 a.m., Tuesday, February 5, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTEENTH DAY - FEBRUARY 5, 2002**LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE
SECOND SESSION****EIGHTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 5, 2002

PRAYER

The prayer was offered by Pastor Jarvis Hochstedler, Beemer Mennonite Church, Beemer, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

The roll was called and all members were present except Senators Brashear, Bromm, Brown, Cunningham, Landis, Maxwell, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventeenth day was approved.

**STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance**

LEGISLATIVE BILL 1016. Placed on General File.

LEGISLATIVE BILL 1163. Placed on General File.

(Signed) David M. Landis, Chairperson

ANNOUNCEMENT

Senator Brashear designates LB 876 as his priority bill.

SELECT FILE

LEGISLATIVE BILL 446. The Aguilar pending amendment, AM2540, found on page 488, was renewed.

The Aguilar amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 417. Advanced to E & R for engrossment.

LEGISLATIVE BILL 589. E & R amendment, AM7140, found on page 314, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 474. E & R amendment, AM7142, found on page 314, was adopted.

Senator Erdman renewed his pending amendment, AM2391, found on page 378.

Senator Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

The Erdman amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 500. E & R amendment, AM7138, printed separately and referred to on page 314, was adopted.

Senator Erdman renewed his pending amendment, AM2249, printed separately and referred to on page 378.

The Erdman amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Senator Redfield asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 241. E & R amendment, AM7141, found on page 314, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 241A. E & R amendment, AM7139, found on page

315, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 830. Advanced to E & R for engrossment.

LEGISLATIVE BILL 259. E & R amendment, AM7144, found on page 356, was adopted.

Senator Wehrbein offered the following amendment:
AM2558

(Amendments to E & R amendments, AM7144)

- 1 1. Insert the following new sections:
- 2 "Sec. 2. The county board shall submit the question of
- 3 imposing a license or occupation tax under section 1 of this act to
- 4 the registered voters at any primary or general election or at a
- 5 special election if the county submits a certified copy of the
- 6 resolution proposing the tax to the election commissioner or county
- 7 clerk within a reasonable time prior to the primary, general, or
- 8 special election. The question may include any terms and
- 9 conditions set forth in the resolution proposing the tax, such as a
- 10 termination date or the specific project or program for which the
- 11 revenue will be allocated, and shall include the following
- 12 language: Shall the county board impose a license or occupation
- 13 tax upon any person, partnership, limited liability company,
- 14 corporation, or business engaged in the sale of admissions to
- 15 recreational, cultural, entertainment, or concert events within the
- 16 county on which the State of Nebraska is authorized to impose a
- 17 sales tax? If a majority of those voting on the question are in
- 18 favor of the tax, then the county board shall be empowered to
- 19 impose the tax and shall forthwith proceed to impose the tax. If a
- 20 majority of those voting on the question are opposed to the tax,
- 21 then the county board shall not impose the tax.
- 22 Sec. 3. The county board shall give notice of the
- 23 submission of the question of imposing a license or occupation tax
- 1 under section 1 of this act not more than thirty days nor less than
- 2 ten days prior to the election, by publication one time in one or
- 3 more newspapers published in or of general circulation in the
- 4 county in which such question is to be submitted. The notice shall
- 5 be in addition to any other notice required under the general
- 6 election laws of this state.
- 7 Sec. 4. Whenever, at least forty-five days prior to any
- 8 county or state election, the registered voters of the county,
- 9 equal in number to ten percent of the votes cast at the last
- 10 preceding county election, petition the county board to submit the
- 11 question of imposing a license or occupation tax under section 1 of
- 12 this act, the county board shall submit the question at the next
- 13 primary, general, or special election.
- 14 Sec. 5. The question of imposing a license or occupation

15 tax under section 1 of this act which has been submitted to the
16 registered voters and failed shall not be submitted to the
17 registered voters of the county again until twenty-three months
18 after such failure.".

19 2. On page 3, line 14; and page 5, lines 15 and 18,

20 strike "section 1" and insert "sections 1 to 5".

21 3. Renumber the remaining sections accordingly.

The Wehrbein amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 482. E & R amendment, AM7147, found on page 360, was adopted.

Senator Hartnett renewed his pending amendment, AM2420, found on page 414.

The Hartnett amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 436. E & R amendment, AM7150, printed separately and referred to on page 417, was adopted.

Senator Chambers renewed his pending amendment, AM2470, found on page 421.

The Chambers amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Senator Dierks renewed his pending amendment, AM2529, found on page 483.

The Dierks amendment was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 436A. E & R amendment, AM7152, found on page 417, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 568. E & R amendment, AM7154, printed separately and referred to on page 424, was adopted.

Senator Wickersham renewed his pending amendment, AM2547, found on page 488.

The Wickersham amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

Senator McDonald asked unanimous consent to be excused until she returns. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Transportation and Telecommunications
Room 1113

| | | |
|---------|----------------------------|---------|
| LB 924 | Tuesday, February 12, 2002 | 1:30 PM |
| LB 971 | Tuesday, February 12, 2002 | 1:30 PM |
| LB 1088 | Tuesday, February 12, 2002 | 1:30 PM |
| LB 1132 | Tuesday, February 12, 2002 | 1:30 PM |
| LB 1028 | Tuesday, February 19, 2002 | 1:30 PM |
| LB 1116 | Tuesday, February 19, 2002 | 1:30 PM |
| LB 1228 | Tuesday, February 19, 2002 | 1:30 PM |
| LB 1007 | Monday, February 25, 2002 | 1:30 PM |
| LB 1050 | Monday, February 25, 2002 | 1:30 PM |
| LB 1210 | Monday, February 25, 2002 | 1:30 PM |

(Signed) Curt Bromm, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 661A. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 661, Ninety-seventh Legislature, Second Session, 2002; and to declare an emergency.

STANDING COMMITTEE REPORT
Urban Affairs

LEGISLATIVE BILL 984. Placed on General File as amended.
Standing Committee amendment to LB 984:
AM2496

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 17-301, Reissue Revised Statutes of

4 Nebraska, is amended to read:

5 17-301. (1) Whenever any city of the first class
6 decreases in population until it has a population of less than five
7 thousand inhabitants ~~and more than eight but not less than four~~
8 thousand five hundred inhabitants, as ascertained and officially
9 promulgated by the federal decennial census, ~~enumeration, and~~
10 ~~return taken by the United States, by the State of Nebraska, or by~~
11 ~~the authority of the mayor and city council of any such city~~, the
12 mayor of any such city shall certify such fact to the Secretary of
13 State.

14 (2) Whenever any city of the first class decreases in
15 population until it has a population of less than four thousand
16 five hundred inhabitants but more than eight hundred inhabitants as
17 ascertained and officially promulgated by the federal decennial
18 census, the mayor of any such city shall certify such fact to the
19 Secretary of State.

20 (3) Whenever the Secretary of State receives a
21 certification pursuant to subsection (1) of this section from the
22 same city after two consecutive federal decennial censuses, he or
23 she of the State of Nebraska who, upon the filing of such a
24 certificate, shall by proclamation so declare and shall declare
1 such city to have become a city of the second class, ~~except~~ as
2 provided in section 17-305. ~~Thereafter~~

3 (4) Whenever the Secretary of State receives a
4 certification pursuant to subsection (2) of this section, he or she
5 shall declare such city to have become a city of the second class
6 as provided in section 17-305.

7 (5) Beginning on the date upon which a city becomes a
8 city of the second class pursuant to section 17-305, such city
9 shall be governed by the provisions of the statutes of the State of
10 Nebraska applicable to cities of the second class. Upon such
11 ~~proclamation being made by the Secretary of State, every officer of~~
12 ~~such city shall, within thirty days thereafter, qualify and give~~
13 ~~bond as provided by the statutes of the State of Nebraska in cases~~
14 ~~of cities of the second class. In any city which may hereafter~~
15 ~~become a city of the second class, having been a city of the first~~
16 ~~class, any council member whose term extends by reason of his or~~
17 ~~her prior election under the provisions governing cities of the~~
18 ~~first class through another year or years shall continue to hold~~
19 ~~his or her office as council member from the ward in which he or~~
20 ~~she is a resident as if elected for the same term under the~~
21 ~~statutes of the State of Nebraska governing cities of the second~~
22 ~~class.~~

23 Sec. 2. Section 17-302, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 17-302. The government of such a city shall continue, as
26 organized at the date of such ~~proclamation~~ the declaration of the
27 Secretary of State under section 17-301, until the reorganization
1 of the same under section ~~17-301~~ 17-305.

2 Sec. 3. Section 17-303, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 17-303. The mayor and council shall, within ~~thirty~~
5 ninety days after such proclamation the declaration of the
6 Secretary of State under section 17-301, divide the city into not
7 less than two nor more than six wards; as may be provided by
8 ordinance of the mayor and city council thereof. Such wards shall
9 contain, as nearly as practicable, an equal area and an equal
10 number of legal voters. Such division and boundaries of ~~said~~ such
11 wards, so to be defined by ordinance, shall take effect on the
12 first day of the first succeeding municipal year following the next
13 general city election after such reorganization. Any council
14 member whose term continues, by reason of his or her prior election
15 under the statutes governing cities of the first class, through
16 another year or years beyond the date of the reorganization as a
17 city of the second class shall continue to hold his or her office
18 as council member from the ward in which he or she is a resident as
19 if elected for the same term under the statutes governing cities of
20 the second class.

21 Sec. 4. Section 17-305, Reissue Revised Statutes of
22 Nebraska, is amended to read:
23 17-305. (1) Upon the expiration of one year after the
24 date of the declaration of the Secretary of State under section
25 17-301, the city shall be, as of that date, incorporated as a city
26 of the second class. All ordinances, bylaws, acts, regulations,
27 obligations, rules, and proclamations existing and in force in or
1 with respect to any such city at the time of its incorporation as a
2 city of the second class the declaration of the Secretary of State
3 under section 17-301 shall be and remain in full force and effect
4 after such incorporation as a city of the second class until
5 repealed or modified by such city within one year from the date of
6 the proclamation by the Secretary of State that such city is for a
7 period of one year and may be enacted, altered, or amended during
8 such period in a manner consistent with the statutes governing
9 cities of the first class, except that any such acts, alterations,
10 or amendments shall not be effective beyond the date upon which the
11 city is incorporated as a city of the second class. a city of the
12 second class.

13 (2) Notwithstanding the provisions of subsection (1) of
14 this section, a city shall amend, repeal, or modify all ordinances,
15 bylaws, acts, regulations, obligations, rules, and proclamations
16 which are existing and in force in or with respect to such city at
17 the time of the declaration of the Secretary of State under section
18 17-301 and which are inconsistent with the statutes governing
19 cities of the second class in a manner which is in conformance and
20 consistent with the statutes governing cities of the second class
21 to take effect upon the effective date of the city's incorporation
22 as a city of the second class.

23 Sec. 5. Sections 17-301 to 17-305 apply to cities of the

24 first class whose population has decreased to less than five
 25 thousand inhabitants but more than eight hundred inhabitants
 26 according to the federal decennial census in the year 2000 and in
 27 each subsequent federal decennial census.

- 1 Sec. 6. Original sections 17-301, 17-302, 17-303, and
- 2 17-305, Reissue Revised Statutes of Nebraska, are repealed."

(Signed) D. Paul Hartnett, Chairperson

AMENDMENTS - Print in Journal

Senator Hartnett filed the following amendment to LB 1232:

AM2498

- 1 1. On page 3, line 6, after "April" insert "1"; and in
- 2 line 9 before "April" insert "five days prior to any meeting of the
- 3 board held after".

Senator Tyson filed the following amendment to LB 1089:

AM2555

- 1 1. On pages 34, 35, and 36, strike the new matter.
- 2 2. On page 34, line 22, reinstate the stricken matter;
- 3 and in line 26 strike "fourteen", show as stricken, and insert
- 4 "twenty".

MOTION - Print in Journal

Senator Smith filed the following motion to LB 58:

Indefinitely postpone LB 58.

GENERAL FILE

LEGISLATIVE BILL 326. Title read. Considered.

The Standing Committee amendment, AM0225, found on page 572, First Session, 2001, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Senators Beutler and Suttle offered the following amendment:

AM2508

- 1 1. On page 2, line 10; and page 3, line 21, strike
- 2 "2002" and insert "2003".
- 3 2. On page 3, line 22, strike "may" and insert "shall";
- 4 and in line 28 before "Fund" insert "Cash".

Senator Quandahl asked unanimous consent to be excused until he returns. No objections. So ordered.

The Beutler-Suttle amendment was adopted with 27 ayes, 1 nay, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 25 ayes, 1 nay, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 326A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 1 nay, 19 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 22. Title read. Considered.

The Standing Committee amendment, AM0256, found on page 582, First Session, 2001, lost with 1 aye, 21 nays, 24 present and not voting, and 3 excused and not voting.

Senator Suttle renewed her pending amendment, AM2306, printed separately and referred to on page 388.

The Suttle amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 22A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 429. Considered.

Senator Vrtiska withdrew his pending amendment, FA110, found on page 1140, First Session, 2001.

Senator Janssen withdrew his pending amendment, FA111, found on page 1144, First Session, 2001.

Senator Janssen offered the following amendment:
AM2560

(Amendments to Standing Committee amendments, AM0272)

1. On page 1, strike line 2 and insert "'five'; and in
- 2 line 13 after 'equipment' insert 'as long as such retailer is not
- 3 utilizing state-provided equipment at that location'."

Senators Engel, Landis, Aguilar, and Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

SENATOR CUDABACK PRESIDING

Senator Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers moved to bracket LB 429 until April 17, 2002.

Pending.

STANDING COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 891. Placed on General File as amended.

Standing Committee amendment to LB 891:

AM2553

- 1 1. Strike original section 3 and insert the following
- 2 new sections:
- 3 "Section 1. Section 49-1401, Revised Statutes
- 4 Supplement, 2001, is amended to read:
- 5 49-1401. Sections 49-1401 to 49-14,141 and sections 3
- 6 and 4 of this act shall be known and may be cited as the Nebraska
- 7 Political Accountability and Disclosure Act. Any reference to
- 8 sections 49-1401 to 49-14,138 shall be construed to include
- 9 sections 49-1499.01 and 49-14,103.01 to 49-14,103.07. After August
- 10 25, 1989, any reference to sections 49-1401 to 49-14,138 shall be
- 11 construed to include sections 49-14,123.01 and 49-14,140.
- 12 Sec. 2. Section 49-1493, Revised Statutes Supplement,
- 13 2001, is amended to read:
- 14 49-1493. The individuals listed in subdivisions (1)
- 15 through ~~(42)~~ (13) of this section shall file with the commission a
- 16 statement of financial interests as provided in sections 49-1496
- 17 and 49-1497 for the preceding calendar year on or before April 1 of
- 18 each year in which such individual holds such a position. An
- 19 individual who leaves office shall, within thirty days after
- 20 leaving office, file a statement covering the period since the
- 21 previous statement was filed. Disclosure of the interest named in
- 22 sections 49-1496 to 49-1498 shall be made by:
- 23 (1) An individual holding a state executive office as
- 24 provided in Article IV of the Constitution of Nebraska, including
- 1 the Governor, Lieutenant Governor, Secretary of State, Auditor of
- 2 Public Accounts, State Treasurer, Attorney General, Tax
- 3 Commissioner, and heads of such other executive departments as set
- 4 forth in the Constitution or as may be established by law;
- 5 (2) An individual holding the office of Commissioner of
- 6 Education, member of the State Board of Education, member of the
- 7 Board of Regents of the University of Nebraska with the exception
- 8 of student members, or member of the Coordinating Commission for
- 9 Postsecondary Education;
- 10 (3) A member of the Board of Parole;
- 11 (4) A member of the Public Service Commission;
- 12 (5) A member of the Legislature;
- 13 (6) A member of the board of directors or an officer of a
- 14 district organized under the provisions of Chapter 70;
- 15 (7) A member of any board or commission of the state or

16 any county which examines or licenses a business or which
17 determines rates for or otherwise regulates a business;

18 (8) A member of a land-use planning commission, zoning
19 commission, or authority of the state or any county with a
20 population of more than one hundred thousand inhabitants;

21 (9) An elected official of a city of the primary or
22 metropolitan class;

23 (10) An elected county official;

24 (11) A member of the Nebraska Environmental Trust Board;

25 (12) An individual employed at the University of

26 Nebraska-Lincoln in the position of Head Football Coach, Men's

27 Basketball Coach, or Women's Basketball Coach; and

1 (13) An official or employee of the state designated

2 by rules and regulations of the commission who is responsible for

3 taking or recommending official action of a nonministerial nature

4 with regard to:

5 (a) Contracting or procurement;

6 (b) Administering or monitoring grants or subsidies;

7 (c) Land-use planning or zoning;

8 (d) Inspecting, licensing, regulating, or auditing any

9 person; or

10 (e) Any similar action.

11 Sec. 3. (1) An official or employee of the Nebraska

12 Environmental Trust Board shall not employ or recommend or

13 supervise the employment of an immediate family member by the

14 board.

15 (2) This section does not apply to an immediate family

16 member of an official or employee of the board who was previously

17 employed in a position subject to this section prior to the

18 appointment of the official or employee. Prior to, upon, or as

19 soon as reasonably possible after the official date of taking

20 office, a newly appointed official or employee of the board shall

21 make a full disclosure of any immediate family member employed in a

22 position subject to this section.

23 (3) Any person violating this section shall be guilty of

24 a Class III misdemeanor.

25 Sec. 4. (1) An official or employee of the Nebraska

26 Environmental Trust Board who would be required to take any action

27 or make any decision in the discharge of his or her official duties

1 that may cause financial benefit or detriment to him or her, a

2 member of his or her immediate family, or a business with which he

3 or she is associated, which is distinguishable from the effects of

4 such action on the public generally or a broad segment of the

5 public, shall take the following actions as soon as he or she is

6 aware of such potential conflict or should reasonably be aware of

7 such potential conflict, whichever is sooner:

8 (a) Prepare a written statement describing the matter

9 requiring action or decision and the nature of the potential

10 conflict; and

11 (b) Deliver a copy of the statement to the commission and
 12 to his or her immediate superior, if any, who shall assign the
 13 matter to another. If the immediate superior does not assign the
 14 matter to another or if there is no immediate superior, the
 15 official or employee shall take such action as the commission shall
 16 advise or prescribe to remove himself or herself from influence
 17 over the action or decision on the matter.

18 (2) This section does not prevent such a person from
 19 making or participating in the making of a decision to the extent
 20 that the individual's participation is legally required for the
 21 action or decision to be made. A person acting pursuant to this
 22 subsection shall report the occurrence to the commission.

23 Sec. 7. Any member of the board who is also director of
 24 a state agency shall abstain from voting on applications which
 25 would provide funding primarily to his or her agency.

26 Sec. 9. Section 81-15,176, Revised Statutes Supplement,
 27 2000, is amended to read:

1 81-15,176. (1) Subject to subsection (3) of this
 2 section, the board shall establish environmental priorities for the
 3 trust. The board, after allowing opportunity for public comment,
 4 shall designate as priorities those environmental goals which most
 5 affect the natural physical and biological environment in Nebraska,
 6 including the air, land, ground water and surface water, flora and
 7 fauna, prairies and forests, wildlife and wildlife habitat, and
 8 areas of aesthetic or scenic values. In designating environmental
 9 priorities, the board shall attempt to focus on the areas which
 10 promise the greatest opportunities for effective action to achieve
 11 and preserve the future environmental quality in the state. The
 12 board shall establish priorities for five-year periods beginning
 13 July 1, 1995, except that the board may make annual modifications
 14 to refine and clarify its priorities. The board shall provide for
 15 public involvement in developing the priorities for such five-year
 16 periods, including public meetings in each of the three
 17 congressional districts.

18 (2) The board shall establish criteria for determining
 19 the eligibility of projects for grant assistance, which criteria
 20 shall include the following:

21 (a) The grants shall not provide direct assistance to
 22 regulatory programs or to implement actions mandated by regulations
 23 except remediation;

24 (b) No more than sixty percent of grant allocations in
 25 any year shall assist remediation of soils or ground water, and no
 26 grants for this purpose shall occur unless all other available
 27 sources of funding are, in the opinion of the board, being

1 substantially utilized;

2 (c) The grants shall not pay for projects which provide
 3 primarily private benefits or to relieve private liability for
 4 environmental damage;

5 (d) The grants shall not pay for projects which have

- 6 direct beneficiaries who could afford the costs of the benefits
 7 without experiencing serious financial hardship;
 8 (e) The grants should assist those projects which offer
 9 the greatest environmental benefits relative to cost;
 10 (f) The grants should assist those projects which provide
 11 clear and direct environmental benefits;
 12 (g) The grants should assist those projects which will
 13 make a real contribution to achieving the board's environmental
 14 priorities;
 15 (h) The grants should assist those projects which offer
 16 the greatest public benefits; and
 17 (i) The grants shall not pay for land or easements
 18 acquired without the full and express consent of the landowner.
 19 (3) Until the first five-year priorities become effective
 20 on July 1, 1995, the board shall observe the following priorities
 21 for allocating grants:
 22 (a) Critical habitat areas, including wetlands
 23 acquisition, preservation, and restoration and acquisition and
 24 easements of areas critical to rare or endangered species;
 25 (b) Surface water quality, including actions to preserve
 26 lakes and streams from degradation;
 27 (c) Ground water quality, including fostering best
 1 management practices as defined in section 46-656.07, actions to
 2 preserve ground water from degradation, and remediation of soils or
 3 ground water; and
 4 (d) Development of recycling markets and reduction of
 5 solid waste volume and toxicity.
 6 (4) The board may refine and clarify these initial
 7 priorities."
 8 2. On page 2, line 3, strike "3" and insert "7".
 9 3. On page 3, line 13, after "and" insert "may make
 10 annual allocations".
 11 4. On page 5, line 3, strike "eleven" and insert
 12 "eight"; in lines 15, 17, and 18 strike "shall" and insert "may";
 13 and in lines 20 and 21 strike "and 81-15,175" and insert
 14 "81-15,175, and 81-15,176"; and in line 21 after the last comma
 15 insert "and sections 49-1401 and 49-1493, Revised Statutes
 16 Supplement, 2001,".
 17 5. Renumber the remaining sections accordingly.

(Signed) Ed Schrock, Chairperson

Appropriations

LEGISLATIVE BILL 1101. Placed on General File as amended.
 Standing Committee amendment to LB 1101:
 AM2562

- 1 1. Strike original section 1.
- 2 2. On page 4, line 23, strike "(1)".

- 3 3. On page 5, strike beginning with "and" in line 2
4 through "are" in line 3 and insert "is".
- 5 4. Renumber the remaining sections accordingly.

(Signed) Roger R. Wehrbein, Chairperson

**SELECT COMMITTEE REPORTS
Enrollment and Review**

Correctly Engrossed

The following bill was correctly engrossed: LB 824.

Enrollment and Review Change to LB 824

The following changes, required to be reported for publication in the Journal, have been made:

ER9105

1. In lieu of the Schimek amendment, FA833, in the Foley amendment, AM2336, on page 2, line 4, "(a)" has been struck; and the matter beginning with "or" in line 8 through "pregnancy" in line 10 and all amendments thereto have been struck.

2. In the Wickersham amendment, FA811, "the first" has been inserted before "any".

(Signed) Philip Erdman, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senators Price and Aguilar asked unanimous consent to have their names added as cointroducers to LB 326. No objections. So ordered.

Senator McDonald asked unanimous consent to have her name added as cointroducer to LB 446. No objections. So ordered.

Senators Aguilar, Byars, and Dw. Pedersen asked unanimous consent to have their names added as cointroducers to LB 1073. No objections. So ordered.

Senator Burling asked unanimous consent to have his name added as cointroducer to LB 1115. No objections. So ordered.

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 964. No objections. So ordered.

VISITORS

Visitors to the Chamber were 4-H members from across the state.

The Doctor of the Day was Dr. Hal Pumphrey from Lincoln.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Robak, the Legislature adjourned until 9:00 a.m., Wednesday, February 6, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

NINETEENTH DAY - FEBRUARY 6, 2002**LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE
SECOND SESSION****NINETEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 6, 2002

PRAYER

The prayer was offered by Reverend Dr. Ron Roemmich, First United Methodist Church, Kearney, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Coordsen and Engel who were excused; and Senators Brashear, Brown, Foley, Kristensen, Landis, Preister, Raikes, Tyson, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighteenth day was approved.

**STANDING COMMITTEE REPORT
Transportation and Telecommunications**

LEGISLATIVE BILL 447. Indefinitely postponed.

(Signed) Curt Bromm, Chairperson

**NOTICE OF COMMITTEE HEARING
Transportation and Telecommunications
Room 1113**

| | | |
|---------|--|---------|
| LB 1028 | Tuesday, February 19, 2002 (cancel) | 1:30 PM |
| LB 1028 | Monday, February 25, 2002 (reschedule) | 1:30 PM |

(Signed) Curt Bromm, Chairperson

**2001 INTERIM REPORT
ON THE DISPOSITION OF
INTERIM STUDY RESOLUTIONS**

Agriculture

LR Subject

| | | |
|-----|---|-------------------------------|
| 80 | Dept. of Agriculture cash funds | Completed Report Issued |
| 81 | Contingency reserve to fund water quality analysis and monitoring activities in support of Pesticide Program | Completed Report Issued |
| 112 | Feasibility of prior notification of pesticide applications | Deferred |
| 164 | Value and benefits of organic food industry to Nebraska | Deferred |
| 193 | State options to respond to growing integration and market power disparity in agricultural markets | Completed No Report Issued |
| 194 | Role of University in addressing rural development problems and desirability of enacting Rural Initiative Act | Completed No Report Issued |
| 195 | Feasibility of state producer-funded pork promotion program in event of termination of federal program | Deferred |
| 196 | Management options to contain and prevent the spread of Chronic Wasting Disease in cervidae herds | Completed Report Issued |

Appropriations

LR Subject

| | | |
|-----|-------------------------------------|----------------------------|
| 101 | Private Service Contracts | Deferred |
| 125 | State Collective Bargaining Act | Deferred |
| 132 | Equipment Storage Buildings--Roads | Completed Report Issued |
| 188 | Family Practice Residency Program | Deferred |
| 249 | Wage minimum for contract employees | Deferred |

Banking, Commerce and Insurance**LR Subject**

| | | |
|-----|---------------------------------|-------------------------------|
| 88 | Mental Health Insurance | Deferred |
| 91 | Prompt Payment | Deferred |
| 92 | MEWA's | Completed No Report Issued |
| 93 | Statutory Liens | Deferred |
| 94 | Uniform Trust Code | Completed No Report Issued |
| 111 | Delayed Deposit/Debt Management | Deferred |
| 126 | Predatory Lending | Completed No Report Issued |
| 187 | State Group Health Coverage | Deferred |

Business and Labor**LR Subject**

| | | |
|-----|--|-------------------------------|
| 103 | State Claims Board | Completed Report Issued |
| 217 | Public Employee Bargaining | Deferred |
| 223 | Railroad Employee Issues | Completed Report Issued |
| 107 | State Contracts/Minimum Wage | Completed No Report Issued |
| 106 | Child Labor Laws | Completed Report Issued |
| 102 | Railroad Employee Issues | Completed Report Issues |
| 104 | Managed Care/Worker's Compensation | Completed No Report Issued |
| 105 | Department of Labor Safety Inspection Program | Completed No Report Issued |

| | | |
|-----|--|-------------------------------|
| 79 | Small Business Incentives for Payment of Unemployment Benefits | Deferred |
| 108 | Birth or Adoption of Child Eligibility for Unemployment Benefits | Completed Report Issued |
| 189 | Negligent Third Party Liability for Injured Workers | Deferred |
| 275 | Workforce Investment Act Review | Completed No Report Issued |

Education

LR Subject

| | | |
|-----|--|-------------------------------|
| 78 | Review adjustments to school state aid calculations to include cost of transporting students to Lincoln for academic events and personnel training | Deferred |
| 95 | Determine status of school building structures | Deferred |
| 113 | Use of adjusted valuations in equalization formula for state aid to schools | Deferred |
| 116 | Extent to which poverty affects students' education | Deferred |
| 119 | Clarify who is eligible to run for positions on the boards of educational service units comprising more than one county | Completed No Report Issued |
| 131 | How schools with declining enrollments are affected by decreases in state aid | Deferred |
| 163 | Statutes relating to impact of municipal annexation upon school districts and their boundaries | Deferred |
| 165 | State policies relating to career and technical education programs | Deferred |
| 209 | Allocation and distribution of State Scholarship Award Program, Scholarship Assistance Program, and Postsecondary Education Award Program | Completed No Report Issued |
| 210 | Formula needs pursuant to Tax Equity and Educational Opportunities Support Act | Deferred |
| 211 | Reorganization of school districts | Deferred |

| | | |
|-----|---|-------------------------------|
| 212 | Education of students in extreme poverty | Deferred |
| 213 | Matters and issues within jurisdiction of Education Committee | Completed No Report Issued |
| 238 | Implementation of new federal guidelines for funding of after-school programs | Completed No Report Issued |

General Affairs

LR Subject

| | | |
|-----|---|-------------------------------|
| 83 | Underage consumption of alcoholic beverages | Completed No Report Issued |
| 84 | Importation of alcoholic liquor into state for personal use | Completed No Report Issued |
| 86 | Training of liquor retailers and employees for preventing sales to minors | Completed No Report Issued |
| 87 | Increase money distributed to beneficiaries of State Lottery Act | Completed No Report Issued |
| 97 | Increasing charitable gaming revenue and efficient maintenance of records | Completed No Report Issued |
| 98 | Feasibility of reclassifying liquor licensing system | Completed No Report Issued |
| 124 | Study sales of alcoholic liquor in Whiteclay, NE | Deferred |

Government, Military and Veterans Affairs

LR Subject

| | | |
|-----|--|-------------------------------|
| 56 | Laws regarding private detectives, plain clothes investigators, and private security companies | Completed No Report Issued |
| 85 | State employee parking facility feasibility | Completed No Report Issued |
| 144 | Thomas Fitzgerald Veterans' Home in Omaha | Completed No Report Issued |
| 148 | Provision of state and local governmental services through electronic means | Completed No Report Issued |
| 156 | Intent of LB 137 (1999) regarding access to certain job application materials of applicants for positions with public bodies | Completed No Report Issued |

| | | |
|-----|--|-------------------------------|
| 178 | Use of employee's social security numbers by state agencies | Completed No Report Issued |
| 179 | Clarify and improve process of restoring a felon's right to vote | Completed No Report Issued |
| 180 | Use of alternative board members on various boards and commissions | Completed No Report Issued |
| 181 | Implications of including consent form on applications for drivers' licenses for persons eligible to register with selective service | Completed No Report Issued |
| 214 | Nebraska's absentee ballot procedures | Completed No Report Issued |
| 215 | Political office eligibility for employees of political subdivisions | Completed No Report Issued |
| 218 | Nebraska's veterans homes | Completed Report Issued |
| 266 | Jurisdiction of the Government, Military & Veterans Affairs Committee | Completed No Report Issued |

Health and Human Services

LR Subject

| | | |
|----|---|-------------------------------|
| 67 | Interpreters Licensure | Completed No Report Issued |
| 69 | Child Care Facilities | Completed No Report Issued |
| 71 | Assisted Living Facilities | Completed No Report Issued |
| 73 | Childcare Services | Completed No Report Issued |
| 75 | Self Directed Care for Disabled | Completed No Report Issued |
| 76 | Advanced Practice Registered Nurse Act | Completed No Report Issued |
| 77 | Nursing Shortage, Nebraska Center for Nursing | Completed No Report Issued |
| 96 | Access to Adoption Records | Completed No Report Issued |

| | | |
|-----|---|-------------------------------|
| 99 | Child Support for Developmentally Disabled | Completed No Report Issued |
| 134 | Environmental Tobacco Smoke | Completed No Report Issued |
| 137 | Lead-Based Paint | Completed No Report Issued |
| 138 | Reimbursement to Behavioral Health Providers | Completed No Report Issued |
| 143 | Adult Family Homes | Completed No Report Issued |
| 157 | Patient Bill of Rights | Completed No Report Issued |
| 159 | Nebraska's Chronic Renal Disease Program | Completed No Report Issued |
| 202 | Health and Human Services Issues | Completed No Report Issued |
| 203 | Nebraska Health Care Funding Act | Completed No Report Issued |
| 204 | Medical Registries | Completed No Report Issued |
| 205 | Personal Care Services Evaluation | Completed No Report Issued |
| 206 | Medical Errors | Completed No Report Issued |
| 207 | Health and Human Services Committee Planning and Evaluation Study | Completed No Report Issued |

Judiciary

LR Subject

| | | |
|-----|--|-------------------------------|
| 177 | Develop program statement and transition plan for transferring correctional facility to Office of Juvenile Services to develop potential future sex offender treatment program | Completed No Report Issued |
| 182 | Comprehensive review and analysis of Nebr. Juvenile Code | Completed No Report Issued |

| | | |
|-----|--|-------------------------------|
| 183 | Comprehensive review of statutes on divorce, alimony, child support, and child custody | Completed No Report Issued |
| 240 | Examine statutes regarding no-fault divorce | Completed No Report Issued |
| 190 | Planning and preparation for studies of correctional issues described in LB 611, 2001 | Completed No Report Issued |
| 197 | Incorporate work completed by Committee on Practice and Procedure and consider revision of statutes regarding a standard of notice pleading | Completed No Report Issued |
| 82 | Statutes regarding exemptions due to changes in federal bankruptcy statutes | Completed No Report Issued |
| 198 | Driver safety issues regarding drivers using cellular telephones or similar devices while driving | Completed No Report Issued |
| 139 | Develop recommendations concerning issue of highway safety and driver distractions | Completed No Report Issued |
| 199 | Examine enforcement of traffic signals | Completed No Report Issued |
| 243 | Examine issue regarding three-year limitation for filing motion for new trial based on claim of innocence involving evidence other than DNA | Completed No Report Issued |
| 70 | Reimbursement options for counties relating to medical expenses for inmates in county correctional facilities | Completed No Report Issued |
| 136 | Examine whether purchaser of a handgun should be subject to background check prior to each purchase and possible elimination of three-year certificate | Completed No Report Issued |
| 192 | Results of death penalty study | Completed No Report Issued |
| 201 | Determine whether Nebraska should change age of majority from nineteen to eighteen years of age | Completed No Report Issued |

Natural Resources**LR Subject**

| | | |
|-----|---|-------------------------------|
| 63 | Environmental impacts of pumping water from Platte River Basin to Missouri River Basin | Deferred |
| 72 | Funding and maintaining an off-the-highway trail for use by all-terrain vehicles and dirt bikes | Completed No Report Issued |
| 81 | Maintain a contingency fund within or in conjunction with Pesticide Administrative Cash Fund (Joint Report with Appropriations and Agriculture) | Completed Report Issued |
| 109 | Review of Remedial Action Plan Monitoring Plan | Completed No Report Issued |
| 115 | Environmental impact of disposal of computers along with other electronic equipment items | Completed No Report Issued |
| 118 | Barriers to development of wind energy and funding for renewable energy | Completed No Report Issued |
| 133 | Policies to reduce air emissions from power plants and to achieve greater energy conservation | Completed No Report Issued |
| 166 | Statutes regarding ground water and surface water, transferring of water rights and use | Completed No Report Issued |
| 167 | Identify process for citizen input in identifying significant water problems, associated policy issues and solutions | Completed No Report Issued |
| 168 | Timelines required for construction inspections and final inspections for livestock waste control facilities by the Department of Environmental Quality | Deferred |
| 169 | Authorization of natural resources districts to impose civil penalties for enforcement of the Nebraska Management and Protection Act | Completed No Report Issued |
| 170 | Benefits of establishing an advisory committee to assist the Governor in appointments to the Game and Parks Commission | Completed No Report Issued |
| 171 | Statutes relating to the regulation of drainage | Completed No Report Issued |
| 172 | Guidelines used to determine eligibility of funding for projects using the Nebraska Resources Development Fund | Deferred |

| | | |
|-----|--|-------------------------------|
| 173 | Whether the Department of Environmental Quality should be the lead agency for the Pesticide Act | Completed No Report Issued |
| 174 | State-funded program for natural resources districts and communities to address nitrate contamination in public water systems | Completed No Report Issued |
| 175 | Determine availability and costs of private insurance to meet financial responsibility requirements for commercial underground petroleum storage tank owners | Deferred |
| 176 | Effects of the Cooperative Agreement on the Platte River Basin and the possibility of new consumptive use in the Basin | Completed No Report Issued |
| 219 | Recycling hazardous wastes into fertilizer | Deferred |
| 224 | Increasing Game and Parks Commissioners to eight members | Completed No Report Issued |
| 242 | Incentives for ethanol use given by other states, specifically, Iowa and Minnesota | Deferred |
| 246 | Review environmental audit statutes | Deferred |

Nebraska Retirement Systems

LR Subject

| | | |
|-----|--|-------------------------------|
| 220 | State & County Retirement Plans | Completed No Report Issued |
| 221 | Actuarial Funding Methods | Completed No Report Issued |
| 222 | Review of administration of retirement plans | Completed No Report Issued |
| 223 | State Patrol COLA | Deferred |

Revenue

LR Subject

| | | |
|-----|--------------------|----------------------------|
| 146 | Ag land assessment | Completed Report Issued |
| 160 | Greenbelt | Completed Report Issued |

| | | |
|-----|--|-------------------------------|
| 130 | Property tax statements | Completed Report Issued |
| 147 | Streamlined sales tax | Completed No Report Issued |
| 237 | Implementation of LB 271 (1999) | Completed Report Issued |
| 129 | Electronic payment of taxes | Completed No Report Issued |
| 259 | Improving TRAIN | Completed Report Issued |
| 145 | Sales & income tax reform | Completed Report Issued |
| 89 | Income tax for retirees | Completed Report Issued |
| 68 | Exempt military retirees | Completed Report Issued |
| 251 | Effect of imminent domain on state aid | Completed Report Issued |
| 245 | Inheritance tax reform | Deferred |
| 242 | Ethanol incentives | Deferred |
| 184 | Reserve limitations | Completed Report Issued |
| 140 | Effect of budget lids | Completed Report Issued |
| 135 | Effect of levy limits | Completed Report Issued |
| 239 | State assistance for low income counties | Deferred |
| 241 | Incentives for film-making | Deferred |
| 161 | Homestead exemptions | Deferred |
| 234 | Lodging tax | Deferred |
| 231 | Historic properties | Deferred |
| 200 | Taxation of ag machinery | Deferred |
| 128 | City occupation tax | Deferred |

Rules**LR Subject**

| | | |
|-----|--|-------------------------------|
| 90 | Review placing limit on number of legislative bills a senator may introduce each session | Completed No Report Issued |
| 162 | Examine Rules of Legislature relating to cloture motions | Completed No Report Issued |

Transportation and Telecommunications**LR Subject**

| | | |
|-----|--|-------------------------------|
| 100 | Lincoln/Omaha I-80 Corridor | Completed No Report Issued |
| 110 | Loss of rural rail service/Duties of Nebr. Railway Council | Completed No Report Issued |
| 122 | School bus inspections | Completed No Report Issued |
| 123 | Telephone solicitations | Completed No Report Issued |
| 127 | Telecommunications industry review | Deferred |
| 142 | Joint airport between Lincoln and Omaha | Deferred |
| 149 | Dept. of Roads Legal Counsel | Deferred |
| 150 | Prior DUI conviction sentencing enhancement | Deferred |
| 151 | DUI testing methods | Deferred |
| 152 | Nongovernmental organization specialty license plates | Completed No Report Issued |
| 153 | Load Limits | Deferred |
| 154 | Railroad crossing grade separations | Completed No Report Issued |
| 155 | Securing loads being transported | Completed No Report Issued |
| 158 | Child passenger safety laws | Deferred |
| 185 | Nebr. Public Safety Wireless Communication System Act | Completed No Report Issued |

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|-----|--|----------|
| 186 | Telecommunications recodification | Deferred |
| 236 | Public transportation need and necessity certification | Deferred |

Urban Affairs

LR Subject

- | | | |
|-----|--|-------------------------------|
| 117 | Lowering the population threshold requirement for formation or continuing status of villages | Completed No Report Issued |
| 191 | Issues relating to extraterritorial jurisdiction of municipalities | Completed No Report Issued |
| 225 | Investigate full range of powers granted to municipalities regarding jurisdiction over residents outside the boundaries | Completed No Report Issued |
| 226 | Examine neighborhood associations and homeowner associations | Completed No Report Issued |
| 227 | Examine amending state building code and possible adoption of some or all of 2000 International Codes | Completed No Report Issued |
| 228 | Statutes governing structure and operations of various classes of municipalities | Deferred |
| 229 | Matters and issues under the jurisdiction of Urban Affairs Committee | Completed No Report Issued |
| 230 | Policy issues raised by the Limited Purpose Sanitary and Improvement District Act | Completed No Report Issued |
| 232 | Determine which cities and villages in Nebraska do not currently have access to natural gas service | Deferred |
| 235 | Examine statutory mechanisms to allow neighborhood property owners to make self-directed investments in their properties | Completed No Report Issued |
| 244 | Statutes dealing with cities and villages of all classes | Deferred |
| 248 | Examine issues relating to service delivery of natural gas within a municipal county | Completed No Report Issued |
| 274 | Issues relating to municipal natural gas regulation | Completed No Report Issued |

AMENDMENTS - Print in Journal

Senator Schimek filed the following amendment to LB 251:
AM2589

- 1 1. On page 2, line 20, strike "was" and insert "is"; and
- 2 in line 22 strike "at the time of the election".

Senator Schimek filed the following amendment to LB 95:
AM2579

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 60-6,211.08, Revised Statutes
- 4 Supplement, 2000, is amended to read:
- 5 60-6,211.08. (1) For purposes of this section:
- 6 (a) Alcoholic beverage means (i) beer, ale porter, stout,
- 7 and other similar fermented beverages, including sake or similar
- 8 products, of any name or description containing one-half of one
- 9 percent or more of alcohol by volume, brewed or produced from malt,
- 10 wholly or in part, or from any substitute therefor, (ii) wine of
- 11 not less than one-half of one percent of alcohol by volume, or
- 12 (iii) distilled spirits which is that substance known as ethyl
- 13 alcohol, ethanol, or spirits of wine in any form, including all
- 14 dilutions and mixtures thereof from whatever source or by whatever
- 15 process produced. Alcoholic beverage does not include trace
- 16 amounts not readily consumable as a beverage;
- 17 (b) Highway means a road or street including the entire
- 18 area within the right-of-way;
- 19 (c) Open alcoholic beverage container means any bottle,
- 20 can, or other receptacle:
- 21 (i) That contains any amount of alcoholic beverage; and
- 22 (ii)(A) That is open or has a broken seal or (B) the
- 23 contents of which are partially removed; and
- 24 (d) Passenger area means the area designed to seat the
- 1 driver and passengers while the motor vehicle is in operation and
- 2 any area that is readily accessible to the driver or a passenger
- 3 while in their seating positions, including any compartments in
- 4 such area. Passenger area does not include the area behind the
- 5 last upright seat of such motor vehicle if the area is not normally
- 6 occupied by the driver or a passenger and the motor vehicle is not
- 7 equipped with a trunk.
- 8 (2) ~~†~~ Except as otherwise provided in this section, it
- 9 is unlawful for any person in the passenger area of a motor vehicle
- 10 to possess an open alcoholic beverage container while the motor
- 11 vehicle is located in a public parking area or on any highway in
- 12 this state.
- 13 (3) Except as provided in section 53-186 and subsection

14 (4) of this section, it is unlawful for any person to consume an
15 alcoholic beverage (a) in a public parking area or on any highway
16 in this state or (b) inside a motor vehicle while in a public
17 parking area or on any highway in this state.

18 (4) This section does not apply to persons who are
19 passengers in, but not drivers of, vehicles operated by carriers
20 authorized by the Public Service Commission to provide charter,
21 limousine, or special party service as defined in section 75-304.
22 Such passengers may possess open alcoholic beverage containers and
23 may consume alcoholic beverages while such vehicle is in a public
24 parking area or on any highway in this state, subject to the
25 following requirements:

26 (a) The driver of such vehicle is prohibited from
27 consuming or possessing alcoholic liquor;

1 (b) In the case of a special party service, the carrier
2 shall notify passengers at the time of reservation or purchase of
3 the special party service whether or not alcoholic beverages may be
4 consumed; and

5 (c) If a minor is found to be, or to have been, consuming
6 any alcoholic beverage while a passenger of a vehicle providing
7 such charter, limousine, or special party service, the contract
8 with the carrier shall be terminated and all passengers shall be
9 returned to the point of origin.

10 (5) For purposes of this section, limousine service does
11 not include taxicab service, as such services are defined in
12 section 75-304.

13 Sec. 2. Section 75-304, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 75-304. (1) The commission may establish such just and
16 reasonable classifications of groups of carriers, included in the
17 terms common carrier and contract carrier, as the special nature of
18 the services performed by such carriers require and adopt and
19 promulgate such just and reasonable rules, regulations, and
20 requirements, to be observed by the carrier so classified or
21 grouped, as the commission deems necessary or desirable in the
22 public interest and as are consistent with the provisions of
23 sections 75-301 to 75-322.

24 (2) The following classifications of motor carrier
25 services subject to commission jurisdiction are established:

26 (a) Bus service, consisting of the following elements:

27 (i) The business of carrying passengers, (ii) who have hired such
1 service on a scheduled service basis or on a prearranged charter or
2 special party basis, (iii) by bus or van, (iv) either prearranged
3 or scheduled service, and (v) at a fare approved and on file with
4 the commission;

5 (b) Charter service, consisting of the transportation of
6 seven or more persons who collectively contract for transportation
7 on a particular trip paying one lump sum;

8 (c) Household goods moving service, consisting of all of

9 the following elements: (i) The business of carrying personal
10 effects and property used, or to be used, in a dwelling (ii) when
11 the transportation of such effects or property is arranged and paid
12 for by any party and (iii) includes transportation of property from
13 a factory, manufacturer, or store when the property is purchased
14 with the intent to use such property in a dwelling;
15 (d) Limousine service, consisting of all of the following
16 elements: (i) The business of carrying passengers for hire by a
17 vehicle, (ii) along a route under the control of the person who
18 hired the vehicle and not over a defined regular route, (iii) on a
19 prearranged and not on a demand basis, and (iv) at a premium fare,
20 as such fare is defined by the commission;
21 (e) Open class service, consisting of all of the
22 following elements: (i) The business of carrying passengers for
23 hire by a vehicle, (ii) along the most direct route between the
24 points of origin and destination or along a route under the control
25 of the person who hired the vehicle and not over a defined regular
26 route, and (iii) at a mileage-based or per-trip fare;
27 (f) Scheduled service, consisting of service by any
1 regulated motor carrier who undertakes to transport passengers and
2 their baggage in intrastate commerce by motor vehicle for
3 compensation between fixed termini and over a specific highway or
4 highways upon an established or fixed schedule;
5 (g) Special party service, consisting of the
6 transportation of one or more persons who individually contract for
7 transportation to a common destination with each person paying an
8 individual sum; and
9 (h) Taxicab service, consisting of all of the following
10 elements: (i) The business of carrying passengers for hire by a
11 vehicle, the type of which may be established by the commission,
12 (ii) along the most direct route between the points of origin and
13 destination or a route under the control of the person who hired
14 the vehicle and not over a defined regular route, (iii) on a
15 prearranged or demand basis, (iv) at a metered mileage-based or
16 per-trip fare, and (v) commencing within or restricted to a defined
17 geographic area.
18 (3) All certificates and permits issued by the commission
19 shall be construed and interpreted, and the operations authorized
20 thereunder shall be tested and determined, in accordance with such
21 classification so established and any rule, regulation, or
22 requirement prescribed by the commission relating to such carrier
23 so classified.
24 Sec. 3. Original section 75-304, Reissue Revised
25 Statutes of Nebraska, and section 60-6,211.08, Revised Statutes
26 Supplement, 2000, are repealed."

MOTIONS - Approve Appointments

Senator Bromm moved the adoption of the report of the Transportation and

Telecommunications Committee for the following appointment found on page 480: Nebraska Transit and Rail Advisory Council - Gary A. Ruegg.

Voting in the affirmative, 31:

| | | | | |
|---------|------------|---------------|----------|----------|
| Aguilar | Connealy | Jensen | Quandahl | Thompson |
| Baker | Cudaback | Jones | Raikes | Vrtiska |
| Bourne | Cunningham | Kremer | Redfield | Wehrbein |
| Bromm | Erdman | McDonald | Robak | |
| Bruning | Foley | Pedersen, Dw. | Schimek | |
| Burling | Hudkins | Pederson, D. | Schrock | |
| Byars | Janssen | Price | Smith | |

Voting in the negative, 0.

Present and not voting, 9:

| | | | | |
|----------|----------|---------|--------|------------|
| Beutler | Dierks | Kruse | Stuhr | Synowiecki |
| Chambers | Hartnett | Maxwell | Suttle | |

Excused and not voting, 9:

| | | | | |
|----------|----------|------------|----------|------------|
| Brashear | Coordsen | Kristensen | Preister | Wickersham |
| Brown | Engel | Landis | Tyson | |

The appointment was confirmed with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

Senator Bromm moved the adoption of the report of the Transportation and Telecommunications Committee for the following appointments found on page 480: Board of Public Roads Classifications and Standards - Gene Acklie, Alan D. Doll, Dean T. Lux, and Arthur Yonkey.

Voting in the affirmative, 32:

| | | | | |
|---------|----------|---------------|----------|------------|
| Aguilar | Connealy | Jensen | Quandahl | Synowiecki |
| Baker | Cudaback | Kremer | Redfield | Thompson |
| Bourne | Erdman | Maxwell | Robak | Vrtiska |
| Bromm | Foley | McDonald | Schimek | Wehrbein |
| Bruning | Hartnett | Pedersen, Dw. | Schrock | |
| Burling | Hudkins | Pederson, D. | Smith | |
| Byars | Janssen | Price | Stuhr | |

Voting in the negative, 0.

Present and not voting, 9:

| | | | | |
|----------|------------|-------|--------|-------|
| Beutler | Cunningham | Jones | Raikes | Tyson |
| Chambers | Dierks | Kruse | Suttle | |

Excused and not voting, 8:

| | | | |
|----------|----------|------------|------------|
| Brashear | Coordsen | Kristensen | Preister |
| Brown | Engel | Landis | Wickersham |

The appointments were confirmed with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 235A. Title read. Considered.

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for review with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

AMENDMENT - Print in Journal

Senator Suttle filed the following amendment to LB 21:
AM2503

- 1 1. In the Suttle amendment, AM2463, on page 1, line 7,
- 2 after "amendment" insert "or waiver".

MOTIONS - Print in Journal

Senator Suttle filed the following motion to LB 21A:
Indefinitely postpone LB 21A.

Senator Dierks filed the following motion to LB 1257:
Suspend the rules, Rule 3, Section 20(b) to permit consideration of a motion to place LB 1257 on General File, notwithstanding the provision requiring twenty calendar days.

Senator Dierks filed the following motion to LB 1257:
Place LB 1257 on General File pursuant to Rule 3, Section 20(b).

GENERAL FILE

LEGISLATIVE BILL 429. Senator Chambers renewed his pending motion, found on page 500, to bracket until April 17, 2002.

SPEAKER KRISTENSEN PRESIDING

Senator Aguilar asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 963. Placed on General File.

LEGISLATIVE BILL 1012. Placed on General File.

LEGISLATIVE BILL 885. Placed on General File as amended.

Standing Committee amendment to LB 885:

AM2586

- 1 1. On page 2, line 15; page 3, line 18; page 4, line 13;
2 and page 5, line 12, strike "on or before", show as stricken, and
3 insert "by".
- 4 2. On page 2, line 27; and page 4, line 2, strike
5 "delinquent" and insert "due on March 1".
- 6 3. On page 5, line 24, after "are" insert "due"; in line
7 25 after "is" insert "due"; and in line 27 strike beginning with
8 "on" through "date", show the old matter as stricken, and insert
9 "by April 15 of each year".
- 10 4. On page 7, line 22, after "are" insert "due"; in line
11 23 after "is" insert "due"; and strike beginning with "on" in line
12 24 through "date" in line 25, show the old matter as stricken, and
13 insert "by April 15 of each year".

LEGISLATIVE BILL 1071. Placed on General File as amended.

Standing Committee amendment to LB 1071:

AM2512

- 1 1. On page 4, line 22, strike the new matter.
- 2 2. On page 6, lines 17 and 18, strike the new matter;
- 3 and in line 18 after "abstracter" insert "and shall provide the
4 name and address of a resident agent for service of process under
5 the act".

LEGISLATIVE BILL 897. Indefinitely postponed.

LEGISLATIVE BILL 967. Indefinitely postponed.

LEGISLATIVE BILL 1020. Indefinitely postponed.

(Signed) David M. Landis, Chairperson

AMENDMENTS - Print in Journal

Senator Tyson filed the following amendment to LB 301:

AM2535

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 2-3256, Revised Statutes Supplement,
- 4 2000, is amended to read:
- 5 2-3256. All design or construction by a district of

6 structural works costing more than eighty thousand dollars, or such
7 higher amount as is established by the Board of Engineers and
8 Architects by rule and regulation, shall be under the supervision
9 of a licensed engineer except as provided in the Engineers and
10 Architects Regulation Act.

11 Sec. 2. Section 81-3445, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 81-3445. Except as provided in this section and sections
14 81-3449 to 81-3453, the state and its political subdivisions shall
15 not engage in the construction of any public works involving
16 architecture or engineering unless the plans, specifications, and
17 estimates have been prepared and the construction has been observed
18 by an architect, a professional engineer, or a person under the
19 direct supervision of an architect, professional engineer, or those
20 under the direct supervision of an architect or professional
21 engineer. This except that this section shall not apply to any
22 public work in which the contemplated expenditure for the complete
23 project does not exceed eighty thousand dollars, or such higher
24 amount as is established by the board by rule and regulation.

1 Sec. 3. Section 81-3449, Revised Statutes Supplement,
2 2000, is amended to read:

3 81-3449. The provisions of the Engineers and Architects
4 Regulation Act regulating the practice of architecture do not apply
5 to the following activities:

6 (1) The construction, remodeling, alteration, or
7 renovation of (a) a detached single-family through four-family
8 dwelling of less than five thousand square feet of above grade
9 finished space or (b) a one-story commercial or industrial building
10 or structure of less than five thousand square feet of above grade
11 finished space which does not exceed thirty feet in height unless
12 such building or structure, or the remodeling or repairing thereof,
13 provides for the employment, housing, or assembly of twenty or more
14 persons. Any detached or attached sheds, storage buildings, and
15 garages incidental to the dwelling are not included in the
16 tabulation of finished space. The exemption granted in this
17 subdivision may be modified by rule and regulation of the board if
18 the rule and regulation is adopted using the procedures of the
19 Negotiated Rulemaking Act;

20 (2) The construction, remodeling, alteration, or
21 renovation of farm buildings, including barns, silos, sheds, or
22 housing for farm equipment and machinery, livestock, poultry, or
23 storage, if the structures are designed to be occupied by no more
24 than twenty persons, The exemption granted in this subdivision may
25 be modified by rule and regulation of the board if the rule and
26 regulation is adopted using the procedures of the Negotiated
27 Rulemaking Act;

1 (3) Any public works project with contemplated
2 expenditures for a completed project that do not exceed eighty
3 thousand dollars. The exemption granted in this subdivision may be

4 modified by rule and regulation of the board if the rule and
5 regulation is adopted using the procedures of the Negotiated
6 Rulemaking Act;

7 (4) Any alteration, renovation, or remodeling of a
8 building if the alteration, renovation, or remodeling does not
9 affect architectural or engineering safety features of the
10 building;

11 (5) The teaching, including research and service, of
12 architectural subjects in a college or university offering a degree
13 in architecture accredited by the National Architectural
14 Accreditation Board;

15 (6) The preparation of submissions to architects,
16 building officials, or other regulating authorities by the
17 manufacturer, supplier, or installer of any materials, assemblies,
18 components, or equipment that describe or illustrate the use of
19 such items, the preparation of any details or shop drawings
20 required of the contractor by the terms of the construction
21 documents, or the management of construction contracts by persons
22 customarily engaged in contracting work;

23 (7) The preparation of technical submissions or the
24 administration of construction contracts by employees of a person
25 or organization lawfully engaged in the practice of architecture if
26 such employees are acting under the direct supervision of an
27 architect;

1 (8) The offering by an organization of a combination of
2 services involved in the practice of architecture and construction
3 services if:

4 (a) An architect or person otherwise permitted under
5 subdivision (10) of this section to offer architectural services
6 participates substantially in all material aspects of the offering;

7 (b) There is written disclosure at the time of the
8 offering that an architect is engaged by and contractually
9 responsible to such organization;

10 (c) Such organization agrees that the architect will have
11 direct supervision of the work and that such architect's services
12 will not be terminated without the consent of the person engaging
13 the organization; and

14 (d) The rendering of architectural services by such
15 architect will conform to the act and the rules and regulations;

16 (9) A public service provider or an organization who
17 employs a design professional from performing professional services
18 for itself;

19 (10) A nonresident who holds the certification issued by
20 the National Council of Architectural Registration Boards from
21 offering to render the professional services involved in the
22 practice of architecture. The nonresident shall not perform any of
23 the professional services involved in the practice of architecture
24 until licensed as provided in the act. The nonresident shall
25 notify the board in writing that (a) he or she holds a National

- 26 Council of Architectural Registration Boards certificate and is not
27 currently licensed in Nebraska but will be present in Nebraska for
1 the purpose of offering to render architectural services, (b) he or
2 she will deliver a copy of the notice to every potential client to
3 whom the applicant offers to render architectural services, and (c)
4 he or she promises to apply immediately to the board for licensure
5 if selected as the architect for the project;
- 6 (11) The practice of any other certified trade or legally
7 recognized profession;
- 8 (12) Financial institutions making disbursements of funds
9 in connection with construction projects;
- 10 (13) Earthmoving and related work associated with soil
11 and water conservation practices performed on farmland or any land
12 owned by a political subdivision that is not subject to a permit
13 from the Department of Natural Resources or for work related to
14 livestock waste facilities that are not subject to a permit by the
15 Department of Environmental Quality; and
- 16 (14) The work of employees and agents of a political
17 subdivision or a nonprofit entity organized for the purpose of
18 furnishing electrical service performing, in accordance with other
19 requirements of law, their customary duties in the administration
20 and enforcement of codes, permit programs, and land-use regulations
21 and their customary duties in utility and public works
22 construction, operation, and maintenance.
- 23 Sec. 4. Section 81-3453, Revised Statutes Supplement,
24 2000, is amended to read:
- 25 81-3453. The provisions of the Engineers and Architects
26 Regulation Act regulating the practice of engineering do not apply
27 to the following activities:
- 1 (1) The construction, remodeling, alteration, or
2 renovation of (a) a detached single-family through four-family
3 dwelling of less than five thousand square feet above grade
4 finished space or (b) a one-story commercial or industrial building
5 or structure of less than five thousand square feet above grade
6 finished space which does not exceed thirty feet in height unless
7 such building or structure, or the remodeling or repairing thereof,
8 provides for the employment, housing, or assembly of twenty or more
9 persons. Any detached or attached sheds, storage buildings, and
10 garages incidental to the dwelling are not included in the
11 tabulation of finished space. The exemption granted in this
12 subdivision may be modified by rule and regulation of the board if
13 the rule and regulation is adopted using the procedures of the
14 Negotiated Rulemaking Act;
- 15 (2) The construction, remodeling, alteration, or
16 renovation of farm buildings, including barns, silos, sheds, or
17 housing for farm equipment and machinery, livestock, poultry, or
18 storage and if the structures are designed to be occupied by no
19 more than twenty persons. The exemption granted in this
20 subdivision may be modified by rule and regulation of the board if

- 21 the rule and regulation is adopted using the procedures of the
22 Negotiated Rulemaking Act;
- 23 (3) Any public works project with contemplated
24 expenditures for the completed project that do not exceed eighty
25 thousand dollars. The exemption granted in this subdivision may be
26 modified by rule and regulation of the board if the rule and
27 regulation is adopted using the procedures of the Negotiated
1 Rulemaking Act;
- 2 (4) Any alteration, renovation, or remodeling of a
3 building if the alteration, renovation, or remodeling does not
4 affect architectural or engineering safety features of the
5 building;
- 6 (5) The teaching, including research and service, of
7 engineering subjects in a college or university offering an
8 Accrediting Board for Engineering and Technology accredited
9 engineering curriculum of four years or more;
- 10 (6) The act does not prevent a public service provider or
11 an organization who employs a design professional from performing
12 professional services for itself;
- 13 (7) The practice of any other certified trade or legally
14 recognized profession;
- 15 (8) The offer to practice engineering by a person not a
16 resident of and having no established place of business in this
17 state if the person is legally qualified by licensure to practice
18 engineering in his or her own state or country. The person shall
19 make application to the board in writing and after payment of a fee
20 established by the board may be granted a temporary permit for a
21 definite period of time not to exceed one year to do a specific
22 job. No right to practice engineering accrues to such applicant
23 with respect to any other work not set forth in the permit;
- 24 (9) The work of an employee or a subordinate of a person
25 holding a certificate of licensure under the act or an employee of
26 a person practicing lawfully under subdivision (8) of this section
27 if the work is done under the direct supervision of a person
1 holding a certificate of licensure or a person practicing lawfully
2 under such subdivision;
- 3 (10) Those services ordinarily performed by subordinates
4 under direct supervision of a professional engineer or those
5 commonly designated as locomotive, stationary, marine operating
6 engineers, power plant operating engineers, or manufacturers who
7 supervise the operation of or operate machinery or equipment or who
8 supervise construction within their own plant;
- 9 (11) Financial institutions making disbursements of funds
10 in connection with construction projects;
- 11 (12) Earthmoving and related work associated with soil
12 and water conservation practices performed on farmland or any land
13 owned by a political subdivision that is not subject to a permit
14 from the Department of Natural Resources or for work related to
15 livestock waste facilities that are not subject to a permit by the

- 16 Department of Environmental Quality;
- 17 (13) The work of employees and agents of a political
 18 subdivision or a nonprofit entity organized for the purpose of
 19 furnishing electrical service performing, in accordance with other
 20 requirements of law, their customary duties in the administration
 21 and enforcement of codes, permit programs, and land-use regulations
 22 and their customary duties in utility and public works
 23 construction, operation, and maintenance;
- 24 (14) Work performed exclusively in the exploration for
 25 and development of energy resources and base, precious, and
 26 nonprecious minerals, including sand, gravel, and aggregate, which
 27 does not have a substantial impact upon public health, safety, and
 1 welfare, as determined by the board, or require the submission of
 2 reports or documents to public agencies;
- 3 (15) The construction of water wells as defined in
 4 section 46-1212, the installation of pumps and pumping equipment
 5 into water wells, and the decommissioning of water wells, unless
 6 such construction, installation, or decommissioning is required by
 7 the owner thereof to be designed or supervised by an engineer or
 8 unless legal requirements are imposed upon the owner of a water
 9 well as a part of a public water supply; and
- 10 (16) Work performed in the exploration, development, and
 11 production of oil and gas or before the Nebraska Oil and Gas
 12 Conservation Commission.
- 13 Sec. 5. Sections 1 to 4 and 6 of this act become
 14 operative three calendar months after adjournment of this
 15 legislative session. The other sections of this act become
 16 operative on their effective date.
- 17 Sec. 6. Original section 81-3445, Reissue Revised
 18 Statutes of Nebraska, and sections 2-3256, 81-3449, and 81-3453,
 19 Revised Statutes Supplement, 2000, are repealed.
- 20 Sec. 7. The following section is outright repealed:
 21 Section 81-3447, Reissue Revised Statutes of Nebraska.
- 22 Sec. 8. Since an emergency exists, this act takes effect
 23 when passed and approved according to law."

Senator Beutler filed the following amendment to LB 661:
 FA839

On page 3, line 3, change "2001" to "2003"
 On page 3, line 11, change "2002" to "2004"

Senator Beutler filed the following amendment to LB 752:
 AM2486

(Amendments to AM2443)

- 1 1. Strike section 2.
- 2 2. On page 1, line 4, strike "are" and insert "may be";
- 3 in line 9 strike "inherently" and insert "sometimes"; in line 11
- 4 strike "is" and insert "may be".
- 5 3. On page 2, line 8, strike "known" and after "cases"

- 6 insert "known to the state"; in line 13 after the semicolon insert
7 "and"; in line 15, strike "such" and strike "statement" and insert
8 "statements"; and strike beginning with the semicolon in line 16
9 through "credibility" in line 18.
10 4. Renumber the remaining section accordingly.

GENERAL FILE

LEGISLATIVE BILL 429. The Chambers pending motion, found on page 500 and considered in this day's Journal, to bracket until April 17, 2002, was renewed.

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Baker moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Chambers motion to bracket failed with 11 ayes, 27 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers moved to reconsider the vote on his motion to bracket.

Senators Foley, Brown, and Preister asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers motion to reconsider failed with 8 ayes, 15 nays, 19 present and not voting, and 7 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS Business and Labor

LEGISLATIVE BILL 931. Placed on General File as amended.
Standing Committee amendment to LB 931:
AM2593

- 1 1. Strike section 3 and insert the following section:
- 2 "Sec. 3. Section 48-1706, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 48-1706. Each application shall be accompanied by a fee,
- 5 ~~of seven hundred fifty dollars.~~ The Commissioner of Labor shall
- 6 establish the amount of the fee, which shall not exceed seven

7 hundred fifty dollars, by rule and regulation. The fee shall be
 8 established with due regard for the costs of administering the Farm
 9 Labor Contractors Act. All fees so collected shall be deposited in
 10 the Farm Labor Contractors Fund.

11 Sec. 7. Since an emergency exists, this act takes effect
 12 when passed and approved according to law."

LEGISLATIVE BILL 1155. Placed on General File as amended.
 Standing Committee amendment to LB 1155:
 AM2594

1 1. On page 4, strike beginning with "The" in line 16
 2 through the period in line 20.
 3 2. On page 5, line 1, after the period insert "The
 4 deadline for filing an action directly in the district court is
 5 ninety days after notice of the final order entered by the
 6 commission on the charge is received by the complainant. When
 7 entering a final order on a charge, the commission shall issue
 8 written notice of the ninety-day deadline for filing a district
 9 court action to the complainant by certified mail, return receipt
 10 requested.".

LEGISLATIVE BILL 1168. Placed on General File as amended.
 Standing Committee amendment to LB 1168:
 AM2595

1 1. On page 2, line 2, strike "fifteen"; in line 12
 2 strike "each of" and insert "of each of the two"; and in line 11
 3 strike "members of the Legislature" and insert "health or safety
 4 professionals who are knowledgeable in worker fatigue issues".

LEGISLATIVE BILL 350. Indefinitely postponed.

LEGISLATIVE BILL 370. Indefinitely postponed.

LEGISLATIVE BILL 1078. Indefinitely postponed.

(Signed) Matt Connealy, Chairperson

Agriculture

LEGISLATIVE BILL 914. Placed on General File.

LEGISLATIVE BILL 916. Placed on General File.

LEGISLATIVE BILL 588. Placed on General File as amended.
 Standing Committee amendment to LB 588:
 AM2532

1 1. Strike the original sections and insert the following
 2 new sections:
 3 "Section 1. Sections 1 to 6 of this act shall be known
 4 and may be cited as the Rural Initiative Act.
 5 Sec. 2. The Legislature finds that rural areas of the
 6 state are in need of focused efforts to identify and develop new

7 means of economic survival and vitality to complement and enhance
8 agricultural production as the economic base of rural Nebraska.
9 The Legislature further finds that within the four campuses of the
10 University of Nebraska there are unique resources that can be
11 applied within partnerships with other agencies and programs to
12 address critical, unique, and urgent economic development needs of
13 rural communities, businesses, organizations, and farming and other
14 individual enterprises. Because of its land grant status, the
15 University of Nebraska has both the obligation and the expertise to
16 apply its research and outreach capabilities toward improving the
17 economic and social climate of rural Nebraska and in realizing new
18 economic opportunities. It is the goal of the Rural Initiative Act
19 to further engage the University of Nebraska in efforts to build
20 the economic development capacity of rural areas, and to apply its
21 expertise and resources in partnership with the expertise and
22 resources of public and private individuals and organizations. The
23 effort will focus on projects that advance the economic and social
24 well-being of rural Nebraska and their interplay with metropolitan
1 areas.

2 Sec. 3. To carry out the purposes of the Rural
3 Initiative Act, it is the intent of the Legislature that the
4 University of Nebraska shall:

5 (1) Develop and provide new initiatives and specific
6 programs, services, and assistance in the areas of business
7 development, entrepreneurship, e-business for small businesses,
8 expansion of distance education, telehealth, telemedicine,
9 value-added agriculture, youth and young adult development, and
10 food systems security;

11 (2) Extend, expand, and focus resources directly to
12 communities, including the practical application of research and
13 extension capabilities to identify and overcome barriers to the
14 realization of specific rural economic opportunities and goals;

15 (3) Enhance university-wide coordination of activities
16 relating to rural issues and to enhance communication regarding
17 those campus-based activities that continue independently; and

18 (4) Develop and strengthen partnerships with other
19 agencies, organizations, and individuals working in the area of
20 rural development.

21 Sec. 4. The Rural Initiative Advisory Board is created.

22 The board shall consist of ten members: (1) Five members shall be
23 from the governing board of the Partnership for Rural Nebraska,
24 recognized in section 81-3609; (2) four members shall be appointed
25 by the President of the University of Nebraska representing each of
26 the four campuses of the University of Nebraska system; and (3) one
27 member shall be the Director of Agriculture or his or her designee.

1 Sec. 5. On or before October 1 of each year, the Rural
2 Initiative Advisory Board shall provide a report to the
3 Appropriations Committee of the Legislature identifying and
4 recommending a list of proposed initiatives, programs, services,

5 and other activities of the University of Nebraska which fulfill
 6 the objectives of the Rural Initiative Act. For each item
 7 included, the report shall include (1) a clear description of the
 8 proposed initiative and the rural development need addressed, (2) a
 9 listing of resources needed to undertake the initiative, including
 10 personnel to be hired or assigned and equipment and other capital
 11 investments required, (3) a description of how the proposed
 12 initiative shall utilize, complement, or support programs and
 13 resources of other entities involved in rural development, and (4)
 14 a description of the objectives of the initiative in terms of
 15 measurable outcomes.
 16 Sec. 6. The Rural Initiative Act shall terminate on
 17 January 1, 2008."

LEGISLATIVE BILL 915. Placed on General File as amended.
 Standing Committee amendment to LB 915:
 AM2533

1 1. Insert the following new section:
 2 "Sec. 6. Section 89-1,100, Revised Statutes Supplement,
 3 2001, is amended to read:
 4 89-1,100. The director shall collect registration,
 5 permit, laboratory, test, and inspection fees, penalties, and money
 6 required to be reimbursed as provided for in the Weights and
 7 Measures Act and shall remit such funds to the State Treasurer.
 8 The State Treasurer shall credit such funds to the Weights and
 9 Measures Administrative Fund, which fund is hereby created. All
 10 fees, penalties, and reimbursements collected pursuant to the act
 11 and credited to the fund shall be appropriated to the uses of the
 12 department to aid in defraying the expenses of administering the
 13 act. Any unexpended balance in such fund at the close of any
 14 biennium shall, when reappropriated, be available for the uses and
 15 purposes of the fund for the succeeding biennium. Any money in the
 16 fund available for investment shall be invested by the state
 17 investment officer pursuant to the Nebraska Capital Expansion Act
 18 and the Nebraska State Funds Investment Act. The registration,
 19 permit, laboratory, test, and inspection fees, penalties, and money
 20 required to be reimbursed as provided for in the Weights and
 21 Measures Act shall constitute a lien on the weighing and measuring
 22 devices or standards required to be registered or approved for use
 23 in this state until such fees, penalties, and reimbursements are
 24 paid. The director may sue for such fees, penalties, and
 1 reimbursements and may seek to foreclose on any lien in the name of
 2 the state. The county attorney of the county in which the device
 3 is located or the Attorney General's office shall, upon the request
 4 of the director, take appropriate action to establish and foreclose
 5 on any such lien.
 6 On or before July 15, 2001, the State Treasurer shall
 7 transfer two hundred thousand dollars from the Weights and Measures
 8 Administrative Fund to the Livestock Waste Management Cash Fund.

- 9 On or before July 15, 2002, the State Treasurer shall transfer two
 10 hundred thousand dollars from the Weights and Measures
 11 Administrative Fund to the Livestock Waste Management Cash Fund.
 12 It is the intent of the Legislature that, beginning in
 13 fiscal year 2003-04, expenditures from the Weights and Measures
 14 Administrative Fund for purposes of administering the Weights and
 15 Measures Act shall be matched by sufficient general funds to
 16 achieve a funding allocation of fifty-five percent general funds
 17 and forty-five percent cash funds."
 18 2. On page 12, line 14, after "and" insert "in an amount
 19 set by the director on or before July 1, 2003, not to exceed the
 20 amounts designated in".
 21 3. On page 19, line 5, strike "section 89-187" and
 22 insert "sections 89-187 and 89-1,100".
 23 4. Renumber the remaining section accordingly.

LEGISLATIVE BILL 919. Placed on General File as amended.
 Standing Committee amendment to LB 919:
 AM2531

- 1 1. Insert the following new section:
 2 "Sec. 4. Section 54-2322, Revised Statutes Supplement,
 3 2000, is amended to read:
 4 54-2322. The commission shall have access, upon
 5 notification, to any premises where domesticated cervine animals
 6 may be for the purpose of assessing or removing populations of wild
 7 cervidae."
 8 2. On page 3, line 1, strike "and 54-2305" and insert
 9 "54-2305, and 54-2322".
 10 3. Renumber the remaining section accordingly.

(Signed) Merton L. Dierks, Chairperson

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 93, 406, 417, 446, 474, 500, and 589.

Enrollment and Review Change to LB 93

The following changes, required to be reported for publication in the Journal, have been made:

ER9106

1. In the Schimek amendment, AM2511, on page 49, lines 16 and 17, "80-323, 80-324," has been struck; and in line 19 "80-323, 80-324," has been inserted after "79-1327,".
2. On page 1, the matter beginning with "the" in line 1 through line 4 has

been struck and "state government; to amend sections 44-788, 60-2121, 71-3503, 71-3504, 71-3508.01, 71-4903, 75-366, 79-1312, 81-177, 81-1417, and 83-4,124, Reissue Revised Statutes of Nebraska, sections 2-2626, 20-139, 50-1302, 71-1405, 71-3505, 71-4609, 77-27,187, 81-5,147, and 81-8,307, Revised Statutes Supplement, 2000, and sections 71-1901 to 71-1905, Revised Statutes Supplement, 2001; to eliminate certain boards, committees, councils, and panels; to change provisions relating to a committee report; to eliminate a duty relating to the Lewis and Clark Bicentennial Commission; to change membership provisions for the Nebraska Commission on Law Enforcement and Criminal Justice and the Jail Standards Board; to harmonize provisions; to repeal the original sections; and to outright repeal sections 60-2122 to 60-2124, 71-1401 to 71-1404, 71-1744, 71-1759, 71-1759, 71-3506, 71-4902, 75-387, 75-388, 77-27,196, 79-1326, 81-5,150, and 81-5,154 to 81-5,156, Reissue Revised Statutes of Nebraska, sections 71-533 to 71-538, 71-1565, 71-1736, 71-1758, 71-1906.02, 71-8606, 79-1327, 80-323, 80-324, and 81-5,149, Revised Statutes Supplement, 2000, and section 71-1906.03, Revised Statutes Supplement, 2001." inserted.

(Signed) Philip Erdman, Chairperson

GENERAL FILE

LEGISLATIVE BILL 429. Senator Chambers moved to recommit to Committee.

Senators Wehrbein, Dw. Pedersen, Suttle, Byars, and Connealy asked unanimous consent to be excused. No objections. So ordered.

Pending.

AMENDMENTS - Print in Journal

Senator Wehrbein filed the following amendment to LB 429:
AM2609

- 1 1. On page 2, line 10, after "retailer" insert "with
- 2 less than four million dollars in gross sales per year"; and in
- 3 line 12 strike "fourteen" and all amendments thereto and insert
- 4 "five".

Senator Beutler filed the following amendment to LB 429:
FA840

Amend AM0272

Strike all language after the word "five" in line 1

ANNOUNCEMENT

Senator Landis designates LB 488 as his priority bill.

UNANIMOUS CONSENT - Add Cointroducers

Senator Schimek asked unanimous consent to have her name added as cointroducer to LB 1263. No objections. So ordered.

Senator Suttle asked unanimous consent to have her name added as cointroducer to LB 1117. No objections. So ordered.

Senator Smith asked unanimous consent to have his name added as cointroducer to LB 881. No objections. So ordered.

WITHDRAW - Cointroducer

Senator Jensen withdrew his name as cointroducer to LB 1067.

VISITORS

Visitor to the Chamber was Berdeen Roemmich from Kearney.

ADJOURNMENT

At 12:01 p.m., on a motion by Senator Erdman, the Legislature adjourned until 9:00 a.m., Thursday, February 7, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTIETH DAY - FEBRUARY 7, 2002**LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE
SECOND SESSION****TWENTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, February 7, 2002

PRAYER

The prayer was offered by Senator Dierks.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Bromm, Coordsen, Dw. Pedersen, and Suttle who were excused; and Senators Engel, Landis, Maxwell, Robak, Vrtiska, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the nineteenth day was approved.

STANDING COMMITTEE REPORTS**Education**

LEGISLATIVE BILL 1072. Placed on General File.

LEGISLATIVE BILL 1169. Placed on General File as amended.
Standing Committee amendment to LB 1169:
AM2582

- 1 1. On page 2, line 9, strike "characteristics" and
- 2 insert "traits"; and in line 13 strike "an outside consultant" and
- 3 insert "outside consultants".

LEGISLATIVE BILL 955. Indefinitely postponed.

LEGISLATIVE BILL 1159. Indefinitely postponed.

LEGISLATIVE BILL 1170. Indefinitely postponed.

LEGISLATIVE BILL 1180. Indefinitely postponed.

LEGISLATIVE BILL 1248. Indefinitely postponed.

(Signed) Ron Raikes, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 957. Placed on General File as amended.
Standing Committee amendment to LB 957:
AM2574

- 1 1. Insert the following new sections:
- 2 "Sec. 10. The director shall refund, on a prorata basis,
- 3 fees paid by any investment adviser, federal covered adviser, or
- 4 investment adviser representative charged and collected by the
- 5 Department of Banking and Finance as a result of the amendment of
- 6 subdivision (4)(c) of section 8-1103 by Laws 2001, LB 53. The
- 7 amount to be refunded shall equal one-twelfth of the annual fee
- 8 paid by such investment adviser, federal covered adviser, or
- 9 investment adviser representative for each month between January
- 10 and the month in which a registration or filing fee was paid.
- 11 Sec. 11. Section 8-1123, Revised Statutes Supplement,
- 12 2000, is amended to read:
- 13 8-1123. Sections 8-1101 to 8-1123 and section 10 of this
- 14 act shall be known and may be cited as the Securities Act of
- 15 Nebraska.
- 16 Sec. 12. Section 8-1401, Revised Statutes Supplement,
- 17 2000, is amended to read:
- 18 8-1401. (1) No person or corporation or association
- 19 organized under Chapter 8, article 1, 2, 3, or 4, the Credit Union
- 20 Act, the Nebraska Depository Institution Guaranty Corporation Act,
- 21 the Nebraska Nonprofit Corporation Act, the Business Corporation
- 22 Act, the Nebraska Professional Corporation Act, or the Nebraska
- 23 Industrial Development Corporation Act, or otherwise authorized to
- 24 conduct business in Nebraska or organized under the laws of the
- 1 United States, shall be required to disclose any records or
- 2 information, financial or otherwise, that it deems confidential
- 3 concerning its affairs or the affairs of any person or corporation
- 4 with which it is doing business to any person, party, agency, or
- 5 organization, unless (a) the disclosure relates to a lawyers trust
- 6 account and is required to be made to the Counsel for Discipline of
- 7 the Nebraska Supreme Court pursuant to rule adopted by the Nebraska
- 8 Supreme Court; or (b) there shall first be is presented to such
- 9 person, corporation, or association a court order of a court of
- 10 competent jurisdiction setting forth the exact nature and limits of
- 11 such required disclosure and a showing that all persons or
- 12 organizations to be affected by such order have had reasonable
- 13 notice and an opportunity to be heard upon the merits of such
- 14 order. The requesting party shall pay the costs of providing such
- 15 records or information pursuant to section 8-1402. This section
- 16 shall not apply to any duly constituted supervisory regulatory
- 17 agency of such person, corporation, or association, to the
- 18 production of records pursuant to a written demand of the Tax
- 19 Commissioner under section 77-375, to disclosures governed by rules
- 20 for discovery adopted and promulgated pursuant to section

21 25-1273.01, or to such cases for which specific disclosures are
22 specifically required by other sections of the statutes heretofore
23 or hereafter enacted, except that the Department of Banking and
24 Finance shall be subject to the payment of cost provision of this
25 section when making inquiries that are beyond those normally made
26 in conducting examinations and inquiries for the purpose of
27 determining the safety and soundness of a financial institution,

1 but shall not be subject to the disclosure and reasonable notice
2 provisions of this section when making reasonable inquiries of any
3 person, corporation, or association for the purpose of enforcing
4 any of the laws over which the department has jurisdiction.

5 (2) Any person, corporation, or association which makes a
6 disclosure of records or information as required by subsection (1)
7 of this section shall not be held civilly or criminally liable for
8 such disclosure in the absence of malice, bad faith, intent to
9 deceive, or gross negligence.

10 Sec. 13. Section 8-1402, Revised Statutes Supplement,
11 2000, is amended to read:

12 8-1402. If any person, corporation, or association
13 covered by section 8-1401 is required by court order, by lawful
14 subpoena, summons, or warrant, or by written demand pursuant to
15 subsection (2) of section 77-375 or, after receiving the written
16 permission of the person, corporation, or association about whom
17 records or information is being sought, voluntarily consents to
18 provide information in its possession, it shall be paid by the
19 requesting person, party, agency, or organization for the service.
20 The requesting person, party, agency, or organization shall pay
21 five dollars per hour per person for the time actually spent on the
22 service or, if such person, corporation, or association can show
23 that its actual expense in providing the records or information was
24 greater than five dollars per hour per person, it shall be paid the
25 actual cost of providing the records or information. No person,
26 corporation, or association has an obligation to provide any
27 records or information pursuant to section 8-1401, other than

1 pursuant to a court order, a lawful subpoena, summons, or warrant,
2 or a written demand pursuant to subsection (2) of section 77-375,
3 until assurances are received that the costs due under this section
4 will be paid.

5 Sec. 23. Section 72-1262, Revised Statutes Supplement,
6 2000, is amended to read:

7 72-1262. For purposes of the Nebraska Capital Expansion
8 Act, unless the context otherwise requires:

9 (1) Bank shall mean any national bank with its principal
10 office or a branch in this state or any bank which is chartered to
11 conduct a bank in this state as provided by sections 8-115 and
12 8-116 or any branch thereof;

13 (2) Building and loan association shall mean any building
14 and loan association organized under Chapter 8, article 3, or any
15 federal savings and loan association with its principal office in

16 this state;

17 (3) Time deposit open account shall mean a bank account
 18 or a deposit with a building and loan association with respect to
 19 which there is in force a written contract which provides that
 20 neither the whole nor any part of such deposit may be withdrawn, by
 21 check or otherwise, prior to the date of maturity, which date shall
 22 be not less than thirty days after the date of the deposit, or
 23 prior to the expiration of the period of notice which shall be
 24 given by the state investment officer in writing not less than
 25 thirty days in advance of withdrawal. The time deposit open
 26 account contract shall be uniform and shall be furnished by the
 27 state investment officer with prior approval of such form by the
 1 Federal Deposit Insurance Corporation to each bank and building and
 2 loan association for execution; and

3 (4) ~~Equity capital shall mean capital, surplus, undivided~~
 4 ~~profits, federal insurance reserves, and contingency reserves; and~~

5 (5) Funds available for investment shall mean all funds
 6 over which the state investment officer has investment jurisdiction
 7 less those funds necessary for operations and except those funds
 8 which are eligible for long-term investment.

9 Sec. 24. Section 72-1263, Revised Statutes Supplement,
 10 2000, is amended to read:

11 72-1263. The state investment officer shall, out of
 12 funds available for investment, cause to be offered to all banks
 13 and building and loan associations in this state a time deposit
 14 open account in the amount of ~~three hundred thousand~~ one million
 15 dollars, except that the minimum amount that any bank or building
 16 and loan association may accept ~~such offer in increments of~~ is the
 17 amount of one hundred thousand dollars, ~~or fifty thousand dollars.~~
 18 Such deposit shall be available at any investment date to such
 19 banks or building and loan associations as are willing to meet the
 20 rate and other requirements set forth in the Nebraska Capital
 21 Expansion Act and make application therefor. ~~The balance of the~~
 22 ~~funds available for investment shall then be offered at the same~~
 23 ~~rate to the banks and building and loan associations making~~
 24 ~~application for and otherwise qualifying for such deposit. Such~~
 25 ~~deposit shall be offered in increments of fifty thousand dollars.~~

26 No deposit shall be made when doing so would violate a fiduciary
 27 obligation of the state or section 72-1268.07. All funds not
 1 investable under this section shall be invested as provided by
 2 section 72-1246. No one bank or building and loan association may
 3 receive for deposit a sum of more than one million dollars, ~~or an~~
 4 ~~amount not to exceed the amount covered by the Federal Deposit~~
 5 ~~Insurance Corporation, plus twice the institution's equity capital~~
 6 ~~or net worth or as otherwise provided for by law, whichever is~~
 7 ~~less.~~

8 Sec. 25. Section 72-1264, Revised Statutes Supplement,
 9 2000, is amended to read:

10 72-1264. Funds shall be offered for deposit as they

11 become available. The time of such deposit shall be known as an
 12 investment date. The state investment officer may make prudent
 13 interim investments. If the funds available for investment are
 14 less than the amount required for banks or building and loan
 15 associations ~~qualified for the applicable minimum deposit of three~~
 16 ~~hundred thousand dollars under section 72-1263~~, the state
 17 investment officer shall prorate the available funds among the
 18 desiring banks or building and loan associations.

19 Sec. 26. Section 72-1266, Reissue Revised Statutes of
 20 Nebraska, is amended to read:

21 72-1266. The Nebraska Investment Council shall adopt and
 22 promulgate rules and regulations to: ~~(1) Establish~~ establish
 23 procedures for the distribution of funds to banks and building and
 24 loan associations; ~~;~~ and (2) establish reporting requirements
 25 ~~semiannually, as of June 30 and December 31, to report~~
 26 ~~loans to deposit percentages, gross loans, gross deposits, and~~
 27 ~~equity capital.~~

1 Sec. 27. Section 72-1268.03, Reissue Revised Statutes of
 2 Nebraska, is amended to read:

3 72-1268.03. The state investment officer shall not have
 4 on deposit in any bank or building and loan association giving a
 5 guaranty bond more than the amount insured by the Federal Deposit
 6 Insurance Corporation plus the maximum amount of the bond given by
 7 such bank or building and loan association or in any bank or
 8 building and loan association giving a personal bond more than the
 9 amount insured by the Federal Deposit Insurance Corporation plus
 10 one-half of the amount of the bond of such bank or building and
 11 loan association. ~~The amount deposited in any bank or building and~~
 12 ~~loan association shall not exceed the amount insured by the Federal~~
 13 ~~Deposit Insurance Corporation plus twice its capital stock and~~
 14 ~~surplus.~~ All bonds of such depositories shall be deposited with
 15 and held by the state investment officer."

16 2. On page 38, line 18; and page 40, line 4, strike "12"
 17 and insert "16".

18 3. On page 52, line 18, strike "14, 16 to 18, and 20"
 19 and insert "11, 14 to 18, 20 to 22, and 29"; in line 24 after the
 20 second comma insert "8-1123,"; and in line 27 after "sections"
 21 insert "72-1266 and 72-1268.03, Reissue Revised Statutes of
 22 Nebraska, sections 8-1401, 8-1402, 72-1262, 72-1263, and 72-1264,
 23 Revised Statutes Supplement, 2000, and sections".

24 4. Renumber the remaining sections accordingly.

(Signed) David M. Landis, Chairperson

Health and Human Services

LEGISLATIVE BILL 892. Placed on General File as amended.
 Standing Committee amendment to LB 892:
 AM2580

- 1 1. On page 3, line 5, after the semicolon insert "and";
- 2 strike beginning with the semicolon in line 7 through "Dentistry"
- 3 in line 12; in line 25 after "a" insert "nonaccredited"; and in
- 4 line 26 strike "not located in the United States".
- 5 2. On page 4, line 10, strike "or agrees to take"; and
- 6 strike beginning with "within" in line 12 through "license" in line
- 7 13.

LEGISLATIVE BILL 1107. Placed on General File as amended.

Standing Committee amendment to LB 1107:

AM2471

- 1 1. On page 4, line 9, strike "master's degree or
- 2 doctoral" and insert "combined doctorate of medicine and doctorate
- 3 of philosophy".

(Signed) Jim Jensen, Chairperson

ANNOUNCEMENT

Senator Engel designates LB 847 as his priority bill.

UNANIMOUS CONSENT - Members Excused

Senators Kremer and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Suspend Rules

Senator Raikes moved to suspend the rules, Rule 3, Sec. 14, to permit cancellation of the public hearing on LB 1201.

The Raikes motion to suspend the rules prevailed with 30 ayes, 1 nay, 6 present and not voting, and 12 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 283. Title read. Considered.

The Standing Committee amendment, AM0118, printed separately and referred to on page 712, First Session, 2001, was considered.

Senator Chambers withdrew his pending amendment, AM0296, found on page 746, First Session, 2001.

Senator Chambers renewed his pending amendment, AM2477, found on page 430, to the Standing Committee amendment.

The Chambers amendment was adopted with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Senator Beutler moved for a call of the house. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Senator Beutler requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 21:

| | | | | |
|---------|------------|---------|----------|----------|
| Baker | Byars | Foley | Preister | Wehrbein |
| Beutler | Connealy | Jensen | Price | |
| Brown | Cunningham | Jones | Quandahl | |
| Bruning | Dierks | Kruse | Smith | |
| Burling | Erdman | Maxwell | Thompson | |

Voting in the negative, 18:

| | | | | |
|----------|------------|--------------|------------|------------|
| Aguilar | Engel | McDonald | Schimek | Tyson |
| Bourne | Hartnett | Pederson, D. | Schrock | Wickersham |
| Brashear | Hudkins | Raikes | Stuhr | |
| Chambers | Kristensen | Redfield | Synowiecki | |

Present and not voting, 2:

Cudaback Janssen

Excused and not voting, 8:

| | | | |
|----------|--------|---------------|---------|
| Bromm | Kremer | Pedersen, Dw. | Suttle |
| Coordsen | Landis | Robak | Vrtiska |

Failed to advance to E & R for review with 21 ayes, 18 nays, 2 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 661. Title read. Considered.

The Standing Committee amendment, AM0477, found on page 712, First Session, 2001, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Senator Beutler renewed his pending amendment, FA839, found on page 530.

Senators Maxwell and Price asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Beutler withdrew his amendment.

Senator Wehrbein offered the following amendment:

FA841

On page 3 line 3 – change 2001 to 2002

On page 3 line 11 – change 2002 to 2003

The Wehrbein amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 27 ayes, 1 nay, 13 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 661A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 1 nay, 14 present and not voting, and 8 excused and not voting.

NOTICE OF COMMITTEE HEARING

Education

Room 1525

| | | |
|---------|--|---------|
| LB 1201 | Monday, February 19, 2002 (cancel) | 1:30 PM |
| LB 1201 | Monday, February 11, 2002 (reschedule) | 1:30 PM |

(Signed) Ron Raikes, Chairperson

STANDING COMMITTEE REPORTS

Urban Affairs

LEGISLATIVE BILL 729. Placed on General File as amended.

Standing Committee amendment to LB 729:

AM2565

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. (1) The governing body of any city of the
- 4 first class or city of the second class may, by majority vote of
- 5 its members, request that the county board formally cede and
- 6 transfer to the city extraterritorial jurisdiction over land
- 7 outside the area extending two miles from the corporate boundaries
- 8 of a city of the first class and one mile from the corporate
- 9 boundaries of a city of the second class. In making its request,
- 10 the city shall describe the territory over which jurisdiction is
- 11 being sought by metes and bounds or by reference to an official
- 12 map.
- 13 (2) The county board may, by majority vote of its
- 14 members, grant the request with regard to some or all of the
- 15 requested territory if:
- 16 (a) The county has formally adopted a comprehensive

17 development plan and zoning resolution pursuant to section 23-114
18 not less than two years immediately preceding the date of the
19 city's request;

20 (b) The city, on the date of the request, is exercising
21 extraterritorial jurisdiction over territory within the boundaries
22 of the county;

23 (c) The requested territory is within the projected
24 growth pattern of the city and would be within the city's
1 extraterritorial jurisdiction by reason of annexation within a
2 reasonable period of years;

3 (d) Not more than a total of twenty-five percent of the
4 territory of the county located outside the corporate boundaries of
5 any city within the county shall be ceded to the jurisdiction of
6 one city within ten years after the date upon which the initial
7 request for the cession of territory to the city was approved by
8 the governing body of the city; and

9 (e) No portion of the territory ceded to the city's
10 jurisdiction by the county shall lie within an area extending
11 one-half mile from the extraterritorial jurisdiction of any other
12 city of the first or second class or village on the date the
13 request is approved by the governing body of the city.

14 (3) If the county board approves the cession and transfer
15 of extraterritorial jurisdiction to a city pursuant to this
16 section, such transfer shall take effect on the effective date of
17 the ordinance as provided for in subsection (1) of section 16-902
18 in the case of a city of the first class or as provided for in
19 subsection (1) of section 17-1002 in the case of a city of the
20 second class. Upon the effective date of such transfer, the
21 transferred jurisdiction shall be treated for all purposes as if
22 such land were located within two miles of the corporate boundaries
23 of a city of the first class or within one mile of the corporate
24 boundaries of a city of the second class.

25 Sec. 2. Section 16-901, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 16-901. ~~Any~~ Except as provided in section 1 of this act,
1 any city of the first class may apply by ordinance any existing or
2 future zoning regulations, property use regulations, building
3 ordinances, electrical ordinances, plumbing ordinances, and
4 ordinances authorized by section 16-240 to the unincorporated area
5 two miles beyond and adjacent to its corporate boundaries with the
6 same force and effect as if such outlying area were within the
7 corporate limits of such city, except that no such ordinance shall
8 be extended or applied so as to prohibit, prevent, or interfere
9 with the conduct of existing farming, livestock operations,
10 businesses, or industry. For purposes of sections 70-1001 to
11 70-1020, the zoning area of a city of the first class shall be one
12 mile beyond and adjacent to the corporate area. The fact that such
13 unincorporated area is located in a different county or counties
14 than some or all portions of the municipality shall not be

15 construed as affecting the powers of the city to apply such
16 ordinances.

17 Sec. 3. Section 16-902, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 16-902. (1) A Except as provided in section 1 of this
20 act, a city of the first class may designate by ordinance the
21 portion of the territory located within two miles of the corporate
22 limits of the city and outside of any other organized city or
23 village within which the designating city will exercise the powers
24 and duties granted by sections 16-902 to 16-904.

25 (2) No owner of any real property located within the area
26 designated by a city pursuant to subsection (1) of this section or
27 section 1 of this act may subdivide, plat, or lay out such real
1 property in building lots, streets, or other portions of the same
2 intended to be dedicated for public use or for the use of the
3 purchasers or owners of lots fronting thereon or adjacent thereto
4 without first having obtained the approval of the city council of
5 such city or its agent designated pursuant to section 19-916. The
6 fact that such real property is located in a different county or
7 counties than some or all portions of the city shall not be
8 construed as affecting the necessity of obtaining the approval of
9 the city council of such city or its designated agent.

10 (3) In counties that (a) have adopted a comprehensive
11 development plan which meets the requirements of section 23-114.02
12 and (b) are enforcing subdivision regulations, the county planning
13 commission shall be provided with all available materials on any
14 proposed subdivision plat, contemplating public streets or
15 improvements, which is filed with a municipality in that county,
16 when such proposed plat lies partially or totally within the
17 extraterritorial subdivision jurisdiction being exercised by that
18 municipality in such county. The commission shall be given four
19 weeks to officially comment on the appropriateness of the design
20 and improvements proposed in the plat. The review period for the
21 commission shall run concurrently with subdivision review
22 activities of the municipality after the commission receives all
23 available material for a proposed subdivision plat.

24 Sec. 4. Section 17-1001, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 17-1001. Cities Except as provided in section 1 of this
27 act, any city of the second class and villages or village may apply
1 by ordinance any existing or future zoning ordinances, property use
2 regulation ordinances, building ordinances, electrical ordinances,
3 and plumbing ordinances, to an area within one mile of the
4 corporate limits of such municipalities, with the same force and
5 effect as if such area were within their corporate limits. No such
6 ordinance shall be extended or applied so as to prohibit, prevent,
7 or interfere with the conduct of existing farming, livestock
8 operations, businesses, or industry. For purposes of sections
9 70-1001 to 70-1020, the zoning area of a city of the second class

10 or village shall be one-half mile from the corporate limits of such
11 municipalities. The fact that the zoning area or part thereof is
12 located in a different county or counties than some or all portions
13 of the municipality shall not be construed as affecting the
14 necessity of obtaining the approval of the city council or board of
15 trustees of such municipality or its agent designated pursuant to
16 section 19-916.

17 Sec. 5. Section 17-1002, Revised Statutes Supplement,
18 2001, is amended to read:

19 17-1002. (1) Any Except as provided in section 1 of this
20 act, any city of the second class or village may designate by
21 ordinance the portion of the territory located within one mile of
22 the corporate limits of such city or village and outside of any
23 other organized city or village within which the designating city
24 or village will exercise the powers and duties granted by this
25 section and section 17-1003 or section 19-2402.

26 (2) No owner of any real property located within the area
27 designated by a city or village pursuant to subsection (1) of this
1 section may subdivide, plat, or lay out such real property in
2 building lots, streets, or other portions of the same intended to
3 be dedicated for public use or for the use of the purchasers or
4 owners of lots fronting thereon or adjacent thereto without first
5 having obtained the approval of the city council or board of
6 trustees of such municipality or its agent designated pursuant to
7 section 19-916. The fact that such real property is located in a
8 different county or counties than some or all portions of the
9 municipality shall not be construed as affecting the necessity of
10 obtaining the approval of the city council or board of trustees of
11 such municipality or its designated agent.

12 (3) No plat of such real property shall be recorded or
13 have any force or effect unless approved by the city council or
14 board of trustees of such municipality or its designated agent.

15 (4) In counties that have adopted a comprehensive
16 development plan which meets the requirements of section 23-114.02
17 and are enforcing subdivision regulations, the county planning
18 commission shall be provided with all available materials on any
19 proposed subdivision plat, contemplating public streets or
20 improvements, which is filed with a municipality in that county,
21 when such proposed plat lies partially or totally within the
22 extraterritorial subdivision jurisdiction being exercised by that
23 municipality in such county. The commission shall be given four
24 weeks to officially comment on the appropriateness of the design
25 and improvements proposed in the plat. The review period for the
26 commission shall run concurrently with subdivision review
27 activities of the municipality after the commission receives all
1 available material for a proposed subdivision plat.

2 Sec. 6. Section 23-114, Revised Statutes Supplement,
3 2000, is amended to read:

4 23-114. (1) The county board shall have power: (a) To

5 provide for temporary zoning as provided in sections 23-115 to
6 23-115.02; (b) to create a planning commission with the powers and
7 duties set forth in sections 23-114 to 23-114.05, 23-168.01 to
8 23-168.04, 23-172 to 23-174, 23-174.02, 23-373, and 23-376; (c) to
9 make, adopt, amend, extend, and implement a county comprehensive
10 development plan; and (d) to adopt a zoning resolution, which shall
11 have the force and effect of law; and (e) to cede and transfer
12 jurisdiction pursuant to section 1 of this act over land otherwise
13 subject to the authority of the county board pursuant to this
14 section.

15 (2) The zoning resolution may regulate and restrict: (a)
16 The location, height, bulk, number of stories, and size of
17 buildings and other structures, including tents, cabins, house
18 trailers, and automobile trailers; (b) the percentage of lot areas
19 which may be occupied; (c) building setback lines; (d) sizes of
20 yards, courts, and other open spaces; (e) the density of
21 population; (f) the uses of buildings; and (g) the uses of land for
22 agriculture, forestry, recreation, residence, industry, and trade,
23 after considering factors relating to soil conservation, water
24 supply conservation, surface water drainage and removal, or other
25 uses in the unincorporated area of the county. If a zoning
26 resolution or regulation affects the Niobrara scenic river corridor
27 as defined in section 72-2006, the Niobrara Council shall act on
1 the measure as provided in section 72-2010.

2 (3)(a) The county board shall not adopt or enforce any
3 zoning resolution or regulation which prohibits the use of land for
4 a proposed residential structure for the sole reason that the
5 proposed structure is a manufactured home if such manufactured home
6 bears an appropriate seal which indicates that it was constructed
7 in accordance with the standards of the Uniform Standard Code for
8 Manufactured Homes and Recreational Vehicles, the Nebraska Uniform
9 Standards for Modular Housing Units Act, or the United States
10 Department of Housing and Urban Development. The county board may
11 require that a manufactured home be located and installed according
12 to the same standards for foundation system, permanent utility
13 connections, setback, and minimum square footage which would apply
14 to a site-built, single-family dwelling on the same lot. The
15 county board may also require that manufactured homes meet the
16 following standards:

17 (i) The home shall have no less than nine hundred square
18 feet of floor area;

19 (ii) The home shall have no less than an eighteen-foot
20 exterior width;

21 (iii) The roof shall be pitched with a minimum vertical
22 rise of two and one-half inches for each twelve inches of
23 horizontal run;

24 (iv) The exterior material shall be of a color, material,
25 and scale comparable with those existing in residential site-built,
26 single-family construction;

- 27 (v) The home shall have a nonreflective roof material
 1 which is or simulates asphalt or wood shingles, tile, or rock; and
 2 (vi) The home shall have wheels, axles, transporting
 3 lights, and removable towing apparatus removed.
 4 (b) The county board may not require additional standards
 5 unless such standards are uniformly applied to all single-family
 6 dwellings in the zoning district.
 7 (c) Nothing in this subsection shall be deemed to
 8 supersede any valid restrictive covenants of record.
 9 (4) For purposes of this section, manufactured home shall
 10 mean (a) a factory-built structure which is to be used as a place
 11 for human habitation, which is not constructed or equipped with a
 12 permanent hitch or other device allowing it to be moved other than
 13 to a permanent site, which does not have permanently attached to
 14 its body or frame any wheels or axles, and which bears a label
 15 certifying that it was built in compliance with National
 16 Manufactured Home Construction and Safety Standards, 24 C.F.R. 3280
 17 et seq., promulgated by the United States Department of Housing and
 18 Urban Development, or (b) a modular housing unit as defined in
 19 section 71-1557 bearing a seal in accordance with the Nebraska
 20 Uniform Standards for Modular Housing Units Act.
 21 (5) Special districts or zones may be established in
 22 those areas subject to seasonal or periodic flooding, and such
 23 regulations may be applied as will minimize danger to life and
 24 property.
 25 (6) The powers conferred by this section shall not be
 26 exercised within the limits of any incorporated city or village nor
 27 within the area over which a city or village has been granted or
 1 ceded zoning jurisdiction and is exercising such jurisdiction. At
 2 such time as a city or village exercises control over an
 3 unincorporated area by the adoption or amendment of a zoning
 4 ordinance, the ordinance or amendment shall supersede any
 5 resolution or regulation of the county.
 6 Sec. 7. Original sections 16-901, 16-902, and 17-1001,
 7 Reissue Revised Statutes of Nebraska, section 23-114, Revised
 8 Statutes Supplement, 2000, and section 17-1002, Revised Statutes
 9 Supplement, 2001, are repealed."

LEGISLATIVE BILL 1151. Placed on General File as amended.
 Standing Committee amendment to LB 1151:
 AM2497

- 1 1. On page 4, after line 11, insert
 2 "(d) Notwithstanding the other provisions of this
 3 section, the city council may charge a reasonable fee, not
 4 exceeding the cost of printing and distribution, for stickers
 5 indicating the exempt status of a particular vehicle."

LEGISLATIVE BILL 1262. Placed on General File as amended.
 Standing Committee amendment to LB 1262:

AM2597

1. Insert the following new section:
2. "Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law."
4. On page 3, lines 5 and 6, strike the new matter and insert "or to a county whose border is contiguous with and adjacent to its corporate boundaries".

LEGISLATIVE BILL 1230. Indefinitely postponed.**LEGISLATIVE BILL 1276.** Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

ANNOUNCEMENT

The Government, Military and Veterans Affairs Committee designates LB 1054 and LB 926 as its priority bills.

SELECT COMMITTEE REPORTS**Enrollment and Review****Correctly Engrossed**

The following bills were correctly engrossed: LBs 241, 241A, 259, 482, and 830.

Enrollment and Review Change to LB 241

The following changes, required to be reported for publication in the Journal, have been made:

ER9108

1. On page 1, line 7, "and" has been struck; and in line 13, "to change licensure requirements for cosmetology and electrology schools;" has been inserted after the last semicolon.

2. On page 12, line 17, an underscored comma has been inserted after "instructor".

3. On page 46, line 20, "and" has been struck.

Enrollment and Review Change to LB 241A

The following changes, required to be reported for publication in the Journal, have been made:

ER9107

1. On page 2, line 2, "FY2001-02" has been struck and "FY2002-03" inserted; and in line 3 "FY2002-03" has been struck and "FY2003-04" inserted.

(Signed) Philip Erdman, Chairperson

GENERAL FILE

LEGISLATIVE BILL 752. Title read. Considered.

SPEAKER KRISTENSEN PRESIDING

Senators Wehrbein, Brown, and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers renewed his pending amendment, AM2443, found on page 388.

Senator Beutler renewed his pending amendment, AM2486, found on page 530, to the Chambers pending amendment.

Pending.

STANDING COMMITTEE REPORTS**Revenue**

LEGISLATIVE BILL 878. Placed on General File.

LEGISLATIVE BILL 1064. Placed on General File.

LEGISLATIVE BILL 884. Indefinitely postponed.

LEGISLATIVE BILL 1030. Indefinitely postponed.

LEGISLATIVE BILL 1113. Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

SELECT COMMITTEE REPORTS**Enrollment and Review**

LEGISLATIVE BILL 326. Placed on Select File.

LEGISLATIVE BILL 326A. Placed on Select File as amended.

E & R amendment to LB 326A:

AM7164

- 1 1. On page 1, line 3; and page 2, line 6, strike "First
- 2 Session, 2001" and insert "Second Session, 2002".
- 3 2. On page 2, line 2, strike "FY2001-02" and insert
- 4 "FY2002-03"; and in line 3 strike "FY2002-03" and insert
- 5 "FY2003-04".

LEGISLATIVE BILL 22. Placed on Select File as amended.

E & R amendment to LB 22:

AM7165

- 1 1. In the Suttle amendment, AM2306, on page 14, line 2,
- 2 strike the new matter and after "private-practice" insert
- 3 "licensed".

4 2. On page 1, strike beginning with "48-1102" in line 2
 5 through line 10 and insert "25-2401, 25-2404, 25-2405, and 55-424,
 6 Reissue Revised Statutes of Nebraska, sections 20-159, 25-2402,
 7 25-2407, and 71-4728, Revised Statutes Supplement, 2000, and
 8 sections 71-4720.01, 71-4727, and 71-4732, Revised Statutes
 9 Supplement, 2001; to provide for the licensing and evaluation of
 10 interpreters; to state intent; to define and redefine terms; to
 11 create a board; to provide powers and duties; to harmonize
 12 provisions; and to repeal the original sections."

LEGISLATIVE BILL 22A. Placed on Select File as amended.
 E & R amendment to LB 22A:
 AM7166

- 1 1. On page 1, line 3; and page 2, lines 5 and 6, strike
- 2 "First Session, 2001" and insert "Second Session, 2002".
- 3 2. On page 2, lines 2 and 9, strike "FY2001-02" and
- 4 insert "FY2002-03"; and in lines 3 and 9 strike "FY2002-03" and
- 5 insert "FY2003-04".

LEGISLATIVE BILL 235A. Placed on Select File.

(Signed) Philip Erdman, Chairperson

AMENDMENTS - Print in Journal

Senator Bruning filed the following amendment to LB 752:

FA842

Amend AM2443

By replacing the word "complete" on p. 1, line 24 with the word "known".

Senators Jensen and Quandahl filed the following amendment to LB 391:
 AM2622

(Amendments to Standing Committee amendments, AM0588)

- 1 1. Strike sections 7, 8, 10, 11, and 12 and insert the
- 2 following new sections:
- 3 "Sec. 7. A school district shall prepare a request for
- 4 proposals for each design-build contract in accordance with this
- 5 section. Notice of the request for proposals shall be published in
- 6 a newspaper of general circulation within the school district and
- 7 filed with the State Department of Education at least thirty days
- 8 prior to the deadline for receiving and opening proposals. The
- 9 request for proposals shall contain, at a minimum, the following
- 10 elements:
- 11 (1) The identity of the school district for which the
- 12 project will be built and the school district that will award the
- 13 design-build contract;
- 14 (2) Policies adopted by the school district in accordance
- 15 with section 5 of this act;
- 16 (3) The proposed terms and conditions of the design-build

17 contract, including any terms and conditions which are subject to
18 further negotiation. The proposed general terms and conditions
19 shall be consistent with nationally recognized model general terms
20 and conditions which are standard in the design and construction
21 industry in Nebraska;

22 (4) A project statement which contains information about
23 the scope and nature of the project;

1 (5) Project performance criteria;

2 (6) Budget parameters for the project;

3 (7) Any bonds and insurance required by law or as may be
4 additionally required by the school district;

5 (8) The criteria for evaluation of proposals and the
6 relative weight of each criterion;

7 (9) A requirement that the design-builder provide a
8 written statement of the design-builder's proposed approach to the
9 design and construction of the project, which may include graphic
10 materials illustrating the proposed approach to design and
11 construction but may not include price proposals;

12 (10) A requirement that the design-builder agree to the
13 following conditions:

14 (a) An architect or engineer licensed to practice in
15 Nebraska will participate substantially in those aspects of the
16 offering which involve architectural or engineering services;

17 (b) At the time of the design-build offering, the
18 design-builder will furnish to the school board a written statement
19 identifying the architect or engineer who will perform the
20 architectural or engineering work for the design-build project;

21 (c) The architect or engineer engaged by the
22 design-builder to perform the architectural or engineering work
23 with respect to the design-build project will have direct
24 supervision of such work and may not be removed by the
25 design-builder prior to the completion of the project without the
26 written consent of the school board;

27 (d) A design-builder offering design-build services with
1 its own employees who are design professionals licensed to practice
2 in Nebraska will (i) comply with the Engineers and Architects
3 Regulation Act by procuring a certificate of authorization to
4 practice architecture or engineering and (ii) submit proof of
5 sufficient professional liability insurance; and

6 (e) The rendering of architectural or engineering
7 services by a licensed architect or engineer employed by the
8 design-builder will conform to the Engineers and Architects
9 Regulation Act and rules and regulations adopted under the act; and

10 (11) Other information which the school district chooses
11 to require.

12 Sec. 8. (1) A school district shall evaluate proposals
13 for a design-build contract in accordance with this section.

14 (2) The request for proposals shall be sent only to the
15 prequalified design-builders selected pursuant to section 6 of this

16 act.

17 (3) Design-builders shall submit proposals as required by
18 the request for proposals. The school district may only proceed to
19 negotiate and enter into a design-build contract if there are at
20 least two proposals from prequalified design-builders.

21 (4) Proposals shall be sealed and shall not be opened
22 until expiration of the time established for making proposals as
23 set forth in the request for proposals.

24 (5) Proposals may be withdrawn at any time prior to
25 acceptance. The school district shall have the right to reject any
26 and all proposals except for the purpose of evading the provisions
27 and policies of the Nebraska Schools Construction Alternatives Act.

1 The school district may thereafter solicit new proposals using the
2 same or a different project performance criteria.

3 (6) The school district shall rank in order of preference
4 the design-builders pursuant to the criteria in the request for
5 proposals and taking into consideration the recommendation of the
6 selection committee pursuant to section 11 of this act.

7 (7) The school district may attempt to negotiate a
8 design-build contract with the highest ranked design-builder
9 selected by the school district and may enter into a design-build
10 contract after negotiations. If the school district is unable to
11 negotiate a satisfactory design-build contract with the highest
12 ranked design-builder, the school district may terminate
13 negotiations with that design-builder. The school district may
14 then undertake negotiations with the second highest ranked
15 design-builder and may enter into a design-build contract after
16 negotiations. If the school district is unable to negotiate a
17 satisfactory contract with the second highest ranked
18 design-builder, the school district may undertake negotiations with
19 the third highest ranked design-builder, if any, and may enter into
20 a design-build contract after negotiations.

21 (8) The school district shall file a copy of all
22 design-build contract documents with the State Department of
23 Education within thirty days after their full execution. Within
24 thirty days after completion of the project, the design-builder
25 shall file a copy of all contract modifications and change orders
26 with the department.

27 (9) If the school district is unable to negotiate a
1 satisfactory contract with any of the ranked design-builders, the
2 school district may either revise the request for proposals and
3 solicit new proposals or cancel the design-build process under the
4 act.

5 Sec. 10. (1) A school district shall evaluate proposals
6 for a construction management at risk contract in accordance with
7 this section.

8 (2) The school district shall evaluate and rank each
9 proposal on the basis of best meeting the criteria in the request
10 for proposals and taking into consideration the recommendation of

11 the selection committee pursuant to section 11 of this act.
12 (3) The school district shall attempt to negotiate a
13 construction management at risk contract with the highest ranked
14 construction manager and may enter into a construction management
15 at risk contract after negotiations. If the school district is
16 unable to negotiate a satisfactory contract with the highest ranked
17 construction manager, the school district may terminate
18 negotiations with that construction manager. The school district
19 may then undertake negotiations with the second highest ranked
20 construction manager and may enter into a construction management
21 at risk contract after negotiations. If the school district is
22 unable to negotiate a satisfactory contract with the second highest
23 ranked construction manager, the school district may undertake
24 negotiations with the third highest ranked construction manager, if
25 any, and may enter into a construction management at risk contract
26 after negotiations.

27 (4) The school district shall file a copy of all
1 construction management at risk contract documents with the State
2 Department of Education within thirty days after their full
3 execution. Within thirty days after completion of the project, the
4 construction manager at risk shall file a copy of all contract
5 modifications and change orders with the department.

6 (5) If the school district is unable to negotiate a
7 satisfactory contract with any of the ranked construction managers,
8 the school district may either revise the request for proposals and
9 solicit new proposals or cancel the construction management at risk
10 process under the act.

11 Sec. 11. (1) In evaluating proposals in accordance with
12 sections 8 and 10 of this act, the school district shall refer the
13 proposals for recommendation to a selection committee. The
14 selection committee shall be a group of at least five persons
15 designated by the school district. Members of the selection
16 committee shall include (a) members of the school board, (b)
17 members of the school administration or staff, (c) the
18 performance-criteria developer when evaluating proposals from
19 design-builders under section 8 of this act or the school's
20 architect or engineer when evaluating proposals from construction
21 managers under section 10 of this act, (d) any person having
22 special expertise relevant to selection of a design-builder or
23 construction manager under the Nebraska Schools Construction
24 Alternatives Act, and (e) a resident of the school district other
25 than an individual included in subdivisions (a) through (d) of this
26 subsection. A member of the selection committee designated under
27 subdivision (d) or (e) of this subsection shall not be employed by
1 or have a financial or other interest in a design-builder or
2 construction manager who has a proposal being evaluated and shall
3 not be employed by the school district or the performance-criteria
4 developer.

5 (2) The selection committee and the school district shall

6 evaluate proposals taking into consideration the criteria
7 enumerated in subdivisions (a) through (g) of this subsection with
8 the maximum percentage of total points for evaluation which may be
9 assigned to each criterion set forth following the criterion. The
10 following criterion shall be evaluated, when applicable:

11 (a) The financial resources of the design-builder or
12 construction manager to complete the project, ten percent;

13 (b) The ability to perform of the proposed personnel of
14 the design-builder or construction manager, thirty percent;

15 (c) The character, integrity, reputation, judgment,
16 experience, and efficiency of the design-builder or construction
17 manager, thirty percent;

18 (d) The quality of performance on previous projects,
19 thirty percent;

20 (e) The ability of the design-builder or construction
21 manager to perform within the time specified, thirty percent;

22 (f) The previous and existing compliance of the
23 design-builder or construction manager with laws relating to the
24 contract, ten percent;

25 (g) Such other information as may be secured having a
26 bearing on the selection, twenty percent.

27 Sec. 12. A design-build contract and a construction

1 management at risk contract may be conditioned upon later
2 refinements in scope and price and may permit the school district
3 in agreement with the design-builder or construction manager to
4 make changes in the project without invalidating the contract.
5 Later refinements under this section shall not exceed the scope of
6 the project statement contained in the request for proposals
7 pursuant to section 7 or 9 of this act.

8 Sec. 13. Nothing in the Nebraska Schools Construction
9 Alternatives Act shall limit or reduce statutory or regulatory
10 requirements regarding bonding or insurance.

11 Sec. 14. (1) No more than twenty-four contracts shall be
12 executed under the Nebraska Schools Construction Alternatives Act
13 as follows:

14 (a) For contracts under two million dollars, four
15 contracts in each congressional district;

16 (b) For contracts of at least two million dollars but
17 under ten million dollars, two contracts in each congressional
18 district; and

19 (c) For contracts of ten million dollars or more, two
20 contracts in each congressional district.

21 (2) For purposes of this section, the physical location
22 of the project shall be considered the location of the contract for
23 that project.

24 (3) The date the contract is executed shall be utilized
25 to determine whether the limitations on contracts imposed by this
26 section have been exceeded. A contract in excess of the limitation
27 on contracts shall be void.

- 1 Sec. 15. (1) A school district shall not use a
2 design-build contract or construction management at risk contract
3 for a construction project with locations on parcels of land which
4 are not contiguous except for specialty maintenance projects.
5 (2) For purposes of this section, (a) a specialty
6 maintenance project is a construction project for the maintenance
7 of an existing facility with a specialty contractor, such as an
8 electrical contractor or plumbing contractor, and (b) parcels are
9 considered contiguous if they would be contiguous but for the
10 existence of a public road."
11 2. On page 3, line 22, strike "award" and insert
12 "execute"; and in line 23 strike beginning with "using" through
13 "process".
14 3. On page 4, line 21, strike "and 10" and insert " , 10,
15 and 11".
16 4. On page 9, strike beginning with "Notice" in line 8
17 through the period in line 11 and insert "At least thirty days
18 prior to the deadline for receiving and opening proposals, notice
19 of the request for proposals shall be published in a newspaper of
20 general circulation within the school district and filed with the
21 State Department of Education."; and in line 23 after "including"
22 insert "a project statement which contains".

ANNOUNCEMENT

The Agriculture Committee designates LB 588 as its priority bill.

UNANIMOUS CONSENT - Add Cointroducers

Senator Bourne asked unanimous consent to have his name added as cointroducer to LB 1272. No objections. So ordered.

Senator Kruse asked unanimous consent to have his name added as cointroducer to LB 488. No objections. So ordered.

Senators Stuhr and Aguilar asked unanimous consent to have their names added as cointroducers to LB 661. No objections. So ordered.

Senator Wickersham asked unanimous consent to have his name added as cointroducer to LB 20. No objections. So ordered.

Senator Brown asked unanimous consent to have her name added as cointroducer to LB 883. No objections. So ordered.

VISITORS

Visitors to the Chamber were eighth grade students from Sidney; 20 students from Lewiston Public School; Roxi Hashman, Kelley and Darron Boltin from Alliance; 20 fourth grade students and teacher from St. Johns

Lutheran School, Seward; former Senator Arlene Nelson from Grand Island; 43 members of the Scottsbluff-Gering United Chamber of Commerce; Kevin Hall from Bridgeport, Steve Geist from Scottsbluff, and Chuck Henkel from Bayard; and 24 members of the Box Butte and Alliance Chamber of Commerce.

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Byars, the Legislature adjourned until 9:00 a.m., Friday, February 8, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIRST DAY - FEBRUARY 8, 2002**LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE
SECOND SESSION****TWENTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, February 8, 2002

PRAYER

The prayer was offered by Pastor Jose Flores, Zion Lutheran Church, Omaha, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Bromm, Coordsen, Dierks, Kristensen, and Schimek who were excused; and Senators Hartnett, Kruse, Landis, Maxwell, Dw. Pedersen, Raikes, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twentieth day was approved.

**SELECT COMMITTEE REPORTS
Enrollment and Review**

LEGISLATIVE BILL 661. Placed on Select File as amended.

E & R amendment to LB 661:

AM7167

- 1 1. On page 2, line 25, after "Commerce" insert "and
- 2 Industry".

LEGISLATIVE BILL 661A. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: LBs 436, 436A, and 568.

Enrollment and Review Change to LB 436

The following changes, required to be reported for publication in the Journal, have been made:

ER9109

1. In the Chambers amendment, AM2470, on page 1, line 1, an underscored comma has been inserted before "as"; and in line 4 an underscored comma has been inserted after "act".

2. On page 1, the matter beginning with "complaint" in line 6 through "pesticides" in line 7 has been struck and "regulatory powers and duties under the Pesticide Act; to eliminate obsolete provisions" inserted.

3. On page 6, line 26, "act" has been struck and "Pesticide Act" inserted.

4. On page 19, line 1, "act" has been struck, shown as stricken, and "Pesticide Act" inserted.

(Signed) Philip Erdman, Chairperson

REPORTS

The following reports were received by the Legislature:

Administrative Services, Department of

Project Status Summary (December 31, 2001)

Health and Human Services System

Evaluation of the Nebraska Health and Human Services Tobacco Free Nebraska Program

Office of the System Advocate Quarterly Report, October-December 2001

Investment Finance Authority, Nebraska

Clean Water State Revolving Fund Revenue Bonds Series 2002

Drinking Water State Revolving Fund Revenue Bonds Series 2000 A

Drinking Water State Revolving Fund Revenue Bonds Series 2001 A

Clean Water State Revolving Fund Revenue Bonds Series 2001 B

Single Family Housing Revenue Bonds Series 2000 EFG and General Obligation Bonds Series 2000 G.O.-11

Single Family Housing Revenue Bonds Series 2001 ABC and General Obligation Bonds Series 2001 G.O.-12

Single Family Housing Revenue Bonds Series 2001 DEF and General Obligation Bonds Series 2001 G.O.-13

1999 Series A-1, A-2, B-1, B-2, C-1, C-2, D-1 and D-2 Community Development Loan Notes (City of Lincoln Program-1999), Quarterly Report

Revenue, Nebraska Department of

Charitable Gaming Division 2001 Annual Report

STANDING COMMITTEE REPORT

Revenue

LEGISLATIVE BILL 994. Placed on General File as amended.

(Standing Committee amendment, AM2625, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) William R. Wickersham, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 8, 2002, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Bruning, Deonne L.
AT&T Wireless

Cavanaugh, James P.
Tenet Health System

Heusel, Karen K.
Birth Defects Foundation, March of Dimes

Hobbs, Dawson
National Rifle Association Institute for Legislative Action

Mueller, William J.
ASARCO Incorporated (Withdrawn 02/07/2002)
Duncan Aviation

Ruth, Larry L.
ASARCO Incorporated (Withdrawn 02/07/2002)
Duncan Aviation

Wright, Matthew F.
Mortgage Association, Nebraska

UNANIMOUS CONSENT - Members Excused

Senators Bruning and Vrtiska asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 752. The Beutler pending amendment, AM2486, found on page 530 and considered on page 553, to the Chambers pending amendment, AM2443, was renewed.

Senator Chambers requested a division of the question on the Beutler amendment.

The Chair sustained the division of the question.

The first Beutler amendment, to the Chambers pending amendment, is as follows:

FA844

Amendment to AM2443

- 2 2. On page 1, line 4, strike "are" and insert "may be";
- 3 in line 9 strike "inherently" and insert "sometimes"; in line 11
- 4 strike "is" and insert "may be".
- 5 3. On page 2, line 8, strike "known" and after "cases"
- 6 insert "known to the state"; in line 13 after the semicolon insert
- 7 "and"; in line 15, strike "such" and strike "statement" and insert
- 8 "statements"; and strike beginning with the semicolon in line 16
- 9 through "credibility" in line 18.
- 10 4. Renumber the remaining section accordingly.

The first Beutler amendment was adopted with 31 ayes, 0 nays, 5 present and not voting, and 13 excused and not voting.

Senator Quandahl asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Jensen asked unanimous consent to be excused. No objections. So ordered.

The second Beutler amendment, to the Chambers pending amendment, is as follows:

FA843

Amendment to AM2443

1. Strike section 2.

The second Beutler amendment lost with 12 ayes, 10 nays, 12 present and not voting, and 15 excused and not voting.

Senator Beutler renewed the Bruning pending amendment, FA842, found on page 554, to the Chambers pending amendment.

The Bruning amendment was adopted with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

Senator Chambers offered the following amendment to his pending amendment:

FA845

Amend AM2443

- P.1, line 13, after "as", place a colon.

The Chambers amendment was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Senator Synowiecki offered the following amendment to the Chambers pending amendment:

FA846

Amend AM2443

Pg 1, line 17, strike "pretrial" and on line 21, strike "At least ten days before trial,"

Senators Janssen and Brown asked unanimous consent to be excused until they return. No objections. So ordered.

The Synowiecki amendment lost with 1 aye, 8 nays, 27 present and not voting, and 13 excused and not voting.

The Chambers pending amendment, AM2443, found on page 388 and considered on page 553, as amended, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 22:

| | | | | |
|----------|----------|----------|------------|------------|
| Aguilar | Chambers | Preister | Schrock | Wehrbein |
| Baker | Connealy | Price | Smith | Wickersham |
| Beutler | Cudaback | Raikes | Suttle | |
| Bourne | Kruse | Redfield | Synowiecki | |
| Brashear | Maxwell | Robak | Thompson | |

Voting in the negative, 0.

Present and not voting, 14:

| | | | | |
|------------|--------|---------|--------------|---------|
| Burling | Engel | Hudkins | McDonald | Tyson |
| Byars | Erdman | Jones | Pederson, D. | Vrtiska |
| Cunningham | Foley | Kremer | Stuhr | |

Excused and not voting, 13:

| | | | | |
|---------|----------|------------|---------------|---------|
| Bromm | Coordsen | Janssen | Landis | Schimek |
| Brown | Dierks | Jensen | Pedersen, Dw. | |
| Bruning | Hartnett | Kristensen | Quandahl | |

The Chambers amendment, as amended, lost with 22 ayes, 0 nays, 14 present and not voting, and 13 excused and not voting.

Pending.

The Chair declared the call raised.

Senator Aguilar asked unanimous consent to be excused until he returns. No objections. So ordered.

AMENDMENT - Print in Journal

Senator Brashear filed the following amendment to LB 848A:
AM2634

- 1 1. On page 2, lines 1 and 2, strike "\$6,600" and insert
- 2 "\$13,200".

STANDING COMMITTEE REPORTS Government, Military and Veterans Affairs

LEGISLATIVE BILL 908. Placed on General File.

LEGISLATIVE BILL 926. Placed on General File as amended.
Standing Committee amendment to LB 926:
AM2524

- 1 1. On page 2, lines 4, 9, and 12; page 5, line 3; and
- 2 page 8, line 5, strike "domestic violence" and insert "abuse".
- 3 2. On page 2, line 17 after "(1)" insert "Abuse means
- 4 causing or attempting to cause physical harm, placing another
- 5 person in fear of physical harm, or causing another person to
- 6 engage involuntarily in sexual activity by force, threat of force,
- 7 or duress, when committed by (a) a person against his or her
- 8 spouse, (b) a person against his or her former spouse, (c) a person
- 9 residing with the victim if such person and the victim are or were
- 10 in a dating relationship, (d) a person who formerly resided with
- 11 the victim if such person and the victim are or were in a dating
- 12 relationship, (e) a person against a parent of his or her children,
- 13 whether or not such person and the victim have been married or
- 14 resided together at any time, (f) a person against a person with
- 15 whom he or she is in a dating relationship, (g) a person against a
- 16 person with whom he or she formerly was in a dating relationship,
- 17 or (h) a person related to the victim by consanguinity or affinity;
- 18 (2)"; and strike lines 20 through 28.
- 19 3. On page 3, strike lines 1 through 28.
- 20 4. On page 4, strike lines 1 through 6; in line 7 after
- 21 "(3)" insert "Dating relationship means an intimate or sexual
- 22 relationship;
- 23 (4)"; in line 8 after "act" insert ";
- 24 (5) Sexual assault has the same meaning as in section
- 1 28-319, 28-320, 28-320.01, or 28-386; and
- 2 (6) Stalking has the same meaning as in sections
- 3 28-311.02 to 28-311.05"; in line 9 strike "person"; in line 13

- 4 strike "the adult person" and insert "such adult"; and strike lines
5 20 and 21 and insert "victim of abuse, sexual assault, or stalking
6 and".
- 7 5. On page 5, line 22, strike "IV felony" and insert "II
8 misdemeanor"; and in line 25 after "participant" insert "unless the
9 program participant applies to the Secretary of State for
10 recertification and provides documentation of the legal name
11 change".
- 12 6. On page 6, strike beginning with "at" in line 2
13 through "change" in line 3 and insert "in such manner as is
14 provided by rules and regulations adopted and promulgated by the
15 Secretary of State"; in line 6 strike "nondeliverable" and insert
16 "undeliverable"; and strike line 28.
- 17 7. On page 7, strike line 1; in line 2 strike "(3)" and
18 insert "(2)"; and strike lines 24 through 27 and insert
19 "(1) If requested of the Secretary of State by the chief
20 commanding officer of a law enforcement agency or the officer's
21 designee in the manner provided for by rules and regulations
22 adopted and promulgated by the Secretary of State;
23 (2) To a person identified in a court order upon the
24 receipt by the Secretary of State of that court order which
25 specifically orders the disclosure of a particular program
26 participant's address and the reasons stated therefor; or".
- 27 8. On page 8, line 3, after "designate" insert "and
1 train"; and in line 6 strike the comma and insert an underscored
2 period.

LEGISLATIVE BILL 966. Placed on General File as amended.
Standing Committee amendment to LB 966:
AM2464

- 1 1. Strike original section 1 and insert the following
2 new section:
3 "Section 1. Section 84-712.05, Reissue Revised Statutes
4 of Nebraska, is amended to read:
5 84-712.05. The following records, unless publicly
6 disclosed in an open court, open administrative proceeding, or open
7 meeting or disclosed by a public entity pursuant to its duties, may
8 be withheld from the public by the lawful custodian of the records:
9 (1) Personal information in records regarding a student,
10 prospective student, or former student of any tax-supported
11 educational institution maintaining the records, other than routine
12 directory information;
13 (2) Medical records, other than records of births and
14 deaths and except as provided in subdivision (5) of this section,
15 in any form concerning any person, and also records of elections
16 filed under section 44-2821;
17 (3) Trade secrets, academic and scientific research work
18 which is in progress and unpublished, and other proprietary or
19 commercial information which if released would give advantage to

20 business competitors and serve no public purpose;

21 (4) Records which represent the work product of an
 22 attorney and the public body involved which are related to
 23 preparation for litigation, labor negotiations, or claims made by
 24 or against the public body or which are confidential communications
 1 as defined in section 27-503;

2 (5) Records developed or received by law enforcement
 3 agencies and other public bodies charged with duties of
 4 investigation or examination of persons, institutions, or
 5 businesses, when the records constitute a part of the examination,
 6 investigation, intelligence information, citizen complaints or
 7 inquiries, informant identification, or strategic or tactical
 8 information used in law enforcement training, except that this
 9 subdivision shall not apply to records so developed or received
 10 relating to the presence of and amount or concentration of alcohol
 11 or drugs in any body fluid of any person;

12 (6) Appraisals or appraisal information and negotiation
 13 records concerning the purchase or sale, by a public body, of any
 14 interest in real or personal property, prior to completion of the
 15 purchase or sale;

16 (7) Personal information in records regarding personnel
 17 of public bodies other than salaries and routine directory
 18 information;

19 (8) Information solely pertaining to protection of the
 20 physical security of public property and persons on or within
 21 public property, such as specific, unique vulnerability assessments
 22 or specific, unique response plans, either of which is intended to
 23 prevent or mitigate criminal acts the public disclosure of which
 24 would create a substantial likelihood of endangering public safety
 25 or property; computer or communications network schema, passwords,
 26 and user identification names; guard schedules; or lock
 27 combinations; or the

1 (9) The security standards, procedures, policies, plans,
 2 specifications, diagrams, access lists, and other security-related
 3 records of the Lottery Division of the Department of Revenue and
 4 those persons or entities with which the division has entered into
 5 contractual relationships. Nothing in this subdivision shall allow
 6 the division to withhold from the public any information relating
 7 to amounts paid persons or entities with which the division has
 8 entered into contractual relationships, amounts of prizes paid, the
 9 name of the prize winner, and the city, village, or county where
 10 the prize winner resides;

11 ~~(9)~~ (10) With respect to public utilities and except as
 12 provided in sections 43-512.06 and 70-101, personally identified
 13 private citizen account payment information, credit information on
 14 others supplied in confidence, and customer lists;

15 ~~(10)~~ (11) Records or portions of records kept by a
 16 publicly funded library which, when examined with or without other
 17 records, reveal the identity of any library patron using the

18 library's materials or services;

19 ~~(11)~~ (12) Correspondence, memoranda, and records of
 20 telephone calls related to the performance of duties by a member of
 21 the Legislature in whatever form. The lawful custodian of the
 22 correspondence, memoranda, and records of telephone calls, upon
 23 approval of the Executive Board of the Legislative Council, shall
 24 release the correspondence, memoranda, and records of telephone
 25 calls which are not designated as sensitive or confidential in a
 26 nature to any person performing an audit of the Legislature. A
 27 member's correspondence, memoranda, and records of confidential
 1 telephone calls related to the performance of his or her
 2 legislative duties shall only be released to any other person with
 3 the explicit approval of the member;

4 ~~(12)~~ (13) Records or portions of records kept by public
 5 bodies which would reveal the location, character, or ownership of
 6 any known archaeological, historical, or paleontological site in
 7 Nebraska when necessary to protect the site from a reasonably held
 8 fear of theft, vandalism, or trespass. This section shall not
 9 apply to the release of information for the purpose of scholarly
 10 research, examination by other public bodies for the protection of
 11 the resource or by recognized tribes, the Unmarked Human Burial
 12 Sites and Skeletal Remains Protection Act, or the federal Native
 13 American Graves Protection and Repatriation Act;

14 ~~(13)~~ (14) Records or portions of records kept by public
 15 bodies which maintain collections of archaeological, historical, or
 16 paleontological significance which reveal the names and addresses
 17 of donors of such articles of archaeological, historical, or
 18 paleontological significance unless the donor approves disclosure,
 19 except as the records or portions thereof may be needed to carry
 20 out the purposes of the Unmarked Human Burial Sites and Skeletal
 21 Remains Protection Act or the federal Native American Graves
 22 Protection and Repatriation Act; ~~and~~

23 ~~(14)~~ (15) Job application materials submitted by
 24 applicants, other than finalists, who have applied for employment
 25 by any public body as defined in section 84-1409. For purposes of
 26 this subdivision, job application materials means employment
 27 applications, resumes, reference letters, and school transcripts,
 1 and finalist means any applicant who is offered and who accepts an
 2 interview by a public body or its agents, representatives, or
 3 consultants for any public employment position; and

4 (16) Social security numbers, credit card numbers and
 5 expiration dates, and financial account numbers supplied to state
 6 and local governments by citizens."

LEGISLATIVE BILL 1054. Placed on General File as amended.
 Standing Committee amendment to LB 1054:
 AM2620

- 1 1. Insert the following new section:
- 2 "Sec. 14. Section 32-624, Reissue Revised Statutes of

3 Nebraska, is amended to read:

4 32-624. All A candidate filing forms form which appear
5 appears to conform with sections 32-606 and 32-607 shall be deemed
6 to be valid unless objections are made in writing within twenty
7 days after the filing of the same. No objection shall be duly made
8 more than five seven days after the filing deadline. If an
9 objection is made, notice shall be mailed to all candidates who may
10 be affected thereby. Any political party committee may institute
11 actions in court based upon fraud or crime resorted to in
12 connection with the candidate filing forms or the acceptance of a
13 nomination. No county committee shall have the authority to bring
14 such action as to candidates for congressional or state office or
15 as to candidates to be elected from legislative districts composed
16 of more than one county. A state political party committee may
17 institute actions to determine the legality of any candidate for a
18 state or congressional office or for any district office if the
19 district composes more than one county. Objections to the use of
20 the name of a political party may also be made and passed upon in
21 the same manner as objections to a candidate filing form or other
22 acceptance of nomination.

23 The filing officer with whom the candidate filing form
24 was filed shall determine the validity of such objection, and his
1 or her decision shall be final unless an order is made in the
2 matter by a judge of the county court, district court, Court of
3 Appeals, or Supreme Court on or before the fifty-fifth day
4 preceding the election. Such order may be made summarily upon
5 application of any political party committee or other interested
6 party and upon such notice as the court or judge may require. The
7 decision of the Secretary of State or the order of the judge shall
8 be binding on all filing officers."

9 2. On page 3, lines 16 through 22, strike the new matter
10 and insert "Such order in all felony cases shall provide notice
11 that the person's voting rights are not restored upon completion of
12 probation. The order shall include information on restoring such
13 civil rights through the pardon process, including application to
14 and hearing by the Board of Pardons.".

15 3. On page 8, line 7, after "date" insert "for each
16 statewide primary and general election".

17 4. On page 12, line 5, strike "the", show as stricken,
18 and insert "each statewide primary and general".

19 5. On page 24, lines 8 through 15, strike the new matter
20 and insert "Upon completion of the lawful requirements of the
21 sentence, the department shall provide the parolee or committed
22 offender with a written notice regarding his or her civil rights.
23 The notice shall inform the parolee or committed offender that
24 voting rights are not restored upon completion of the sentence.
25 The notice shall also include information on restoring such civil
26 rights through the pardon process, including application to and
27 hearing by the Board of Pardons"; and in line 17 after the fourth

1 comma insert "32-624,".

(Signed) DiAnna R. Schimek, Chairperson

General Affairs

LEGISLATIVE BILL 1126. Placed on General File as amended.

Standing Committee amendment to LB 1126:

AM2631

- 1 1. On page 4, line 16; page 7, line 1; page 12, line 16;
- 2 page 14, line 27; page 20, line 28; page 23, line 12; page 27, line
- 3 23; and page 30, line 5, after "activities" insert "that occurred
- 4 on or after the effective date of this act".

(Signed) Ray Janssen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1101. Title read. Considered.

The Standing Committee amendment, AM2562, found on page 503, was adopted with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 752. Senator Byars moved to reconsider the vote on the Chambers amendment, AM2443, found on page 388 and considered on pages 553 and 565.

The Byars motion to reconsider prevailed with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

The Chambers reconsidered amendment, AM2443, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

The Chambers reconsidered amendment, as amended, was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

The Bruning pending motion, found on page 434, to indefinitely postpone, was withdrawn.

Senator Chambers moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Senator Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 188. Title read. Considered.

The Standing Committee amendment, AM0195, found on page 715, First Session, 2001, was adopted with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

Senators Vrtiska and Stuhr asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 545. Title read. Considered.

The Standing Committee amendment, AM0571, printed separately and referred to on page 716, First Session, 2001, was considered.

Senator Janssen renewed his pending amendment, AM2478, found on page 431, to the Standing Committee amendment.

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

The Janssen amendment was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 8 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 719. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 176. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Senator Foley asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 88. Title read. Considered.

The Standing Committee amendment, AM0458, found on page 753, First Session, 2001, was considered.

Senator Brashear renewed his pending amendment, AM2468, found on page 482, to the Standing Committee amendment.

Pending.

AMENDMENTS - Print in Journal

Senator Smith filed the following amendment to LB 1067:
AM2502

- 1 1. Strike the original section and insert the following
- 2 new section:
- 3 "Section 1. (1) No person shall (a) perform human
- 4 cloning, (b) possess the product of human cloning, or (c) ship or
- 5 receive the product of human cloning.
- 6 (2) A person violating this section shall be liable to
- 7 pay a civil penalty imposed by a district court in an amount not to
- 8 exceed fifty thousand dollars for each violation.
- 9 (3) For purposes of this section, cloning means the
- 10 production of a precise genetic copy of a molecule, including
- 11 deoxyribonucleic acid, or of chromosomes."

Senator Cudaback filed the following amendment to LB 157:
(Amendment, AM2607, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

STANDING COMMITTEE REPORT **General Affairs**

LEGISLATIVE BILL 873. Placed on General File as amended.
Standing Committee amendment to LB 873:
AM2628

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

(Signed) Ray Janssen, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Senator Smith asked unanimous consent to have his name added as cointroducer to LB 867. No objections. So ordered.

VISITORS

Visitors to the Chamber were Jill Zlomke from Beatrice, Cheryl Hoge and Erin McConnell from Firth, Nichel Grubbs from Fairbury, and Lisa Bottsford from Roca; United States Congressman, Doug Bereuter; and Dick Kleager from Scottsbluff.

ADJOURNMENT

At 12:04 p.m., on a motion by Senator McDonald, the Legislature adjourned until 9:00 a.m., Monday, February 11, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SECOND DAY - FEBRUARY 11, 2002

LEGISLATIVE JOURNAL

**NINETY-SEVENTH LEGISLATURE
SECOND SESSION**

TWENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 11, 2002

PRAYER

The prayer was offered by Senator Wehrbein.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senator Bruning who was excused; and Senators Beutler, Bromm, Byars, Chambers, Coordsen, Dierks, Foley, Hudkins, Kristensen, Landis, Maxwell, Price, Raikes, Tyson, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-first day was approved.

**STANDING COMMITTEE REPORTS
Health and Human Services**

LEGISLATIVE BILL 1148. Placed on General File.

LEGISLATIVE BILL 301. Placed on General File as amended.
Standing Committee amendment to LB 301:
AM2535

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 2-3256, Revised Statutes Supplement,
- 4 2000, is amended to read:
- 5 2-3256. All design or construction by a district of
- 6 structural works costing more than eighty thousand dollars, or such
- 7 higher amount as is established by the Board of Engineers and
- 8 Architects by rule and regulation, shall be under the supervision
- 9 of a licensed engineer except as provided in the Engineers and

10 Architects Regulation Act.

11 Sec. 2. Section 81-3445, Reissue Revised Statutes of

12 Nebraska, is amended to read:

13 81-3445. Except as provided in this section and sections

14 81-3449 to 81-3453, the state and its political subdivisions shall

15 not engage in the construction of any public works involving

16 architecture or engineering unless the plans, specifications, and

17 estimates have been prepared and the construction has been observed

18 by an architect, a professional engineer, or a person under the

19 direct supervision of an architect, professional engineer, or those

20 under the direct supervision of an architect or professional

21 engineer. This except that this section shall not apply to any

22 public work in which the contemplated expenditure for the complete

23 project does not exceed eighty thousand dollars, or such higher

24 amount as is established by the board by rule and regulation.

1 Sec. 3. Section 81-3449, Revised Statutes Supplement,

2 2000, is amended to read:

3 81-3449. The provisions of the Engineers and Architects

4 Regulation Act regulating the practice of architecture do not apply

5 to the following activities:

6 (1) The construction, remodeling, alteration, or

7 renovation of (a) a detached single-family through four-family

8 dwelling of less than five thousand square feet of above grade

9 finished space or (b) a one-story commercial or industrial building

10 or structure of less than five thousand square feet of above grade

11 finished space which does not exceed thirty feet in height unless

12 such building or structure, or the remodeling or repairing thereof,

13 provides for the employment, housing, or assembly of twenty or more

14 persons. Any detached or attached sheds, storage buildings, and

15 garages incidental to the dwelling are not included in the

16 tabulation of finished space. The exemption granted in this

17 subdivision may be modified by rule and regulation of the board if

18 the rule and regulation is adopted using the procedures of the

19 Negotiated Rulemaking Act;

20 (2) The construction, remodeling, alteration, or

21 renovation of farm buildings, including barns, silos, sheds, or

22 housing for farm equipment and machinery, livestock, poultry, or

23 storage, if the structures are designed to be occupied by no more

24 than twenty persons. The exemption granted in this subdivision may

25 be modified by rule and regulation of the board if the rule and

26 regulation is adopted using the procedures of the Negotiated

27 Rulemaking Act;

1 (3) Any public works project with contemplated

2 expenditures for a completed project that do not exceed eighty

3 thousand dollars. The exemption granted in this subdivision may be

4 modified by rule and regulation of the board if the rule and

5 regulation is adopted using the procedures of the Negotiated

6 Rulemaking Act;

7 (4) Any alteration, renovation, or remodeling of a

- 8 building if the alteration, renovation, or remodeling does not
9 affect architectural or engineering safety features of the
10 building;
- 11 (5) The teaching, including research and service, of
12 architectural subjects in a college or university offering a degree
13 in architecture accredited by the National Architectural
14 Accreditation Board;
- 15 (6) The preparation of submissions to architects,
16 building officials, or other regulating authorities by the
17 manufacturer, supplier, or installer of any materials, assemblies,
18 components, or equipment that describe or illustrate the use of
19 such items, the preparation of any details or shop drawings
20 required of the contractor by the terms of the construction
21 documents, or the management of construction contracts by persons
22 customarily engaged in contracting work;
- 23 (7) The preparation of technical submissions or the
24 administration of construction contracts by employees of a person
25 or organization lawfully engaged in the practice of architecture if
26 such employees are acting under the direct supervision of an
27 architect;
- 1 (8) The offering by an organization of a combination of
2 services involved in the practice of architecture and construction
3 services if:
- 4 (a) An architect or person otherwise permitted under
5 subdivision (10) of this section to offer architectural services
6 participates substantially in all material aspects of the offering;
- 7 (b) There is written disclosure at the time of the
8 offering that an architect is engaged by and contractually
9 responsible to such organization;
- 10 (c) Such organization agrees that the architect will have
11 direct supervision of the work and that such architect's services
12 will not be terminated without the consent of the person engaging
13 the organization; and
- 14 (d) The rendering of architectural services by such
15 architect will conform to the act and the rules and regulations;
- 16 (9) A public service provider or an organization who
17 employs a design professional from performing professional services
18 for itself;
- 19 (10) A nonresident who holds the certification issued by
20 the National Council of Architectural Registration Boards from
21 offering to render the professional services involved in the
22 practice of architecture. The nonresident shall not perform any of
23 the professional services involved in the practice of architecture
24 until licensed as provided in the act. The nonresident shall
25 notify the board in writing that (a) he or she holds a National
26 Council of Architectural Registration Boards certificate and is not
27 currently licensed in Nebraska but will be present in Nebraska for
1 the purpose of offering to render architectural services, (b) he or
2 she will deliver a copy of the notice to every potential client to

- 3 whom the applicant offers to render architectural services, and (c)
4 he or she promises to apply immediately to the board for licensure
5 if selected as the architect for the project;
- 6 (11) The practice of any other certified trade or legally
7 recognized profession;
- 8 (12) Financial institutions making disbursements of funds
9 in connection with construction projects;
- 10 (13) Earthmoving and related work associated with soil
11 and water conservation practices performed on farmland or any land
12 owned by a political subdivision that is not subject to a permit
13 from the Department of Natural Resources or for work related to
14 livestock waste facilities that are not subject to a permit by the
15 Department of Environmental Quality; and
- 16 (14) The work of employees and agents of a political
17 subdivision or a nonprofit entity organized for the purpose of
18 furnishing electrical service performing, in accordance with other
19 requirements of law, their customary duties in the administration
20 and enforcement of codes, permit programs, and land-use regulations
21 and their customary duties in utility and public works
22 construction, operation, and maintenance.
- 23 Sec. 4. Section 81-3453, Revised Statutes Supplement,
24 2000, is amended to read:
- 25 81-3453. The provisions of the Engineers and Architects
26 Regulation Act regulating the practice of engineering do not apply
27 to the following activities:
- 1 (1) The construction, remodeling, alteration, or
2 renovation of (a) a detached single-family through four-family
3 dwelling of less than five thousand square feet above grade
4 finished space or (b) a one-story commercial or industrial building
5 or structure of less than five thousand square feet above grade
6 finished space which does not exceed thirty feet in height unless
7 such building or structure, or the remodeling or repairing thereof,
8 provides for the employment, housing, or assembly of twenty or more
9 persons. Any detached or attached sheds, storage buildings, and
10 garages incidental to the dwelling are not included in the
11 tabulation of finished space. The exemption granted in this
12 subdivision may be modified by rule and regulation of the board if
13 the rule and regulation is adopted using the procedures of the
14 Negotiated Rulemaking Act;
- 15 (2) The construction, remodeling, alteration, or
16 renovation of farm buildings, including barns, silos, sheds, or
17 housing for farm equipment and machinery, livestock, poultry, or
18 storage and if the structures are designed to be occupied by no
19 more than twenty persons. The exemption granted in this
20 subdivision may be modified by rule and regulation of the board if
21 the rule and regulation is adopted using the procedures of the
22 Negotiated Rulemaking Act;
- 23 (3) Any public works project with contemplated
24 expenditures for the completed project that do not exceed eighty

25 thousand dollars. The exemption granted in this subdivision may be
26 modified by rule and regulation of the board if the rule and
27 regulation is adopted using the procedures of the Negotiated
1 Rulemaking Act;

2 (4) Any alteration, renovation, or remodeling of a
3 building if the alteration, renovation, or remodeling does not
4 affect architectural or engineering safety features of the
5 building;

6 (5) The teaching, including research and service, of
7 engineering subjects in a college or university offering an
8 Accrediting Board for Engineering and Technology accredited
9 engineering curriculum of four years or more;

10 (6) The act does not prevent a public service provider or
11 an organization who employs a design professional from performing
12 professional services for itself;

13 (7) The practice of any other certified trade or legally
14 recognized profession;

15 (8) The offer to practice engineering by a person not a
16 resident of and having no established place of business in this
17 state if the person is legally qualified by licensure to practice
18 engineering in his or her own state or country. The person shall
19 make application to the board in writing and after payment of a fee
20 established by the board may be granted a temporary permit for a
21 definite period of time not to exceed one year to do a specific
22 job. No right to practice engineering accrues to such applicant
23 with respect to any other work not set forth in the permit;

24 (9) The work of an employee or a subordinate of a person
25 holding a certificate of licensure under the act or an employee of
26 a person practicing lawfully under subdivision (8) of this section
27 if the work is done under the direct supervision of a person
1 holding a certificate of licensure or a person practicing lawfully
2 under such subdivision;

3 (10) Those services ordinarily performed by subordinates
4 under direct supervision of a professional engineer or those
5 commonly designated as locomotive, stationary, marine operating
6 engineers, power plant operating engineers, or manufacturers who
7 supervise the operation of or operate machinery or equipment or who
8 supervise construction within their own plant;

9 (11) Financial institutions making disbursements of funds
10 in connection with construction projects;

11 (12) Earthmoving and related work associated with soil
12 and water conservation practices performed on farmland or any land
13 owned by a political subdivision that is not subject to a permit
14 from the Department of Natural Resources or for work related to
15 livestock waste facilities that are not subject to a permit by the
16 Department of Environmental Quality;

17 (13) The work of employees and agents of a political
18 subdivision or a nonprofit entity organized for the purpose of
19 furnishing electrical service performing, in accordance with other

20 requirements of law, their customary duties in the administration
 21 and enforcement of codes, permit programs, and land-use regulations
 22 and their customary duties in utility and public works
 23 construction, operation, and maintenance;

24 (14) Work performed exclusively in the exploration for
 25 and development of energy resources and base, precious, and
 26 nonprecious minerals, including sand, gravel, and aggregate, which
 27 does not have a substantial impact upon public health, safety, and
 1 welfare, as determined by the board, or require the submission of
 2 reports or documents to public agencies;

3 (15) The construction of water wells as defined in
 4 section 46-1212, the installation of pumps and pumping equipment
 5 into water wells, and the decommissioning of water wells, unless
 6 such construction, installation, or decommissioning is required by
 7 the owner thereof to be designed or supervised by an engineer or
 8 unless legal requirements are imposed upon the owner of a water
 9 well as a part of a public water supply; and

10 (16) Work performed in the exploration, development, and
 11 production of oil and gas or before the Nebraska Oil and Gas
 12 Conservation Commission.

13 Sec. 5. Sections 1 to 4 and 6 of this act become
 14 operative three calendar months after adjournment of this
 15 legislative session. The other sections of this act become
 16 operative on their effective date.

17 Sec. 6. Original section 81-3445, Reissue Revised
 18 Statutes of Nebraska, and sections 2-3256, 81-3449, and 81-3453,
 19 Revised Statutes Supplement, 2000, are repealed.

20 Sec. 7. The following section is outright repealed:
 21 Section 81-3447, Reissue Revised Statutes of Nebraska.

22 Sec. 8. Since an emergency exists, this act takes effect
 23 when passed and approved according to law."

LEGISLATIVE BILL 1017. Placed on General File as amended.

Standing Committee amendment to LB 1017:

AM2638

1 1. On page 2, line 11, strike the second "or" and show
 2 as stricken and after "(d)" insert "a health plan or other entity
 3 responsible for payment, or (e)"; and in line 18 strike "May 1,
 4 2001", show as stricken, and insert "January 1, 2002".

(Signed) Jim Jensen, Chairperson

MESSAGES FROM THE GOVERNOR

January 16, 2002

President, Speaker Kristensen
 and Members of the Legislature
 State Capitol Building

Lincoln, NE 68509

Dear Mr. President, Speaker Kristensen and Members:

Contingent upon your approval, the following individual has been reappointed to the Public Employees Retirement Board.

APPOINTEE:

Charles Peters, 3123 S. 144th Ave, Omaha NE 68144

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

January 29, 2002

President, Speaker Kristensen
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Kristensen and Members:

Contingent upon your approval, the following individual has been reappointed to the State Electrical Board.

APPOINTEE:

Bill Whitmer, 6421 Rogers Cr, Lincoln NE 68506

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

January 29, 2002

President, Speaker Kristensen,
Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Kristensen and Senators:

Please withdraw Richard Wolfe's name from confirmation to the State

Electrical Board, due to his resignation.

Thank you.

Sincerely,
(Signed) Mike Johanns
Governor

say/

GENERAL FILE

LEGISLATIVE BILL 391. Title read. Considered.

The Standing Committee amendment, AM0588, printed separately and referred to on page 822, First Session, 2001, was considered.

Senator Chambers renewed his pending amendment, AM2177, found on page 2273, First Session, 2001, to the Standing Committee amendment.

Senator Chambers withdrew his amendment.

Senators Jensen and Quandahl renewed their pending amendment, AM2622, found on page 554, to the Standing Committee amendment.

Senators Stuhr and Aguilar asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER KRISTENSEN PRESIDING

Senator Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

The Jensen-Quandahl amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Senator Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 27 ayes, 1 nay, 17 present and not voting, and 4 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS **Transportation and Telecommunications**

LEGISLATIVE BILL 923. Placed on General File.

LEGISLATIVE BILL 998. Placed on General File.

LEGISLATIVE BILL 1069. Placed on General File.

LEGISLATIVE BILL 439. Placed on General File as amended.
Standing Committee amendment to LB 439:

AM2581

- 1 1. Strike original section 1.
- 2 2. On page 2, lines 15 and 16, strike the new matter and
- 3 reinstate the stricken matter.
- 4 3. On page 3, line 4, strike "sections 39-1106 and" and
- 5 insert "section"; and in line 5 strike "are" and insert "is".
- 6 4. Renumber the remaining section accordingly.

LEGISLATIVE BILL 488. Placed on General File as amended.
Standing Committee amendment to LB 488:

AM2603

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 60-302, Revised Statutes Supplement,
- 4 2001, is amended to read:
- 5 60-302. (1) No motor vehicle, trailer, semitrailer, or
- 6 cabin trailer, unless otherwise expressly provided, shall be
- 7 operated or parked on the highways of this state unless the vehicle
- 8 is registered in accordance with Chapter 60, article 3. There
- 9 shall be a rebuttable presumption that any vehicle stored and kept
- 10 more than thirty days in the state is being operated or parked on
- 11 the highways of this state and shall be registered in accordance
- 12 with Chapter 60, article 3, from the date of title of the motor
- 13 vehicle or, if no transfer in ownership of the motor vehicle has
- 14 occurred, from the expiration of the last registration period for
- 15 which the motor vehicle was registered. Every owner of a vehicle
- 16 required to be registered shall make application for registration
- 17 to the county treasurer of the county in which the vehicle has
- 18 situs as defined in section 60-3001. The application shall be a
- 19 copy of a certificate of title or, in the case of a renewal of a
- 20 registration, the application shall be the previous registration
- 21 period's certificate. A salvage certificate of title as defined in
- 22 section 60-129 and a nontransferable certificate of title provided
- 23 for in section 60-131 shall not be valid for registration purposes.
- 24 (2) An application for registration of a motor vehicle
- 1 shall be accompanied by proof of financial responsibility or
- 2 evidence of insurance covering the motor vehicle. Proof of
- 3 financial responsibility shall be evidenced by a copy of proof of
- 4 financial responsibility filed pursuant to subdivision (2), (3), or
- 5 (4) of section 60-528 bearing the seal of the Department of Motor
- 6 Vehicles. Evidence of insurance shall give the effective dates of
- 7 the automobile liability policy, which dates shall be evidence that
- 8 the coverage is in effect on and following the date of
- 9 registration, and shall designate, by explicit description or by
- 10 appropriate reference, all motor vehicles covered. Evidence of
- 11 insurance in the form of a certificate of insurance for fleet
- 12 vehicles may include, as an appropriate reference, a designation

13 that the insurance coverage is applicable to all vehicles owned by
14 the named insured, or wording of similar effect, in lieu of an
15 explicit description. Proof of financial responsibility also may
16 be evidenced by (a) a check by the department or its agents of the
17 motor vehicle insurance data base created under section 2 of this
18 act or (b) any other automated or electronic means as prescribed or
19 developed by the department.

20 (3) Any nonresident owner who desires to register a
21 vehicle or vehicles in this state shall register in the county
22 where the vehicle is domiciled or where the owner conducts a bona
23 fide business.

24 (4) Each new application shall contain, in addition to
25 other information as may be required by the department, the name
26 and post office address of the applicant and a description of the
27 vehicle, including the color, the manufacturer, the identification
1 number, and the weight of the vehicle required by Chapter 60,
2 article 3. With the application the applicant shall pay the proper
3 registration fee as provided in sections 60-305.08 to 60-339 and
4 shall state whether the vehicle is propelled by alternative fuel as
5 defined in section 66-686 and, if alternative fuel, the type of
6 fuel. The form shall also contain a notice that bulk fuel
7 purchasers may be subject to federal excise tax liability. The
8 department shall prescribe a form, containing the notice, for
9 supplying the information for vehicles to be registered. The
10 county treasurer shall include the form in each mailing made
11 pursuant to section 60-3003. The county treasurer or his or her
12 agent shall notify the Motor Fuel Tax Enforcement and Collection
13 Division of the Department of Revenue whenever a vehicle powered by
14 an alternative fuel as defined in section 66-686 is registered.
15 The notification shall include the name and address of the
16 registrant, the date of registration, the type of motor vehicle
17 registered, and the type of alternative fuel used to propel the
18 vehicle as indicated on the registration application.

19 (5) The county treasurer or his or her agent shall
20 collect, in addition to the registration fees, one dollar and fifty
21 cents for each certificate issued and shall remit one dollar and
22 fifty cents of each additional fee collected to the State Treasurer
23 for credit to the Department of Motor Vehicles Cash Fund.

24 (6) The county treasurer or his or her agent shall
25 collect, in addition to other registration fees, fifty cents for
26 each certificate issued and shall remit the fee to the State
27 Treasurer for credit to the Nebraska Emergency Medical System
1 Operations Fund.

2 (7) The county treasurer or his or her agent shall
3 collect, in addition to other registration fees, one dollar and
4 fifty cents for each certificate issued and shall remit the fee to
5 the State Treasurer for credit to the State Recreation Road Fund.

6 (8) If a citation is issued to an owner or operator of a
7 vehicle for a violation of this section and the owner properly

8 registers and licenses the vehicle not in compliance and pays all
9 taxes and fees due and the owner or operator provides proof of such
10 registration to the prosecuting attorney within ten days after the
11 issuance of the citation, no prosecution for the offense cited
12 shall occur.

13 (9) If a county board consolidates services under the
14 office of a designated county official other than the county
15 treasurer pursuant to section 23-186, the powers and duties of the
16 county treasurer relating to registration under sections 60-301 to
17 60-347 and sections 2 to 5 of this act shall be performed by the
18 designated county official.

19 (10) A county treasurer or county official or his or her
20 agent may accept credit cards, charge cards, or debit cards as a
21 means of payment for registration pursuant to section 13-609.

22 (11) Commencing January 1, 2003, the county treasurer or
23 his or her agent shall collect, in addition to the other
24 registration fees, twenty-five cents for each certificate issued to
25 pay for the costs of the motor vehicle insurance data base created
26 under section 2 of this act and shall remit such additional fee to
27 the State Treasurer for credit to the Department of Motor Vehicles
1 Cash Fund.

2 Sec. 2. (1)(a) The motor vehicle insurance data base is
3 created. The Department of Motor Vehicles shall develop and
4 administer the motor vehicle insurance data base which shall
5 include the information provided by insurance companies as required
6 by the department pursuant to sections 2 to 5 of this act. The
7 motor vehicle insurance data base shall be used to facilitate
8 registration of motor vehicles in this state by the department and
9 its agents. The department shall implement the motor vehicle
10 insurance data base no later than July 1, 2004. The Director of
11 Motor Vehicles shall designate the date for the department's
12 implementation of the motor vehicle insurance data base.

13 (b) The department shall adopt and promulgate rules and
14 regulations to carry out sections 2 to 5 of this act. The rules
15 and regulations shall include specifications for the information to
16 be transmitted by the insurance companies to the department for
17 inclusion in the motor vehicle insurance data base, and
18 specifications for the form and manner of transmission of data for
19 inclusion in the motor vehicle insurance data base, as recommended
20 by the Motor Vehicle Insurance Data Base Task Force created in
21 subsection (2) of this section in its report to the department.

22 (2)(a) The Motor Vehicle Insurance Data Base Task Force
23 is created. The Motor Vehicle Insurance Data Base Task Force shall
24 investigate the best practices of the industry and recommend
25 specifications for the information to be transmitted by the
26 insurance companies to the Department of Motor Vehicles for
27 inclusion in the motor vehicle insurance data base and
1 specifications for the form and manner of transmission of data for
2 inclusion in the motor vehicle insurance data base. The Motor

3 Vehicle Insurance Data Base Task Force shall complete a written
4 report of its recommendations and submit the report to the
5 department and file a copy with the Clerk of the Legislature no
6 later than September 30, 2003.

7 (b) The Motor Vehicle Insurance Data Base Task Force
8 shall consist of:

9 (i) The Director of Motor Vehicles or his or her
10 designee;

11 (ii) The Director of Insurance or his or her designee;

12 (iii) The following members who shall be selected by the
13 Director of Insurance:

14 (A) One representative of a domestic automobile insurance
15 company or domestic automobile insurance companies;

16 (B) One representative of an admitted foreign automobile
17 insurance company or admitted foreign automobile insurance
18 companies; and

19 (C) One representative of insurance producers licensed
20 under the laws of this state; and

21 (iv) Four members to be selected by the Director of Motor
22 Vehicles.

23 (c) The requirements of this subsection shall expire on
24 July 1, 2004.

25 Sec. 3. Each insurance company doing business in this
26 state shall provide information shown on each automobile liability
27 policy issued in this state as required by the department pursuant
1 to sections 2 to 5 of this act for inclusion in the motor vehicle
2 insurance data base in a form and manner acceptable to the
3 department. Any person who qualifies as a self-insurer under
4 sections 60-562 to 60-564 or any person who provides financial
5 responsibility under sections 75-348 to 75-358 shall not be
6 required to provide information to the department for inclusion in
7 the motor vehicle insurance data base.

8 Sec. 4. Information provided to the Department of Motor
9 Vehicles by insurance companies for inclusion in the motor vehicle
10 insurance data base created under section 2 of this act is the
11 property of the insurance company and the department, as the case
12 may be. The department may disclose whether an individual has the
13 required insurance coverage pursuant to the Uniform Motor Vehicle
14 Records Disclosure Act, but in no case shall the department provide
15 any person's insurance coverage information for purposes of resale,
16 for purposes of solicitation, or as bulk listings.

17 Sec. 5. (1) The state shall not be liable to any person
18 for gathering, managing, or using information in the motor vehicle
19 insurance data base created under section 2 of this act.

20 (2) No insurance company shall be liable to any person
21 for performing its duties under sections 2 to 4 of this act, unless
22 and to the extent the insurance company commits a willful and
23 wanton act or omission.

24 Sec. 6. Section 60-1515, Revised Statutes Supplement,

25 2001, is amended to read:

- 26 60-1515. (1) The Legislature hereby finds and declares
27 that a statewide system for the collection, storage, and transfer
1 of data on vehicle titles and registration and the cooperation of
2 state and local government in implementing such a system is
3 essential to the efficient operation of state and local government
4 in vehicle titling and registration. The Legislature hereby finds
5 and declares that the electronic issuance of operators' licenses
6 and state identification cards using a digital system as described
7 in section 60-484.01 and the cooperation of state and local
8 government in implementing such a system is essential to the
9 efficient operation of state and local government in issuing
10 operators' licenses and state identification cards.
- 11 (2) It is therefore the intent of the Legislature that the
12 Department of Motor Vehicles shall use a portion of the fees
13 appropriated by the Legislature to the Department of Motor Vehicles
14 Cash Fund as follows:
- 15 (a) To pay for the cost of issuing motor vehicle titles
16 and registrations on a system designated by the department. The
17 costs shall include, but not be limited to, software and software
18 maintenance, programming, processing charges, and equipment
19 including such terminals, printers, or other devices as deemed
20 necessary by the department after consultation with the county to
21 support the issuance of motor vehicle titles and registrations.
22 The costs shall not include the cost of county personnel or
23 physical facilities provided by the counties;
- 24 (b) To furnish to the counties the certificate of
25 registration forms specified in section 60-312. The certificate of
26 registration form shall be prescribed by the department; and
- 27 (c) To pay for the costs of an operator's license system
1 as specified in section 60-4,119 and section 60-484.01 and
2 designated by the department. The costs shall be limited to such
3 terminals, printers, software, programming, and other equipment or
4 devices as deemed necessary by the department to support the
5 issuance of such licenses and state identification cards in the
6 counties and by the department; and
- 7 (d) To pay for the motor vehicle insurance data base
8 created under section 2 of this act.
- 9 Sec. 7. (1) Beginning on the date for the Department of
10 Motor Vehicle's implementation of the motor vehicle insurance data
11 base created under section 2 of this act as designated by the
12 Director of Motor Vehicles pursuant to section 2 of this act, each
13 insurance company doing business in this state shall provide the
14 information as required by the Department of Motor Vehicles
15 pursuant to section 3 of this act for inclusion in the motor
16 vehicle insurance data base created under section 2 of this act.
- 17 (2)(a) The Director of Insurance shall assess a fine of
18 not more than two hundred fifty dollars against an insurance
19 company for each day such insurance company fails to comply with

20 this section and section 3 of this act.

21 (b) The Director of Insurance shall waive the fine if an

22 insurance company provides proof that its failure to comply with

23 this section and section 3 of this act was inadvertent, accidental,

24 or the result of excusable neglect.

25 Sec. 8. The Revisor of Statutes shall assign sections 2

26 to 5 of this act to Chapter 60, article 3, and section 7 of this

27 act to Chapter 44.

1 Sec. 9. Original sections 60-302 and 60-1515, Revised

2 Statutes Supplement, 2001, are repealed."

LEGISLATIVE BILL 918. Placed on General File as amended.

(Standing Committee amendment, AM2557, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 1195. Placed on General File as amended.

Standing Committee amendment to LB 1195:

AM2490

1 1. On page 2, strike beginning with "any" in line 13

2 through "including" in line 14.

LEGISLATIVE BILL 1298. Indefinitely postponed.

(Signed) Curt Bromm, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointments:

Peters, Charles - Public Employees Retirement Board - Nebraska Retirement Systems

Whitmer, Bill - State Electrical Board - General Affairs

(Signed) George Coordsen, Chairperson

Legislative Council

Executive Board

AMENDMENT - Print in Journal

Senator D. Pederson filed the following amendment to LB 185:

AM2650

(Amendments to Standing Committee amendments, AM0789)

1 1. Strike amendment 1 and all amendments thereto and

2 insert the following new amendment:

3 "1. Strike the original sections and all amendments

4 thereto and insert the following new sections:

5 Section 1. (1) No Class I railroad company shall allow
6 the operation of any freight train or locomotive in over-the-road
7 movements in this state unless the freight train or locomotive has
8 a crew of at least two railroad company employees.
9 (2) For purposes of sections 1 to 3 of this act:
10 (a) Class I has the same meaning as in 49 C.F.R. 1201, as
11 such regulation existed on January 1, 2002;
12 (b) Over-the-road movements means the transport of
13 locomotives attached to freight cars or other locomotives and does
14 not include hostler and helper movements or mechanical or
15 incidental movements; and
16 (c) Railroad company means any individual, partnership,
17 firm, limited liability company, corporation, company, society, or
18 association managing, maintaining, operating, or in possession of a
19 railroad in whole or in part within this state whether as owner or
20 contractor. The term also includes any form of nonhighway ground
21 transportation that runs on rails or electromagnetic guideways and
22 any entity providing such transportation.
23 Sec. 2. Section 1 of this act does not apply to the
1 extent that it conflicts with or is inconsistent with a directive
2 of the United States Congress.
3 Sec. 3. Any person, railroad company, or railroad
4 company employee who violates section 1 of this act is subject to a
5 first offense fine of not less than one hundred dollars, a second
6 offense fine of not less than two hundred fifty dollars, and a
7 third offense fine of five hundred dollars. All fines shall apply
8 to each freight train or locomotive operated on each day of
9 operation in this state, shall be enforced by the Public Service
10 Commission, and shall be remitted to the State Treasurer for credit
11 to the permanent school fund.
12 Sec. 4. If any section in this act or any part of any
13 section is declared invalid or unconstitutional, the declaration
14 shall not affect the validity or constitutionality of the remaining
15 portions.'."

MOTION - Suspend Rules

Senator Dierks renewed his pending motion, found on page 524, to suspend the rules, Rule 3, Section 20(b) to permit consideration of a motion to place LB 1257 on General File, notwithstanding the provision requiring twenty calendar days.

Senator Engel moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Dierks moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Dierks requested a roll call vote on his motion to suspend the rules.

Voting in the affirmative, 29:

| | | | | |
|----------|------------|----------|---------------|------------|
| Aguilar | Cudaback | Hartnett | Landis | Redfield |
| Beutler | Cunningham | Hudkins | Maxwell | Schrock |
| Brashear | Dierks | Janssen | Pedersen, Dw. | Smith |
| Burling | Engel | Jensen | Preister | Synowiecki |
| Byars | Erdman | Jones | Price | Vrtiska |
| Connealy | Foley | Kruse | Quandahl | |

Voting in the negative, 18:

| | | | | |
|--------|------------|--------------|----------|------------|
| Baker | Coordsen | Pederson, D. | Stuhr | Wehrbein |
| Bourne | Kremer | Raikes | Suttle | Wickersham |
| Bromm | Kristensen | Robak | Thompson | |
| Brown | McDonald | Schimek | Tyson | |

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Bruning

The Dierks motion to suspend the rules failed with 29 ayes, 18 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 1101. Placed on Select File as amended.

E & R amendment to LB 1101:

AM7169

- 1 1. On page 1, strike beginning with the comma in line 2
- 2 through "2001" in line 3; in line 4 strike "fund transfers" and
- 3 insert "a fund transfer"; and in line 5 strike "sections" and
- 4 insert "section".

LEGISLATIVE BILL 752. Placed on Select File as amended.

E & R amendment to LB 752:

AM7168

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. The Legislature finds and declares that the
- 4 interests of justice may be thwarted by unreliable testimony at

5 trial. There is a compelling state interest in providing
6 safeguards against the admission of testimony the reliability of
7 which may be or has been compromised through improper inducements.
8 The Legislature further finds and declares that the
9 testimony of a jailhouse informer is sometimes unreliable. A
10 jailhouse informer, due to the receipt or promise of a benefit, is
11 presumed to provide testimony that may be unreliable.
12 For purposes of sections 1 to 3 of this act, a jailhouse
13 informer is a person in custody as: An accused defendant, a
14 convicted defendant awaiting sentencing, a convicted defendant
15 serving a sentence, or a criminal suspect.
16 Sec. 2. Before the testimony of a jailhouse informer is
17 admissible in court, a pretrial hearing shall be conducted by the
18 court at which time the state shall prove to the court's
19 satisfaction that the truthfulness of the jailhouse informer's
20 statements to be given at trial is more probable than not.
21 Sec. 3. At least ten days before trial, the state shall
22 disclose to the person against whom the jailhouse informer will
23 testify, or to such person's counsel:
24 (1) The known criminal history of the jailhouse informer;
1 (2) Any deal, promise, inducement, or benefit that the
2 state or any person acting on behalf of the state has made or may
3 make in the future to the jailhouse informer;
4 (3) The specific statements allegedly made by the person
5 against whom the jailhouse informer will testify and the time,
6 place, and manner of disclosure;
7 (4) All cases known to the state in which the jailhouse
8 informer testified or offered statements against a person but was
9 not called as a witness, whether or not the statements were
10 admitted as evidence in the case, and whether the jailhouse
11 informer received any deal, promise, inducement, or benefit in
12 exchange for or subsequent to such testimony or statement; and
13 (5) Whether at any time the jailhouse informer recanted
14 testimony or statements and, if so, a transcript or copy of such
15 recantation."
16 2. On page 1, strike beginning with "amend" in line 1
17 through line 4 and insert "state intent; to define jailhouse
18 informer; to require a pretrial hearing; and to require disclosures
19 regarding testimony of jailhouse informers."

LEGISLATIVE BILL 188. Placed on Select File.

LEGISLATIVE BILL 545. Placed on Select File as amended.
E & R amendment to LB 545:

AM7171

- 1 1. Because of the amendment of section 9-625 by Laws
- 2 2001, LB 142, in the Standing Committee amendment, AM0571, strike
- 3 section 9 and insert the following new section:
- 4 "Sec. 9. Section 9-625, Revised Statutes Supplement,

5 2001, is amended to read:

6 9-625. Any county, city, or village may establish and
7 conduct a lottery if an election is first held pursuant to this
8 section. Only one scheme or type of lottery may be conducted by a
9 county, city, or village at one time. No county, city, or village
10 shall establish and conduct a lottery until such course of action
11 has been approved by a majority of the registered voters of such
12 county, city, or village casting ballots on the issue at a regular
13 election or a special election called by the governing board of the
14 county, city, or village for such purpose. This section shall not
15 be construed to prohibit any county, city, or village from
16 conducting a lottery if such course of action was approved prior to
17 July 17, 1986, by a majority of the registered voters of such
18 county, city, or village casting ballots on the issue.

19 Any lottery established pursuant to this section which is
20 authorized by an election held on or after October 1, 1989,
21 pursuant to this section that is not in operation for any ~~four~~ ten
22 consecutive years shall no longer be authorized under this section.

23 If the voters in a county, city, or village approve a lottery on or
24 after October 1, 1989, pursuant to this section but the lottery
1 does not actually begin operation within ~~four~~ ten years of the date
2 that the results of the election are certified, the lottery shall
3 no longer be authorized under this section. Any lottery no longer
4 authorized under this section because it did not operate within the
5 ~~four-year~~ ten-year period provided in this section may be
6 reauthorized by a majority vote of the registered voters of the
7 county, city, or village casting ballots on the issue at a
8 subsequent election pursuant to this section.

9 Except for any restriction imposed pursuant to section
10 9-643, any county, city, or village may conduct a lottery only
11 within the boundaries of such county, city, or village, or within a
12 licensed racetrack enclosure which abuts the corporate limits
13 thereof or which is within the zoning jurisdiction of a city,
14 except that nothing in this section shall prohibit a county, city,
15 or village from entering into an agreement pursuant to the
16 Interlocal Cooperation Act to conduct a joint lottery with another
17 county, city, or village which has established a lottery in
18 accordance with this section.

19 If any county, city, or village is conducting a lottery
20 at the time it is consolidated into a municipal county and such
21 county, city, or village is abolished as of the date of creation of
22 the municipal county, the municipal county shall be subject to the
23 same rights and obligations with respect to such lottery or
24 lotteries as the counties, cities, and villages which were
25 abolished, including any rights or obligations under lottery
26 contracts of such counties, cities, and villages. Such lottery
27 shall continue to be subject to all other provisions of the
1 Nebraska County and City Lottery Act, except that such lottery
2 shall not be expanded to any new location in any area of the

3 municipal county where such lottery was not previously authorized
 4 before the consolidation unless such expansion has been approved by
 5 a majority of the registered voters of such municipal county voting
 6 at a regular election or a special election called by the governing
 7 board of the municipal county for such purpose.".

8 2. In the Janssen amendment, AM2478, on page 1, lines 4
 9 and 7, after "year" insert an underscored comma.

10 3. In the Standing Committee amendment, AM0571:

11 a. On page 8, line 7, strike "and for", show as stricken,
 12 and insert an underscored comma; and

13 b. On page 16, line 22, strike "9-625,"; in line 23
 14 strike "and"; and in line 24 before "are" insert "and section
 15 9-625, Revised Statutes Supplement, 2001,".

16 4. On page 1, strike beginning with "9-606.01" in line 2
 17 through line 8 and insert "9-601, 9-603, 9-606.01, 9-631, 9-631.01,
 18 9-642.01, and 9-653, Reissue Revised Statutes of Nebraska, section
 19 9-1,104, Revised Statutes Supplement, 2000, and section 9-625,
 20 Revised Statutes Supplement, 2001; to define terms; to provide for
 21 fingerprinting and criminal history checks for lottery workers; to
 22 change provisions relating to licensure of lottery workers and
 23 sales outlet locations and the disclosure of reports or records; to
 24 provide powers and duties; to harmonize provisions; and to repeal
 25 the original sections.".

LEGISLATIVE BILL 719. Placed on Select File.

LEGISLATIVE BILL 176. Placed on Select File as amended.
 E & R amendment to LB 176:
 AM7170

1 1. On page 1, line 5, strike "to harmonize provisions;".

(Signed) Philip Erdman, Chairperson

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 877. Placed on General File.

LEGISLATIVE BILL 977. Placed on General File.

LEGISLATIVE BILL 866. Indefinitely postponed.

LEGISLATIVE BILL 903. Indefinitely postponed.

LEGISLATIVE BILL 975. Indefinitely postponed.

LEGISLATIVE BILL 1008. Indefinitely postponed.

LEGISLATIVE BILL 1108. Indefinitely postponed.

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Department of Veterans Affairs
John A. Hilgert, Director

VOTE: Aye: Senators Aguilar, Brown, Burling, McDonald, Schimek, Smith, Synowiecki, and Vrtiska. Nay: None. Absent: None.

(Signed) DiAnna R. Schimek, Chairperson

VISITORS

Visitors to the Chamber were 20 Family and Consumer Science teachers and members of Family Career and Community Leaders of America.

The Doctors of the Day were Dr. Tom Cohee and Dr. Jaime Dodge from Lincoln.

ADJOURNMENT

At 11:54 a.m., on a motion by Senator Coordsen, the Legislature adjourned until 9:00 a.m., Tuesday, February 12, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-THIRD DAY - FEBRUARY 12, 2002

LEGISLATIVE JOURNAL

**NINETY-SEVENTH LEGISLATURE
SECOND SESSION**

TWENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 12, 2002

PRAYER

The prayer was offered by Pastor Al Salanitro, St. Francis Borgia Catholic Church, Blair, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senator Foley who was excused; and Senators Bourne, Brashear, Brown, Cunningham, Landis, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-second day was approved.

ANNOUNCEMENT

The Natural Resources Committee designates LB 1023 and LB 1003 as its priority bills.

GENERAL FILE

LEGISLATIVE BILL 391. Senators Raikes, Jensen, Quandahl, and Schimek offered the following amendment:
AM2694

(Amendments to Standing Committee amendments, AM0588)

- 1 1. On page 3, line 18, before "Notwithstanding" insert
- 2 "(1)"; in line 22 strike "(1)"; in line 23 strike "(2)"; and after
- 3 line 24 insert the following new subsection:
- 4 "(2) The school board shall adopt a resolution selecting
- 5 the design-build contract or construction management at risk
- 6 delivery system provided under the act prior to proceeding with the

7 provisions of sections 5 to 15 of this act. The resolution shall
8 require the affirmative vote of at least seventy-five percent of
9 the school board."

Senators Coordsen and Aguilar asked unanimous consent to be excused until they return. No objections. So ordered.

The Raikes et al. amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Senator Chambers offered the following amendment:

FA847

Strike section 1

SPEAKER KRISTENSEN PRESIDING

Senator Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers withdrew his amendment.

Senator Brown offered the following amendment:

FA848

in Sec 5 subsection (1) strike 'awarding' after 'soliciting and' and insert 'executing'.

in Sec 5 subsection (7) strike 'award' after 'solicitation or' and insert 'execute'.

in Sec 7 subsection (1) strike 'award' after 'that will' and insert 'execute'.

The Brown amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Senator Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Suttle requested a record vote on the advancement of the bill.

Voting in the affirmative, 33:

| | | | | |
|---------|----------|---------------|----------|------------|
| Aguilar | Connealy | Kremer | Price | Suttle |
| Baker | Engel | Kristensen | Quandahl | Synowiecki |
| Bourne | Erdman | Landis | Raikes | Thompson |
| Bromm | Hartnett | Maxwell | Robak | Tyson |
| Brown | Janssen | Pedersen, Dw. | Schimek | Wehrbein |
| Burling | Jensen | Pederson, D. | Smith | |
| Byars | Jones | Preister | Stuhr | |

Voting in the negative, 0.

Present and not voting, 13:

| | | | | |
|----------|------------|----------|----------|------------|
| Beutler | Coordsen | Hudkins | Redfield | Wickersham |
| Brashear | Cudaback | Kruse | Schrock | |
| Bruning | Cunningham | McDonald | Vrtiska | |

Excused and not voting, 3:

Chambers Dierks Foley

Advanced to E & R for review with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 185. Title read. Considered.

The Standing Committee amendment, AM0789, found on page 958, First Session, 2001, was considered.

Senator D. Pederson withdrew his pending amendments, AM2304 and AM2305, found on pages 206 and 207.

Senator D. Pederson renewed his pending amendment, AM2650, found on page 588, to the Standing Committee amendment.

SENATOR CUDABACK PRESIDING

Senators Kristensen and McDonald asked unanimous consent to be excused. No objections. So ordered.

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 931A. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 931, Ninety-seventh Legislature, Second Session, 2002; and to reduce appropriations.

STANDING COMMITTEE REPORTS

Natural Resources

LEGISLATIVE BILL 942. Placed on General File.

LEGISLATIVE BILL 1023. Placed on General File as amended.
Standing Committee amendment to LB 1023:
AM2683

1 1. Insert the following new sections:
2 "Sec. 4. The Water Policy Task Force shall select an
3 executive committee. The executive committee shall consist of
4 three representatives from irrigation interests; one representative
5 from an agricultural organization; one representative from an
6 environmental organization; one representative from a recreational
7 organization; one representative of the state at large; one
8 representative of natural resources districts; one representative
9 of the Nebraska Power Association; one representative of
10 municipalities; one representative of the Department of Natural
11 Resources; one representative of the Attorney General's office; and
12 the chairperson and vice chairperson of the Natural Resources
13 Committee of the Legislature. Each executive committee member
14 shall be responsible for representing the rest of his or her
15 interest group on the executive committee. The executive committee
16 shall be responsible for developing the operating rules of the task
17 force and for developing proposals and recommendations to be
18 considered by the entire task force.

19 Sec. 5. The Water Policy Task Force shall meet at least
20 four times each year to consider the proposals and recommendations
21 of the executive committee and any other additional times as the
22 executive committee determines to be necessary to accomplish the
23 objectives established in section 1 of this act."

24 2. On page 2, strike beginning with the comma in line 4
1 through "rights" in line 6 and insert ". The issues to be examined
2 are: (1) A review of Laws 1996, LB 108, to determine what, if any,
3 changes are needed to adequately address Nebraska's conjunctive use
4 management issues; (2) an evaluation of the utility of allowing
5 temporary water transfers and, if deemed useful, development of
6 draft legislation and procedures for authorizing and implementing a
7 temporary water transfer law; (3) an evaluation of the utility of
8 authorizing additional types of permanent water transfers and, if
9 deemed useful, development of draft legislation and procedures for
10 authorizing and implementing additional types of permanent water
11 transfers; (4) a determination as to the usefulness of water
12 leasing or transfers and development of a potential water banking
13 system that would facilitate the temporary or permanent transfer of
14 water uses; and (5) a determination as to what other ways, if any,
15 inequities between surface water users and ground water users need
16 to be addressed and potential actions the state could take to
17 address any such inequities"; in line 9 after the second period
18 insert "(1)"; strike beginning with "One" in line 10 through
19 "Municipalities" in line 19 and insert "(a) Twenty irrigators, with
20 at least one irrigator from each of the state's thirteen river
21 basins, giving consideration to maintaining a balance between
22 surface water users and ground water users. Three irrigators shall
23 be selected from the Republican River Basin, two irrigators shall
24 be selected from the North Platte River Basin, two irrigators shall
25 be selected from the middle Platte River Basin, two irrigators

26 shall be selected from the Loup River Basin, two irrigators shall
 27 be selected from the Elkhorn River Basin, two irrigators shall be
 1 selected from the Big Blue River Basin, one irrigator shall be
 2 selected from the South Platte River Basin, one irrigator shall be
 3 selected from the lower Platte River Basin, one irrigator shall be
 4 selected from the Little Blue River Basin, one irrigator shall be
 5 selected from the Nemaha River Basin, one irrigator shall be
 6 selected from the Niobrara River Basin, one irrigator shall be
 7 selected from the White Hat River Basin, and one irrigator shall be
 8 selected from the Missouri tributaries basin; (b) three
 9 representatives from differing agricultural organizations; (c)
 10 three representatives from differing environmental organizations;
 11 (d) two representatives from differing recreational organizations;
 12 (e) three representatives to represent the state at large; (f) five
 13 representatives suggested for the Governor's consideration by the
 14 Nebraska Association of Resources Districts; (g) four
 15 representatives suggested for the Governor's consideration by the
 16 Nebraska Power Association; and (h) five representatives suggested
 17 for the Governor's consideration by the League of Nebraska
 18 Municipalities, with consideration given to maintaining a balance
 19 between larger and smaller municipalities"; in line 19 after "and"
 20 insert "(i)"; in line 23 before "Additional" insert "(2)"; and
 21 strike beginning with "a" in line 23 through line 28 and insert "
 22 (a) One representative from the Department of Natural Resources to
 23 coordinate as appropriate with other state agencies; (b) one
 24 representative from the Attorney General's office; (c) the
 25 chairperson of the Natural Resources Committee of the Legislature;
 26 and (d) the vice chairperson of the Natural Resources Committee of
 27 the Legislature. Other members of the Natural Resources Committee
 1 of the Legislature may participate as desired."
 2 3. On page 3, strike lines 1 through 3; and in line 22
 3 strike "appointed" and insert "selected".
 4 4. Renumber the remaining sections accordingly.

- LEGISLATIVE BILL 132.** Indefinitely postponed.
- LEGISLATIVE BILL 555.** Indefinitely postponed.
- LEGISLATIVE BILL 902.** Indefinitely postponed.
- LEGISLATIVE BILL 1255.** Indefinitely postponed.
- LEGISLATIVE BILL 1288.** Indefinitely postponed.

(Signed) Ed Schrock, Chairperson

Education

LEGISLATIVE BILL 1273. Placed on General File.

LEGISLATIVE BILL 1141. Placed on General File as amended.
 Standing Committee amendment to LB 1141:
 AM2643

- 1 1. Strike original section 6 and insert the following
- 2 new section:
- 3 "Sec. 5. This act becomes operative on January 1,
- 4 2003."
- 5 2. On page 2, strike beginning with "If" in line 14
- 6 through line 15 and insert "In all other cases".
- 7 3. Renumber the remaining section accordingly.

(Signed) Ron Raikes, Chairperson

AMENDMENTS - Print in Journal

Senator Bruning filed the following amendment to LB 1067:
AM2623

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. This act may be known and cited as the Human
- 4 Cloning Prohibition Act.
- 5 Sec. 2. The Legislature finds that:
- 6 (1) At least one company has announced that it has
- 7 successfully cloned a human being at the early embryonic stage of
- 8 life, and others have announced that they will attempt to clone a
- 9 human being using the technique known as somatic cell nuclear
- 10 transfer;
- 11 (2) Efforts to create human beings by cloning mark a new
- 12 and decisive step toward turning human reproduction into a
- 13 manufacturing process in which human beings are made in
- 14 laboratories to preordained specifications and, potentially, in
- 15 multiple copies;
- 16 (3) Creating cloned live-born human children, so-called
- 17 reproductive cloning, begins by creating cloned human beings at the
- 18 embryonic stage of life, a process which some also propose as a way
- 19 of creating human embryos for destructive research as sources of
- 20 stem cells and tissues for possible treatment of other humans,
- 21 so-called therapeutic cloning;
- 22 (4) Many scientists agree that attempts at reproductive
- 23 cloning pose a massive risk of either producing children who are
- 24 stillborn, unhealthy, or severely disabled, and that attempting
- 1 therapeutic cloning always results in the destruction of human
- 2 beings at the embryonic stage of life when their stem cells are
- 3 harvested;
- 4 (5) Creating new human life solely to be exploited,
- 5 reproductive cloning, or destroyed, therapeutic cloning, in these
- 6 ways has been condemned on moral grounds by many as displaying a
- 7 profound disrespect for life;
- 8 (6) The distinction between therapeutic cloning and
- 9 reproductive cloning is a false distinction scientifically because
- 10 both begin with the creation of a human being at the embryonic
- 11 stage of life, one destined for implantation in a womb, one

12 destined for destructive farming of its stem cells; regardless of
13 their ultimate destiny, all human embryos are simultaneously human
14 beings; and

15 (7) It will be nearly impossible to ban only attempts at
16 reproductive cloning if therapeutic cloning is allowed because:

17 (a) Cloning would take place within the privacy of a
18 doctor-patient relationship;

19 (b) The transfer of embryos to begin a pregnancy is a
20 simple procedure; and

21 (c) Any government effort to prevent the transfer of an
22 existing cloned embryo, or to prevent birth once transfer has
23 occurred, would raise substantial moral, legal, and practical
24 issues.

25 Based on these findings, it is the purpose of the Human
26 Cloning Prohibition Act to prohibit the use of cloning technology
27 to initiate the development of new human beings at the embryonic
1 stage of life for any purpose, therapeutic or reproductive.

2 Sec. 3. For purposes of the Human Cloning Prohibition
3 Act:

4 (1) Embryo means an organism of the species homo sapiens
5 from the single cell stage to eight weeks development;

6 (2) Fetus means an organism of the species homo sapiens
7 from eight weeks development until complete expulsion or extraction
8 from a woman's body or removal from an artificial womb or other
9 similar environment designed to nurture the development of such
10 organism;

11 (3) Human cloning means human asexual reproduction,
12 accomplished by introducing the genetic material of a human somatic
13 cell into an oocyte whose nucleus has been removed or inactivated,
14 to produce a living organism with a human or predominately human
15 genetic constitution;

16 (4) Human somatic cell means a cell having a complete set
17 of chromosomes obtained from a living or deceased human body at any
18 stage of development; and

19 (5) Oocyte means the human female germ cell, the egg.

20 Sec. 4. It shall be unlawful for any person or entity,
21 public or private, to intentionally or knowingly:

22 (1) Perform or attempt to perform human cloning;

23 (2) Participate in an attempt to perform human cloning;

24 (3) Transfer or receive the product of human cloning for
25 any purpose; or

26 (4) Transfer or receive, in whole or in part, any oocyte,
27 embryo, fetus, or human somatic cell for the purpose of human
1 cloning.

2 Sec. 5. Nothing in the Human Cloning Prohibition Act
3 shall restrict areas of scientific research not specifically
4 prohibited by the act, including in vitro fertilization, the
5 administration of fertility-enhancing drugs, research in the use of
6 nuclear transfer or other cloning techniques to produce molecules,

7 DNA, tissues, organs, plants, or animals other than humans, or
8 cells other than human embryos.

9 Sec. 6. (1) Any person or entity that violates
10 subdivision (1) or (2) of section 4 of this act shall be guilty of
11 a Class IV felony. Any person or entity that violates subdivision
12 (3) or (4) of section 4 of this act shall be guilty of a Class I
13 misdemeanor.

14 (2) Any person or entity that violates any provision of
15 the Human Cloning Prohibition Act and derives a pecuniary gain from
16 such violation shall be fined twice the amount of gross gain.

17 (3) Any violation of the act shall constitute
18 unprofessional conduct pursuant to the Uniform Licensing Law and
19 shall result in permanent revocation of a violator's license to
20 practice medicine and surgery.

21 (4) Any violation of the act may be the basis for (a)
22 denying an application for, (b) denying an application for the
23 renewal of, or (c) revoking any license, permit, certificate, or
24 other form of permission required to practice or engage in a trade,
25 occupation, or profession.

26 Sec. 7. If any section in this act or any part of any
27 section is declared invalid or unconstitutional, the declaration
1 shall not affect the validity or constitutionality of the remaining
2 portions."

Senator Schimek filed the following amendment to LB 95:
AM2658

(Amendments to Standing Committee amendments, AM0355)

- 1 1. Strike the original amendments and insert the
- 2 following new amendment:
- 3 "1. Strike the original sections and all amendments
- 4 thereto and insert the following new sections:
- 5 'Section 1. Section 60-6,211.08, Revised Statutes
- 6 Supplement, 2000, is amended to read:
- 7 60-6,211.08. (1) For purposes of this section:
- 8 (a) Alcoholic beverage means (i) beer, ale porter, stout,
- 9 and other similar fermented beverages, including sake or similar
- 10 products, of any name or description containing one-half of one
- 11 percent or more of alcohol by volume, brewed or produced from malt,
- 12 wholly or in part, or from any substitute therefor, (ii) wine of
- 13 not less than one-half of one percent of alcohol by volume, or
- 14 (iii) distilled spirits which is that substance known as ethyl
- 15 alcohol, ethanol, or spirits of wine in any form, including all
- 16 dilutions and mixtures thereof from whatever source or by whatever
- 17 process produced. Alcoholic beverage does not include trace
- 18 amounts not readily consumable as a beverage;
- 19 (b) Highway means a road or street including the entire
- 20 area within the right-of-way;
- 21 (c) Open alcoholic beverage container means any bottle,
- 22 can, or other receptacle:

23 (i) That contains any amount of alcoholic beverage; and

1 (ii)(A) That is open or has a broken seal or (B) the
2 contents of which are partially removed; and

3 (d) Passenger area means the area designed to seat the
4 driver and passengers while the motor vehicle is in operation and
5 any area that is readily accessible to the driver or a passenger
6 while in their seating positions, including any compartments in
7 such area. Passenger area does not include the area behind the
8 last upright seat of such motor vehicle if the area is not normally
9 occupied by the driver or a passenger and the motor vehicle is not
10 equipped with a trunk.

11 (2) Except as otherwise provided in this section, it
12 is unlawful for any person in the passenger area of a motor vehicle
13 to possess an open alcoholic beverage container while the motor
14 vehicle is located in a public parking area or on any highway in
15 this state.

16 (3) Except as provided in section 53-186 and subsection
17 (4) of this section, it is unlawful for any person to consume an
18 alcoholic beverage (a) in a public parking area or on any highway
19 in this state or (b) inside a motor vehicle while in a public
20 parking area or on any highway in this state.

21 (4) This section does not apply to persons who are
22 passengers in, but not drivers of, vehicles operated by carriers
23 authorized by the Public Service Commission to provide charter,
24 limousine, or special party service as defined in section 75-304.
25 Such passengers may possess open alcoholic beverage containers and
26 may consume alcoholic beverages while such vehicle is in a public
27 parking area or on any highway in this state, subject to the

1 following requirements:
2 (a) The driver of such vehicle is prohibited from

3 consuming or possessing alcoholic liquor;
4 (b) In the case of a special party service, the carrier
5 shall notify passengers at the time of reservation or purchase of
6 the special party service whether or not alcoholic beverages may be
7 consumed; and

8 (c) If a minor is found to be, or to have been, consuming
9 any alcoholic beverage while a passenger of a vehicle providing
10 such charter, limousine, or special party service, the contract
11 with the carrier shall be terminated and all passengers shall be
12 returned to the point of origin.

13 Sec. 2. Section 75-304, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 75-304. (1) The commission may establish, consistent
16 with subsection (2) of this section, such just and reasonable
17 classifications of groups of carriers, included in the terms common
18 carrier and contract carrier, as the special nature of the services
19 performed by such carriers require and adopt and promulgate such
20 just and reasonable rules, regulations, and requirements, to be
21 observed by the carrier so classified or grouped, as the commission

22 deems necessary or desirable in the public interest and as are
23 consistent with the provisions of sections 75-301 to 75-322.

24 (2) The following classifications of motor carrier
25 services subject to commission jurisdiction are established:

26 (a) Bus service, consisting of the following elements:

27 (i) The business of carrying passengers, (ii) who have hired such
1 service on a scheduled service basis or on a prearranged charter or
2 special party basis, (iii) by bus or van, (iv) either prearranged
3 or scheduled service, and (v) at a fare approved and on file with
4 the commission;

5 (b) Charter service, consisting of the transportation of
6 seven or more persons who collectively contract for transportation
7 on a particular trip paying one lump sum;

8 (c) Household goods moving service, consisting of the
9 following elements: (i) The business of carrying personal effects
10 and property used, or to be used, in a dwelling (ii) when the
11 transportation of such effects or property is arranged and paid for
12 by any party and (iii) includes transportation of property from a
13 factory, manufacturer, or store when the property is purchased with
14 the intent to use such property in a dwelling;

15 (d) Limousine service, consisting of the following
16 elements: (i) The business of carrying passengers for hire by a
17 vehicle, (ii) along a route under the control of the person who
18 hired the vehicle and not over a defined regular route, (iii) on a
19 prearranged and not on a demand basis, and (iv) at a premium fare,
20 as such fare is defined by the commission;

21 (e) Open class service, consisting of the following
22 elements: (i) The business of carrying passengers for hire by a
23 vehicle, (ii) along the most direct route between the points of
24 origin and destination or along a route under the control of the
25 person who hired the vehicle and not over a defined regular route,
26 and (iii) at a mileage-based or per-trip fare;

27 (f) Scheduled service, consisting of service by any
1 regulated motor carrier who undertakes to transport passengers and
2 their baggage in intrastate commerce by motor vehicle for
3 compensation between fixed termini and over a specific highway or
4 highways upon an established or fixed schedule;

5 (g) Special party service, consisting of the
6 transportation of one or more persons who individually contract for
7 transportation to a common destination with each person paying an
8 individual sum; and

9 (h) Taxicab service, consisting of the following
10 elements: (i) The business of carrying passengers for hire by a
11 vehicle, the type of which may be established by the commission,
12 (ii) along the most direct route between the points of origin and
13 destination or a route under the control of the person who hired
14 the vehicle and not over a defined regular route, (iii) on a
15 prearranged or demand basis, (iv) at a metered mileage-based or
16 per-trip fare, and (v) commencing within or restricted to a defined

17 geographic area.

18 (3) All certificates and permits issued by the commission
19 shall be construed and interpreted, and the operations authorized
20 thereunder shall be tested and determined, in accordance with such
21 ~~classification so established~~ classifications and any rule,
22 regulation, or requirement prescribed by the commission relating to
23 such carrier so classified.
24 Sec. 3. Original section 75-304, Reissue Revised
25 Statutes of Nebraska, and section 60-6,211.08, Revised Statutes
26 Supplement, 2000, are repealed.'."

ANNOUNCEMENT

Senator Dw. Pedersen designates LB 1227 as his priority bill.

UNANIMOUS CONSENT - Add Cointroducers

Senator Vrtiska asked unanimous consent to have his name added as cointroducer to LB 1192. No objections. So ordered.

Senator Connealy asked unanimous consent to have his name added as cointroducer to LB 1105. No objections. So ordered.

Senator Engel asked unanimous consent to have his name added as cointroducer to LB 1207 and LB 1300. No objections. So ordered.

Senator Price asked unanimous consent to have her name added as cointroducer to LB 1263. No objections. So ordered.

VISITORS

Visitors to the Chamber were 18 members of the Aurora and Merrick County Leadership Tomorrow class from Aurora, Polk, and Central City; Judi Krzemien from Santa Monica, California, and Mary Ann Krzemien from Omaha; former Senator Willard Waldo from DeWitt; and former Senator Carson Rogers from Ord.

ADJOURNMENT

At 12:02 p.m., on a motion by Senator Vrtiska, the Legislature adjourned until 9:00 a.m., Wednesday, February 13, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FOURTH DAY - FEBRUARY 13, 2002**LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE
SECOND SESSION****TWENTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 13, 2002

PRAYER

The prayer was offered by Reverend Mike Gruhn, Trinity Lutheran Church, Lexington, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

The roll was called and all members were present except Senators Byars, Landis, Tyson, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-third day was approved.

MOTION - Approve Appointment

Senator Schimek moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following appointment found on page 594: Department of Veterans Affairs - John A. Hilgert, Director.

Voting in the affirmative, 44:

| | | | | |
|----------|------------|------------|---------------|------------|
| Aguilar | Chambers | Hudkins | Pedersen, Dw. | Schrock |
| Baker | Connealy | Janssen | Pederson, D. | Smith |
| Beutler | Coordsen | Jensen | Preister | Stuhr |
| Bourne | Cunningham | Jones | Price | Suttle |
| Brashear | Dierks | Kremer | Quandahl | Synowiecki |
| Bromm | Engel | Kristensen | Raikes | Thompson |
| Brown | Erdman | Landis | Redfield | Vrtiska |
| Bruning | Foley | Maxwell | Robak | Wehrbein |
| Burling | Hartnett | McDonald | Schimek | |

Voting in the negative, 0.

Present and not voting, 2:

Cudaback Kruse

Excused and not voting, 3:

Byars Tyson Wickersham

The appointment was confirmed with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 857.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-1109.01, 8-1508, 8-1511, 76-882, and 87-301, Reissue Revised Statutes of Nebraska, and section 8-1401, Revised Statutes Supplement, 2000; to update statutory references; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

| | | | | |
|----------|------------|---------------|--------------|------------|
| Aguilar | Connealy | Janssen | Pederson, D. | Stuhr |
| Baker | Coordsen | Jensen | Preister | Suttle |
| Beutler | Cudaback | Jones | Price | Synowiecki |
| Bourne | Cunningham | Kremer | Quandahl | Thompson |
| Brashear | Dierks | Kristensen | Raikes | Vrtiska |
| Bromm | Engel | Kruse | Redfield | Wehrbein |
| Brown | Erdman | Landis | Robak | Wickersham |
| Bruning | Foley | Maxwell | Schimek | |
| Burling | Hartnett | McDonald | Schrock | |
| Chambers | Hudkins | Pedersen, Dw. | Smith | |

Voting in the negative, 0.

Excused and not voting, 2:

Byars Tyson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 858. With Emergency.

A BILL FOR AN ACT relating to the Department of Agriculture; to amend sections 54-1412 and 54-1413, Reissue Revised Statutes of Nebraska; to transfer sections dealing with domestic animals; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

| | | | | |
|----------|------------|---------------|--------------|------------|
| Aguilar | Connealy | Janssen | Pederson, D. | Stuhr |
| Baker | Coordsen | Jensen | Preister | Suttle |
| Beutler | Cudaback | Jones | Price | Synowiecki |
| Bourne | Cunningham | Kremer | Quandahl | Thompson |
| Brashear | Dierks | Kristensen | Raikes | Vrtiska |
| Bromm | Engel | Kruse | Redfield | Wehrbein |
| Brown | Erdman | Landis | Robak | Wickersham |
| Bruning | Foley | Maxwell | Schimek | |
| Burling | Hartnett | McDonald | Schrock | |
| Chambers | Hudkins | Pedersen, Dw. | Smith | |

Voting in the negative, 0.

Excused and not voting, 2:

Byars Tyson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 859.

A BILL FOR AN ACT relating to the Department of Economic Development; to repeal provisions which terminated on June 30, 1999; and to outright repeal sections 81-1288 to 81-1294, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

| | | | | |
|----------|------------|---------------|--------------|------------|
| Aguilar | Connealy | Janssen | Pederson, D. | Stuhr |
| Baker | Coordsen | Jensen | Preister | Suttle |
| Beutler | Cudaback | Jones | Price | Synowiecki |
| Bourne | Cunningham | Kremer | Quandahl | Thompson |
| Brashear | Dierks | Kristensen | Raikes | Vrtiska |
| Bromm | Engel | Kruse | Redfield | Wehrbein |
| Brown | Erdman | Landis | Robak | Wickersham |
| Bruning | Foley | Maxwell | Schimek | |
| Burling | Hartnett | McDonald | Schrock | |
| Chambers | Hudkins | Pedersen, Dw. | Smith | |

Voting in the negative, 0.

Excused and not voting, 2:

Byars Tyson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 860.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-716, Revised Statutes Supplement, 2001; to harmonize provisions relating to deposits; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

| | | | | |
|----------|------------|---------------|--------------|------------|
| Aguilar | Connealy | Janssen | Pederson, D. | Stuhr |
| Baker | Coordsen | Jensen | Preister | Suttle |
| Beutler | Cudaback | Jones | Price | Synowiecki |
| Bourne | Cunningham | Kremer | Quandahl | Thompson |
| Brashear | Dierks | Kristensen | Raikes | Vrtiska |
| Bromm | Engel | Kruse | Redfield | Wehrbein |
| Brown | Erdman | Landis | Robak | Wickersham |
| Bruning | Foley | Maxwell | Schimek | |
| Burling | Hartnett | McDonald | Schrock | |
| Chambers | Hudkins | Pedersen, Dw. | Smith | |

Voting in the negative, 0.

Excused and not voting, 2:

Byars Tyson

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 1101. E & R amendment, AM7169, found on page 590, was adopted.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 185. Senator D. Pederson renewed his pending amendment, AM2650, found on page 588 and considered on page 597, to the Standing Committee amendment.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 857, 858, 859, and 860.

STANDING COMMITTEE REPORT Banking, Commerce and Insurance

LEGISLATIVE BILL 888. Indefinitely postponed.

(Signed) David M. Landis, Chairperson

AMENDMENT - Print in Journal

Senator Thompson filed the following amendment to LB 1073:
AM2708

- 1 1. On page 3, line 15, after "permit" insert "or a
- 2 school permit"; in line 21 strike the comma and insert "and"; and
- 3 strike beginning with the comma in line 22 through "application" in
- 4 line 23.

ANNOUNCEMENT

The Banking, Commerce and Insurance Committee designates LB 1139 as its priority bill.

GENERAL FILE

LEGISLATIVE BILL 185. The D. Pederson pending amendment, AM2650, found on page 588 and considered on page 597 and in this day's Journal, to the Standing Committee amendment, was renewed.

Senators Janssen and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

SENATOR CUDABACK PRESIDING

Senator Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS **General Affairs**

LEGISLATIVE BILL 950. Placed on General File.

LEGISLATIVE BILL 959. Indefinitely postponed.

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Nebraska Arts Council
Louise Bereuter

VOTE: Aye: Senators Burling, Cunningham, Erdman, Janssen, McDonald, Synowiecki, Redfield, and Schrock. Nay: None. Absent: None.

(Signed) Ray Janssen, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 13, 2002, at 10:30 a.m., were the following: LBs 857, 858e, 859, and 860.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

AMENDMENT - Print in Journal

Senator Bromm filed the following amendment to LB 470A:
AM2730

- 1 1. Strike the original section and insert the following
- 2 new section:
- 3 "Section 1. There is hereby appropriated (1) \$303,500
- 4 from cash funds and \$60,000 from federal funds for FY2002-03 and
- 5 (2) \$303,500 from cash funds and \$60,000 from federal funds for
- 6 FY2003-04 to the Nebraska State Patrol, for Program 205, to aid in
- 7 carrying out the provisions of Legislative Bill 470, Ninety-seventh
- 8 Legislature, Second Session, 2002.

9 Total expenditures for permanent and temporary salaries
 10 and per diems from funds appropriated in this section shall not
 11 exceed \$363,500 for FY2002-03 or \$363,500 for FY2003-04."

GENERAL FILE

LEGISLATIVE BILL 185. The D. Pederson pending amendment, AM2650, found on page 588 and considered on pages 597 and 611, to the Standing Committee amendment, was renewed.

Senators Beutler, Dierks, and Bruning asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Engel moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator D. Pederson moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator D. Pederson requested a roll call vote on his amendment.

Voting in the affirmative, 23:

| | | | | |
|----------|----------|---------------|----------|------------|
| Baker | Connealy | Janssen | Preister | Synowiecki |
| Beutler | Cudaback | Kruse | Price | Thompson |
| Bourne | Engel | Landis | Robak | Wickersham |
| Byars | Erdman | Pedersen, Dw. | Schimek | |
| Chambers | Foley | Pederson, D. | Suttle | |

Voting in the negative, 21:

| | | | | |
|----------|------------|----------|----------|---------|
| Aguilar | Coordsen | Jones | Redfield | Vrtiska |
| Brashear | Cunningham | Kremer | Schrock | |
| Bromm | Hartnett | McDonald | Smith | |
| Brown | Hudkins | Quandahl | Stuhr | |
| Burling | Jensen | Raikes | Tyson | |

Present and not voting, 1:

Maxwell

Excused and not voting, 4:

| | | | |
|---------|--------|------------|----------|
| Bruning | Dierks | Kristensen | Wehrbein |
|---------|--------|------------|----------|

The D. Pederson amendment lost with 23 ayes, 21 nays, 1 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

The Standing Committee amendment, AM0789, found on page 958, 1st Session, 2001, and considered on page 597, was renewed.

Pending.

STANDING COMMITTEE REPORTS Urban Affairs

LEGISLATIVE BILL 1203. Placed on General File as amended.
Standing Committee amendment to LB 1203:
AM2723

- 1 1. On page 2, line 28; and page 5, line 21, after the
2 period insert "Certified mail sent to the last-known address of the
3 owner or the duly authorized agent as it appears on the rolls of
4 the county assessor on the date the mail is sent shall constitute
5 notice.".
- 6 2. Strike beginning with "If" on page 2, line 28,
7 through page 3, line 7.
- 8 3. Strike beginning with "If" on page 5, line 22,
9 through page 6, line 1.

LEGISLATIVE BILL 1239. Placed on General File as amended.
Standing Committee amendment to LB 1239:
AM2722

- 1 1. Strike original section 1.
- 2 2. Insert the following new sections:
- 3 "Section 1. Section 31-740, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 31-740. (1) The board of trustees or the administrator
6 of any district organized under sections 31-727 to 31-762 shall
7 have power to provide for establishing, maintaining, and
8 constructing gas and electric service lines and conduits, an
9 emergency management warning system, water mains, sewers, and
10 disposal plants and disposing of drainage, waste, and sewage of
11 such district in a satisfactory manner; for establishing,
12 maintaining, and constructing sidewalks, public roads, streets, and
13 highways, including grading, changing grade, paving, repaving,
14 graveling, regaveling, widening, or narrowing roads, resurfacing
15 or relaying existing pavement, or otherwise improving any road,
16 street, or highway within the district, including protecting
17 existing sidewalks, streets, highways, and roads from floods or
18 erosion which has moved within fifteen feet from the edge of such
19 sidewalks, streets, highways, or roads, regardless of whether such
20 flooding or erosion is of natural or artificial origin; for
21 establishing, maintaining, and constructing public waterways,
22 docks, or wharfs, and related appurtenances; and for constructing
23 and contracting for the construction of dikes and levees for flood

24 protection for the district.

1 (2) The board of trustees or the administrator of any
2 district may contract for electricity for street lighting for the
3 public streets and highways within the district and shall have
4 power to provide for building, acquisition, improvement,
5 maintenance, and operation of public parks, playgrounds, and
6 recreational facilities, and, when permitted by section 31-727, for
7 contracting with other sanitary and improvement districts for the
8 building, acquisition, improvement, maintenance, and operation of
9 public parks, playgrounds, and recreational facilities for the
10 joint use of the residents of the contracting districts, and for
11 contracting for any public purpose specifically authorized in this
12 section. Power to construct clubhouses and similar facilities for
13 the giving of private parties within the zoning jurisdiction of any
14 city or village is not included in the powers granted in this
15 section. Any sewer system established shall be approved by the
16 Department of Health and Human Services Regulation and Licensure.

17 (3) Prior to the installation of any of the improvements
18 or services provided for in this section, the plans or contracts
19 for such improvements or services, other than for public parks,
20 playgrounds, and recreational facilities, whether a district acts
21 separately or jointly with other districts as permitted by section
22 31-727, shall be approved by the public works department of any
23 municipality when such improvements or any part thereof or services
24 are within the area of the zoning jurisdiction of such
25 municipality. If such improvements or services are without the
26 area of the zoning jurisdiction of any municipality, plans for such
27 improvements shall be approved by the county board of the county in
1 which such improvements are located. Plans and exact costs for
2 public parks, playgrounds, and recreational facilities shall be
3 approved by resolution of the governing body of such municipality
4 or county after a public hearing, ~~held not less than five days~~
5 ~~after notice of the hearing has been published in a newspaper of~~
6 ~~general circulation in such municipality or county.~~ Purchases of
7 public parks, playgrounds, and recreational facilities so approved
8 may be completed and shall be valid notwithstanding any interest of
9 any trustee of the district in the transaction. Such approval
10 shall relate to conformity with the master plan and the
11 construction specifications and standards established by such
12 municipality or county. When no master plan and construction
13 specifications and standards have been established, such approval
14 shall not be required. When such improvements are within the area
15 of the zoning jurisdiction of more than one municipality, such
16 approval shall be required only from the most populous
17 municipality, except that when such improvements are furnished to
18 the district by contract with a particular municipality, the
19 necessary approval ~~may~~ shall in all cases be given by such
20 municipality. The municipality or county shall be required to
21 approve plans for such improvements and shall enforce compliance

22 with such plans by action in equity.

23 (4) The district may construct its sewage disposal plant
 24 and other sewerage or water improvements, or both, in whole or in
 25 part, inside or outside the boundaries of the district and may
 26 contract with corporations or municipalities for disposal of sewage
 27 and use of existing sewerage improvements and for a supply of water
 1 for fire protection and for resale to residents of the district.
 2 It may also contract with any corporation, public power district,
 3 electric membership or cooperative association, or municipality for
 4 the installation, maintenance, and cost of operating a system of
 5 street lighting upon the public streets and highways within the
 6 district, for installation, maintenance, and operation of a water
 7 system, or for the installation, maintenance, and operation of
 8 electric service lines and conduits, and to provide water service
 9 for fire protection and use by the residents of the district. It
 10 may also contract with any corporation, municipality, or other
 11 sanitary and improvement district, as permitted by section 31-727,
 12 for building, acquiring, improving, and operating public parks,
 13 playgrounds, and recreational facilities for the joint use of the
 14 residents of the contracting parties. It may also contract with a
 15 county within which all or a portion of such sanitary and
 16 improvement district is located or a city within whose zoning
 17 jurisdiction the sanitary and improvement district is located for
 18 intersection and traffic control improvements, which improvements
 19 serve or benefit the district and which may be within or without
 20 the corporate boundaries of the district, and for any public
 21 purpose specifically authorized in this section.

22 (5) Each sanitary and improvement district shall have the
 23 books of account kept by the board of trustees of the district
 24 examined and audited by a certified public accountant or a public
 25 accountant for the year ending June 30 and shall file a copy of the
 26 audit with the office of the Auditor of Public Accounts by December
 27 31 of the same year. Such audits may be waived by the Auditor of
 1 Public Accounts upon proper showing by the district that the audit
 2 is unnecessary. Such examination and audit shall show ~~(1)~~ (a) the
 3 gross income of the district from all sources for the previous
 4 year, ~~(2)~~ (b) the amount spent for sewage disposal, ~~(3)~~ (c) the
 5 amount expended on water mains, ~~(4)~~ (d) the gross amount of sewage
 6 processed in the district, ~~(5)~~ (e) the cost per thousand gallons of
 7 processing sewage, ~~(6)~~ (f) the amount expended each year for ~~(a)~~
 8 (i) maintenance and repairs, ~~(b)~~ (ii) new equipment, ~~(c)~~ (iii) new
 9 construction work, and ~~(d)~~ (iv) property purchased, ~~(7)~~ (g) a
 10 detailed statement of all items of expense, ~~(8)~~ (h) the number of
 11 employees, ~~(9)~~ (i) the salaries and fees paid employees, ~~(10)~~ (j)
 12 the total amount of taxes levied upon the property within the
 13 district, and ~~(11)~~ (k) all other facts necessary to give an
 14 accurate and comprehensive view of the cost of carrying on the
 15 activities and work of such sanitary and improvement district. The
 16 reports of all audits provided for in this section shall be and

17 remain a part of the public records in the office of the Auditor of
18 Public Accounts. The expense of such audits shall be paid out of
19 the funds of the district. The Auditor of Public Accounts shall be
20 given access to all books and papers, contracts, minutes, bonds,
21 and other documents and memoranda of every kind and character of
22 such district and be furnished all additional information possessed
23 by any present or past officer or employee of any such district, or
24 by any other person, that is essential to the making of a
25 comprehensive and correct audit.

26 (6) If any sanitary and improvement district fails or
27 refuses to cause such annual audit to be made of all of its
1 functions, activities, and transactions for the fiscal year within
2 a period of six months following the close of such fiscal year,
3 unless such audit has been waived, the Auditor of Public Accounts
4 shall, after due notice and a hearing to show cause by such
5 district, appoint a certified public accountant or public
6 accountant to conduct the annual audit of the district and the fee
7 for such audit shall become a lien against the district.

8 (7) Whenever the sanitary sewer system or any part
9 thereof of a sanitary and improvement district is directly or
10 indirectly connected to the sewerage system of any city, such city,
11 without enacting an ordinance or adopting any resolution for such
12 purpose, may collect such city's applicable rental or use charge
13 from the users in the sanitary and improvement district and from
14 the owners of the property served within the sanitary and
15 improvement district. The charges of such city shall be charged to
16 each property served by the city sewerage system, shall be a lien
17 upon the property served, and may be collected from the owner or
18 the person, firm, or corporation using the service. If the city's
19 applicable rental or service charge is not paid when due, such sum
20 may be recovered by the municipality in a civil action or it may be
21 assessed against the premises served in the same manner as special
22 taxes or assessments are assessed by such city and collected and
23 returned in the same manner as other municipal special taxes or
24 assessments are enforced and collected. When any such tax or
25 assessment is levied, it shall be the duty of the city clerk to
26 deliver a certified copy of the ordinance to the county treasurer
27 of the county in which the premises assessed are located and such
1 county treasurer shall collect the same as provided by law and
2 return the same to the city treasurer. Funds of such city raised
3 from such charges shall be used by it in accordance with laws
4 applicable to its sewer service rental or charges. The governing
5 body of any city may make all necessary rules and regulations
6 governing the direct or indirect use of its sewerage system by any
7 user and premises within any sanitary and improvement district and
8 may establish just and equitable rates or charges to be paid to
9 such city for use of any of its disposal plants and sewerage
10 system. The board of trustees shall have power, in connection with
11 the issuance of any warrants or bonds of the district, to agree to

12 make a specified minimum levy on taxable property in the district
 13 to pay, or to provide a sinking fund to pay, principal and interest
 14 on warrants and bonds of the district for such number of years as
 15 the board may establish at the time of making such agreement and
 16 shall also have power to agree to enforce, by foreclosure or
 17 otherwise as permitted by applicable laws, the collection of
 18 special assessments levied by the district. Such agreements may
 19 contain provisions granting to creditors and others the right to
 20 enforce and carry out the agreements on behalf of the district and
 21 its creditors.

22 (8) The board of trustees or administrator shall have
 23 power to sell and convey real and personal property of the district
 24 on such terms as it or he or she shall determine, except that real
 25 estate shall be sold to the highest bidder at public auction after
 26 notice of the time and place of the sale has been published for
 27 three consecutive weeks prior to the sale in a newspaper of general
 1 circulation in the county. The board of trustees or administrator
 2 may reject such bids and negotiate a sale at a price higher than
 3 the highest bid at the public auction at such terms as may be
 4 agreed.

5 Sec. 2. Section 31-741, Reissue Revised Statutes of
 6 Nebraska, is amended to read:

7 31-741. For the first eight years after the election of
 8 the initial board of trustees pursuant to section 31-735, all
 9 contracts for construction work to be done or materials or
 10 equipment purchased, the expense of which is more than ~~three ten~~
 11 thousand dollars, and after such eight-year period, all contracts
 12 for work to be done or materials or equipment purchased, the
 13 expense of which is more than ~~five~~ fifteen thousand dollars, shall
 14 be let to the lowest responsible bidder, upon notice of not less
 15 than twenty days, of the terms and conditions of the contract to be
 16 let. The board of trustees or the administrator shall have power
 17 to reject any and all bids and readvertise for the letting of such
 18 work or to negotiate any contract after an unsuccessful public
 19 letting."

20 3. On page 14, line 8, after "sections" insert "31-740,
 21 31-741,"; and strike beginning with "and" in line 9 through the
 22 last comma in line 10.

23 4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1143. Placed on General File as amended.
 Standing Committee amendment to LB 1143:
 AM2724

- 1 1. Insert the following new section:
- 2 "Sec. 3. Since an emergency exists, this act takes
- 3 effect when passed and approved according to law."
- 4 2. On page 2, strike lines 10 through 12 and insert the
- 5 following new subsection:
- 6 "(3) Any municipality may, by ordinance, allow

7 pedestrians to solicit contributions on roadways within its
8 corporate boundaries if the contributions are to be devoted to
9 charitable or community betterment purposes.".

(Signed) D. Paul Hartnett, Chairperson

Education

LEGISLATIVE BILL 1212. Placed on General File.

(Signed) Ron Raikes, Chairperson

SELECT COMMITTEE REPORT Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: LB 1101.

(Signed) Philip Erdman, Chairperson

ANNOUNCEMENT

Senator Erdman designates LB 1033 as his priority bill.

VISITORS

Visitors to the Chamber were Meghan Houston from Harvard and Sarah Weides from Lexington; Eugene and Betty Herron from North Platte; and members of Leadership Bellevue and Bellevue Chamber of Commerce.

ADJOURNMENT

At 11:53 a.m., on a motion by Senator Brashear, the Legislature adjourned until 9:00 a.m., Thursday, February 14, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIFTH DAY - FEBRUARY 14, 2002**LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE
SECOND SESSION****TWENTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, February 14, 2002

PRAYER

The prayer was offered by Senator Price.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Bruning, Hartnett, and Quandahl who were excused; and Senators Kremer and Landis who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fourth day was approved.

**STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance**

LEGISLATIVE BILL 1215. Placed on General File.

LEGISLATIVE BILL 944. Indefinitely postponed.

LEGISLATIVE BILL 1090. Indefinitely postponed.

(Signed) David M. Landis, Chairperson

AMENDMENTS - Print in Journal

Senator Smith filed the following amendment to LB 446:
AM2743

(Amendments to Final Reading copy)

- 1 1. Insert the following new sections:
- 2 "Sec. 6. Section 3-125.01, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:

- 4 ~~3-125.01. The Department of Aeronautics~~ Military
 5 Department, out of funds appropriated for that purpose, may
 6 contract with the Nebraska Wing of the Civil Air Patrol, the
 7 civilian auxiliary of the United States Air Force, for the
 8 following purposes:
 9 (1) To encourage and aid American citizens in the
 10 contribution of their efforts, services, and resources in the
 11 development of aviation and the maintenance of aerospace supremacy;
 12 (2) To encourage and develop, by example, the voluntary
 13 contribution of private citizens to the public welfare;
 14 (3) To provide aviation and aerospace education and
 15 training;
 16 (4) To foster and encourage civil aviation in local
 17 communities throughout the state; and
 18 (5) To assist in meeting emergencies within the state.
 19 Sec. 7. Section 55-101, Reissue Revised Statutes of
 20 Nebraska, is amended to read:
 21 55-101. Sections 55-101 to 55-180 and section 6 of this
 22 act shall be known and may be cited as the Military Code."
 23 2. On page 1, line 1, after "sections" insert
 1 "3-125.01,"; in line 2 strike "and 3-514" and insert "3-514, and
 2 55-101"; and in line 3 before "airport" insert "contracting with
 3 the Civil Air Patrol and".
 4 3. Renumber the remaining sections and correct the
 5 repealer accordingly.

Senator Janssen filed the following amendment to LB 545:
 (Amendment, AM2749, may be found in the Bill Books. The amendment
 has been printed separately and is on file in the Bill Room - Room 1102.)

REPORTS

The following reports were received by the Legislature:

Administrative Services, Department of

Bonding of State Employees, Officers, and Public Officials Report
Energy Office, Nebraska

Annual Report - FY 2000-2001

Nebraska Energy Statistics

Environmental Quality, Department of

Litter Reduction and Recycling Grant Program - 2001 Annual Report

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 14,
 2002, in accordance with Section 49-1481, Revised Statutes of Nebraska.
 Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
 Clerk of the Legislature

Radcliffe, Walter H.
Committee to Amend LB 1089, The

Skochdopole, Robert A.
Beef, Ltd., Nebraska

RESOLUTION

LEGISLATIVE RESOLUTION 295. Introduced by Coordsen, 32.

WHEREAS, rural schools provide a quality education for approximately 150,000 students in Nebraska; and

WHEREAS, rural schools provide a community-based education that links children to their community, its history, and its future; and

WHEREAS, rural schools encourage students to participate in extracurricular activities to develop their talents and leadership skills; and

WHEREAS, rural schools are the center of social and community-based activities in many small towns and rural areas and provide many economic development and social benefits to rural places and rural people.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That February 19, 2002, be declared Rural Education Day in Nebraska.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 185. Senator D. Pederson offered the following amendment to the Standing Committee amendment:
AM2759

(Amendments to Standing Committee amendments, AM0789)

1. Strike amendment 1 and insert the following new amendment:
 - "1. Strike the original sections and insert the following new sections:
 - 'Section 1. (1) No railroad company shall allow the operation of any freight train or locomotive in over-the-road movements in this state unless the freight train or locomotive has a crew of at least two railroad company employees.
 - (2) For purposes of sections 1 to 3 of this act:
 - (a) Over-the-road movements means the transport of locomotives attached to freight cars or other locomotives and does not include hostler and helper movements or mechanical or incidental movements; and
 - (b) Railroad company means any individual, partnership, firm, limited liability company, corporation, company, society, or association managing, maintaining, operating, or in possession of a railroad in whole or in part within this state whether as owner or

18 contractor. The term also includes any form of nonhighway ground
19 transportation that runs on rails or electromagnetic guideways and
20 any entity providing such transportation.

21 Sec. 2. Section 1 of this act does not apply if the

22 United States Secretary of Transportation, through the Federal

23 Railroad Administration, prescribes a regulation or issues an order

1 covering the subject matter of the state requirement.

2 Sec. 3. Any railroad company that violates section 1 of

3 this act is subject to a first offense fine of not less than one

4 hundred dollars, a second offense fine of not less than two hundred

5 fifty dollars, and a third offense fine of five hundred dollars.

6 All fines shall apply to each freight train or locomotive operated

7 on each day of operation in this state, shall be enforced by the

8 Public Service Commission, and shall be remitted to the State

9 Treasurer for credit to the permanent school fund.

10 Sec. 4. If any section in this act or any part of any

11 section is declared invalid or unconstitutional, the declaration

12 shall not affect the validity or constitutionality of the remaining

13 portions, therefor, such portions shall be severable.'".

Senator D. Pederson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Senator D. Pederson moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator D. Pederson requested a record vote on his amendment.

Voting in the affirmative, 42:

| | | | | |
|----------|------------|---------------|--------------|------------|
| Aguilar | Chambers | Jensen | Pederson, D. | Stuhr |
| Baker | Connealy | Jones | Preister | Suttle |
| Beutler | Coordsen | Kremer | Price | Synowiecki |
| Bourne | Cudaback | Kristensen | Raikes | Thompson |
| Brashear | Cunningham | Kruse | Redfield | Wehrbein |
| Bromm | Engel | Landis | Robak | Wickersham |
| Brown | Erdman | Maxwell | Schimek | |
| Burling | Foley | McDonald | Schrock | |
| Byars | Janssen | Pedersen, Dw. | Smith | |

Voting in the negative, 0.

Present and not voting, 4:

| | | | |
|--------|---------|-------|---------|
| Dierks | Hudkins | Tyson | Vrtiska |
|--------|---------|-------|---------|

Excused and not voting, 3:

Bruning Hartnett Quandahl

The D. Pederson amendment was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Baker offered the following amendment to the Standing Committee amendment:

FA849

Amend AM2759

After word "No" in Section 1, Line 5, page 1 insert the words "Class I"
On line 9, page 1 after the word "act: " insert a new subsection (a) with the following language "Class I has the same meaning as in C.F.R. 1201, as such regulation existed on January 1, 2002;

SPEAKER KRISTENSEN PRESIDING

Senators Jones and Aguilar asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Erdman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Senator Baker moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

The Baker amendment was adopted with 25 ayes, 5 nays, 15 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Erdman offered the following amendment to the Standing Committee amendment:

FA850

Amend AM2759

Strike "in over-the-road movements" line 6-7, pg.1 and insert "between terminals"

Strike Sect. (1) Sub Section (2)(a) and insert: Terminal means one or more tracks within an area in which the switching of rolling stock and testing, servicing, repair, or inspection of freight or passenger rolling stock or locomotives is conducted

The Erdman amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, AM0789, as amended, was renewed.

Senator Connealy moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 14 nays, 6 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Stuhr asked unanimous consent to be excused until she returns. No objections. So ordered.

SENATOR CUDABACK PRESIDING

Senator Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Brashear moved the previous question. The question is, "Shall the debate now close?"

Senator Brashear moved for a call of the house. The motion prevailed with 23 ayes, 2 nays, and 24 not voting.

Senator Brashear requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 16:

| | | | |
|----------|---------|---------|----------|
| Baker | Brown | Jensen | Smith |
| Beutler | Burling | Kremer | Thompson |
| Brashear | Erdman | Kruse | Vrtiska |
| Bromm | Hudkins | Schrock | Wehrbein |

Voting in the negative, 26:

| | | | | |
|----------|------------|---------------|------------|------------|
| Aguilar | Cunningham | Maxwell | Raikes | Tyson |
| Bourne | Dierks | McDonald | Redfield | Wickersham |
| Byars | Engel | Pedersen, Dw. | Robak | |
| Chambers | Foley | Pederson, D. | Schimek | |
| Connealy | Janssen | Preister | Suttle | |
| Coordsen | Landis | Price | Synowiecki | |

Present and not voting, 1:

Cudaback

Excused and not voting, 6:

| | | |
|----------|------------|----------|
| Bruning | Jones | Quandahl |
| Hartnett | Kristensen | Stuhr |

The motion to cease debate failed with 16 ayes, 26 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

Senator Brashear asked unanimous consent to be excused. No objections. So ordered.

MOTION - Place LB 447 on General File

Senator Beutler renewed his pending motion, found on page 296, to place LB 447 on General File pursuant to Rule 3, Section 20(b).

Pending.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 1003. Placed on General File as amended.
(Standing Committee amendment, AM2691, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Ed Schrock, Chairperson

Health and Human Services

LEGISLATIVE BILL 1032. Placed on General File.

(Signed) Jim Jensen, Chairperson

Education

LEGISLATIVE BILL 1250. Placed on General File as amended.
Standing Committee amendment to LB 1250:
AM2746

- 1 1. Strike the original section and insert the following
- 2 new section:
- 3 "Section 1. On and after January 1, 2003, all contracts
- 4 for the purchase of textbooks for school districts and educational
- 5 service units shall require the publisher or manufacturer to
- 6 provide to the school district or educational service unit, at no
- 7 cost, (a) computer files or other electronic versions of each
- 8 textbook title purchased and (b) the right to transcribe,
- 9 reproduce, modify, and distribute each textbook title purchased in
- 10 braille, large print if the publisher or manufacturer does not

11 offer a large-print edition, or other specialized accessible media
 12 exclusively for use by students in the same school district who are
 13 blind or visually impaired.

14 The contract shall also provide that: (1) Within thirty
 15 days after receiving a request from a school district or
 16 educational service unit, the publisher or manufacturer shall
 17 provide computer files or other electronic versions of each
 18 textbook title purchased to such school district or educational
 19 service unit; (2) the computer files or other electronic version
 20 shall maintain the structural integrity of the standard
 21 instructional materials, be compatible with commonly used braille
 22 translation and speech synthesis software, and include corrections
 23 and revisions as may be necessary; (3) if the technology is not
 24 available to convert a math, science, or other nonliterary textbook
 1 into the format prescribed in this section, the publisher or
 2 manufacturer shall not be required to provide computer files or
 3 other electronic versions of the textbook; and (4) upon the willful
 4 failure of the publisher or manufacturer to comply with the
 5 requirements of the contract pursuant to this section, the
 6 publisher or manufacturer shall reimburse the school district or
 7 educational service unit for the cost of creating such computer
 8 files or electronic versions."

(Signed) Ron Raikes, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 1081. Placed on General File.

LEGISLATIVE BILL 490. Placed on General File as amended.
 Standing Committee amendment to LB 490:
 AM2255

1 1. On page 2, strike lines 13 through 21 and insert
 2 "~~(3) No person shall drive or move a motor vehicle,~~
 3 ~~trailer, or semitrailer upon any highway unless the cargo or~~
 4 ~~contents carried by the motor vehicle, trailer, or semitrailer are~~
 5 ~~properly distributed and adequately secured to prevent the falling~~
 6 ~~of cargo or contents from the vehicle. The tailgate, doors,~~
 7 ~~tarpsaulins, and any other equipment used in the operation of the~~
 8 ~~motor vehicle, trailer, or semitrailer or in the distributing or~~
 9 ~~securing of the cargo or contents carried by the motor vehicle,~~
 10 ~~trailer, or semitrailer shall be secured to prevent falling from~~
 11 ~~the vehicle. The means of securement to the motor vehicle,~~
 12 ~~trailer, or semitrailer must be either tiedowns and tiedown~~
 13 ~~assemblies of adequate strength or sides, sideboards, or stakes and~~
 14 ~~a rear endgate, endboard, or stakes strong enough and high enough~~
 15 ~~to assure that cargo or contents will not fall from the vehicle."~~

LEGISLATIVE BILL 1132. Placed on General File as amended.

Standing Committee amendment to LB 1132:

AM2725

- 1 1. Strike original section 1.
- 2 2. On page 3, line 8, strike "74-1414," and strike the
- 3 last comma.
- 4 3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 1238. Placed on General File as amended.

Standing Committee amendment to LB 1238:

AM2698

- 1 1. On page 2, line 10, strike "An" and insert "Beginning
- 2 January 1, 2005, an"; and in line 12 strike "renewed" and insert
- 3 "reissued".

LEGISLATIVE BILL 867. Indefinitely postponed.

(Signed) Curt Bromm, Chairperson

Revenue

LEGISLATIVE BILL 946. Placed on General File as amended.

Standing Committee amendment to LB 946:

AM2764

- 1 1. On page 3, strike beginning with "with" in line 26
- 2 through "into" in line 27.
- 3 2. On page 6, lines 5, 15, and 25; page 7, line 27; page
- 4 11, line 26; and page 13, line 28, strike "contracts entered into"
- 5 and insert "applications received".

LEGISLATIVE BILL 1137. Placed on General File as amended.

Standing Committee amendment to LB 1137:

AM2765

- 1 1. Insert the following new section:
- 2 "Sec. 2. Section 77-3443, Revised Statutes Supplement,
- 3 2001, is amended to read:
- 4 77-3443. (1) All political subdivisions, other than (a)
- 5 school districts, community colleges, natural resources districts,
- 6 educational service units, cities, villages, counties, municipal
- 7 counties, and sanitary and improvement districts and (b) political
- 8 subdivisions subject to municipal allocation under subsection (2)
- 9 of this section, may levy taxes as authorized by law which are
- 10 authorized by the county board of the county or the council of a
- 11 municipal county in which the greatest portion of the valuation is
- 12 located, which are counted in the county or municipal county levy
- 13 limit provided in section 77-3442, and which do not collectively
- 14 total more than fifteen cents per one hundred dollars of taxable
- 15 valuation on any parcel or item of taxable property for all
- 16 governments for which allocations are made by the municipality,
- 17 county, or municipal county, except that such limitation shall not

18 apply to property tax levies for preexisting lease-purchase
19 contracts approved prior to July 1, 1998, for bonded indebtedness
20 approved according to law and secured by a levy on property, and
21 for payments by a public airport to retire interest-free loans from
22 the Department of Aeronautics in lieu of bonded indebtedness at a
23 lower cost to the public airport. The county board or council
24 shall review and approve or disapprove the levy request of all

1 political subdivisions subject to this subsection. The county board
2 or council may approve all or a portion of the levy request and may
3 approve a levy request that would allow the requesting political
4 subdivision to levy a tax at a levy greater than that permitted by
5 law. The county board of a county or the council of a municipal
6 county which contains a transit authority created pursuant to
7 section 14-1803 shall allocate no less than three cents per one
8 hundred dollars of taxable property within the city or municipal
9 county subject to the levy to the transit authority if requested by
10 such authority. For any political subdivision subject to this
11 subsection that receives taxes from more than one county or
12 municipal county, the levy shall be allocated only by the county or
13 municipal county in which the greatest portion of the valuation is
14 located. The county board of equalization shall certify all levies
15 by October 15 to insure that the taxes levied by political
16 subdivisions subject to this subsection do not exceed the allowable
17 limit for any parcel or item of taxable property. The levy
18 allocated by the county or municipal county may be exceeded as
19 provided in section 77-3444.

20 (2) All city airport authorities established under the
21 Cities Airport Authorities Act, community redevelopment authorities
22 established under the Community Development Law, transit
23 authorities established under the Transit Authority Law, and
24 offstreet parking districts established under the Offstreet Parking
25 District Act may be allocated property taxes as authorized by law
26 which are authorized by the city, village, or municipal county and
27 are counted in the city or village levy limit or municipal county
1 levy limit provided by section 77-3442, except that such limitation
2 shall not apply to property tax levies for preexisting
3 lease-purchase contracts approved prior to July 1, 1998, for bonded
4 indebtedness approved according to law and secured by a levy on
5 property, and for payments by a public airport to retire
6 interest-free loans from the Department of Aeronautics in lieu of
7 bonded indebtedness at a lower cost to the public airport. For
8 offstreet parking districts established under the Offstreet Parking
9 District Act, the tax shall be counted in the allocation by the
10 city proportionately, by dividing the total taxable valuation of
11 the taxable property within the district by the total taxable
12 valuation of the taxable property within the city multiplied by the
13 levy of the district. The city council of a city which has created
14 a transit authority pursuant to section 14-1803 or the council of a
15 municipal county which contains a transit authority shall allocate

16 no less than three cents per one hundred dollars of taxable
 17 property subject to the levy to the transit authority if requested
 18 by such authority. The city council, village board, or council
 19 shall review and approve or disapprove the levy request of the
 20 political subdivisions subject to this subsection. The city
 21 council, village board, or council may approve all or a portion of
 22 the levy request and may approve a levy request that would allow a
 23 levy greater than that permitted by law. The levy allocated by the
 24 municipality or municipal county may be exceeded as provided in
 25 section 77-3444.

26 (3) On or before August 1, all political subdivisions
 27 subject to county, municipal, or municipal county levy authority
 1 under this section shall submit a preliminary request for levy
 2 allocation to the county board, city council, village board, or
 3 council that is responsible for levying such taxes. The
 4 preliminary request of the political subdivision shall be in the
 5 form of a resolution adopted by a majority vote of members present
 6 of the political subdivision's governing body. The failure of a
 7 political subdivision to make a preliminary request shall preclude
 8 such political subdivision from using procedures set forth in
 9 section 77-3444 to exceed the final levy allocation as determined
 10 in subsection (4) of this section.

11 (4) Each county board, city council, village board, or
 12 council shall (a) adopt a resolution by a majority vote of members
 13 present which determines a final allocation of levy authority to
 14 its political subdivisions and (b) forward a copy of such
 15 resolution to the chairperson of the governing body of each of its
 16 political subdivisions. No final levy allocation shall be changed
 17 after September 1 except by agreement between both the county
 18 board, city council, village board, or council which determined the
 19 amount of the final levy allocation and the governing body of the
 20 political subdivision whose final levy allocation is at issue".

21 2. On page 4, line 22, strike "is" and insert "and
 22 section 77-3443, Revised Statutes Supplement, 2001, are".

23 3. Renumber the remaining section accordingly.

LEGISLATIVE BILL 1176. Placed on General File as amended.

Standing Committee amendment to LB 1176:

AM2762

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. At the general election in November 2002 the
- 4 following proposed amendment to the Constitution of Nebraska shall
- 5 be submitted to the electors of the State of Nebraska for approval
- 6 or rejection:
- 7 To amend Article VIII, section 2:
- 8 VIII-2 "Notwithstanding Article I, section 16, Article
- 9 III, section 18, or Article VIII, section 1 or 4, of this
- 10 Constitution or any other provision of this Constitution to the

11 contrary: (1) The property of the state and its governmental
12 subdivisions shall constitute a separate class of property and
13 shall be exempt from taxation to the extent such property is used
14 by the state or governmental subdivision for public purposes
15 authorized to the state or governmental subdivision by this
16 Constitution or the Legislature. To the extent such property is
17 not used for the authorized public purposes, the Legislature may
18 classify such property, exempt such classes, and impose or
19 authorize some or all of such property to be subject to property
20 taxes or payments in lieu of property taxes except as provided by
21 law; (2) the Legislature by general law may classify and exempt
22 from taxation property owned by and used exclusively for
23 agricultural and horticultural societies and property owned and
24 used exclusively for educational, religious, charitable, or
1 cemetery purposes, when such property is not owned or used for
2 financial gain or profit to either the owner or user; (3) household
3 goods and personal effects, as defined by law, may be exempted from
4 taxation in whole or in part, as may be provided by general law,
5 and the Legislature may prescribe a formula for the determination
6 of value of household goods and personal effects; (4) the
7 Legislature by general law may provide that the increased value of
8 land by reason of shade or ornamental trees planted along the
9 highway shall not be taken into account in the assessment of such
10 land; (5) the Legislature, by general law and upon any terms,
11 conditions, and restrictions it prescribes, may provide that the
12 increased value of real property resulting from improvements
13 designed primarily for energy conservation may be exempt from
14 taxation; (6) the value of a home substantially contributed by the
15 United States Department of Veterans Affairs for a paraplegic
16 veteran or multiple amputee shall be exempt from taxation during
17 the life of such veteran or until the death or remarriage of his or
18 her surviving spouse; (7) the Legislature may exempt from an
19 intangible property tax life insurance and life insurance annuity
20 contracts and any payment connected therewith and any right to
21 pension or retirement payments; (8) the Legislature may exempt
22 inventory from taxation; (9) the Legislature may define and
23 classify personal property in such manner as it sees fit, whether
24 by type, use, user, or owner, and may exempt any such class or
25 classes of property from taxation if such exemption is reasonable
26 or may exempt all personal property from taxation; (10) no property
27 shall be exempt from taxation except as permitted by or as provided
1 in this Constitution; and (11) the Legislature may by general law
2 provide that a portion of the value of any residence actually
3 occupied as a homestead by any classification of owners as
4 determined by the Legislature shall be exempt from taxation or
5 provide that any such residence actually occupied as a homestead is
6 exempt from all or any part of the levy assessed on such portion of
7 the value by one or more political subdivisions as determined by
8 the Legislature."

9 Sec. 2. The proposed amendment shall be submitted to the
 10 electors in the manner prescribed by the Constitution of Nebraska,
 11 Article XVI, section 1, with the following ballot language:
 12 "A constitutional amendment to authorize the Legislature
 13 to exempt a levy or part of a levy on homesteads.
 14 For
 15 Against".

LEGISLATIVE BILL 1300. Placed on General File as amended.
 Standing Committee amendment to LB 1300:
 AM2763

1 1. Insert the following new section:
 2 "Section 1. Section 77-4103, Revised Statutes
 3 Supplement, 2000, is amended to read:
 4 77-4103. For purposes of the Employment and Investment
 5 Growth Act, unless the context otherwise requires:
 6 (1) Any term shall have the same meaning as used in
 7 Chapter 77, article 27;
 8 (2) Base year shall mean the year immediately preceding
 9 the year during which the application was submitted;
 10 (3) Base-year employee shall mean any individual who was
 11 employed in Nebraska and subject to the Nebraska income tax on
 12 compensation received from the taxpayer or its predecessors during
 13 the base year and who is employed at the project;
 14 (4) Compensation shall mean the wages and other payments
 15 subject to withholding for federal income tax purposes;
 16 (5) County average annual wage shall mean the most recent
 17 average annual wage paid by all employers in a county or in the
 18 state, whichever is lower, for the most recent calendar year
 19 reported as of July 1 by the Department of Labor. County average
 20 annual wage for a project located in more than one county shall
 21 mean the county average annual wages for each county in which the
 22 project is located, multiplied by the total of the average annual
 23 total employment for each county in which the project is located,
 24 summing the projects for all counties in which the project is
 1 located, then dividing the result by the average annual total
 2 employment for all counties in which the project is located;
 3 (6) Entitlement period shall mean the year during which
 4 the required increases in employment and investment were met or
 5 exceeded, and the next six years;
 6 ~~(6)~~ (7) Equivalent employees shall mean the number of
 7 employees computed by dividing the total hours paid in a year by
 8 the product of forty times the number of weeks in a year;
 9 ~~(7)~~ (8) Investment shall mean the value of qualified
 10 property incorporated into or used at the project. For qualified
 11 property owned by the taxpayer, the value shall be the original
 12 cost of the property. For qualified property rented by the
 13 taxpayer, the average net annual rent shall be multiplied by the
 14 number of years of the lease for which the taxpayer was originally

15 bound, not to exceed ten years or the end of the third year after
16 the entitlement period, whichever is earlier. The rental of land
17 included in and incidental to the leasing of a building shall not
18 be excluded from the computation;

19 ~~(8)~~ (9) Motor vehicle shall mean any motor vehicle,
20 trailer, or semitrailer as defined in section 60-301 and subject to
21 licensing for operation on the highways;

22 ~~(9)~~ (10) Nebraska employee shall mean an individual who
23 is either a resident or partial-year resident of Nebraska;

24 ~~(10)~~ (11) Number of new employees shall mean the excess
25 of the number of equivalent employees employed at the project
26 during a year over the number of equivalent employees during the
27 base year;

1 ~~(11)~~ (12) Qualified business shall mean any business
2 engaged in the activities listed in subdivisions (b)(i) through (v)
3 of this subdivision or in the storage, warehousing, distribution,
4 transportation, or sale of tangible personal property. Qualified
5 business shall not include any business activity in which eighty
6 percent or more of the total sales are sales to the ultimate
7 consumer of food prepared for immediate consumption or are sales to
8 the ultimate consumer of tangible personal property which is not
9 (a) assembled, fabricated, manufactured, or processed by the
10 taxpayer or (b) used by the purchaser in any of the following
11 activities:

12 (i) The conducting of research, development, or testing
13 for scientific, agricultural, animal husbandry, food product, or
14 industrial purposes;

15 (ii) The performance of data processing,
16 telecommunication, insurance, or financial services. Financial
17 services for purposes of this subdivision shall only include
18 financial services provided by any financial institution subject to
19 tax under Chapter 77, article 38, or any person or entity licensed
20 by the Department of Banking and Finance or the Securities and
21 Exchange Commission;

22 (iii) The assembly, fabrication, manufacture, or
23 processing of tangible personal property;

24 (iv) The administrative management of any activities,
25 including headquarter facilities relating to such activities; or

26 (v) Any combination of the activities listed in this
27 subdivision;

1 ~~(12)~~ (13) Qualified employee leasing company shall mean a
2 company which places all employees of a client-lessee on its
3 payroll and leases such employees to the client-lessee on an
4 ongoing basis for a fee and, by written agreement between the
5 employee leasing company and a client-lessee, grants to the
6 client-lessee input into the hiring and firing of the employees
7 leased to the client-lessee;

8 ~~(13)~~ (14) Qualified property shall mean any tangible
9 property of a type subject to depreciation, amortization, or other

10 recovery under the Internal Revenue Code of 1986, or the components
 11 of such property, that will be located and used at the project.

12 Qualified property shall not include (a) aircraft, barges, motor
 13 vehicles, railroad rolling stock, or watercraft or (b) property
 14 that is rented by the taxpayer qualifying under the Employment and
 15 Investment Growth Act to another person;

16 (15) Qualifying wage shall mean the greater of one
 17 hundred twenty-five percent of the county average annual wage in
 18 the county or counties in which the project is located or one
 19 hundred percent of the regional average annual wage in the region
 20 or regions in which the project is located;

21 (16) Region shall mean the following regions:

22 (a) Panhandle region, composed of the counties of Banner,
 23 Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Scotts
 24 Bluff, Sheridan, and Sioux;

25 (b) Mid-plains region, composed of the counties of
 26 Arthur, Chase, Cherry, Dawson, Dundy, Frontier, Furnas, Gosper,
 27 Grant, Hayes, Hitchcock, Hooker, Keith, Lincoln, Logan, McPherson,
 1 Perkins, Red Willow, and Thomas;

2 (c) Central region, composed of the counties of Adams,
 3 Blaine, Buffalo, Clay, Custer, Franklin, Garfield, Greeley, Hall,
 4 Hamilton, Harlan, Howard, Kearney, Loup, Merrick, Nance, Nuckolls,
 5 Phelps, Sherman, Valley, Webster, and Wheeler;

6 (d) Northeast region, composed of the counties of
 7 Antelope, Boone, Boyd, Brown, Burt, Cedar, Colfax, Cuming, Dakota,
 8 Dixon, Dodge, Holt, Keya Paha, Knox, Madison, Pierce, Platte, Rock,
 9 Stanton, Thurston, and Wayne;

10 (e) Southeast region, composed of the counties of Butler,
 11 Fillmore, Gage, Jefferson, Johnson, Nemaha, Otoe, Pawnee, Polk,
 12 Richardson, Saline, Saunders, Seward, Thayer, and York;

13 (f) Omaha region, composed of the counties of Douglas,
 14 Sarpy, Cass, and Washington; and

15 (g) Lincoln region, composed of the county of Lancaster;
 16 (17) Regional average annual wage, for a project located
 17 in one region, shall mean the most recent average annual wage paid
 18 by all employers in the region for the most recent calendar year
 19 calculated by multiplying the average annual wage for each county
 20 in the region for the most recent calendar year reported as of July
 21 1 by the Department of Labor by the corresponding average annual
 22 total employment in each county, summing the products for all
 23 counties in the region, and then dividing the result by the average
 24 annual total employment of all counties in the region. Regional
 25 average annual wage, for a project located in more than one region,
 26 shall mean the regional average annual wage for each region in
 27 which the project is located, multiplied by the total of the

1 average annual total employment for each region in which the
 2 project is located, the product then divided by the sum of the
 3 average annual total employment for the regions;

4 ~~(14)~~ (18) Related persons shall mean any corporations,

5 partnerships, limited liability companies, or joint ventures which
6 are or would otherwise be members of the same unitary group, if
7 incorporated, or any persons who are considered to be related
8 persons under either section 267(b) and (c) or section 707(b) of
9 the Internal Revenue Code of 1986;

10 ~~(15)~~ (19) Taxpayer shall mean any person subject to the
11 sales and use taxes and either an income tax imposed by the
12 Nebraska Revenue Act of 1967 or a franchise tax under sections
13 77-3801 to 77-3807, any corporation, partnership, limited liability
14 company, or joint venture that is or would otherwise be a member of
15 the same unitary group, if incorporated, which is, or whose
16 partners, members, or owners are, subject to such taxes, and any
17 other partnership, limited liability company, S corporation, or
18 joint venture when the partners, shareholders, or members are
19 subject to such taxes; and

20 ~~(16)~~ (20) Year shall mean the taxable year of the
21 taxpayer.

22 The changes made in this section by Laws 1997, LB 264,
23 apply to investments made or employment on or after January 1,
24 1997, and for all agreements in effect on or after January 1, 1997.
25 The changes made in this section by this legislative bill shall
26 apply to applications filed on or after the effective date of this
27 act.

1 2. On page 3, lines 15 through 20, strike the new matter
2 and insert "at least the qualifying wage".
3 3. On page 5, line 19, strike "section" and insert
4 "sections 77-4103 and"; and in line 20 strike "is" and insert
5 "are".
6 4. Renumber the remaining sections accordingly.

(Signed) William R. Wickersham, Chairperson

NOTICE OF COMMITTEE HEARINGS

General Affairs

Room 1510

| | | |
|---------|---------------------------|---------|
| LB 1306 | Monday, February 25, 2002 | 1:30 PM |
| LB 1133 | Monday, February 25, 2002 | 1:30 PM |
| LB 1135 | Monday, February 25, 2002 | 1:30 PM |

(Signed) Ray Janssen, Chairperson

Business and Labor

Room 2102

| | | |
|---------|---------------------------|---------|
| LB 1275 | Monday, February 25, 2002 | 1:30 PM |
| LB 1040 | Monday, February 25, 2002 | 1:30 PM |

Monday, February 25, 2002

1:30 PM

Loren L. Lindahl - Commission of Industrial Relations

(Signed) Matt Connealy, Chairperson

MOTION - Print in Journal

Senator Connealy filed the following motion:

For the introduction of the state claims bill, Req. 2025, by the Business and Labor Committee pursuant to Rule 5, Section 4(c)(2).

ANNOUNCEMENTS

Senator Wickersham designates LB 1085 as his priority bill.

The Agriculture Committee designates LB 1236 as its priority bill.

The Revenue Committee designates LB 905 and LB 946 as its priority bills.

Senator Synowiecki designates LB 426 as his priority bill.

Senator Maxwell designates LB 952 as his priority bill.

**SELECT COMMITTEE REPORT
Enrollment and Review****LEGISLATIVE BILL 391.** Placed on Select File as amended.

(E & R amendment, AM7173, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Philip Erdman, Chairperson

ANNOUNCEMENT

Senator Janssen announced the General Affairs Committee will meet Tuesday, February 19, 2002, at 9:00 a.m., in Room 2022.

VISITORS

Visitors to the Chamber were members of the Leadership Tomorrow Group from Grand Island and Hastings and former United States Congressman, Bill Barrett; Gavin Fusco and Charles Samuelson from Valparaiso; and staff members from the National Assembly of Azerbaijan.

ADJOURNMENT

At 12:04 p.m., on a motion by Senator Dierks, the Legislature adjourned until 9:00 a.m., Tuesday, February 19, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SIXTH DAY - FEBRUARY 19, 2002**LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE
SECOND SESSION****TWENTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 19, 2002

PRAYER

The prayer was offered by Pastor Steve Eggum, First Baptist Church, Tekamah, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Hartnett, Tyson, and Wickersham who were excused; and Senators Burling, Dierks, Jensen, Kristensen, McDonald, Price, Redfield, Schrock, Synowiecki, and Wehrbein who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fifth day was approved.

**STANDING COMMITTEE REPORT
Business and Labor**

LEGISLATIVE BILL 1231. Placed on General File as amended.
Standing Committee amendment to LB 1231:
AM2731

- 1 1. On page 3, line 22, strike "two different filings"
- 2 and insert "one filing".

(Signed) Matt Connealy, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 926A. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 926, Ninety-seventh Legislature, Second Session, 2002.

ANNOUNCEMENT

The Health and Human Services Committee designates LB 1062 as its priority bill.

MESSAGE FROM THE GOVERNOR

February 14, 2002

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 857, 858e, 859, and 860 were received in my office on February 13, 2002.

These bills were signed by me on February 14, 2002 and delivered to the Secretary of State.

Sincerely,
(Signed) Mike Johanns
Governor

AMENDMENT - Print in Journal

Senator Quandahl filed the following amendment to LB 384:
AM2645

(Amendments to Standing Committee amendments, AM2193)

- 1 1. On page 1, line 13, strike "the"; in line 16 strike
- 2 "indicates" and insert "demonstrates"; in line 18 strike "efforts"
- 3 and insert "the city has notified the utility of its acts or
- 4 omissions which demonstrates its unfitness to continue to operate
- 5 the gas system and afforded the utility the opportunity to remedy
- 6 the acts and omissions referred to in subdivision (1) of this
- 7 section; (3) efforts by the city"; in line 19 strike "more"; in
- 8 line 22 strike "(3)" and insert "(4)"; and in line 24 strike "(4)
- 9 the" and insert "(5) the financial".
- 10 2. On page 2, line 4, strike "such ratepayers" and
- 11 insert "the city".
- 12 3. On page 3, line 5, after "gas" insert "safety or"; in
- 13 line 9 after "(2)" insert "A chronology and description of the
- 14 notice provided by the city to the utility of the acts and

- 15 omissions complained of and the opportunities the city has afforded
16 the utility to cease the course of conduct and remedy the acts and
17 omissions constituting the course of conduct referred to in
18 subdivision (1) of this section;
19 (3)"; in line 11 strike "more"; in line 14 strike "(3)"
20 and insert "(4)" and strike "ratepayers in"; and in line 21 strike
21 "following" and insert "after".
22 4. On page 4, line 2, after "mail" insert "within seven
23 days after the meeting at which the resolution was adopted. Not
1 less than thirty days prior to the public hearing the city shall
2 publish notice of the time and place of the hearing and a summary
3 of the resolution in a legal newspaper published in or of general
4 circulation in the city"; in line 3 before "After" insert "(1)"; in
5 line 7 strike "appropriate" and insert "condemn"; after line 11
6 insert the following new subsection:
7 "(2) In any suit, action, or proceeding challenging the
8 authority of the city taking of a gas system pursuant to the
9 Municipal Natural Gas System Condemnation Act, brought more than
10 thirty days after the date upon which the council adopted the
11 formal resolution provided for in subsection (1) of this section,
12 it shall be conclusively deemed that the city has met its duties
13 and responsibilities pursuant to section 3 of this act and that the
14 findings of the city made pursuant to section 3 of this act are
15 adequate and sufficient to authorize the taking."; in line 13
16 strike "fifteen" and insert "forty-five"; in line 17 strike
17 "authority" and insert "action"; and in line 25 after "order"
18 insert "except upon stipulation by all necessary parties as to the
19 value of the system filed with the Supreme Court prior to such
20 time".
21 5. On page 5, line 24, strike the second "deputies".
22 6. On page 6, line 23, after the period insert "In
23 determining the value of the gas system, the court of condemnation
24 shall make its determination based on the value of the gas system
25 to the utility as a going concern."
26 7. On page 7, strike beginning with "are" in line 19
27 through "them" in line 25 and insert "or attorneys are secured by
1 the utility, their fees or compensation as billed to the utility
2 are to be taxed and paid as costs by the city to the extent that
3 the court determines that the fees and compensation sought reflect
4 the prevailing industry or professional charges for such services
5 in cases of the size involved in the taking and were reasonably
6 necessary to a just and accurate determination of the value of the
7 gas system".
8 8. On page 8, line 2, before "Upon" insert "(1)"; and in
9 line 21 strike "Subject to the provisions" and insert
10 "(2) Notwithstanding the provisions of subsection (1)".

MOTION - Approve Appointment

Senator Janssen moved the adoption of the report of the General Affairs Committee for the following appointment found on page 612: Nebraska Arts Council - Louise Bereuter.

Voting in the affirmative, 25:

| | | | | |
|----------|----------|---------|----------|---------|
| Aguilar | Bruning | Engel | Kremer | Raikes |
| Baker | Byars | Foley | Kruse | Robak |
| Bourne | Connealy | Hudkins | Landis | Stuhr |
| Brashear | Coordsen | Janssen | Preister | Suttle |
| Bromm | Cudaback | Jones | Quandahl | Vrtiska |

Voting in the negative, 0.

Present and not voting, 11:

| | | | |
|----------|------------|---------------|----------|
| Beutler | Cunningham | Pedersen, Dw. | Smith |
| Brown | Erdman | Pederson, D. | Thompson |
| Chambers | Maxwell | Schimek | |

Excused and not voting, 13:

| | | | | |
|----------|------------|----------|------------|------------|
| Burling | Jensen | Price | Synowiecki | Wickersham |
| Dierks | Kristensen | Redfield | Tyson | |
| Hartnett | McDonald | Schrock | Wehrbein | |

The appointment was confirmed with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 185. Considered.

Senator Smith moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Senator D. Pederson moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Senator D. Pederson requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 19:

| | | | | |
|---------|----------|---------------|--------------|------------|
| Baker | Chambers | Foley | Pederson, D. | Schimek |
| Beutler | Connealy | Janssen | Preister | Suttle |
| Bourne | Cudaback | Landis | Price | Synowiecki |
| Byars | Engel | Pedersen, Dw. | Robak | |

Voting in the negative, 22:

| | | | | |
|----------|----------|----------|----------|----------|
| Aguilar | Burling | Jones | Redfield | Vrtiska |
| Brashear | Coordsen | Kremer | Schrock | Wehrbein |
| Bromm | Erdman | McDonald | Smith | |
| Brown | Hudkins | Quandahl | Stuhr | |
| Bruning | Jensen | Raikes | Thompson | |

Present and not voting, 4:

| | | | |
|------------|--------|-------|---------|
| Cunningham | Dierks | Kruse | Maxwell |
|------------|--------|-------|---------|

Excused and not voting, 4:

| | | | |
|----------|------------|-------|------------|
| Hartnett | Kristensen | Tyson | Wickersham |
|----------|------------|-------|------------|

Failed to advance to E & R for review with 19 ayes, 22 nays, 4 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 1033. Placed on General File as amended.
 Standing Committee amendment to LB 1033:
 AM2761

- 1 1. Insert the following new section:
- 2 "Sec. 2. Section 71-5184, Revised Statutes Supplement,
- 3 2000, is amended to read:
- 4 71-5184. (1) An out-of-hospital emergency care provider
- 5 other than a first responder as classified under section 71-5178
- 6 may not assume the duties incident to the title or practice the
- 7 skills of an out-of-hospital emergency care provider unless he or
- 8 she is employed by or serving as a volunteer member of an emergency
- 9 medical service licensed by the department.
- 10 (2) An out-of-hospital emergency care provider may only
- 11 practice the skills he or she is authorized to employ and which are
- 12 covered by the certificate issued to such provider pursuant to
- 13 section 71-5181.
- 14 (3) An emergency medical technician-intermediate or an
- 15 emergency medical technician-paramedic may be trained, tested, and
- 16 employed by a hospital as defined in section 71-419 or a health
- 17 clinic as defined in section 71-416 to perform activities within

18 their scope of practice within such hospital or health clinic under
 19 the supervision of a registered nurse, a physician assistant, or a
 20 physician. Such activities shall be performed in a manner
 21 established in rules and regulations adopted and promulgated by the
 22 department with the approval of the board, except as provided in
 23 subdivision (7) of section 71-5178."

24 2. On page 5, strike beginning with "Authorize" in line
 1 5 through "hospital" in line 16 and insert "Establish criteria for
 2 emergency medical technicians-intermediate and emergency medical
 3 technicians-paramedic to be trained, tested, and employed by a
 4 hospital or health clinic to perform activities within their scope
 5 of practice within such hospital or health clinic under the
 6 supervision of a registered nurse, a physician assistant, or a
 7 physician. Such criteria shall include, but not be limited to:
 8 (a) Requirements for the orientation for all registered nurses,
 9 physician assistants, and physicians involved in the training and
 10 supervision of such personnel in a hospital or health clinic; (b)
 11 requirements that such personnel shall render services in a
 12 hospital or health clinic at the discretion of, and after the
 13 approval of, the governing authority of the hospital or health
 14 clinic; and (c) specification of the responsibilities of physician
 15 medical directors in the training of such personnel to render
 16 services in a hospital or health clinic. For purposes of this
 17 subdivision, health clinic has the definition found in section
 18 71-416 and hospital has the definition found in section 71-419"; in
 19 line 19 after "section" insert "71-5184, Revised Statutes
 20 Supplement, 2000, and section"; and in line 20 strike "is" and
 21 insert "are".

22 3. Renumber the remaining section accordingly.

(Signed) Jim Jensen, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 1031. Placed on General File.

LEGISLATIVE BILL 1018. Placed on General File as amended.

Standing Committee amendment to LB 1018:

AM2760

- 1 1. Insert the following new section:
- 2 "Sec. 2. Section 23-1302, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 23-1302. It shall be the general duty of the county
- 5 clerk:
- 6 (1) To record in a book provided for that purpose all
- 7 proceedings of the board;
- 8 (2) To make regular entries of its resolutions and
- 9 decisions in all questions concerning the raising of money;
- 10 (3) To countersign all warrants issued by the board and

- 11 signed by its ~~chairman~~ chairperson;
- 12 (4) To preserve and file all accounts acted upon by the
- 13 board, with its action thereon, ; and ~~he shall~~ perform such special
- 14 duties as are required of ~~him~~ by law. Such special duties do not
- 15 include budget-making duties performed under section 23-906. In ;
- 16 ~~PROVIDED, in~~ a county having a county comptroller, all accounts
- 17 acted upon by the board shall remain on file in the office of such
- 18 comptroller; and the county clerk shall certify to the county
- 19 treasurer as of June 15 and December 15 of each year the total
- 20 amount of unpaid claims of the county; and
- 21 (5) To prepare and file with the county board of ~~his~~
- 22 ~~county~~ the annual inventory statement of county personal property
- 23 in his or her custody and possession, and to perform the duties
- 24 enjoined upon him or her by sections 23-346 to 23-350."
- 1 2. On page 3, line 1, strike "section 23-906" and insert
- 2 "sections 23-906 and 23-1302"; and in line 2 strike "is" and insert
- 3 "are".
- 4 3. Renumber the remaining section accordingly.

LEGISLATIVE BILL 1233. Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

AMENDMENT - Print in Journal

Senator Brown filed the following amendment to LB 935:
AM2774

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 32-552, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 32-552. (1) At least five months prior to an election,
- 5 the governing board of any political subdivision requesting the
- 6 adjustment of the boundaries of election districts shall provide
- 7 written notification to the election commissioner or county clerk
- 8 of the need and necessity of his or her office to perform such
- 9 adjustments.
- 10 (2) After the next federal decennial census, the election
- 11 commissioner of the county in which the greater part of a Class IV
- 12 school district is situated shall, subject to review by the school
- 13 board, divide the school district into seven numbered districts,
- 14 substantially equal in population as determined by the most recent
- 15 federal decennial census. The election commissioner shall consider
- 16 the location of schools within the district and their boundaries.
- 17 The election commissioner shall adjust the boundaries of the
- 18 election districts, subject to final review and adjustment by the
- 19 school board, to conform to changes in the territory and population
- 20 of the school district and also following each federal decennial
- 21 census. Except when specific procedures are otherwise provided,
- 22 section 32-553 shall apply to all Class IV school districts.

23 (3) The election commissioner of the county in which the
 24 greater part of a Class V school district is situated shall divide
 1 the school district into twelve numbered districts of compact and
 2 contiguous territory and of as nearly equal population as may be
 3 practical. The election commissioner shall adjust the boundaries
 4 of such districts, subject to final review and adjustment by the
 5 school board, to conform to changes in the territory of the school
 6 district and also following each federal decennial census.

7 Sec. 10. Section 79-552, Reissue Revised Statutes of
 8 Nebraska, is amended to read:

9 79-552. The board of education of a Class V school
 10 district shall consist of twelve members, one elected from each
 11 district pursuant to section 32-545, and also may include a
 12 nonvoting student member or members selected pursuant to section
 13 79-559. Each elected member shall be a resident of the district
 14 for at least six months prior to the election. Each candidate for
 15 election to and each member of the board of education shall be a
 16 taxpayer in and a resident of the district of such school district
 17 as designated by ~~the election commissioner~~ pursuant to section
 18 32-552. All persons elected as members of the board of education
 19 shall take and subscribe to the usual oath of office before the
 20 first Monday in January following their election, and the student
 21 member shall take and subscribe to the usual oath of office before
 22 the first Monday in January following his or her designation. In
 23 case any person so elected fails so to do, his or her election
 24 shall be void and the vacancy shall be filled by the board.".
 25 2. Renumber the remaining sections and correct the
 26 repealer accordingly.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 877A. Introduced by Smith, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 877, Ninety-seventh Legislature, Second Session, 2002.

LEGISLATIVE BILL 1195A. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1195, Ninety-seventh Legislature, Second Session, 2002.

ANNOUNCEMENT

The Banking, Commerce and Insurance Committee designates LB 957 as its priority bill.

GENERAL FILE**LEGISLATIVE RESOLUTION 6CA.** Read. Considered.

Senators Brashear and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Schimek offered the following amendment:

FA858

On page 3 line 2, by striking "federal law" and inserting "IGRA".

SPEAKER KRISTENSEN PRESIDING

Senators Coordsen and McDonald asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

MOTION - Introduce New Bill

Senator Connealy renewed his pending motion, found on page 637, for the introduction of the state claims bill, Req. 2025, by the Business and Labor Committee pursuant to Rule 5, Section 4(c)(2).

The Connealy motion prevailed with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1308. Introduced by Business and Labor Committee: Connealy, 16, Chairperson; Chambers, 11; Dierks, 40; Hartnett, 45; Preister, 5; Vrtiska, 1.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

STANDING COMMITTEE REPORTS**Health and Human Services**

LEGISLATIVE BILL 1274. Placed on General File as amended.

Standing Committee amendment to LB 1274:

AM2719

1 1. On page 3, line 4, after the comma insert "hepatitis

2 C,".

3 2. On page 4, line 27; and page 5, line 4, after

4 "hepatitis B" insert ", hepatitis C,".

(Signed) Jim Jensen, Chairperson

Natural Resources

LEGISLATIVE BILL 940. Placed on General File as amended.
Standing Committee amendment to LB 940:
AM2778

- 1 1. Insert the following new section:
- 2 "Sec. 2. Section 46-656.10, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 46-656.10. Any ~~violation of~~ person who violates a cease
- 5 and desist order issued by a district pursuant to section 46-656.08
- 6 shall be guilty of a Class IV misdemeanor or subject to a civil
- 7 penalty of not more than five thousand dollars for each day an
- 8 intentional violation occurs. In assessing the amount of the civil
- 9 penalty, the court shall consider the degree and extent of the
- 10 violation, the size of the operation, and any economic benefit
- 11 derived from noncompliance. Any civil penalty assessed and unpaid
- 12 shall constitute a debt to the state which may be collected in the
- 13 manner of a lien foreclosure or sued for and recovered in a proper
- 14 form of action in the name of the state in the district court of
- 15 the county in which the violator resides or owns property. The
- 16 court shall, within thirty days after receipt, remit the civil
- 17 penalty to the State Treasurer for credit to the permanent school
- 18 fund."
- 19 2. On page 2, line 5, after "misdemeanor" insert "or
- 20 subject to a civil penalty of not more than five hundred dollars
- 21 for each day the violation occurs"; strike beginning with "Each" in
- 22 line 7 through the period in line 8; in line 13 after "section"
- 23 insert "46-656.11, Reissue Revised Statutes of Nebraska, and
- 24 section"; and in line 14 strike "is" and insert "are".
- 1 3. Renumber the remaining section accordingly.

LEGISLATIVE BILL 1066. Placed on General File as amended.
Standing Committee amendment to LB 1066:
AM2766

- 1 1. On page 2, line 16, strike "department" and insert
- 2 "court".

(Signed) Ed Schrock, Chairperson

SPECIAL COMMITTEE REPORTS

Executive Board

LEGISLATIVE BILL 1290. Placed on General File.

LEGISLATIVE RESOLUTION 289CA. Indefinitely postponed.

(Signed) George Coordsen, Chairperson

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendments to LB 188:

FA851

Page 2, line 13 strike "a district" and insert "the presiding".

FA852

Page 2, line 13 after "showing" insert "beyond a reasonable doubt".

FA853

Page 2, line 13 strike "therefor".

FA854

Page 2, line 16 strike "In" and in line 18 strike "such event, all" and insert "All".

FA855

Page 2, line 20 after the second "the" insert "presiding".

FA856

Page 2, line 24 strike "for" and insert "of".

FA857

Page 2, line 24 strike "petitioner's" and in line 25 after "allegation" insert "of the petitioner".

MOTIONS - Print in Journal

Senator Chambers filed the following motion to LB 188:

Recommit to committee

Senator Chambers filed the following motion to LB 188:

Indefinitely postpone.

Senator Chambers filed the following motion to LB 188:

Bracket.

RESOLUTION

LEGISLATIVE RESOLUTION 296. Introduced by Kristensen, 37.

WHEREAS, the NEBRASKAland Foundation on Saturday March 2, 2002, at the annual Statehood dinner held in the State Capitol, presents the distinguished NEBRASKAlander award, along with the Wagonmaster, the Trailblazer, and the Pioneer Awards; and

WHEREAS, the Pioneer Award is presented to Donald Meier who created, directed, and produced Wild Kingdom from 1963 to 1987. He received four Emmy Awards and the first National Wildlife Federation Award for his works. Don was among the first to understand and promote the preservation of the world's wildlife with his entertaining and educational program; and

WHEREAS, the Wagonmaster Award is presented to C. G. (Kelly) Holthus, who began his banking career in 1953 with the Bank of Bertrand and more recently served as Chairman and Chief Executive Officer of Cornerstone Bank of York and chairman of banks in Albion, North Platte, and Sutton. He has served as president of the American Bankers Association, and of the Nebraska Bankers Association and as chairman of the Nebraska State Chamber of Commerce. Kelly's leadership ability has set a high example for others to follow; and

WHEREAS, the Trailblazer Award is presented to Michael R. McCarthy, who is chairman of McCarthy Group, Inc. which he founded in 1986. He serves on the board of directors of Acceptance Insurance, Election Systems & Software, HDR, Cabela's, Streck Laboratories, the Omaha Community Foundation, and the Nebraska Chamber of Commerce and served as chairman of the Omaha Chamber of Commerce in 1999. Mike has given countless hours to these organizations for the betterment of the citizens of Nebraska and beyond; and

WHEREAS, the distinguished NEBRASKAlander Award is presented to James Stuart, Jr., for his contribution to our state's social, historical, cultural, and economic well-being by serving as chairman and CEO of a successful business and by serving on numerous boards, from local to international. Mr. Stuart has set an impressive example of a distinguished career for all Nebraskans to admire.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its appreciation to Donald Meier, C. G. (Kelly) Holthus, Michael R. McCarthy, and James Stuart, Jr. for their service to the State of Nebraska.

2. That a copy of this resolution be given to Donald Meier, C. G. (Kelly) Holthus, Michael R. McCarthy, and James Stuart, Jr.

Laid over.

ANNOUNCEMENT

Pursuant to Rule 8, Sec. 3, the Appropriations Committee presented its preliminary report on February 13, 2002, summarizing the recommended appropriation for the following biennium.

VISITORS

Visitors to the Chamber were Theresa Nguyen and Thuy Le from Lincoln; and 34 middle school students and teachers from Table Rock, Humboldt, and Steinauer.

ADJOURNMENT

At 11:51 a.m., on a motion by Senator Synowiecki, the Legislature adjourned until 9:00 a.m., Wednesday, February 20, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SEVENTH DAY - FEBRUARY 20, 2002

LEGISLATIVE JOURNAL

**NINETY-SEVENTH LEGISLATURE
SECOND SESSION**

TWENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 20, 2002

PRAYER

The prayer was offered by Pastor Matt Geiger, First Plymouth Congregational Church, Lincoln, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senator Tyson who was excused; and Senators Brashear, Brown, and Byars who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-sixth day was approved.

**STANDING COMMITTEE REPORTS
Revenue**

LEGISLATIVE BILL 1125. Placed on General File.

LEGISLATIVE BILL 1136. Placed on General File as amended.
Standing Committee amendment to LB 1136:
AM2782

1 1. On page 12, line 12, after "(d)" insert "The number
2 of employees of the taxpayer employed at locations within the state
3 and the average wage of such employees on the date of the
4 application;

5 (e)"; and in line 17 strike "(e)", show as stricken, and
6 insert "(f)".

7 2. On page 13, line 18, after "project" insert "and
8 annually provide the employment and average wage information
9 required by section 4 of this act to the Department of Revenue".

LEGISLATIVE BILL 28. Indefinitely postponed.
LEGISLATIVE BILL 139. Indefinitely postponed.
LEGISLATIVE BILL 498. Indefinitely postponed.
LEGISLATIVE BILL 502. Indefinitely postponed.
LEGISLATIVE BILL 510. Indefinitely postponed.
LEGISLATIVE BILL 725. Indefinitely postponed.
LEGISLATIVE BILL 841. Indefinitely postponed.
LEGISLATIVE BILL 893. Indefinitely postponed.
LEGISLATIVE BILL 1036. Indefinitely postponed.
LEGISLATIVE BILL 1037. Indefinitely postponed.
LEGISLATIVE BILL 1053. Indefinitely postponed.
LEGISLATIVE BILL 1087. Indefinitely postponed.
LEGISLATIVE BILL 1124. Indefinitely postponed.
LEGISLATIVE BILL 1160. Indefinitely postponed.
LEGISLATIVE BILL 1178. Indefinitely postponed.
LEGISLATIVE BILL 1184. Indefinitely postponed.
LEGISLATIVE BILL 1188. Indefinitely postponed.
LEGISLATIVE BILL 1284. Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 1228. Placed on General File.

(Signed) Curt Bromm, Chairperson

ANNOUNCEMENT

The Transportation and Telecommunications Committee designates LB 1081 and LB 1105 as its priority bills.

AMENDMENT - Print in Journal

Senator Coordsen filed the following amendment to LB 58:
AM2811

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 44-1540, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 44-1540. Any of the following acts or practices by an
- 6 insurer, if committed in violation of section 44-1539, shall be an
- 7 unfair claims settlement practice:
- 8 (1) Knowingly misrepresenting to claimants and insureds
- 9 relevant facts or policy provisions relating to coverages at issue;
- 10 (2) Failing to acknowledge with reasonable promptness
- 11 pertinent communications with respect to claims arising under its
- 12 policies;
- 13 (3) Failing to adopt and implement reasonable standards

14 for the prompt investigation and settlement of claims arising under
15 its policies;

16 (4) Not attempting in good faith to effectuate prompt,
17 fair, and equitable settlement of claims submitted in which
18 liability has become reasonably clear;

19 (5) Not attempting in good faith to effectuate prompt,
20 fair, and equitable settlement of property and casualty claims (a)
21 in which coverage and the amount of the loss are reasonably clear
22 and (b) for loss of tangible personal property within real property
23 which is insured by a policy subject to section 44-501.02 and which
24 is wholly destroyed by fire, tornado, windstorm, lightning, or
1 explosion;

2 (6) Compelling insureds or beneficiaries to institute
3 litigation to recover amounts due under its policies by offering
4 substantially less than the amounts ultimately recovered in
5 litigation brought by them;

6 (7) Refusing to pay claims without conducting a
7 reasonable investigation;

8 (8) Failing to affirm or deny coverage of a claim within
9 a reasonable time after having completed its investigation related
10 to such claim;

11 (9) Attempting to settle a claim for less than the amount
12 to which a reasonable person would believe the insured or
13 beneficiary was entitled by reference to written or printed
14 advertising material accompanying or made part of an application;

15 (10) Attempting to settle claims on the basis of an
16 application which was materially altered without notice to or
17 knowledge or consent of the insured;

18 (11) Making a claims payment to an insured or beneficiary
19 without indicating the coverage under which each payment is being
20 made;

21 (12) Unreasonably delaying the investigation or payment
22 of claims by requiring both a formal proof-of-loss form and
23 subsequent verification that would result in duplication of
24 information and verification appearing in the formal proof-of-loss
25 form;

26 (13) Failing, in the case of the denial of a claim or the
27 offer of a compromise settlement, to promptly provide a reasonable
1 and accurate explanation of the basis for such action;

2 (14) Failing to provide forms necessary to present claims
3 with reasonable explanations regarding their use within fifteen
4 working days of a request;

5 (15) Failing to adopt and implement reasonable standards
6 to assure that the repairs of a repairer owned by or affiliated
7 with the insurer are performed in a skillful manner. For purposes
8 of this subdivision, a repairer is affiliated with the insurer if
9 there is a preexisting arrangement, understanding, agreement, or
10 contract between the insurer and repairer for services in
11 connection with claims on policies issued by the insurer; and

12 (16) Requiring the insured or claimant to use a
 13 particular company or location for motor vehicle repair. Nothing
 14 in this subdivision shall prohibit an insurer from entering into
 15 discount agreements with companies and locations for motor vehicle
 16 repair or otherwise entering into any business arrangements or
 17 affiliations which reduce the cost of motor vehicle repair if the
 18 insured or claimant has the right to use a particular company or
 19 reasonably available location for motor vehicle repair. If the
 20 insured or claimant chooses to use a particular company or location
 21 other than the one providing the lowest estimate for like kind and
 22 quality motor vehicle repair, the insurer shall not be liable for
 23 any cost exceeding the lowest estimate. For purposes of this
 24 subdivision, motor vehicle repair shall include motor vehicle glass
 25 replacement and motor vehicle glass repair.
 26 Sec. 2. Original section 44-1540, Reissue Revised
 27 Statutes of Nebraska, is repealed."

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bill:

LB/LR **Committee**
 LB 1308 Business and Labor

(Signed) George Coordsen, Chairperson
 Legislative Council
 Executive Board

GENERAL FILE

LEGISLATIVE RESOLUTION 6CA. The Schimek pending amendment, FA858, found on page 647, was renewed.

SPEAKER KRISTENSEN PRESIDING

Senator Schimek withdrew her amendment.

Senator Beutler offered the following amendment:
 AM2819

- 1 1. Strike original sections 1 and 2 and insert the
- 2 following new sections:
- 3 "Section 1. At the general election in November 2002 the
- 4 following proposed amendment to the Constitution of Nebraska shall
- 5 be submitted to the electors of the State of Nebraska for approval
- 6 or rejection:
- 7 To amend Article III, section 24:
- 8 III-24 "(1) Except as provided in this section, the
- 9 Legislature shall not authorize any game of chance or any lottery

10 or gift enterprise when the consideration for a chance to
11 participate involves the payment of money for the purchase of
12 property, services, or a chance or admission ticket or requires an
13 expenditure of substantial effort or time.

14 (2) The Legislature may authorize and regulate a state
15 lottery pursuant to subsection (3) of this section and other
16 lotteries, raffles, and gift enterprises which are intended solely
17 as business promotions or the proceeds of which are to be used
18 solely for charitable or community betterment purposes without
19 profit to the promoter of such lotteries, raffles, or gift
20 enterprises.

21 (3) The Legislature may establish a lottery to be
22 operated and regulated by the State of Nebraska. The proceeds of
23 the lottery shall be appropriated by the Legislature for the costs
24 of establishing and maintaining the lottery and for other purposes
1 as directed by the Legislature. No lottery game shall be conducted
2 as part of the lottery unless the type of game has been approved by
3 a majority of the members of the Legislature.

4 (4) Nothing in this section shall be construed to
5 prohibit (a) the enactment of laws providing for the licensing and
6 regulation of wagering on the results of horseraces, wherever run,
7 either within or outside of the state, by the parimutuel method,
8 when such wagering is conducted by licensees within a licensed
9 racetrack enclosure or (b) the enactment of laws providing for the
10 licensing and regulation of bingo games conducted by nonprofit
11 associations which have been in existence for a period of five
12 years immediately preceding the application for license, except
13 that bingo games cannot be conducted by agents or lessees of such
14 associations on a percentage basis.

15 (5) For purposes of this section:

16 (a) Gaming means any game of chance played with cards,
17 dice, equipment, or a machine for money, credit, or any
18 representative of value if the game is not included within the
19 definition of Class I or Class II gaming under the federal Indian
20 Gaming Regulatory Act as of January 1, 2002; and

21 (b) Interdiction gaming zone means an area of the state
22 that lies within two miles of an adjoining state which allows
23 gaming, except that (i) no such zone may contain lands within the
24 limits of a federally recognized Indian tribe's Indian reservation
25 in Nebraska recognized as of October 1988, or real property in Knox
26 County and Boyd County held by the Secretary of the Interior in
27 trust for the benefit of the Ponca Tribe, and (ii) if an adjoining
1 state no longer has gaming conducted in its jurisdiction for ten
2 years, the interdiction gaming zone or gaming in such portion of
3 the zone that adjoins such state shall be discontinued.

4 (6) Except if an agreement is reached under subsection
5 (7) of this section, nothing in the statutes or Constitution of
6 Nebraska shall be construed to prohibit or restrict gaming operated
7 by a federally recognized Indian tribe in Nebraska on lands within

8 the limits of the tribe's Indian reservation recognized as of
 9 October 1988, or on real property in Knox County and Boyd County
 10 held by the Secretary of the Interior in trust for the benefit of
 11 the Ponca Tribe, and over which the tribe has jurisdiction when
 12 such gaming is conducted in accordance with federal law.
 13 (7) Nothing in the Constitution of Nebraska shall be
 14 construed to prohibit or restrict gaming as authorized in this
 15 section in an interdiction gaming zone created by the Legislature
 16 pursuant to this subsection. The Legislature may make laws
 17 creating one interdiction gaming zone and authorizing up to five
 18 gaming facilities within the zone. The Legislature may provide for
 19 regulation and taxation of gaming activities in the interdiction
 20 gaming zone. Any such gaming activities shall be operated by the
 21 State of Nebraska or one or more federally recognized Indian tribes
 22 in Nebraska. The Legislature may grant one or more federally
 23 recognized Indian tribes in Nebraska the authority to conduct
 24 gaming activities in one or more facilities within the interdiction
 25 gaming zone if the tribe or tribes agree not to conduct gaming
 26 activities on the reservation land of the tribe or tribes in
 27 Nebraska or upon land in Knox County or Boyd County held by the
 1 Secretary of the Interior in trust for the benefit of the Ponca
 2 Tribe."
 3 Sec. 2. The proposed amendment shall be submitted to the
 4 electors in the manner prescribed by the Constitution of Nebraska,
 5 Article XVI, section 1, with the following ballot language:
 6 "A constitutional amendment to define gaming, to
 7 authorize creation of an interdiction gaming zone, and to
 8 permit gaming on Indian lands and in the interdiction
 9 gaming zone.
 10 For
 11 Against".

Senator Bruning asked unanimous consent to be excused until he returns.
No objections. So ordered.

Senator Janssen offered the following amendment to the Beutler pending amendment:

FA860

Amend AM2819

On page 3, line 1 strike "ten" and insert "two."

SENATOR COORDSEN PRESIDING

Senator Janssen withdrew his amendment.

Senator Schrock offered the following amendment to the Beutler pending amendment:

FA861

Amend AM2819

On page 3, line 1 strike "ten" and insert "5"

SPEAKER KRISTENSEN PRESIDING

The Schrock amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Senator Janssen offered the following amendment to the Beutler pending amendment:

AM2825

(Amendments to AM2819)

- 1 1. On page 2, line 9, after "enclosure" insert "and the
- 2 enactment of laws providing for the licensing and regulation of the
- 3 operation of slot machines within any licensed racetrack enclosure
- 4 which was in operation on January 1, 2002,".
- 5 2. On page 4, line 6, after "amendment" insert "to
- 6 authorize slot machines within licensed racetrack enclosures,".

Pending.

STANDING COMMITTEE REPORTS **General Affairs**

LEGISLATIVE RESOLUTION 292CA. Placed on General File as amended.

Standing Committee amendment to LR 292CA:

AM2799

- 1 1. Strike original sections 1 and 2 and insert the
- 2 following new sections:
- 3 "Section 1. At the general election in November 2002 the
- 4 following proposed amendment to the Constitution of Nebraska shall
- 5 be submitted to the electors of the State of Nebraska for approval
- 6 or rejection:
- 7 To amend Article III, section 24:
- 8 III-24 "(1) Except as provided in this section, the
- 9 Legislature shall not authorize any game of chance or any lottery
- 10 or gift enterprise when the consideration for a chance to
- 11 participate involves the payment of money for the purchase of
- 12 property, services, or a chance or admission ticket or requires an
- 13 expenditure of substantial effort or time.
- 14 (2) The Legislature may authorize and regulate a state
- 15 lottery pursuant to subsection (3) of this section and other
- 16 lotteries, raffles, and gift enterprises which are intended solely
- 17 as business promotions or the proceeds of which are to be used
- 18 solely for charitable or community betterment purposes without
- 19 profit to the promoter of such lotteries, raffles, or gift
- 20 enterprises.
- 21 (3) The Legislature may establish a lottery to be
- 22 operated and regulated by the State of Nebraska. The proceeds of

23 the lottery shall be appropriated by the Legislature for the costs
24 of establishing and maintaining the lottery and for other purposes
1 as directed by the Legislature. No lottery game shall be conducted
2 as part of the lottery unless the type of game has been approved by
3 a majority of the members of the Legislature.

4 (4) Nothing in this section shall be construed to
5 prohibit (a) the enactment of laws providing for the licensing and
6 regulation of wagering on the results of horseraces, wherever run,
7 either within or outside of the state, by the parimutuel method,
8 when such wagering is conducted by licensees within a licensed
9 racetrack enclosure and the enactment of laws providing for the
10 licensing and regulation of the operation of slot machines within
11 any licensed racetrack enclosure which was in operation on January
12 1, 2002, or (b) the enactment of laws providing for the licensing
13 and regulation of bingo games conducted by nonprofit associations
14 which have been in existence for a period of five years immediately
15 preceding the application for license, except that bingo games
16 cannot be conducted by agents or lessees of such associations on a
17 percentage basis.

18 (5) For purposes of this section:

19 (a) Gaming means any game of chance played with cards,
20 dice, equipment, or a machine for money, credit, or any
21 representative of value if the game is not included within the
22 definition of Class I or Class II gaming under the federal Indian
23 Gaming Regulatory Act as of January 1, 2002; and
24 (b) Interdiction gaming zone means an area of the state
25 that lies within two miles of an adjoining state which allows
26 gaming, except that (i) no such zone may contain lands within the
27 limits of a federally recognized Indian tribe's Indian reservation
1 in Nebraska recognized as of October 1988, or real property in Knox
2 County and Boyd County held by the Secretary of the Interior in
3 trust for the benefit of the Ponca Tribe, and (ii) if an adjoining
4 state no longer has gaming conducted in its jurisdiction for two
5 years, the interdiction gaming zone or gaming in such portion of
6 the zone that adjoins such state shall be discontinued.

7 (6) Except if an agreement is reached under subsection
8 (7) of this section, nothing in the statutes or Constitution of
9 Nebraska shall be construed to prohibit or restrict gaming operated
10 by a federally recognized Indian tribe in Nebraska on lands within
11 the limits of the tribe's Indian reservation recognized as of
12 October 1988, or on real property in Knox County and Boyd County
13 held by the Secretary of the Interior in trust for the benefit of
14 the Ponca Tribe, and over which the tribe has jurisdiction when
15 such gaming is conducted in accordance with federal law.

16 (7) Nothing in the Constitution of Nebraska shall be
17 construed to prohibit or restrict gaming as authorized in this
18 section in an interdiction gaming zone created by the Legislature
19 pursuant to this subsection. The Legislature may make laws
20 creating one interdiction gaming zone and authorizing up to five

21 gaming facilities within the zone. The Legislature may provide for
 22 regulation and taxation of gaming activities in the interdiction
 23 gaming zone. Any such gaming activities shall be operated by the
 24 State of Nebraska or one or more federally recognized Indian tribes
 25 in Nebraska. The Legislature may grant one or more federally
 26 recognized Indian tribes in Nebraska the authority to conduct
 27 gaming activities in one or more facilities within the interdiction
 1 gaming zone if the tribe or tribes agree not to conduct gaming
 2 activities on the reservation land of the tribe or tribes in
 3 Nebraska or upon land in Knox County or Boyd County held by the
 4 Secretary of the Interior in trust for the benefit of the Ponca
 5 Tribe.".
 6 Sec. 2. The proposed amendment shall be submitted to the
 7 electors in the manner prescribed by the Constitution of Nebraska,
 8 Article XVI, section 1, with the following ballot language:
 9 "A constitutional amendment to authorize slot machines
 10 within licensed racetrack enclosures, to define gaming,
 11 to authorize creation of an interdiction gaming zone, and
 12 to permit gaming on Indian lands and in the interdiction
 13 gaming zone.
 14 For
 15 Against".

(Signed) Ray Janssen, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 986. Indefinitely postponed.

(Signed) David M. Landis, Chairperson

Education

LEGISLATIVE BILL 532. Indefinitely postponed.

LEGISLATIVE BILL 654. Indefinitely postponed.

LEGISLATIVE BILL 1253. Indefinitely postponed.

(Signed) Ron Raikes, Chairperson

Agriculture

The Agriculture Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Dry Bean Commission
 Kenneth L. Rhoades

VOTE: Aye: Senators Burling, Chambers, Cunningham, Dierks, Erdman,

Schimek, Schrock, and Vrtiska. Nay: None. Absent: None.

(Signed) Merton L. Dierks, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 297. Introduced by Robak, 22.

WHEREAS, Matt Bates of Columbus High School won the Class A 171-pound state championship match at the 2002 State Wrestling Tournament; and

WHEREAS, Bates finished the season with a 37-2 record and was ranked No. 1 at 171 pounds in the Nebraska Scholastic Wrestling Coaches Association ratings; and

WHEREAS, Bates became the twenty-first wrestler at Columbus High School to win a state championship; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes and congratulates Matt Bates on winning the Class A 171-pound state wrestling championship.
2. That a copy of this resolution be sent to Matt Bates.

Laid over.

AMENDMENTS - Print in Journal

Senator Wickersham filed the following amendment to LB 1003:
AM2781

(Amendments to Standing Committee amendments, AM2691)

- 1 1. Insert the following new section:
- 2 "Section 18. Section 37-608, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 37-608. Any law enforcement official, including any
- 5 conservation officer, may enforce sections 37-305 to 37-313, and
- 6 the rules and regulations established under the authority of
- 7 sections 60-680 and 60-6,190, and federal orders restricting access
- 8 to federal lands under a memorandum of understanding or cooperative
- 9 agreement with a federal agency. When a violation has occurred in
- 10 or on any area under the ownership or control of the commission or
- 11 federal lands as authorized under this section, any conservation
- 12 officer may arrest and detain any person committing such violation
- 13 or committing any misdemeanor or felony as provided by the laws of
- 14 this state or federal orders as authorized under this section until
- 15 a legal warrant can be obtained."
- 16 2. Renumber the remaining sections and correct the
- 17 repealer accordingly.

Senator Coordsen filed the following amendment to LB 600:
AM2812

(Amendments to Standing Committee amendments, AM1916)

- 1 1. Strike sections 11 and 12 and insert the following
- 2 new sections:
- 3 "Sec. 11. (1) Valuations shall be established for land
- 4 devoted primarily to agricultural and horticultural use upon the
- 5 basis of the agricultural or horticultural income or productivity
- 6 attributable to the inherent capabilities of such land in its
- 7 current usage under a degree of management reflecting average
- 8 production levels for the subclasses, less the average expenses
- 9 normally incurred by a landlord and capitalized at the
- 10 capitalization rate as determined under section 14 of this act.
- 11 The average valuation in each county for each land subclass
- 12 determined from this process shall be weighted and distributed
- 13 across the land capability groups to determine a valuation for each
- 14 parcel of land devoted to agricultural and horticultural use.
- 15 (2) The data required for valuing agricultural and
- 16 horticultural land shall be provided by the following sources or
- 17 other local, state, or federal agencies, or as that determined by
- 18 the Property Tax Administrator under the advisement of the
- 19 Agricultural Land Use Advisory Committee:
- 20 (a) Productivity is the estimate established by each soil
- 21 type as published by the United States Department of Agriculture
- 22 Natural Resources Conservation Service; and
- 23 (b) Average cropping patterns, crop yields, and crop
- 1 prices by county shall be obtained from the Nebraska Crop and
- 2 Livestock Reporting Service or as published by other state or
- 3 federal agencies. Crop price information shall include federal
- 4 support information derived from United States Department of
- 5 Agriculture statistics per county. The cropping pattern shall
- 6 include, as data is available, but shall not be limited to, the
- 7 following crops: Continuous cropland wheat; summer fallow wheat;
- 8 corn for grain; dry beans; sorghum for grain; sugar beets; soybeans
- 9 for beans; oats; and alfalfa.
- 10 (3) The Property Tax Administrator under the advisement
- 11 of the Agricultural Land Use Advisory Committee shall determine the
- 12 sources to use, which may include the Department of Agricultural
- 13 Economics of the University of Nebraska, to do the following:
- 14 (a) Perform surveys if information is not available to
- 15 determine the typical leasing arrangements, the typical rent, and
- 16 the typical expenses for each land subclass and each county;
- 17 (b) Compile the data for the average cropping patterns,
- 18 crop yields, and crop prices by county from the sources as
- 19 designated by the Property Tax Administrator;
- 20 (c) Compute the three-year average typical landlord share
- 21 as provided for under subsection (4) of this section;
- 22 (d) Compute the average weighted valuation by land
- 23 subclass for each county, adjusted by eighty percent;

- 24 (e) When the county assessor has predetermined that cash
25 rent is the prevalent leasing arrangement, attribute an average
26 cash rental value to each land capability group in a county and
27 verify that the total rental value, when summing across all land
1 capability groups in a land subclass, equals the total value for
2 the land subclass as calculated by multiplying the weighted cash
3 rental value by total acres in that land subclass;
4 (f) Distribute the adjusted weighted average across the
5 land capability groups for each land subclass and verify that the
6 total valuation for the county remains unchanged after the
7 distribution; and
8 (g) Provide a report of valuations by county to the
9 Property Tax Administrator.
- 10 (4) When the county assessor determines crop share
11 leasing is the prevalent leasing arrangement for dry or irrigated
12 cropland in a county, the typical net landlord income shall be
13 determined as follows:
14 (a) Gross receipts by land capability group shall be
15 determined by multiplying the most recent three-year average crop
16 prices by the most recent three-year average crop yield weighting
17 the result by the most recent three-year average cropping pattern;
18 (b) Landlord income shall be computed by multiplying the
19 three-year average gross receipts by landlord share; and
20 (c) Net landlord income shall be computed by subtracting
21 from landlord income expenses normally incurred by a landlord.
22 (5) The net earning or productive capacity for grassland
23 shall be computed as follows: (a) By multiplying the
24 capacity in terms of animal unit months by the typical rental value
25 per animal unit month; or (b) by forage production, less landlord
26 expenses paid by the landlord. Carrying capacity and forage
27 production, by land subclass, shall be based on productivity
1 estimates by each soil type, published by the United States
2 Department of Agriculture Natural Resources Conservation Service or
3 other state or federal agencies and as selected and applied by the
4 Property Tax Administrator after consultation with and advisement
5 from the Agricultural Land Use Advisory Committee. Rental value
6 per animal unit month shall be based on the most recent three-year
7 average as published by local, state, federal, or other agencies or
8 developed from surveys performed by or for the Department of
9 Property Assessment and Taxation. Landlord expenses shall be
10 computed based on the typical leasing arrangements as determined
11 from surveys conducted or authorized by the Department of Property
12 Assessment and Taxation or as published by other state or federal
13 agencies and as selected and applied by the Property Tax
14 Administrator after consultation with and advisement from the
15 Agricultural Land Use Advisory Committee.
16 For counties or land subclasses for which
17 animal-unit-month data is not available, the income stream shall be
18 computed by using the average of the most recent three-year

19 prevailing cash rental rates per acre less the typical landlord
 20 expenses. The annual prevailing cash rental rates per acre shall
 21 be based on data developed by the Department of Agricultural
 22 Economics of the University of Nebraska or as published by other
 23 state or federal agencies and as selected and applied by the
 24 Property Tax Administrator after consultation with and advisement
 25 from the Agricultural Land Use Advisory Committee.

26 (6) The land portion of farm sites shall be assessed at
 27 the same value as the average of all the land capability groups in
 1 the parcel.

2 (7) Wasteland shall be assessed at ten percent of the
 3 lowest assessed land capability group in the county.

4 (8) When making the computations prescribed in this
 5 section, the same three-year period shall be used.

6 Sec. 12. The agricultural and horticultural use value
 7 for each land capability group shall be calculated by dividing the
 8 net landlord income determined under section 11 of this act by the
 9 capitalization rate set in section 14 of this act. The value for a
 10 parcel of land shall be computed by summing the values and acres of
 11 land in each land capability group for the parcel. The
 12 agricultural and horticultural use value placed on such land by the
 13 county assessor shall be subject to equalization by the county
 14 board of equalization and the Tax Equalization and Review
 15 Commission."

16 2. On page 3, line 21, strike "2002" and insert "2003";
 17 and in line 27 strike "2003" and insert "2004".

18 3. On page 6, strike lines 2 through 6; in line 7 strike
 19 "(6)" and insert "(5)"; in line 12 strike "(7)" and insert "(6)";
 20 in line 17 strike "(8)" and insert "(7)"; in line 21 strike "(9)"
 21 and insert "(8)"; and after line 25 insert the following new
 22 subdivision:

23 "(9) Landlord share means that share of the net income
 24 normally received by the landlord from the productivity of the land
 25 based on the most predominant crops and computed using the most
 26 frequently occurring arrangement in the county. Crop-share or
 27 cash-rent method shall be used as the basis for determining income.

1 Under a crop-share arrangement, landlord share means the landlord
 2 return under crop-share leases expressed as a percentage of gross
 3 receipts attributable to the land. Landlord return means gross
 4 receipts less typical input costs incurred by a landlord under a
 5 crop-share lease. Under a cash-rent arrangement, landlord share is
 6 the cash rent;"

7 4. On page 7, line 1, strike "property taxes" and insert
 8 "prorated conservation expenses"; in line 2 after the last comma
 9 insert "reserves for replacement"; after line 10 insert the
 10 following new subdivision:

11 "(12) Reserves for replacement means the expense
 12 associated with the irrigation well and casing, underground
 13 transmission line, storage reservoirs, concrete ditches, permanent

14 set sprinkler, drip irrigation systems, and fences and similar
 15 equipment or parts that will reach the end of their economic life
 16 before the end of the life of the land. Reserves for replacement
 17 does not include other necessary irrigation equipment, such as
 18 pumps, gearheads, and motors, and side-roll or center-pivot
 19 sprinkler systems typically considered personal property."; in line
 20 11 strike "(12)" and insert "(13)"; and in line 17 strike "(13)"
 21 and insert "(14)".

22 5. On page 10, line 4, strike "categories" and insert
 23 "land subclasses"; in line 6 strike "Categories" and insert "Land
 24 subclasses"; in line 7 strike the first "subclasses" and insert
 25 "capability groups" and after the second "subclasses" insert "or
 26 land capability groups"; in line 12 strike "category" and insert
 27 "land subclass"; and in line 18 after "subclasses" insert "and land
 1 capability groups".

2 6. On page 11, line 2, after "(5)" insert "County
 3 assessors shall determine which method, crop share or cash rent,
 4 most nearly reflects the prevalent leasing arrangement by land
 5 subclass in the county. The method determined by the county
 6 assessor shall be reported to the Property Tax Administrator by
 7 January 1, 2003, and shall not be changed without a showing that
 8 the change in method most nearly reflects the use in the land
 9 subclass.
 10 (6)".

11 7. On page 15, line 12, strike "categories" and insert
 12 "land subclasses"; in line 16 strike "category or land subclass"
 13 and insert "land subclasses or land capability groups"; and in line
 14 20 after "percent" insert "plus the county average property tax
 15 levy on agricultural and horticultural land. The Agricultural Land
 16 Use Advisory Committee may add an economic component of not greater
 17 than three percent on an annual basis if needed to establish
 18 income-based valuations reflective of the agricultural economic
 19 conditions".

20 8. On page 20, line 6, strike "2002" and insert "2003";
 21 and in line 22 strike "2003" and insert "2004".

22 9. On page 21, line 27, strike "2003" and insert "2004".

23 10. On page 22, line 3, after the period insert
 24 "Beginning January 1, 2004, for agricultural land and horticultural
 25 land, the acceptable range shall be from ninety-two percent to one
 26 hundred percent of agricultural and horticultural use valuation.".

27 11. On page 25, strike beginning with "Sections" in line
 1 16 through line 17 and insert "This act becomes".

2 12. Renumber the remaining sections and correct internal
 3 references accordingly.

ANNOUNCEMENTS

Senator Schrock designates LB 1006 as his priority bill.

Senator Kristensen designates LB 898 as his priority bill.

UNANIMOUS CONSENT - Add Cointroducer

Senator Preister asked unanimous consent to have his name added as cointroducer to LB 1148. No objections. So ordered.

VISITORS

Visitors to the Chamber were Jeff Schelkopf from Sutton; and students from Columbus, Elkhorn, Imperial, Papillion, and Plattsmouth.

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Redfield, the Legislature adjourned until 9:00 a.m., Thursday, February 21, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-EIGHTH DAY - FEBRUARY 21, 2002

LEGISLATIVE JOURNAL

**NINETY-SEVENTH LEGISLATURE
SECOND SESSION**

TWENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 21, 2002

PRAYER

The prayer was offered by Scott Daniell with Mission Nebraska, Lincoln, Nebraska, and Pastor Dean Pofahl, Overton Christian Church, Overton, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Brashear, Bromm, Brown, Foley, Landis, Price, Raikes, Robak, Synowiecki, and Wickersham who were excused until they arrive.

SPEAKER KRISTENSEN PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-seventh day was approved.

ANNOUNCEMENTS

Senator Bromm designates LB 1185 as his priority bill.

Senator Chambers designates LB 19 as his priority bill.

MOTION - Suspend Rules

Senator Connealy moved to suspend the rules, Rule 3, Section 14, to permit the scheduling of a public hearing on LB 1308 by the Business and Labor Committee.

The Connealy motion to suspend the rules prevailed with 32 ayes, 0 nays, 7 present and not voting, and 10 excused and not voting.

NOTICE OF COMMITTEE HEARING
Business and Labor
 Room 2102

LB 1308 Monday, February 25, 2002

1:30 PM

(Signed) Matt Connealy, Chairperson

ANNOUNCEMENT

The Chair announced today is Senator Hudkins' birthday.

GENERAL FILE

LEGISLATIVE RESOLUTION 6CA. Senator Janssen renewed his pending amendment, AM2825, found on page 657, to the Beutler pending amendment, AM2819, found on page 654.

Senator Janssen withdrew his amendment.

Senator Janssen offered the following amendment to the Beutler pending amendment:

AM2826

(Amendments to AM2819)

- 1 1. On page 2, line 9, after "enclosure" insert "and the
- 2 enactment of laws providing for the licensing and regulation of the
- 3 operation of slot machines within no more than five licensed
- 4 racetrack enclosures as determined by the Legislature".
- 5 2. On page 4, line 6, after "amendment" insert "to
- 6 authorize slot machines within licensed racetrack enclosures,".

Senator Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Senator Janssen requested a roll call vote on his amendment.

The Janssen amendment lost with 14 ayes, 23 nays, 8 present and not voting, and 4 excused and not voting.

The Beutler pending amendment, AM2819, found on page 654, as amended, was renewed.

SENATOR CUDABACK PRESIDING**SPEAKER KRISTENSEN PRESIDING**

Senators Dierks, Byars, and McDonald asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Thompson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Senator Beutler moved for a call of the house. The motion prevailed with 36 ayes, 1 nay, and 12 not voting.

Senator Beutler requested a roll call vote on his amendment, as amended.

Voting in the affirmative, 23:

| | | | | |
|---------|------------|----------|--------------|----------|
| Beutler | Chambers | Hartnett | Pederson, D. | Suttle |
| Bourne | Connealy | Janssen | Preister | Thompson |
| Bromm | Cudaback | Kruse | Raikes | Wehrbein |
| Brown | Cunningham | Landis | Redfield | |
| Burling | Engel | Maxwell | Schimek | |

Voting in the negative, 21:

| | | | | |
|----------|---------|---------------|------------|------------|
| Aguilar | Foley | Kristensen | Smith | Wickersham |
| Baker | Hudkins | Pedersen, Dw. | Stuhr | |
| Bruning | Jensen | Price | Synowiecki | |
| Coordsen | Jones | Quandahl | Tyson | |
| Erdman | Kremer | Schrock | Vrtiska | |

Excused and not voting, 5:

| | | | | |
|----------|-------|--------|----------|-------|
| Brashear | Byars | Dierks | McDonald | Robak |
|----------|-------|--------|----------|-------|

The Beutler amendment, as amended, lost with 23 ayes, 21 nays, and 5 excused and not voting.

Pending.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 1216. Placed on General File.

LEGISLATIVE BILL 862. Placed on General File as amended.
(Standing Committee amendment, AM2689, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 1152. Placed on General File as amended.
Standing Committee amendment to LB 1152:

AM2697

1 1. Strike the original sections and insert the following
 2 new sections:
 3 "Section 1. A hospital patient who is nineteen years of
 4 age or older or an emancipated minor may designate at any time,
 5 orally or in writing, up to five individuals not legally related by
 6 marriage or blood to the patient whom the patient wishes to be
 7 given the same visitation privileges as an immediate family member
 8 of such patient. An individual so designated shall have the same
 9 visitation privileges as an immediate family member of such
 10 patient. The patient may rescind the designation or designations
 11 at any time, orally or in writing. Any designation or rescission
 12 made under this section shall be noted on the patient's medical
 13 records at such hospital. For purposes of this section, medical
 14 records means the hospital's record of a patient's health history
 15 and treatment rendered.
 16 Sec. 2. The Revisor of Statutes shall assign section 1
 17 of this act to Chapter 71, article 20."

(Signed) Jim Jensen, Chairperson

SPECIAL COMMITTEE REPORTS
Executive Board

LEGISLATIVE BILL 1011. Placed on General File.**LEGISLATIVE BILL 1014.** Placed on General File.**LEGISLATIVE BILL 1307.** Placed on General File.**LEGISLATIVE RESOLUTION 283CA.** Indefinitely postponed.

(Signed) George Coordsen, Chairperson

ANNOUNCEMENTS

Senator Kremer designates LB 777 as his priority bill.

Senator Bourne designates LB 584 as his priority bill.

AMENDMENTS - Print in Journal

Senator Schrock filed the following amendment to LB 1003:

AM2806

(Amendments to Standing Committee amendments, AM2691)

1 1. Insert the following new sections:
 2 "Sec. 19. Section 49-1401, Revised Statutes Supplement,
 3 2001, is amended to read:
 4 49-1401. Sections 49-1401 to 49-14,141 and sections 21
 5 and 22 of this act shall be known and may be cited as the Nebraska
 6 Political Accountability and Disclosure Act. Any reference to

7 sections 49-1401 to 49-14,138 shall be construed to include
8 sections 49-1499.01 and 49-14,103.01 to 49-14,103.07. After August
9 25, 1989, any reference to sections 49-1401 to 49-14,138 shall be
10 construed to include sections 49-14,123.01 and 49-14,140.

11 Sec. 20. Section 49-1493, Revised Statutes Supplement,
12 2001, is amended to read:

13 49-1493. The individuals listed in subdivisions (1)
14 through ~~(12)~~ (13) of this section shall file with the commission a
15 statement of financial interests as provided in sections 49-1496
16 and 49-1497 for the preceding calendar year on or before April 1 of
17 each year in which such individual holds such a position. An
18 individual who leaves office shall, within thirty days after
19 leaving office, file a statement covering the period since the
20 previous statement was filed. Disclosure of the interest named in
21 sections 49-1496 to 49-1498 shall be made by:

22 (1) An individual holding a state executive office as
23 provided in Article IV of the Constitution of Nebraska, including
24 the Governor, Lieutenant Governor, Secretary of State, Auditor of
25 Public Accounts, State Treasurer, Attorney General, Tax
26 Commissioner, and heads of such other executive departments as set
27 forth in the Constitution or as may be established by law;

28 (2) An individual holding the office of Commissioner of
29 Education, member of the State Board of Education, member of the
30 Board of Regents of the University of Nebraska with the exception
31 of student members, or member of the Coordinating Commission for
32 Postsecondary Education;

33 (3) A member of the Board of Parole;

34 (4) A member of the Public Service Commission;

35 (5) A member of the Legislature;

36 (6) A member of the board of directors or an officer of a
37 district organized under the provisions of Chapter 70;

38 (7) A member of any board or commission of the state or
39 any county which examines or licenses a business or which
40 determines rates for or otherwise regulates a business;

41 (8) A member of a land-use planning commission, zoning
42 commission, or authority of the state or any county with a
43 population of more than one hundred thousand inhabitants;

44 (9) An elected official of a city of the primary or
45 metropolitan class;

46 (10) An elected county official;

47 (11) A member of the Nebraska Environmental Trust Board;

48 (12) An individual employed at the University of
49 Nebraska-Lincoln in the position of Head Football Coach, Men's
50 Basketball Coach, or Women's Basketball Coach; and

51 ~~(12)~~ (13) An official or employee of the state designated
52 by rules and regulations of the commission who is responsible for
53 taking or recommending official action of a nonministerial nature
54 with regard to:

55 (a) Contracting or procurement;

- 6 (b) Administering or monitoring grants or subsidies;
7 (c) Land-use planning or zoning;
8 (d) Inspecting, licensing, regulating, or auditing any
9 person; or
10 (e) Any similar action.
- 11 Sec. 21. (1) An official or employee of the Nebraska
12 Environmental Trust Board shall not employ or recommend or
13 supervise the employment of an immediate family member by the
14 board.
- 15 (2) This section does not apply to an immediate family
16 member of an official or employee of the board who was previously
17 employed in a position subject to this section prior to the
18 appointment of the official or employee. Prior to, upon, or as
19 soon as reasonably possible after the official date of taking
20 office, a newly appointed official or employee of the board shall
21 make a full disclosure of any immediate family member employed in a
22 position subject to this section.
- 23 (3) Any person violating this section shall be guilty of
24 a Class III misdemeanor.
- 25 Sec. 22. (1) An official or employee of the Nebraska
26 Environmental Trust Board who would be required to take any action
27 or make any decision in the discharge of his or her official duties
1 that may cause financial benefit or detriment to him or her, a
2 member of his or her immediate family, or a business with which he
3 or she is associated, which is distinguishable from the effects of
4 such action on the public generally or a broad segment of the
5 public, shall take the following actions as soon as he or she is
6 aware of such potential conflict or should reasonably be aware of
7 such potential conflict, whichever is sooner:
8 (a) Prepare a written statement describing the matter
9 requiring action or decision and the nature of the potential
10 conflict; and
11 (b) Deliver a copy of the statement to the commission and
12 to his or her immediate superior, if any, who shall assign the
13 matter to another. If the immediate superior does not assign the
14 matter to another or if there is no immediate superior, the
15 official or employee shall take such action as the commission shall
16 advise or prescribe to remove himself or herself from influence
17 over the action or decision on the matter.
- 18 (2) This section does not prevent such a person from
19 making or participating in the making of a decision to the extent
20 that the individual's participation is legally required for the
21 action or decision to be made. A person acting pursuant to this
22 subsection shall report the occurrence to the commission.
- 23 Sec. 29. Section 81-15,167, Revised Statutes Supplement,
24 2000, is amended to read:
25 81-15,167. Sections 81-15,167 to 81-15,176 and section
26 31 of this act shall be known and may be cited as the Nebraska
27 Environmental Trust Act.

1 Sec. 30. Section 81-15,170, Revised Statutes Supplement,
2 2000, is amended to read:

3 81-15,170. The Nebraska Environmental Trust Board is
4 hereby created. The board shall consist of the Director of
5 Environmental Quality, the Director of Regulation and Licensure,
6 the Director of Natural Resources, the Director of Agriculture, the
7 secretary of the Game and Parks Commission, and nine citizens
8 appointed by the Governor with the approval of a majority of the
9 Legislature. The citizen members shall begin serving immediately
10 following notice of nomination and prior to approval by the
11 Legislature. The citizen members shall represent the general
12 public and shall have demonstrated competence, experience, and
13 interest in the environment of the state. Two of the citizen
14 appointees shall also have experience with private financing of
15 public-purpose projects. Three appointees shall be chosen from
16 each of the three congressional districts. The board shall hire an
17 executive director who shall hire and supervise other staff members
18 as may be authorized by the board. The executive director shall
19 serve at the pleasure of the board and be solely responsible to it.
20 The Game and Parks Commission shall provide administrative support,
21 including, but not limited to, payroll and accounting functions, to
22 the board. For administrative purposes only, the board shall be
23 part of the Game and Parks Commission.

24 Sec. 31. Any member of the board who is also director of
25 a state agency shall abstain from voting on applications which
26 would provide funding primarily to his or her agency.

27 Sec. 32. Section 81-15,175, Revised Statutes Supplement,
1 2000, is amended to read:

2 81-15,175. (1) The board may make an annual allocation
3 from the Nebraska Environmental Trust Fund to the Nebraska
4 Environmental Endowment Fund as provided in section 81-15,174.01.
5 The board shall make annual allocations from the Nebraska
6 Environmental Trust Fund and may make annual allocations from the
7 Nebraska Environmental Endowment Fund for projects which conform to
8 the environmental priorities of the board established pursuant to
9 section 81-15,176 and to the extent the board determines those
10 projects to have merit. The board shall establish an annual
11 calendar for receiving and evaluating proposals and awarding
12 grants. To evaluate the economic, financial, and technical
13 feasibility of proposals, the board may establish subcommittees,
14 request or contract for assistance, or establish advisory groups.
15 Private citizens serving on advisory groups shall be reimbursed for
16 their actual and necessary expenses pursuant to sections 81-1174 to
17 81-1177.

18 (2) The board shall establish a rating system for ranking
19 proposals which meet the board's environmental priorities and other
20 criteria. The rating system shall include, but not be limited to,
21 the following considerations:

22 (a) Conformance with priorities established pursuant to

23 section 81-15,176;

24 (b) Amount of funds committed from other funding sources;

25 (c) Encouragement of public-private partnerships;

26 (d) Geographic mix of projects over time;

27 (e) Cost effectiveness and economic impact;

1 (f) Direct environmental impact; and

2 (g) Environmental benefit to the general public and the

3 long-term nature of such public benefit.

4 (3) ~~The results of the annual rating of proposals shall~~

5 ~~guide the board's allocation of funds, except that the board may~~

6 ~~assign a higher rating to any proposal with an affirmative vote of~~

7 ~~eleven members. The motion for such an action shall specify the~~

8 ~~reasons for such action. The board may commit funds to multiyear~~

9 ~~projects, subject to available funds and appropriations. No~~

10 ~~commitment shall exceed three years without formal action by the~~

11 ~~board to renew the grant or contract. Multiyear commitments may be~~

12 ~~exempt from the rating process, except for the initial application~~

13 ~~and requests to renew the commitment.~~

14 (4) The board may establish a subcommittee to rate grant

15 applications. If the board uses a subcommittee, the subcommittee

16 shall (a) use the rating system established by the board under

17 subsection (2) of this section, (b) assign a numeric value to each

18 rating criterion, combine these values into a total score for each

19 application, and rank the applications by the total scores, (c)

20 recommend an amount of funding for each application, which amount

21 may be more or less than the requested amount, and (d) submit the

22 ranked list and recommended funding to the board for its approval

23 or disapproval.

24 (4) A motion to deviate from the subcommittee's

25 recommendations must specify the reason for doing so and be adopted

26 with an affirmative vote of not fewer than eight members of the

27 board.

1 (5) The board may commit funds to multiyear projects,

2 subject to available funds and appropriations. No commitment shall

3 exceed three years without formal action by the board to renew the

4 grant or contract. Multiyear commitments may be exempt from the

5 rating process, except for the initial application and requests to

6 renew the commitment.

7 (6) The board shall adopt and promulgate rules and

8 regulations and publish guidelines governing allocations from the

9 fund. The board shall conduct annual reviews of existing projects

10 for compliance with project goals and grant requirements.

11 (7) Every five years the board may evaluate the long-term

12 effects of the projects it funds. The evaluation may assess a

13 sample of such projects. The board may hire an independent

14 consultant to conduct the evaluation and may report the evaluation

15 findings to the Legislature and the Governor.

16 Sec. 33. Section 81-15,176, Revised Statutes Supplement,

17 2000, is amended to read:

- 18 81-15,176. (1) Subject to subsection (3) of this
19 section, the board shall establish environmental priorities for the
20 trust. The board, after allowing opportunity for public comment,
21 shall designate as priorities those environmental goals which most
22 affect the natural physical and biological environment in Nebraska,
23 including the air, land, ground water and surface water, flora and
24 fauna, prairies and forests, wildlife and wildlife habitat, and
25 areas of aesthetic or scenic values. In designating environmental
26 priorities, the board shall attempt to focus on the areas which
27 promise the greatest opportunities for effective action to achieve
1 and preserve the future environmental quality in the state. The
2 board shall establish priorities for five-year periods beginning
3 July 1, 1995, except that the board may make annual modifications
4 to refine and clarify its priorities. The board shall provide for
5 public involvement in developing the priorities for such five-year
6 periods, including public meetings in each of the three
7 congressional districts.
- 8 (2) The board shall establish criteria for determining
9 the eligibility of projects for grant assistance, which criteria
10 shall include the following:
- 11 (a) The grants shall not provide direct assistance to
12 regulatory programs or to implement actions mandated by regulations
13 except remediation;
- 14 (b) No more than sixty percent of grant allocations in
15 any year shall assist remediation of soils or ground water, and no
16 grants for this purpose shall occur unless all other available
17 sources of funding are, in the opinion of the board, being
18 substantially utilized;
- 19 (c) The grants shall not pay for projects which provide
20 primarily private benefits or to relieve private liability for
21 environmental damage;
- 22 (d) The grants shall not pay for projects which have
23 direct beneficiaries who could afford the costs of the benefits
24 without experiencing serious financial hardship;
- 25 (e) The grants should assist those projects which offer
26 the greatest environmental benefits relative to cost;
- 27 (f) The grants should assist those projects which provide
1 clear and direct environmental benefits;
- 2 (g) The grants should assist those projects which will
3 make a real contribution to achieving the board's environmental
4 priorities;
- 5 (h) The grants should assist those projects which offer
6 the greatest public benefits; and
- 7 (i) The grants shall not pay for land or easements
8 acquired without the full and express consent of the landowner.
- 9 (3) Until the first five-year priorities become effective
10 on July 1, 1995, the board shall observe the following priorities
11 for allocating grants:
- 12 (a) Critical habitat areas, including wetlands

13 acquisition, preservation, and restoration and acquisition and
 14 easements of areas critical to rare or endangered species;
 15 (b) Surface water quality, including actions to preserve
 16 lakes and streams from degradation;
 17 (c) Ground water quality, including fostering best
 18 management practices as defined in section 46-656.07, actions to
 19 preserve ground water from degradation, and remediation of soils or
 20 ground water; and
 21 (d) Development of recycling markets and reduction of
 22 solid waste volume and toxicity.
 23 (4) The board may refine and clarify these initial
 24 priorities."
 25 2. Renumber the remaining sections and correct the
 26 repealer accordingly.

Senator Coordsen filed the following amendment to LB 600:
 AM2848

(Amendments to Standing Committee amendments, AM1916)

1 1. Strike sections 11 and 12 and insert the following
 2 new sections:
 3 "Sec. 11. (1) Valuations shall be established for land
 4 devoted primarily to agricultural and horticultural use upon the
 5 basis of the agricultural or horticultural income or productivity
 6 attributable to the inherent capabilities of such land in its
 7 current usage under a degree of management reflecting average
 8 production levels for the subclasses, less the average expenses
 9 normally incurred by a landlord and capitalized at the
 10 capitalization rate as determined under section 14 of this act.
 11 (2) The data required for valuing agricultural and
 12 horticultural land shall be provided by the following sources or
 13 other local, state, or federal agencies, or as that determined by
 14 the Property Tax Administrator under the advisement of the
 15 Agricultural Land Use Advisory Committee:
 16 (a) Productivity is the estimate established by each soil
 17 type as published by the United States Department of Agriculture
 18 Natural Resources Conservation Service; and
 19 (b) Average cropping patterns, crop yields, and crop
 20 prices by county shall be obtained from the Nebraska Crop and
 21 Livestock Reporting Service or as published by other state or
 22 federal agencies. Crop price information shall include federal
 23 support information derived from United States Department of
 1 Agriculture statistics per county. The cropping pattern shall
 2 include, as data is available, but shall not be limited to, the
 3 following crops: Continuous cropland wheat; summer fallow wheat;
 4 corn for grain; dry beans; sorghum for grain; sugar beets; soybeans
 5 for beans; oats; and alfalfa.
 6 (3) The Property Tax Administrator under the advisement
 7 of the Agricultural Land Use Advisory Committee shall determine the
 8 sources to use, which may include the Department of Agricultural

9 Economics of the University of Nebraska, to do the following:

10 (a) Perform surveys if information is not available to
11 determine the typical leasing arrangements, the typical rent, and
12 the typical expenses for each land subclass and each county;

13 (b) Compile the data for the average cropping patterns,
14 crop yields, and crop prices by county from the sources as
15 designated by the Property Tax Administrator;

16 (c) Compute the three-year average typical landlord share
17 as provided for under subsection (4) of this section;

18 (d) When the county assessor has predetermined that cash
19 rent is the prevalent leasing arrangement, attribute an average
20 cash rental value to each land capability group in a county and
21 verify that the total rental value, when summing across all land
22 capability groups in a land subclass, equals the total value for
23 the land subclass as calculated by multiplying the weighted cash
24 rental value by total acres in that land subclass;

25 (e) Distribute the adjusted weighted average across the
26 land capability groups for each land subclass and verify that the
27 total valuation for the county remains unchanged after the
1 distribution; and

2 (f) Provide a report of valuations to the Property Tax
3 Administrator.

4 (4) When the county assessor determines crop share
5 leasing is the prevalent leasing arrangement for dry or irrigated
6 cropland in a county, the typical net landlord income shall be
7 determined as follows:

8 (a) Gross receipts by land capability group shall be
9 determined by multiplying the most recent three-year average crop
10 prices by the most recent three-year average crop yield;

11 (b) Landlord income shall be computed by multiplying the
12 three-year average gross receipts by landlord share; and

13 (c) Net landlord income shall be computed by subtracting
14 from landlord income expenses normally incurred by a landlord and
15 weighting the result by the most recent three-year average cropping
16 pattern.

17 (5) When the county assessor determines that cash-rent
18 leasing is the prevalent leasing arrangement, net landlord income
19 shall be computed by subtracting from the cash rental value
20 expenses normally incurred by a landlord.

21 (6) The landlord's income for grassland shall be computed
22 as follows: (a) By multiplying the carrying capacity in terms of
23 animal unit months by the typical rental value per animal unit
24 month; or (b) by forage production, less landlord expenses paid by
25 the landlord. Carrying capacity and forage production, by land
26 subclass, shall be based on productivity estimates by each soil
27 type, published by the United States Department of Agriculture

1 Natural Resources Conservation Service or other state or federal
2 agencies and as selected and applied by the Property Tax
3 Administrator after consultation with and advisement from the

4 Agricultural Land Use Advisory Committee. Rental value per animal
 5 unit month shall be based on the most recent three-year average as
 6 published by local, state, federal, or other agencies or developed
 7 from surveys performed by or for the Department of Property
 8 Assessment and Taxation. Landlord expenses shall be computed based
 9 on the typical leasing arrangements as determined from surveys
 10 conducted or authorized by the Department of Property Assessment
 11 and Taxation or as published by other state or federal agencies and
 12 as selected and applied by the Property Tax Administrator after
 13 consultation with and advisement from the Agricultural Land Use
 14 Advisory Committee.

15 For counties or land subclasses for which
 16 animal-unit-month data is not available, the income stream shall be
 17 computed by using the average of the most recent three-year
 18 prevailing cash rental rates per acre less the typical landlord
 19 expenses. The annual prevailing cash rental rates per acre shall
 20 be based on data developed by the Department of Agricultural
 21 Economics of the University of Nebraska or as published by other
 22 state or federal agencies and as selected and applied by the
 23 Property Tax Administrator after consultation with and advisement
 24 from the Agricultural Land Use Advisory Committee.

25 (7) The land portion of farm sites shall be assessed at
 26 the same value as the average of all the land capability groups in
 27 the parcel.

1 (8) Wasteland shall be assessed at ten percent of the
 2 lowest assessed land capability group in the county.

3 (9) When making the computations prescribed in this
 4 section, the same three-year period shall be used.

5 Sec. 12. The agricultural and horticultural use value
 6 for each land capability group shall be calculated by dividing the
 7 net landlord income determined under section 11 of this act by the
 8 capitalization rate set in section 14 of this act. The value for a
 9 parcel of land shall be computed by summing the values and acres of
 10 land in each land capability group for the parcel. The
 11 agricultural and horticultural use value placed on such land by the
 12 county assessor shall be subject to equalization by the county
 13 board of equalization and the Tax Equalization and Review
 14 Commission."

15 2. On page 3, line 21, strike "2002" and insert "2003";
 16 and in line 27 strike "2003" and insert "2004".

17 3. On page 6, strike lines 2 through 6; in line 7 strike
 18 "(6)" and insert "(5)"; in line 12 strike "(7)" and insert "(6)";
 19 in line 17 strike "(8)" and insert "(7)"; in line 21 strike "(9)"
 20 and insert "(8)"; and after line 25 insert the following new
 21 subdivision:

22 "(9) Landlord share means that share of the net income
 23 normally received by the landlord from the productivity of the land
 24 based on the most predominant crops and computed using the most
 25 frequently occurring arrangement in the county. Crop-share or

26 cash-rent method shall be used as the basis for determining income.
27 Under a crop-share arrangement, landlord share means the landlord
1 return under crop-share leases expressed as a percentage of gross
2 receipts attributable to the land. Landlord return means gross
3 receipts less typical input costs incurred by a landlord under a
4 crop-share lease. Under a cash-rent arrangement, landlord share is
5 the cash rent;".

6 4. On page 7, line 1, strike "property taxes" and insert
7 "prorated conservation expenses;"; in line 2 after the last comma
8 insert "reserves for replacement;"; after line 10 insert the
9 following new subdivision:

10 "(12) Reserves for replacement means the expense
11 associated with the irrigation well and casing, underground
12 transmission line, storage reservoirs, concrete ditches, permanent
13 set sprinkler, drip irrigation systems, and fences and similar
14 equipment or parts that will reach the end of their economic life
15 before the end of the life of the land. Reserves for replacement
16 does not include other necessary irrigation equipment, such as
17 pumps, gearheads, and motors, and side-roll or center-pivot
18 sprinkler systems typically considered personal property;"; in line
19 11 strike "(12)" and insert "(13)"; and in line 17 strike "(13)"
20 and insert "(14)".

21 5. On page 10, line 4, strike "categories" and insert
22 "land subclasses"; in line 6 strike "Categories" and insert "Land
23 subclasses"; in line 7 strike the first "subclasses" and insert
24 "capability groups" and after the second "subclasses" insert "or
25 land capability groups"; in line 12 strike "category" and insert
26 "land subclass"; and in line 18 after "subclasses" insert "and land
27 capability groups".

1 6. On page 11, line 2, after "(5)" insert "County
2 assessors shall determine which method, crop share or cash rent,
3 most nearly reflects the prevalent leasing arrangement by land
4 subclass in the county. The method determined by the county
5 assessor shall be reported to the Property Tax Administrator by
6 January 1, 2003, and shall not be changed without a showing that
7 the change in method most nearly reflects the use in the land
8 subclass.
9 "(6)".

10 7. On page 15, line 12, strike "categories" and insert
11 "land subclasses"; in line 16 strike "category or land subclass"
12 and insert "land subclasses or land capability groups"; and in line
13 20 after "percent" insert "plus the county average property tax
14 levy on agricultural and horticultural land. The Agricultural Land
15 Use Advisory Committee may add an economic component of not greater
16 than three percent on an annual basis if needed to establish
17 income-based valuations reflective of the agricultural economic
18 conditions".

19 8. On page 20, line 6, strike "2002" and insert "2003";
20 and in line 22 strike "2003" and insert "2004".

- 21 9. On page 21, line 27, strike "2003" and insert "2004".
- 22 10. On page 22, line 3, after the period insert
- 23 "Beginning January 1, 2004, for agricultural land and horticultural
- 24 land, the acceptable range shall be from ninety-two percent to one
- 25 hundred percent of agricultural and horticultural use valuation.".
- 26 11. On page 25, strike beginning with "Sections" in line
- 27 16 through line 17 and insert "This act becomes".
- 1 12. Renumber the remaining sections and correct internal
- 2 references accordingly.

GENERAL FILE

LEGISLATIVE RESOLUTION 6CA. Senator Bruning renewed his pending motion, found on page 433, to indefinitely postpone.

Senator Vrtiska asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1101. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend section 81-15,177, Reissue Revised Statutes of Nebraska; to authorize a fund transfer; to appropriate funds; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 41:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Connealy | Jensen | Preister | Suttle |
| Baker | Coordsen | Jones | Price | Synowiecki |
| Beutler | Cudaback | Kremer | Quandahl | Tyson |
| Bourne | Cunningham | Kristensen | Raikes | Wehrbein |
| Brashear | Erdman | Kruse | Redfield | Wickersham |
| Bromm | Foley | Landis | Schimek | |
| Brown | Hartnett | Maxwell | Schrock | |
| Bruning | Hudkins | McDonald | Smith | |
| Burling | Janssen | Pedersen, Dw. | Stuhr | |

Voting in the negative, 1:

Chambers

Present and not voting, 3:

Engel Pederson, D. Thompson

Excused and not voting, 4:

Byars Dierks Robak Vrtiska

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LB 1101.

GENERAL FILE

LEGISLATIVE RESOLUTION 6CA. The Bruning pending motion, found on page 433 and considered in this day's Journal, to indefinitely postpone, was renewed.

Senators Preister and Dw. Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Smith moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 10 nays, and 14 not voting.

Senator Bruning moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Bruning requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 16:

| | | | |
|---------|---------|----------|------------|
| Baker | Erdman | Jones | Redfield |
| Bruning | Foley | Kremer | Stuhr |
| Burling | Hudkins | Price | Tyson |
| Engel | Jensen | Quandahl | Wickersham |

Voting in the negative, 26:

| | | | | |
|----------|------------|---------------|------------|----------|
| Aguilar | Connealy | Kristensen | Preister | Thompson |
| Beutler | Coordsen | Landis | Raikes | Wehrbein |
| Bourne | Cudaback | Maxwell | Schimek | |
| Brashear | Cunningham | McDonald | Schrock | |
| Bromm | Hartnett | Pedersen, Dw. | Suttle | |
| Chambers | Janssen | Pederson, D. | Synowiecki | |

Present and not voting, 3:

| | | |
|-------|-------|-------|
| Brown | Kruse | Smith |
|-------|-------|-------|

Excused and not voting, 4:

| | | | |
|-------|--------|-------|---------|
| Byars | Dierks | Robak | Vrtiska |
|-------|--------|-------|---------|

The Bruning motion to indefinitely postpone failed with 16 ayes, 26 nays, 3 present and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

ANNOUNCEMENTS

The Executive Board designates LB 1011 and LB 1290 as its priority bills.

Senator Suttle designates LB 958 as her priority bill.

The Business and Labor Committee designates LB 1168 as its priority bill.

STANDING COMMITTEE REPORTS Government, Military and Veterans Affairs

LEGISLATIVE BILL 1086. Placed on General File as amended.

Standing Committee amendment to LB 1086:

AM2847

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 49-1446.01, Reissue Revised Statutes
- 4 of Nebraska, is amended to read:
- 5 49-1446.01. No committee, other than a political party
- 6 committee, may expend or transfer funds except to make an
- 7 expenditure, as defined in subsection (1), (2), or (3) of section
- 8 49-1419, or as provided in this section. Any committee, including
- 9 a political party committee, may:
- 10 (1) Make expenditures or transfer funds after any
- 11 election for: (a) The necessary continued operation of the campaign
- 12 office or offices of the candidate or political committee; (b)

13 social events primarily for the benefit of campaign workers and
14 volunteers or constituents; (c) obtaining public input and opinion;
15 (d) repayment of campaign loans incurred prior to election day; (e)
16 newsletters and other communications of information, thanks,
17 acknowledgment, or greetings, or for the purpose of political
18 organization and planning; (f) gifts of acknowledgment, including
19 flowers and charitable contributions, except that gifts to any one
20 natural person shall not exceed fifty dollars in any one calendar
21 year; (g) meals, lodging, and travel by an officeholder related to
22 his or her candidacy and for members of the immediate family of the
23 officeholder when involved in activities related to his or her
24 candidacy; and (h) conference fees, meals, lodging, and travel by
1 an officeholder, ~~and~~ his or her staff, and his or her immediate
2 family, when involved in activities related to the duties of his or
3 her public office;

4 (2) Make expenditures or transfer funds for the payment
5 of installation and use of telephone and telefax machines located
6 in an officeholder's public office and used by such officeholder;
7 and

8 (3) Invest funds in investments authorized in the
9 Nebraska Capital Expansion Act and the Nebraska State Funds
10 Investment Act for the state investment officer.

11 Nothing in this section shall prohibit a separate
12 segregated political fund from disbursing funds as provided in
13 section 49-1469.

14 Sec. 2. Section 49-14,101.01, Revised Statutes
15 Supplement, 2001, is amended to read:

16 49-14,101.01. (1) A public official or public employee
17 shall not use or authorize the use of, for personal financial gain,
18 financial gain of a member of his or her immediate family, or
19 financial gain of a business with which he or she is associated,
20 other than compensation provided by law, (a) that person's public
21 office or any confidential information received through the holding
22 of a public office or (b) personnel, resources, property, or funds
23 under that person's official care and control other than in
24 accordance with prescribed constitutional, statutory, and
25 regulatory procedures.

26 (2) A public official shall not accept a gift of travel
27 or lodging or a gift of reimbursement for travel or lodging if the
1 gift is made so that a member of the public official's immediate
2 family can accompany the public official in the performance of his
3 or her official duties.

4 (3) A member of the immediate family of a public official
5 shall not accept a gift of travel or lodging or a gift of
6 reimbursement for travel or lodging if the gift is made so that a
7 member of the public official's immediate family can accompany the
8 public official in the performance of his or her official duties.

9 (4) This section does not prohibit the Executive Board of
10 the Legislative Council from adopting policies that allow a member

11 of the Legislature to install and use with private funds a
 12 telephone line, telephone, and telefax machine in his or her public
 13 office for private purposes.
 14 ~~(3)~~ (5) Except as provided in section 23-3113, any person
 15 violating this section shall be guilty of a Class III misdemeanor,
 16 except that no vote by any member of the Legislature shall subject
 17 such member to any criminal sanction under this section.
 18 Sec. 3. Original section 49-1446.01, Reissue Revised
 19 Statutes of Nebraska, and section 49-14,101.01, Revised Statutes
 20 Supplement, 2001, are repealed."

LEGISLATIVE BILL 1138. Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

Revenue

LEGISLATIVE BILL 1097. Placed on General File.

LEGISLATIVE BILL 1060. Placed on General File as amended.
 (Standing Committee amendment, AM2840, may be found in the Bill
 Books. The amendment has been printed separately and is on file in the Bill
 Room - Room 1102.)

(Signed) William R. Wickersham, Chairperson

Business and Labor

LEGISLATIVE BILL 1185. Placed on General File as amended.
 Standing Committee amendment to LB 1185:
 AM2841

1 1. Strike the original sections and insert the following
 2 new sections:
 3 "Section 1. Section 48-106, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 48-106. (1) The Except as otherwise provided in this
 6 section, the Nebraska Workers' Compensation Act shall apply to the
 7 State of Nebraska, to and every governmental agency created by it
 8 the state, and to every resident employer in this state, including
 9 and nonresident employers employer performing work in the State of
 10 Nebraska, employing this state who employs one or more employees,
 11 in the regular trade, business, profession, or vocation of such
 12 employer, ; except railroad companies engaged in interstate or
 13 foreign commerce.
 14 (2) The following are declared not to be hazardous
 15 occupations and not within the provisions of the Nebraska Workers'
 16 Compensation Act shall not apply to:
 17 (a) A railroad company engaged in interstate or foreign
 18 commerce;

- 19 (b) An employer Employers of household domestic servants;
20 (c) An employer of any number of related employees
21 engaged in agricultural pursuits; and
22 (d) An employer of unrelated employees engaged in
23 agricultural pursuits, unless such employer has six or more
24 employees who are employed for at least thirty-five or more hours
1 per week for at least thirteen weeks, whether or not consecutive,
2 during the previous fifty-two-week period. This exemption does not
3 apply if the employer is the state or any governmental agency
4 created by the state.
5 (3) An employer who is exempt from the act under
6 subsection (2) of this section and employers of farm or ranch
7 laborers, except as hereinafter provided, except that any such
8 employer may elect to provide and pay compensation for accidental
9 injuries sustained by any of his or her employees by insuring and
10 keeping insured his or her employees in some corporation,
11 association, or organization authorized and licensed to transact
12 the business of workers' compensation insurance in this state. (3)
13 The procuring by any such If an exempt employer of such procures a
14 policy of workers' compensation insurance, referred to in
15 subsection (2) of this section, which is in full force and effect
16 at the time of an accident to any of his or her employees, shall be
17 such procurement is conclusive proof of such employer's and his or
18 her employees' election to be bound by the Nebraska Workers'
19 Compensation Act, to all intents and purposes as if they had not
20 been specifically excluded by the terms of this section. Such An
21 employer of household domestic servants and such employer of farm
22 or ranch laborers who is exempt from the act under subsection (2)
23 of this section who has procured such a policy of workers'
24 compensation insurance may elect to return to the exempt status of
25 being not within the provisions of the Nebraska Workers'
26 Compensation Act by (a) no longer carrying a policy of workers'
27 compensation insurance and (b) posting and thereafter keeping
1 continuously posted for a period of at least one year in a
2 conspicuous place about the place or places where his or her
3 workers employees are employed a written or printed notice of
4 election not to be bound by the provisions of such act stating that
5 the employer no longer carries workers' compensation insurance for
6 the employees.
7 (4) For the purposes of this section:
8 (a) Agricultural pursuits means (i) the cultivation of
9 land for the production of agricultural crops, fruit, or other
10 horticultural products or (ii) the ownership, keeping, or feeding
11 of animals for the production of livestock or livestock products;
12 and
13 (b) Related employee means an employee related to the
14 employer within the second degree of consanguinity.
15 Sec. 2. Original section 48-106, Reissue Revised

16 Statutes of Nebraska, is repealed."

(Signed) Matt Connealy, Chairperson

AMENDMENTS - Print in Journal

Senator Jensen filed the following amendment to LB 93:
AM2705

(Amendments to Final Reading copy)

- 1 1. On page 2, line 3; and page 50, line 23, strike
- 2 "71-1736,".

Senator Coordsen filed the following amendment to LR 6CA:
AM2838

- 1 1. Strike original sections 1 and 2 and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. At the general election in November 2002 the
- 4 following proposed amendment to the Constitution of Nebraska shall
- 5 be submitted to the electors of the State of Nebraska for approval
- 6 or rejection:
- 7 To amend Article III, section 24:
- 8 III-24 "(1) ~~Except as provided in this section, the~~
- 9 ~~Legislature shall not authorize any game of chance or any lottery~~
- 10 ~~or gift enterprise when the consideration for a chance to~~
- 11 ~~participate involves the payment of money for the purchase of~~
- 12 ~~property, services, or a chance or admission ticket or requires an~~
- 13 ~~expenditure of substantial effort or time. The Legislature may~~
- 14 ~~authorize games of chance, lotteries, and gift enterprises as~~
- 15 ~~provided in this section.~~
- 16 (2) The Legislature may authorize and regulate a state
- 17 lottery pursuant to subsection (3) of this section and other
- 18 lotteries, raffles, and gift enterprises which are intended solely
- 19 as business promotions or the proceeds of which are to be used
- 20 solely for charitable or community betterment purposes without
- 21 profit to the promoter of such lotteries, raffles, or gift
- 22 enterprises.
- 23 (3) The Legislature may establish a lottery to be
- 24 operated and regulated by the State of Nebraska. The proceeds of
- 1 the lottery shall be appropriated by the Legislature for the costs
- 2 of establishing and maintaining the lottery and for other purposes
- 3 as directed by the Legislature. No lottery game shall be conducted
- 4 as part of the lottery unless the type of game has been approved by
- 5 a majority of the members of the Legislature.
- 6 (4) The Legislature may authorize and regulate games of
- 7 chance, the proceeds of which may be used only for the support of
- 8 the common schools as the Legislature may provide. Such games of
- 9 chance shall include, but not be limited to, casino gaming
- 10 activities, games played using player-activated electronic, video,
- 11 or mechanical gaming devices, dice, card games of chance, and table

12 games of chance.

13 (5) Nothing in this section shall be construed to
14 prohibit (a) the enactment of laws providing for the licensing and
15 regulation of wagering on the results of horseraces, wherever run,
16 either within or outside of the state, by the parimutuel method,
17 when such wagering is conducted by licensees within a licensed
18 racetrack enclosure or (b) the enactment of laws providing for the
19 licensing and regulation of bingo games conducted by nonprofit
20 associations which have been in existence for a period of five
21 years immediately preceding the application for license, except
22 that bingo games cannot be conducted by agents or lessees of such
23 associations on a percentage basis."

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

27 "A constitutional amendment to permit the Legislature to
1 authorize and regulate games of chance and to require the
2 proceeds to be used for the support of the common schools
3 as the Legislature may provide.
4 For
5 Against".

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 21, 2002, at 11:40 a.m., was the following: LB 1101e.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

UNANIMOUS CONSENT - Add Cointroducers

Senator Redfield asked unanimous consent to have her name added as cointroducer to LB 1272. No objections. So ordered.

Senator Preister asked unanimous consent to have his name added as cointroducer to LB 1263. No objections. So ordered.

Senator Foley asked unanimous consent to have his name added as cointroducer to LB 264. No objections. So ordered.

MOTION - Print in Journal

Senator Smith filed the following motion to LR 6CA:
Reconsider the vote on the motion to indefinitely postpone.

VISITORS

Visitors to the Chamber were Beverly Pofahl from Kearney, Liz, Tucker,

and Dylan Seaman from Lincoln, and Paul and Rita Leibhart from Overton; Senator Kremer's daughter and granddaughter, Sheila and Ashley Miller, from Aurora and Amy Hamberger from Finland; 21 international students and sponsors from the University of Nebraska, Lincoln; and residents from Immanuel Trinity Village Assisted Living, Papillion.

ADJOURNMENT

At 12:05 p.m., on a motion by Senator Maxwell, the Legislature adjourned until 9:00 a.m., Friday, February 22, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-NINTH DAY - FEBRUARY 22, 2002**LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE
SECOND SESSION****TWENTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, February 22, 2002

PRAYER

The prayer was offered by Pastor Dennis Ritchey, Ponca Evangelical Free Church, Ponca, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Dierks and Landis who were excused; and Senators Kristensen and Raikes who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-eighth day was approved.

**STANDING COMMITTEE REPORT
General Affairs**

LEGISLATIVE BILL 1247. Placed on General File as amended.
(Standing Committee amendment, AM2839, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Ray Janssen, Chairperson

ANNOUNCEMENTS

The Education Committee designates LB 1206 and LB 1226 as its priority bills.

The General Affairs Committee designates LB 1126 and LB 1247 as its priority bills.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 22, 2002, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Abboud, Chris, Public Affairs Group
Las Vegas Sands Inc.

Clark, Robin E.
First National Bank of Omaha

Jenkins, Thomas J.
Blue Cross & Blue Shield of Nebraska

Kissel/Erickson & Sederstrom Associates, L.L.C.
APS Healthcare

Rasmussen, Dennis
APS Healthcare

REPORTS

The following reports were received by the Legislature:

Retirement Systems, Public Employees
Compliance Audit Report
Rural Development Commission
2001 Annual Report

ATTORNEY GENERAL'S OPINIONOpinion #02006

DATE: February 21, 2002

SUBJECT: Services for developmentally disabled individuals who have graduated from high school but not reached age 21

REQUESTED BY: Senator Dennis M. Byars
Nebraska Legislature

WRITTEN BY: Don Stenberg, Attorney General
Charles E. Lowe, Assistant Attorney General

You have asked this office for its opinion as to whether the pending LB 1035 "is necessary to address a gap in services to developmentally disabled students who have graduated [from high school] and have not yet reached age 21." You indicate that, at the present time, the Department of Health and Human Services ("HHS") provides services under the Developmental Disabilities Services Act, Neb. Rev. Stat. §§ 83-1201 through 83-1226 (1999) (hereinafter sometimes referred to as "Act") only to developmentally disabled students who graduate from high school and have reached the age of 21 and that, therefore, there is a gap in services for those who have graduated but not yet turned 21. You note that Neb. Rev. Stat. § 83-1216(1) (1999) appears to cover this subject already. You, therefore, ask whether, in light of § 83-1216(1), there is a "gap" to be closed by legislation.

Review of § 83-1216(1)

Section 83-1216(1) provides as follows:

Beginning July 1, 1995, persons determined to be eligible for specialized services who on or after September 6, 1993, graduate from high school, reach the age of twenty-one years, or are currently receiving services shall receive services in accordance with the Developmental Disabilities Services Act. (Emphasis supplied.)

On its face it would appear that § 83-1216(1) provides three distinct situations in which a person deemed eligible for specialized services would be entitled to receive them. The use of the word "or" in the statute indicates that these situations are listed in the disjunctive - i.e., if any one of them applies, then services are to be provided. Thus, a person eligible for specialized services who graduates from high school or who reaches the age of 21 or who was receiving such services on July 1, 1995, "shall receive services in accordance with the Developmental Disabilities Services Act." Accordingly, it would appear from this perspective that there is no "gap" since an eligible person who graduates from high school at any age is to receive services under the Act.

Meaning of "graduate from high school"

There is, however, some ambiguity in the statute which makes such a simple analysis problematic. Specifically, in the context of individuals with developmental disabilities the meaning of the term "graduate from high school," as used in § 83-1216(1) is not clear. The term itself is not defined anywhere in the Act.

It is our understanding, based upon a letter dated April 25, 2001, from Ron Ross, Director of HHS, to Douglas D. Christensen, Commissioner of Education, that HHS has interpreted the term "graduate from high school" as requiring that the individual "pass the standard, required curriculum for all students and receive a high school degree or diploma." HHS believes that most persons with developmental disabilities who would also qualify for

specialized services under the Act, principally those with mental retardation, cannot "graduate from high school under the plain and ordinary definition of that word." HHS, which is charged with the implementation of the Act (Neb. Rev. Stat. § 83-1209), concludes that "graduation as used in Section 83-1216 would not include a 'Certificate of Attendance,' 'Certificate of Completion' or a lowered standard of graduation." HHS' interpretation of the term "graduate from high school," as found in § 83-1216(1), is not unreasonable and has considerable support.

In the absence of anything to the contrary, statutory language, of course, is to be given its plain and ordinary meaning. *Ameritas Life Insurance Corp. v. Balka*, 257 Neb. 878, 882, 601 N.W.2d 508, 511 (1999); *Bohm v. DMA Partnership*, 8 Neb.App. 1069, 1075-76, 607 N.W.2d 212, 217 (2000). In this connection, *Webster's New Universal Unabridged Dictionary* (2d ed. 1983) defines the word "graduate" as meaning "to receive a degree or diploma in recognition of the completion of a course of study at a school or college." If a student does not complete a "course of study" that constitutes a recognized curriculum for high school students, then he or she does not "graduate," according to this dictionary definition.

Under Art. VII, § 1 of the Nebraska Constitution the Legislature is directed to "provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years." Moreover, the Special Education Act, Neb. Rev. Stat. §§ 79-1110 through 79-1178 (1996, Cum. Supp. 2000, and Supp. 2001) is applicable to all developmentally disabled individuals until they reach the age of 21. Neb. Rev. Stat. § 79-1126 (Cum. Supp. 2000). Thus, those individuals with developmental disabilities who do not "graduate from high school" and who have not turned 21 are still entitled to receive the services outlined in the Special Education Act from the schools.

The Nebraska Department of Education has issued rules and regulations to implement the Special Education Act. 92 NAC 51. In those rules and regulations the Department has interpreted the concept of "graduation from high school" in a manner which is consistent with HHS' interpretation of that term and with the plain and ordinary meaning of that term, as discussed above. In § 004.03 of 92 NAC 51 the rule states:

004.03A Students with disabilities who have graduated from high school with a regular high school diploma are not eligible to receive a FAPE (free appropriate public education).

004.03A1 The exception in Subsection 004.03A does not apply to students who have graduated but have not been awarded a regular high school diploma.

004.03A2 Graduation from high school with a regular diploma constitutes a change in placement, requiring written prior notice in accordance with Subsection 009.03 of this Chapter.

(Emphasis supplied.) "Free appropriate public education or FAPE" is defined in §003.20 of the Department of Education's rules and regulations as meaning:

[S]pecial education and related services which are provided at public expense, under public supervision and direction, at no cost to parents and in conformity with the individual education program or individualized family service plan with meets the requirements of Section 007, which meets the standards of the state, including the requirements of this rule and includes birth to age five, elementary or secondary school education.

Accordingly, the Department of Education has interpreted the Special Education Act as covering individuals with developmental disabilities until they are 21 years of age unless they have graduated from high school with a regular diploma. This interpretation, which is consistent with the plain and ordinary meaning of "graduate," dovetails with HHS' interpretation of § 83-1216(1) that services under the Developmental Disabilities Services Act will not be provided to those under 21 who have not graduated from high school with a regular diploma. These interpretations by the Department and HHS are also consistent with §§ 79-1125.01 and 79-1126 (both of which speak of providing services under the Special Education Act until an individual reaches the age of 21, although § 79-1125.01 does not apply directly to those who are placed in special education programs) and with the Legislature's intent, as expressed in § 83-1216(4), to utilize to the greatest extent possible funding sources within the Department of Education and, specifically, the Division of Rehabilitation Services to provide specialized services to developmentally disabled individuals.¹

In light of the foregoing, HHS' practice of not providing specialized services under that Developmental Disabilities Services Act to those

¹ After the Developmental Disabilities Services Act was initially enacted in 1991, the Department of Public Institutions promulgated rules and regulations for implementation of the Act, which rules and regulations have now been assumed by the Department of Health and Human Services (HHS). Section 011.06 of those rules and regulations, which are found at 205 NAC 2, states: "The Department authorizes funding for specialized supports and/or services to persons determined to be eligible who, on or after September 7, 1993, graduate from high school and reach the age of 21." (Emphasis supplied.) Clearly, the HHS rule requires both graduation from high school and reaching age 21 before services are provided.

While this two-prong test does not appear to be supported by the statutory language of § 83-1216(1), we infer from Director Ross' letter to Commissioner Cunningham that, in practice, HHS has provided and will provide services under the Act to eligible developmentally disabled individuals younger than 21 who graduate from high school with a regular high school diploma.

developmentally disabled individuals younger than 21 who have not graduated from high school with a regular diploma appears to be in conformity with existing law, the plain and ordinary meaning of the statutory term "graduate from high school," and the rules and regulations which have been promulgated by the Department of Education.

No "gap in services" based upon HHS' interpretation

Assuming that HHS does and will provide services under the Act to eligible developmentally disabled individuals younger than 21 who have graduated from high school with a regular diploma, it does not appear that there is a "gap" in coverage. If such an individual has not graduated from high school with a regular diploma, he or she will be covered under the Special Education Act until he or she turns 21, at which time he or she will receive services from HHS under the Developmental Disabilities Services Act. If such a developmentally disabled individual graduates from high school with a regular diploma before reaching the age of 21, he or she will then be covered by the Developmental Disabilities Services Act.

Changing the law

If the Legislature wishes to change the law so as to provide specialized services under the Developmental Disabilities Services Act to developmentally disabled individuals younger than 21 who have not graduated from high school with a regular diploma, it may want to accomplish this by providing a statutory definition of the term "graduate from high school," as found in § 83-1216(1), which would include receiving the types of degrees or certificates given to developmentally disabled individuals who do not or are unable to successfully complete the normal high school curriculum.

We do not believe that LB 1035, as introduced, accomplishes the stated goal of eliminating any perceived gap in services to individuals with developmental disabilities and, indeed, that it would only add confusion and uncertainty to the law. The proposed changes to § 83-1216(1) delete any reference to graduation from high school and simply require that specialized services under the Act be provided to those eligible persons who have reached the age of 21. The result of enactment of this change would be that services under the Act would not be provided, regardless of whether or not an individual has graduated from high school, until the age of 21.

While LB 1035, as introduced, would insert into § 83-1216(1) language regarding the "intent of the Legislature" to provide services under the Act to those who have graduated from high school until they reach 21, this "intent" language would conflict directly with LB 1035's proposed specific statutory language which states the law as being that such services are provided only to those who are 21 years old or older. It also would not resolve the issue of what is meant by the term "graduate from high school." Thus, this "intent" language would, at best, do nothing but add a great deal of ambiguity and

uncertainty to the law.

Conclusion

In conclusion, it is our opinion that, so long as HHS provides specialized services to developmentally disabled individuals younger than 21 who have graduated from high school with a regular high school diploma, there is no gap in services. Those developmentally disabled individuals younger than 21 who have not graduated from high school with a regular high school diploma continue to be covered by the Special Education Act.

If the Legislature wishes to provide services under the Developmental Disabilities Services Act to developmentally disabled individuals younger than 21 who are no longer in high school, but who have not graduated with a regular high school diploma, it could most easily accomplish this by providing a statutory definition of "graduate from high school" which would include developmentally disabled individuals who finish their secondary education, but do not receive a regular high school diploma.

LB 1035, as introduced, does nothing to close any perceived gap in services and, indeed, would simply add uncertainty and ambiguity to the law. In fact, it might only exacerbate any gap that does exist by ensuring that specialized services under the Developmental Disabilities Services Act are provided only to developmentally disabled individuals age 21 or older - even those who have graduated from high school with a regular high school diploma.

Sincerely,
DON STENBERG
Attorney General

(Signed) Charles E. Lowe
Assistant Attorney General

pc: Patrick O'Donnell
Clerk of the Legislature
17-666-18

AMENDMENT - Print in Journal

Senator Hudkins filed the following amendment to LB 661:
AM2854

- 1 1. On page 2, strike beginning with "Lincoln" in line 21
- 2 through "councils" in line 22 and insert "each of the cities of
- 3 Ashland, Gretna, Lincoln, Omaha, and Waverly as determined by the
- 4 respective city councils, a representative from the village of
- 5 Greenwood as determined by its board of trustees".

MOTION - Approve Appointment

Senator Vrtiska moved the adoption of the report of the Agriculture Committee for the following appointment found on page 659: Dry Bean Commission - Kenneth L. Rhoades.

Voting in the affirmative, 37:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Connealy | Jensen | Price | Synowiecki |
| Baker | Coordsen | Jones | Quandahl | Thompson |
| Bourne | Cunningham | Kremer | Redfield | Tyson |
| Brashear | Engel | Kruse | Robak | Vrtiska |
| Bromm | Erdman | Maxwell | Schimek | Wehrbein |
| Bruning | Foley | McDonald | Schrock | |
| Burling | Hartnett | Pedersen, Dw. | Smith | |
| Chambers | Janssen | Preister | Stuhr | |

Voting in the negative, 0.

Present and not voting, 8:

| | | | |
|---------|----------|--------------|------------|
| Beutler | Byars | Hudkins | Suttle |
| Brown | Cudaback | Pederson, D. | Wickersham |

Excused and not voting, 4:

| | | | |
|--------|------------|--------|--------|
| Dierks | Kristensen | Landis | Raikes |
|--------|------------|--------|--------|

The appointment was confirmed with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

SPEAKER KRISTENSEN PRESIDING**MOTION - Return LB 93 to Select File**

Senator Jensen moved to return LB 93 to Select File for his specific pending amendment, AM2705, found on page 686.

The Jensen motion to return prevailed with 34 ayes, 2 nays, 11 present and not voting, and 2 excused and not voting.

Senator Brown asked unanimous consent to be excused until she returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 93. The Jensen specific pending amendment, AM2705, found on page 686, was adopted with 27 ayes, 11 nays, and 8 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 241 with 40 ayes, 2 nays, 4 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 241.

A BILL FOR AN ACT relating to the Nebraska Cosmetology Act; to amend sections 71-348, 71-357, 71-366, 71-367, 71-368, 71-369, 71-394, 71-397, 71-3,102, 71-3,103, 71-3,105, 71-3,107, 71-3,109, 71-3,117, 71-3,120, 71-3,136, 71-3,138, 71-3,139, 71-3,140, 71-3,141, 71-3,145, 71-3,147, 71-3,150, 71-3,151, 71-3,154, 71-3,155, and 71-3,159, Reissue Revised Statutes of Nebraska, sections 71-341, 71-342, 71-343, 71-351, 71-352, 71-362, 71-364, 71-371, 71-374, 71-377, 71-381, 71-382, 71-386, 71-387, 71-3,137, 71-3,169, 71-3,174, 71-3,177, and 71-3,179, Revised Statutes Supplement, 2000, and section 71-340, Revised Statutes Supplement, 2001; to provide for licensure for esthetics instructors and schools of esthetics; to change provisions relating to penalties; to change licensure requirements for cosmetology and electrology schools; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

| | | | | |
|----------|------------|------------|---------------|------------|
| Aguilar | Chambers | Hudkins | Pedersen, Dw. | Smith |
| Baker | Connealy | Janssen | Pederson, D. | Stuhr |
| Beutler | Coordsen | Jensen | Preister | Suttle |
| Bourne | Cudaback | Jones | Price | Thompson |
| Brashear | Cunningham | Kremer | Quandahl | Tyson |
| Bromm | Engel | Kristensen | Raikes | Wehrbein |
| Bruning | Erdman | Kruse | Redfield | Wickersham |
| Burling | Foley | Maxwell | Robak | |
| Byars | Hartnett | McDonald | Schimek | |

Voting in the negative, 0.

Present and not voting, 3:

| | | |
|---------|------------|---------|
| Schrock | Synowiecki | Vrtiska |
|---------|------------|---------|

Excused and not voting, 3:

Brown Dierks Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 241A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 241, Ninety-seventh Legislature, Second Session, 2002.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Cudaback | Jones | Price | Synowiecki |
| Baker | Cunningham | Kremer | Quandahl | Thompson |
| Beutler | Engel | Kristensen | Raikes | Tyson |
| Brashear | Erdman | Kruse | Redfield | Wehrbein |
| Bruning | Foley | Maxwell | Robak | Wickersham |
| Byars | Hartnett | McDonald | Schimek | |
| Chambers | Hudkins | Pedersen, Dw. | Schrock | |
| Connealy | Janssen | Pederson, D. | Smith | |
| Coordsen | Jensen | Preister | Stuhr | |

Voting in the negative, 0.

Present and not voting, 5:

Bourne Bromm Burling Suttle Vrtiska

Excused and not voting, 3:

Brown Dierks Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 259.

A BILL FOR AN ACT relating to counties; to amend sections 13-518 and 13-519, Revised Statutes Supplement, 2001; to authorize license and occupation taxes as prescribed; to harmonize budget provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

| | | | | |
|----------|------------|---------------|--------------|------------|
| Aguilar | Connealy | Hudkins | Pederson, D. | Smith |
| Baker | Coordsen | Janssen | Preister | Stuhr |
| Brashear | Cudaback | Jensen | Price | Suttle |
| Bromm | Cunningham | Jones | Raikes | Thompson |
| Bruning | Engel | Kremer | Redfield | Vrtiska |
| Burling | Erdman | Kristensen | Robak | Wehrbein |
| Byars | Foley | Kruse | Schimek | Wickersham |
| Chambers | Hartnett | Pedersen, Dw. | Schrock | |

Voting in the negative, 0.

Present and not voting, 7:

| | | | |
|---------|----------|------------|-------|
| Beutler | Maxwell | Quandahl | Tyson |
| Bourne | McDonald | Synowiecki | |

Excused and not voting, 3:

| | | |
|-------|--------|--------|
| Brown | Dierks | Landis |
|-------|--------|--------|

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 406.

A BILL FOR AN ACT relating to state administrative departments; to amend section 81-1108, Revised Statutes Supplement, 2000; to repeal provisions relating to the employee buy-out program; to harmonize provisions; to repeal the original section; and to outright repeal section 81-1392, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Connealy | Jensen | Price | Synowiecki |
| Baker | Coordsen | Jones | Quandahl | Thompson |
| Beutler | Cudaback | Kremer | Raikes | Tyson |
| Bourne | Cunningham | Kristensen | Redfield | Vrtiska |
| Brashear | Engel | Kruse | Robak | Wehrbein |
| Bromm | Erdman | Maxwell | Schimek | Wickersham |
| Bruning | Foley | McDonald | Schrock | |
| Burling | Hartnett | Pedersen, Dw. | Smith | |
| Byars | Hudkins | Pederson, D. | Stuhr | |
| Chambers | Janssen | Preister | Suttle | |

Voting in the negative, 0.

Excused and not voting, 3:

Brown Dierks Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 417 to Select File

Senator Connealy moved to return LB 417 to Select File for the following specific amendment:

AM2867

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 "Section 1. Section 48-106, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 48-106. (1) The Nebraska Workers' Compensation Act shall
- 5 apply to the State of Nebraska and every governmental agency
- 6 created by it, and to every employer in this state, including
- 7 nonresident employers performing work in the State of Nebraska,
- 8 employing one or more employees, in the regular trade, business,
- 9 profession, or vocation of such employer, except railroad companies
- 10 engaged in interstate or foreign commerce.
- 11 (2) The following are declared not to be hazardous
- 12 occupations and not within the provisions of the Nebraska Workers'
- 13 Compensation Act: Employers of household domestic servants and
- 14 employers of farm or ranch laborers. An employer who is excluded
- 15 from the act under this subsection may elect to bring the employees
- 16 of such employer within the provisions of the act. Such election
- 17 is made by the employer obtaining a policy of workers' compensation
- 18 insurance covering such employees from a corporation, association,
- 19 or organization authorized and licensed to transact the business of
- 20 workers' compensation insurance in this state. If an employer who
- 21 is excluded from the act under this subsection has not elected to
- 22 bring the employees of such employer within the provisions of the
- 23 act by obtaining a policy of workers' compensation insurance as
- 1 provided in this subsection and any health, accident, or other
- 2 insurance policy covering such employees contains an exclusion of
- 3 coverage if the insured is otherwise entitled to workers'
- 4 compensation coverage, such exclusion shall be null and void as to
- 5 such employees. ; except as hereinafter provided, except that any
- 6 such employer may elect to provide and pay compensation for
- 7 accidental injuries sustained by any of his or her employees by
- 8 insuring and keeping insured his or her employees in some
- 9 corporation, association, or organization authorized and licensed
- 10 to transact the business of workers' compensation insurance in this
- 11 state.

12 (3) The procuring by any such employer of such a policy
 13 of insurance, referred to in subsection (2) of this section, which
 14 is in full force and effect at the time of an accident to any of
 15 his or her employees, shall be conclusive proof of such employer's
 16 and his or her employees' election to be bound by the Nebraska
 17 Workers' Compensation Act, to all intents and purposes as if they
 18 had not been specifically excluded by the terms of this section.
 19 Such employer of household domestic servants and such employer of
 20 farm or ranch laborers who has procured such a policy of insurance
 21 may elect to return to the status of being not within the
 22 provisions of the Nebraska Workers' Compensation Act by (a) no
 23 longer carrying a policy of workers' compensation insurance and (b)
 24 posting and thereafter keeping continuously posted for a period of
 25 at least one year in a conspicuous place about the place or places
 26 where his or her workers are employed a written or printed notice
 27 of election not to be bound by the provisions of such act."

1 2. On page 1, lines 1 and 2, strike "section 48-139" and
 2 insert "sections 48-106 and 48-139"; and in line 3 after the
 3 semicolon insert "to change provisions relating to coverage and
 4 exclusions;".

5 3. On page 9, line 25, strike beginning with "issued"
 6 through "1984,", show as stricken, and insert "covering such
 7 person".

8 4. On page 12, line 16, strike "1 and 4" and insert "2
 9 and 5"; in line 21 strike "section 48-139" and insert "sections
 10 48-106 and 48-139"; and in line 22, strike "is" and insert "are".

11 5. Renumber the remaining sections accordingly.

The Connealy motion to return prevailed with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 417. The Connealy specific amendment, AM2867, found in this day's Journal, was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 436 with 39 ayes, 1 nay, 7 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 436.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-2622 to 2-2625, 2-2629, 2-2632, 2-2636, 2-2637, 2-2639, 2-2640, 2-2642, 2-2643, 2-2645, 2-2646, 2-2649, 81-2,173, and 81-2,177.01, Reissue Revised Statutes of Nebraska, section 2-2626, Revised Statutes Supplement, 2000, and sections 2-2635, 2-2638, and 2-2641, Revised Statutes Supplement, 2001; to define and redefine terms; to change regulatory powers and duties under the Pesticide Act; to eliminate obsolete provisions; to change apiary inspection certificate and colony registration provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 2-2644 and 2-2655, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

| | | | | |
|----------|------------|------------|---------------|------------|
| Aguilar | Byars | Hartnett | Pedersen, Dw. | Smith |
| Baker | Chambers | Hudkins | Pederson, D. | Stuhr |
| Beutler | Connealy | Janssen | Price | Suttle |
| Bourne | Coordsen | Jensen | Quandahl | Thompson |
| Brashear | Cudaback | Jones | Raikes | Tyson |
| Bromm | Cunningham | Kremer | Redfield | Vrtiska |
| Brown | Engel | Kristensen | Robak | Wehrbein |
| Bruning | Erdman | Maxwell | Schimek | Wickersham |
| Burling | Foley | McDonald | Schrock | |

Voting in the negative, 0.

Present and not voting, 3:

| | | |
|-------|----------|------------|
| Kruse | Preister | Synowiecki |
|-------|----------|------------|

Excused and not voting, 2:

| | |
|--------|--------|
| Dierks | Landis |
|--------|--------|

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 436A.

A BILL FOR AN ACT relating to appropriations; to reduce appropriations to aid in carrying out the provisions of Legislative Bill 436, Ninety-seventh Legislature, Second Session, 2002.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

| | | | | |
|----------|------------|---------------|--------------|------------|
| Aguilar | Byars | Hudkins | Pederson, D. | Stuhr |
| Baker | Chambers | Janssen | Price | Suttle |
| Beutler | Connealy | Jensen | Quandahl | Synowiecki |
| Bourne | Coordsen | Jones | Raikes | Thompson |
| Brashear | Cunningham | Kremer | Redfield | Tyson |
| Bromm | Engel | Kristensen | Robak | Vrtiska |
| Brown | Erdman | Maxwell | Schimek | Wehrbein |
| Bruning | Foley | McDonald | Schrock | Wickersham |
| Burling | Hartnett | Pedersen, Dw. | Smith | |

Voting in the negative, 0.

Present and not voting, 3:

Cudaback Kruse Preister

Excused and not voting, 2:

Dierks Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 446

Senator Smith withdrew his pending amendment, AM2743, found on page 621, to LB 446.

MOTION - Return LB 446 to Select File

Senator Bromm moved to return LB 446 to Select File for the following specific amendment:
AM2869

(Amendments to Final Reading copy)

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 3-129, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 3-129. Except as provided in section 3-130, it shall be
- 5 unlawful for any person to operate or cause or authorize to be
- 6 operated any civil aircraft within this state unless such aircraft
- 7 has an appropriate effective license, certificate, or permit issued
- 8 by the United States Government, and it shall be unlawful for
- 9 any person to engage in aeronautics as an airman in this state

10 unless he has, from the department, an effective certificate of
 11 registration of an appropriate effective airman's license,
 12 certificate or permit issued by the United States Government
 13 authorizing him to engage in the particular class of aeronautics in
 14 which he is engaged.

15 Sec. 2. Section 3-133, Reissue Revised Statutes of
 16 Nebraska, is amended to read:

17 3-133. All Any proposed airports, airport or restricted
 18 landing areas and other air navigation area shall be first licensed
 19 by the department before they, or any of them, such airport or area
 20 shall be used or operated. Any municipality or person acquiring
 21 property for the purpose of constructing or establishing an airport
 22 or restricted landing area shall, prior to such acquisition, make
 23 application to the department for a certificate of approval of the
 1 site selected and the general purpose or purposes for which the
 2 property is to be acquired, to insure that the property and its use
 3 shall conform to minimum standards of safety and shall serve the
 4 public interest. It shall be unlawful for any municipality or
 5 officer or employee thereof, or for any person, to operate an
 6 airport, or restricted landing area, or other air navigation
 7 facility for which an annual a license has not been issued by the
 8 department.

9 Sec. 3. Section 3-157, Reissue Revised Statutes of
 10 Nebraska, is amended to read:

11 3-157. The Department of Aeronautics may lease for a
 12 period not exceeding twelve years real property held by the
 13 department that has been offered for sale for two consecutive years
 14 and has not been sold. The lease shall provide for annual rental
 15 payments based on fair rental value. The rental payments shall be
 16 deposited in the Department of Aeronautics Cash Fund. The
 17 department shall cause reappraisals to be made of the land under
 18 lease when it deems it necessary due to changes in buildings or
 19 improvements, changes in the land, or for other reasons. A
 20 reappraisal shall be made at least once every five years. The
 21 department may, after the expiration of any lease, offer such land
 22 for sale by public auction as set forth in section 3-155 or may
 23 enter into another lease."

24 2. On page 1, line 1, after "sections" insert "3-129,
 25 3-133, 3-157,"; in line 3 before "airport" insert "airports,
 26 landing areas,"; in line 4 after "projects" insert a comma; and in
 27 line 5 after "eliminate" insert "a reappraisal requirement and".

1 3. On page 6, line 17, after "sections" insert "3-129,
 2 3-133, 3-157,".

3 4. Renumber the remaining sections accordingly.

The Bromm motion to return prevailed with 34 ayes, 0 nays, 13 present and
 not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 446. The Bromm specific amendment, AM2869, found in this day's Journal, was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 446 to Select File

Senator Hudkins moved to return LB 446 to Select File for the following specific amendment:
AM2870

(Amendments to Final Reading copy)

- 1 1. On page 3, strike line 28 and insert:
- 2 "(e) Primary airport means any airport which:
- 3 (i) Receives scheduled passenger air service;
- 4 (ii) Has at least ten thousand revenue passenger
- 5 enplanements or boardings, as officially recorded by the United
- 6 States, in at least one of the most recent five calendar years for
- 7 which official numbers are available; and
- 8 (iii) Does not receive any funds apportioned by the
- 9 United States for non-primary airports."
- 10 2. On page 4, strike lines 1 through 7.

The Hudkins motion to return prevailed with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 446. The Hudkins specific amendment, AM2870, found in this day's Journal, was adopted with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

Advanced to E & R for reengrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 474. With Emergency.

A BILL FOR AN ACT relating to the Nebraska Wheat Development, Utilization, and Marketing Board; to amend sections 2-2304 and 2-2305, Reissue Revised Statutes of Nebraska; to change the membership of the board; to change terms of office; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to

procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Connealy | Jensen | Price | Synowiecki |
| Baker | Coordsen | Jones | Quandahl | Thompson |
| Beutler | Cudaback | Kremer | Raikes | Tyson |
| Bourne | Cunningham | Kristensen | Redfield | Vrtiska |
| Brashear | Engel | Kruse | Robak | Wehrbein |
| Bromm | Erdman | Maxwell | Schimek | Wickersham |
| Brown | Foley | McDonald | Schrock | |
| Bruning | Hartnett | Pedersen, Dw. | Smith | |
| Burling | Hudkins | Pederson, D. | Stuhr | |
| Byars | Janssen | Preister | Suttle | |

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Dierks Landis

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 482.

A BILL FOR AN ACT relating to the State Athletic Commissioner; to amend sections 81-8,130, 81-8,133, and 81-8,139, Reissue Revised Statutes of Nebraska, and sections 81-8,130.01 and 81-8,133.01, Revised Statutes Supplement, 2000; to authorize the commissioner to set fees as prescribed; to change provisions relating to licensure; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

| | | | | |
|----------|------------|------------|---------------|------------|
| Aguilar | Byars | Hudkins | Pedersen, Dw. | Schrock |
| Baker | Chambers | Janssen | Pederson, D. | Smith |
| Beutler | Connealy | Jensen | Preister | Stuhr |
| Bourne | Coordsen | Jones | Price | Suttle |
| Brashear | Cudaback | Kremer | Quandahl | Synowiecki |
| Bromm | Cunningham | Kristensen | Raikes | Thompson |
| Brown | Engel | Kruse | Redfield | Tyson |
| Bruning | Erdman | Maxwell | Robak | Vrtiska |
| Burling | Foley | McDonald | Schimek | Wehrbein |

Voting in the negative, 0.

Present and not voting, 2:

Hartnett Wickersham

Excused and not voting, 2:

Dierks Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 500 with 34 ayes, 1 nay, 12 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 500.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-405, Revised Statutes Supplement, 2001; to change provisions relating to controlled substances; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

| | | | | |
|----------|------------|---------------|--------------|------------|
| Aguilar | Chambers | Janssen | Pederson, D. | Smith |
| Baker | Connealy | Jensen | Preister | Stuhr |
| Bourne | Coordsen | Jones | Price | Suttle |
| Brashear | Cudaback | Kremer | Quandahl | Synowiecki |
| Bromm | Cunningham | Kristensen | Raikes | Thompson |
| Brown | Erdman | Kruse | Redfield | Tyson |
| Bruning | Foley | Maxwell | Robak | Vrtiska |
| Burling | Hartnett | McDonald | Schimek | Wehrbein |
| Byars | Hudkins | Pedersen, Dw. | Schrock | Wickersham |

Voting in the negative, 0.

Present and not voting, 2:

Beutler Engel

Excused and not voting, 2:

Dierks Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 568 with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 568. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-505, 19-2903, 19-2905, and 23-250, Reissue Revised Statutes of Nebraska, sections 13-504, 13-506, 13-508, and 84-304, Revised Statutes Supplement, 2000, and sections 13-511, 77-3442, and 79-10,110, Revised Statutes Supplement, 2001; to change budget and audit provisions; to eliminate a board that has terminated; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 13-504.01, Revised Statutes Supplement, 2000; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Chambers | Janssen | Preister | Synowiecki |
| Baker | Connealy | Jensen | Price | Thompson |
| Beutler | Coordsen | Jones | Quandahl | Tyson |
| Bourne | Cudaback | Kremer | Raikes | Vrtiska |
| Brashear | Cunningham | Kristensen | Redfield | Wehrbein |
| Bromm | Engel | Kruse | Robak | Wickersham |
| Brown | Erdman | Maxwell | Schimek | |
| Bruning | Foley | McDonald | Smith | |
| Burling | Hartnett | Pedersen, Dw. | Stuhr | |
| Byars | Hudkins | Pederson, D. | Suttle | |

Voting in the negative, 0.

Present and not voting, 1:

Schrock

Excused and not voting, 2:

Dierks Landis

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 589.

A BILL FOR AN ACT relating to the Livestock Brand Act; to amend sections 54-193, 54-198, 54-199, 54-1,100, 54-1,102, 54-1,105, 54-1,108, and 54-1,110, Revised Statutes Supplement, 2000; to change provisions relating to publications, brands, and fees; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|----------|------------|---------------|--------------|------------|
| Aguilar | Connealy | Janssen | Pederson, D. | Stuhr |
| Baker | Coordsen | Jensen | Price | Suttle |
| Bourne | Cudaback | Jones | Quandahl | Synowiecki |
| Brashear | Cunningham | Kremer | Raikes | Thompson |
| Bromm | Engel | Kristensen | Redfield | Tyson |
| Brown | Erdman | Kruse | Robak | Vrtiska |
| Bruning | Foley | Maxwell | Schimek | Wehrbein |
| Burling | Hartnett | McDonald | Schrock | Wickersham |
| Byars | Hudkins | Pedersen, Dw. | Smith | |

Voting in the negative, 0.

Present and not voting, 3:

Beutler Chambers Preister

Excused and not voting, 2:

Dierks Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 824 to Select File

Senator Chambers moved to return LB 824 to Select File for the following specific amendment:

FA862

Strike enacting clause.

Senator Chambers withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 824. With Emergency.

A BILL FOR AN ACT relating to homicide; to amend section 28-101, Revised Statutes Supplement, 2000; to adopt the Homicide of the Unborn Child Act; to provide penalties; to harmonize provisions; to provide severability; to repeal the original section; and to declare an emergency.

Senator Chambers requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

| | | | | |
|----------|------------|------------|---------------|------------|
| Aguilar | Byars | Hudkins | Pedersen, Dw. | Suttle |
| Baker | Connealy | Janssen | Pederson, D. | Synowiecki |
| Beutler | Coordsen | Jensen | Preister | Thompson |
| Bourne | Cudaback | Jones | Quandahl | Tyson |
| Brashear | Cunningham | Kremer | Redfield | Vrtiska |
| Bromm | Engel | Kristensen | Robak | Wehrbein |
| Brown | Erdman | Kruse | Schrock | |
| Bruning | Foley | Maxwell | Smith | |
| Burling | Hartnett | McDonald | Stuhr | |

Voting in the negative, 5:

| | | | | |
|----------|-------|--------|---------|------------|
| Chambers | Price | Raikes | Schimek | Wickersham |
|----------|-------|--------|---------|------------|

Excused and not voting, 2:

| | |
|--------|--------|
| Dierks | Landis |
|--------|--------|

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 861. Placed on General File.

LEGISLATIVE BILL 343. Placed on General File as amended.
Standing Committee amendment to LB 343:

AM0590

- 1 1. On page 2, lines 1 and 11, strike "provided by law"
 2 and insert "agreed"; strike beginning with "and" in line 6 through
 3 "information" in line 7; strike lines 9 and 10 and insert "employer
 4 or the employer's designee knew or should have known that the
 5 communicated information was false and that it was not communicated
 6 in good faith."; in lines 14 and 15 strike "if the disclosure is
 7 limited to" and insert "to the extent the disclosure reveals"; and
 8 in line 22 after the semicolon insert "and".
- 9 2. On page 3, strike beginning with the semicolon in
 10 line 1 through "will" in line 2; and in line 3 after "(4)" insert
 11 "This section does not require any employer to disclose information
 12 about a current or former employee to a prospective employer.
 13 (5) This section does not abrogate any common-law or
 14 statutory privilege, immunity, or defense.
 15 (6)".

LEGISLATIVE BILL 784. Placed on General File as amended.
 Standing Committee amendment to LB 784:
 AM2296

- 1 1. On page 3, line 8, strike "subdivision", show as
 2 stricken, and insert "section"; strike lines 13 through 20 and
 3 insert:
 4 "(a) The court may place the minor child in joint legal
 5 custody only after conducting a hearing in open court and
 6 specifically finding that such joint custody is in the best
 7 interests of the minor child, regardless of any parental agreement
 8 or consent. If joint legal custody is ordered, each parent shall
 9 have the right to make decisions in the best interests of the minor
 10 child in accordance with the parenting plan developed under the
 11 Parenting Act. A decree ordering joint legal custody shall include
 12 a parenting plan which specifies each parent's separate or shared
 13 role and responsibility to make decisions regarding the minor
 14 child. If joint legal custody is not ordered, the court shall make
 15 specific findings of fact upon which the order for custody other
 16 than joint legal custody is based. The court need not consider
 17 joint legal custody if it finds credible evidence of abuse
 18 inflicted upon any family or household member"; and in line 26
 19 strike "shall" and insert "may".
- 20 2. On page 4, line 6, strike beginning with "in" through
 21 "of", show as stricken, and insert "with"; strike beginning with
 22 "pursuant" in line 6 through line 7, show as stricken, and insert
 23 an underscored period; in line 23 strike "one party to the other",
 24 show as stricken and insert "the obligor to the obligee"; in lines
 1 23 and 24 strike "party receiving such payment", show as stricken,
 2 and insert "obligee"; strike beginning with "party" in line 26
 3 through "child" in line 27, show as stricken, and insert "obligee";
 4 and in line 27 strike "party", show as stricken, and insert
 5 "obligee".

6 3. On page 8, line 18, strike "shall" and insert "may".

LEGISLATIVE BILL 870. Placed on General File as amended.
Standing Committee amendment to LB 870:
AM2601

1 1. On page 3, lines 7 and 8, strike "and/or the
2 expiration date".

LEGISLATIVE BILL 599. Indefinitely postponed.
LEGISLATIVE BILL 815. Indefinitely postponed.
LEGISLATIVE BILL 834. Indefinitely postponed.
LEGISLATIVE BILL 1196. Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

AMENDMENTS - Print in Journal

Senator Jensen filed the following amendment to LB 1089:
AM2695

1 1. On page 5, line 17, strike the new matter and
2 reinstate the stricken matter.
3 2. On page 7, line 9, strike "corporate limits of the
4 city", show as stricken, and insert "county"; strike beginning with
5 the comma in line 12 through "1996" in line 26, show the old matter The
6 as stricken, and insert "and within counties in this state which
7 adjoin such county"; and strike lines 27 and 28 and show the old
8 matter as stricken.
9 3. On page 8, strike lines 1 through 13 and show as
10 stricken.

Senator Bromm filed the following amendment to LB 830:
(Amendment, AM2860, may be found in the Bill Books. The amendment
has been printed separately and is on file in the Bill Room - Room 1102.)

ANNOUNCEMENTS

The Urban Affairs Committee designates LB 811 and LB 729 as its priority bills.

The Business and Labor Committee designates LB 931 as its priority bill.

The Judiciary Committee designates LB 1279 and LB 1303 as its priority bills.

Senator Hartnett designates LB 1240 as his priority bill.

Senator Preister designates LB 1267 as his priority bill.

The Health and Human Services Committee designates LB 1021 as its priority bill.

MESSAGE FROM THE GOVERNOR

February 22, 2002

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 1101e was received in my office on February 21, 2002.

This bill was signed by me on February 22, 2002 and delivered to the Secretary of State.

Sincerely,
(Signed) Mike Johanns
Governor

MOTION - Print in Journal

Senator Brashear filed the following motion to LR 6CA:
Reconsider the vote to adopt the Beutler amendment, AM2819, to LR 6CA.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on final passage of LB 824.

(Signed) David M. Landis

UNANIMOUS CONSENT - Add Cointroducers

Senator Preister asked unanimous consent to have his name added as cointroducer to LB 926. No objections. So ordered.

Senator Quandahl asked unanimous consent to have his name added as cointroducer to LB 426. No objections. So ordered.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 241, 241A, 259, 406, 436, 436A, 474, 482, 500, 568, 589, and 824.

VISITORS

Visitors to the Chamber were Ron and Elveda Elznic from Lincoln; Camilla and Matt Whitman and Caroline Ritchey from Grand Island; and Senator Kristensen's daughter, Morgan, from Minden.

The Doctor of the Day was Dr. Mike Myers from Lincoln.

ADJOURNMENT

At 11:45 a.m., on a motion by Senator Schimek, the Legislature adjourned until 9:00 a.m., Monday, February 25, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTIETH DAY - FEBRUARY 25, 2002**LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE
SECOND SESSION****THIRTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, February 25, 2002

PRAYER

The prayer was offered by Pastor Cal Kroeker, Calvary Bible Evangelical Free Church, Wayne, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

The roll was called and all members were present except Senators Hartnett, Price, Raikes, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-ninth day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 22, 2002, at 11:50 a.m., were the following: LBs 241, 241A, 259, 406, 436, 436A, 474e, 482, 500, 568e, 589, and 824e.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

**STANDING COMMITTEE REPORTS
Business and Labor**

LEGISLATIVE BILL 1194. Placed on General File as amended.
Standing Committee amendment to LB 1194:
AM2851

- 1 1. On page 3, strike beginning with "from" in line 15
- 2 through "duty" in line 17, show the old matter as stricken, and
- 3 insert "from the instant such persons are called to active duty"

4 whether".

5 2. On page 5, strike beginning with "from" in line 11
6 through "duty" in line 12, show the old matter as stricken, and
7 insert "from the instant such persons are called to active duty
8 whether".

(Signed) Matt Connealy, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 1114. Placed on General File as amended.
Standing Committee amendment to LB 1114:
AM2821

1 1. Insert the following new sections:

2 "Sec. 2. Section 44-1525, Revised Statutes Supplement,
3 2001, is amended to read:

4 44-1525. Any of the following acts or practices, if
5 committed in violation of section 44-1524, shall be unfair trade
6 practices in the business of insurance:

7 (1) Making, issuing, circulating, or causing to be made,
8 issued, or circulated any estimate, illustration, circular,
9 statement, sales presentation, omission, or comparison which:

10 (a) Misrepresents the benefits, advantages, conditions,
11 or terms of any policy;

12 (b) Misrepresents the dividends or share of the surplus
13 to be received on any policy;

14 (c) Makes any false or misleading statements as to the
15 dividends or share of surplus previously paid on any policy;

16 (d) Misleads as to or misrepresents the financial
17 condition of any insurer or the legal reserve system upon which any
18 life insurer operates;

19 (e) Uses any name or title of any policy or class of
20 policies which misrepresents the true nature thereof;

21 (f) Misrepresents for the purpose of inducing or tending
22 to induce the purchase, lapse, forfeiture, exchange, conversion, or
23 surrender of any policy, including intentionally misquoting any
24 premium rate;

1 (g) Misrepresents for the purpose of effecting a pledge
2 or assignment of or effecting a loan against any policy; or

3 (h) Misrepresents any policy as being shares of stock;

4 (2) Making, publishing, disseminating, circulating, or
5 placing before the public, or causing, directly or indirectly, to
6 be made, published, disseminated, circulated, or placed before the
7 public, in a newspaper, magazine, or other publication, or in the
8 form of a notice, circular, pamphlet, letter, or poster, or over
9 any radio or television station, or in any other way, an

10 advertisement, announcement, or statement containing any assertion,
11 representation, or statement with respect to the business of
12 insurance or with respect to any insurer in the conduct of his or

- 13 her insurance business which is untrue, deceptive, or misleading;
14 (3) Making, publishing, disseminating, or circulating,
15 directly or indirectly, or aiding, abetting, or encouraging the
16 making, publishing, disseminating, or circulating of any oral or
17 written statement or any pamphlet, circular, article, or literature
18 which is false or maliciously critical of or derogatory to the
19 financial condition of any insurer and which is calculated to
20 injure such insurer;
- 21 (4) Entering into any agreement to commit or by any
22 concerted action committing any act of boycott, coercion, or
23 intimidation resulting in or tending to result in unreasonable
24 restraint of or monopoly in the business of insurance;
- 25 (5)(a) Knowingly filing with any supervisory or other
26 public official, or knowingly making, publishing, disseminating,
27 circulating, or delivering to any person, or placing before the
1 public, or knowingly causing, directly or indirectly, to be made,
2 published, disseminated, circulated, delivered to any person, or
3 placed before the public, any false material statement of fact as
4 to the financial condition of an insurer; or
- 5 (b) Knowingly making any false entry of a material fact
6 in any book, report, or statement of any insurer or knowingly
7 omitting to make a true entry of any material fact pertaining to
8 the business of such insurer in any book, report, or statement of
9 such insurer;
- 10 (6) Issuing or delivering or permitting agents, officers,
11 or employees to issue or deliver agency company stock or other
12 capital stock, or benefit certificates or shares in any common-law
13 corporation, or securities or any special or advisory board
14 contracts or other contracts of any kind promising returns and
15 profits as an inducement to insurance;
- 16 (7)(a) Making or permitting any unfair discrimination
17 between individuals of the same class and equal expectation of life
18 in the rates charged for any life insurance policy or annuity or in
19 the dividends or other benefits payable thereon or in any other of
20 the terms and conditions of such policy or annuity;
- 21 (b) Making or permitting any unfair discrimination
22 between individuals of the same class involving essentially the
23 same hazards in the amount of premium, policy fees, or rates
24 charged for any sickness and accident insurance policy or in the
25 benefits payable thereunder, in any of the terms or conditions of
26 such policy, or in any other manner, except that this subdivision
27 shall not limit the negotiation of preferred provider policies and
1 contracts under sections 44-4101 to 44-4113;
- 2 (c) Making or permitting any unfair discrimination
3 between individuals or risks of the same class and of essentially
4 the same hazards by refusing to issue, refusing to renew,
5 canceling, or limiting the amount of insurance coverage on a
6 property or casualty risk because of the geographic location of the
7 risk unless:

- 8 (i) The refusal, cancellation, or limitation is for a
9 business purpose which is not a pretext for unfair discrimination;
10 or
- 11 (ii) The refusal, cancellation, or limitation is required
12 by law, rule, or regulation;
- 13 (d) Making or permitting any unfair discrimination
14 between individuals or risks of the same class and of essentially
15 the same hazards by refusing to issue, refusing to renew,
16 canceling, or limiting the amount of insurance coverage on a
17 residential property risk, or the personal property contained
18 therein, because of the age of the residential property unless:
- 19 (i) The refusal, cancellation, or limitation is for a
20 business purpose which is not a pretext for unfair discrimination;
21 or
- 22 (ii) The refusal, cancellation, or limitation is required
23 by law, rule, or regulation;
- 24 (e) Refusing to insure, refusing to continue to insure,
25 or limiting the amount of coverage available to an individual
26 solely because of the sex or marital status of the individual.
- 27 This subdivision shall not prohibit an insurer from taking marital
1 status into account for the purpose of defining individuals
2 eligible for dependent benefits; or
- 3 (f) Terminating or modifying coverage or refusing to
4 issue or refusing to renew any property or casualty insurance
5 policy solely because the applicant or insured or any employee of
6 the applicant or insured is mentally or physically impaired unless:
- 7 (i) The termination, modification, or refusal is for a
8 business purpose which is not a pretext for unfair discrimination;
9 or
- 10 (ii) The termination, modification, or refusal is
11 required by law, rule, or regulation.
- 12 This subdivision (f) shall not apply to any sickness and
13 accident insurance policy sold by a casualty insurer and shall not
14 be interpreted to modify any other provision of law relating to the
15 termination, modification, issuance, or renewal of any policy;
- 16 (8)(a) Except as otherwise expressly provided by law:
- 17 (i) Knowingly permitting or offering to make or making
18 any life insurance policy, annuity, or sickness and accident
19 insurance policy, or agreement as to any such policy or annuity,
20 other than as plainly expressed in the policy or annuity issued
21 thereon, or paying, allowing, or giving, or offering to pay, allow,
22 or give, directly or indirectly, as inducement to such policy or
23 annuity, any rebate of premiums payable on the policy or annuity,
24 or any special favor or advantage in the dividends or other
25 benefits thereon, or any valuable consideration or inducement
26 whatever not specified in the policy or annuity; or
- 27 (ii) Giving, selling, purchasing, or offering to give,
1 sell, or purchase as inducement to such policy or annuity or in
2 connection therewith any stocks, bonds, or other securities of any

3 insurer or other corporation, association, partnership, or limited
4 liability company, or any dividends or profits accrued thereon, or
5 anything of value not specified in the policy or annuity.

6 (b) Nothing in subdivision (7) or (8)(a) of this section
7 shall be construed as including within the definition of

8 discrimination or rebates any of the following acts or practices:

9 (i) In the case of any life insurance policy or annuity,

10 paying bonuses to policyholders or otherwise abating their premiums
11 in whole or in part out of surplus accumulated from

12 nonparticipating insurance if such bonuses or abatement of premiums

13 are fair and equitable to policyholders and for the best interests

14 of the insurer and its policyholders;

15 (ii) In the case of life insurance policies issued on the

16 industrial debit plan, making allowance to policyholders who have

17 continuously for a specified period made premium payments directly

18 to an office of the insurer in an amount which fairly represents

19 the saving in collection expenses; or

20 (iii) Readjustment of the rate of premium for a group

21 insurance policy based on the loss or expense thereunder, at the

22 end of the first or any subsequent policy year of insurance

23 thereunder, which may be made retroactive only for such policy

24 year;

25 (9) Failing of any insurer to maintain a complete record

26 of all the complaints received since the date of its last

27 examination conducted pursuant to the Insurers Examination Act.

1 This record shall indicate the total number of complaints, their

2 classification by line of insurance, the nature of each complaint,

3 the disposition of each complaint, and the time it took to process

4 each complaint. For purposes of this subdivision, complaint shall

5 mean any written communication primarily expressing a grievance;

6 (10) Making false or fraudulent statements or

7 representations on or relative to an application for a policy for

8 the purpose of obtaining a fee, commission, money, or other benefit

9 from any insurer, agent, broker, or individual person;

10 (11) Failing of any insurer, upon receipt of a written

11 inquiry from the department, to respond to such inquiry or request

12 additional reasonable time to respond within fifteen working days;

13 (12) Accepting applications for or writing any policy of

14 insurance sold, negotiated, or solicited by an insurance producer

15 or business entity not licensed or appointed as required by the

16 Insurance Producers Licensing Act; and

17 (13) Violating any provision of section 44-320, 44-348,

18 44-360, 44-361, 44-369, 44-393, 44-515 to 44-518, 44-522, 44-523,

19 44-2132 to 44-2134, 44-3606, 44-4809, 44-4812, 44-4817, or 44-5266,

20 section 1 of this act, the Privacy of Insurance Consumer

21 Information Act, or the Unfair Discrimination Against Subjects of

22 Abuse in Insurance Act.

23 Sec. 3. Original section 44-1525, Revised Statutes

24 Supplement, 2001, is repealed."

- 25 2. On page 2, line 8, strike "On and after January 1,
 26 2003, all" and insert "All"; and in line 18 after the period insert
 27 "The requirements of this subsection shall apply to cards and
 1 technology issued or reissued on or after January 1, 2004.".
 2 3. On page 3, strike beginning with "The" in line 20
 3 through line 23 and insert "In addition to any other remedies
 4 available under the laws of this state, each violation of this
 5 section and any rules and regulations adopted and promulgated under
 6 this section shall be an unfair trade practice in the business of
 7 insurance subject to the Unfair Insurance Trade Practices Act.".
 8 4. Underscore original section 1.

(Signed) David M. Landis, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 1070. Placed on General File.

LEGISLATIVE BILL 1271. Indefinitely postponed.

(Signed) DiAnna R. Schimek, Chairperson

ANNOUNCEMENT

The Chair announced today is Senator Kruse's birthday.

GENERAL FILE

LEGISLATIVE RESOLUTION 6CA. Senator Brashear renewed his pending motion, found on page 713, to reconsider the vote to adopt the Beutler amendment, AM2819, found on page 654 and considered on page 668.

Senator Aguilar asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Foley moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 7 nays, and 15 not voting.

The Brashear motion to reconsider prevailed with 25 ayes, 18 nays, and 6 present and not voting.

The Beutler reconsidered amendment, AM2819, found on page 654 and considered on pages 656 and 668, as amended, was renewed.

Senator Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Senator Beutler moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator Beutler requested a roll call vote on his amendment, as amended.

Voting in the affirmative, 23:

| | | | | |
|---------|------------|----------|----------|------------|
| Aguilar | Chambers | Janssen | Preister | Synowiecki |
| Beutler | Connealy | Kruse | Redfield | Thompson |
| Bourne | Cudaback | Landis | Schimek | Wehrbein |
| Bromm | Cunningham | Maxwell | Schrock | |
| Byars | Hartnett | McDonald | Suttle | |

Voting in the negative, 22:

| | | | | |
|----------|---------|---------------|----------|------------|
| Baker | Dierks | Jensen | Price | Vrtiska |
| Brashear | Engel | Jones | Quandahl | Wickersham |
| Bruning | Erdman | Kremer | Smith | |
| Burling | Foley | Kristensen | Stuhr | |
| Coordsen | Hudkins | Pedersen, Dw. | Tyson | |

Present and not voting, 3:

Brown Pederson, D. Robak

Absent and not voting, 1:

Raikes

The Beutler amendment, as amended, lost with 23 ayes, 22 nays, 3 present and not voting, and 1 absent and not voting.

The Chair declared the call raised.

Senator Smith withdrew his pending motion, found on page 687, to reconsider the vote on the motion to indefinitely postpone.

Senator Coordsen withdrew his pending amendment, AM2838, found on page 686.

Senators Raikes and Wickersham asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Coordsen offered the following amendment:
AM2885

- 1 1. Insert the following new sections:
- 2 "Sec. 2. At the general election in November 2002 the
- 3 following proposed amendment to the Constitution of Nebraska shall
- 4 be submitted to the electors of the State of Nebraska for approval

5 or rejection:

6 To amend Article III, section 24:

7 III-24 "(1) ~~Except as provided in this section, the~~

8 ~~Legislature shall not authorize any game of chance or any lottery~~

9 ~~or gift enterprise when the consideration for a chance to~~

10 ~~participate involves the payment of money for the purchase of~~

11 ~~property, services, or a chance or admission ticket or requires an~~

12 ~~expenditure of substantial effort or time. The Legislature may~~

13 authorize games of chance, lotteries, and gift enterprises as

14 provided in this section.

15 (2) The Legislature may authorize and regulate a state

16 lottery pursuant to subsection (3) of this section and other

17 lotteries, raffles, and gift enterprises which are intended solely

18 as business promotions or the proceeds of which are to be used

19 solely for charitable or community betterment purposes without

20 profit to the promoter of such lotteries, raffles, or gift

21 enterprises.

22 (3) The Legislature may establish a lottery to be

23 operated and regulated by the State of Nebraska. The proceeds of

24 the lottery shall be appropriated by the Legislature for the costs

1 of establishing and maintaining the lottery and for other purposes

2 as directed by the Legislature. No lottery game shall be conducted

3 as part of the lottery unless the type of game has been approved by

4 a majority of the members of the Legislature.

5 (4) The Legislature may authorize and regulate games of

6 chance, the proceeds of which may be used as the Legislature may

7 provide. Such games of chance shall include, but not be limited

8 to, casino gaming activities, games played using player-activated

9 electronic, video, or mechanical gaming devices, dice, card games

10 of chance, and table games of chance.

11 (5) Nothing in this section shall be construed to

12 prohibit (a) the enactment of laws providing for the licensing and

13 regulation of wagering on the results of horseraces, wherever run,

14 either within or outside of the state, by the parimutuel method,

15 when such wagering is conducted by licensees within a licensed

16 racetrack enclosure or (b) the enactment of laws providing for the

17 licensing and regulation of bingo games conducted by nonprofit

18 associations which have been in existence for a period of five

19 years immediately preceding the application for license, except

20 that bingo games cannot be conducted by agents or lessees of such

21 associations on a percentage basis."

22 Sec. 4. The proposed amendment shall be submitted to the

23 electors in the manner prescribed by the Constitution of Nebraska,

24 Article XVI, section 1, with the following ballot language:

25 "A constitutional amendment to permit the Legislature to

26 authorize and regulate games of chance and to require the

27 proceeds to be used as the Legislature may provide.

1 For

2 Against".

3 2. Renumber the remaining section accordingly.

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Coordsen moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Coordsen requested a roll call vote on his amendment.

Voting in the affirmative, 15:

| | | | | |
|----------|----------|----------|------------|------------|
| Baker | Connealy | Dierks | Janssen | Synowiecki |
| Bromm | Coordsen | Erdman | Kristensen | Tyson |
| Chambers | Cudaback | Hartnett | Kruse | Vrtiska |

Voting in the negative, 23:

| | | | | |
|---------|------------|---------------|----------|----------|
| Aguilar | Byars | Landis | Price | Stuhr |
| Beutler | Cunningham | Maxwell | Quandahl | Thompson |
| Bourne | Jensen | McDonald | Redfield | Wehrbein |
| Bruning | Jones | Pedersen, Dw. | Schimek | |
| Burling | Kremer | Pederson, D. | Smith | |

Present and not voting, 8:

| | | | |
|-------|---------|----------|---------|
| Brown | Foley | Preister | Schrock |
| Engel | Hudkins | Robak | Suttle |

Excused and not voting, 3:

| | | |
|----------|--------|------------|
| Brashear | Raikes | Wickersham |
|----------|--------|------------|

The Coordsen amendment lost with 15 ayes, 23 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Schimek moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Senator Schimek requested a roll call vote on the advancement of the resolution.

Senator Bromm requested the roll call vote be taken in reverse order.

Voting in the affirmative, 25:

| | | | | |
|---------|------------|----------|---------------|------------|
| Aguilar | Chambers | Hartnett | Pedersen, Dw. | Schrock |
| Beutler | Connealy | Janssen | Pederson, D. | Suttle |
| Bourne | Coordsen | Kruse | Preister | Synowiecki |
| Bromm | Cudaback | Maxwell | Robak | Thompson |
| Byars | Cunningham | McDonald | Schimek | Wehrbein |

Voting in the negative, 22:

| | | | | |
|----------|---------|------------|----------|---------|
| Baker | Dierks | Jensen | Price | Tyson |
| Brashear | Engel | Jones | Quandahl | Vrtiska |
| Brown | Erdman | Kremer | Redfield | |
| Bruning | Foley | Kristensen | Smith | |
| Burling | Hudkins | Landis | Stuhr | |

Excused and not voting, 2:

| | |
|--------|------------|
| Raikes | Wickersham |
|--------|------------|

Advanced to E & R for review with 25 ayes, 22 nays, and 2 excused and not voting.

The Chair declared the call raised.

MOTION - Print in Journal

Senator Landis filed the following motion to LB 952:
Indefinitely postpone LB 952.

RESOLUTIONS

LEGISLATIVE RESOLUTION 298. Introduced by Robak, 22.

WHEREAS, Darrell Olmer of St. Francis High School won the Class D 152-pound state championship match at the 2002 State Wrestling Tournament; and

WHEREAS, Olmer finished the season with a 26-5 record and set the following career wrestling records at St. Francis High School: 80 wins, 40 two-point nearfalls, 44 three-point nearfalls, and 84 escapes; and

WHEREAS, Olmer became the first wrestler at St. Francis High School to win a state championship; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes and congratulates Darrell Olmer on winning the Class D 152-pound state wrestling championship.

2. That a copy of this resolution be sent to Darrell Olmer.

Laid over.

LEGISLATIVE RESOLUTION 299. Introduced by Robak, 22.

WHEREAS, Jared Nygren of Newman Grove High School won the Class D 275-pound state championship match at the 2002 State Wrestling Tournament and became a three-time state wrestling champion; and

WHEREAS, Nygren compiled his second consecutive undefeated season, was ranked No. 1 at 275 pounds in the Nebraska Scholastic Wrestling Coaches Association ratings, and set the following records at Newman Grove High School: 121 career wins, 30 consecutive season pins, 91 career pins, fastest pin (recorded in a five-second match), 266 season points, and 889 career points; and

WHEREAS, Nygren became the first wrestler at Newman Grove High School to become a three-time state champion; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes and congratulates Jared Nygren on winning the Class D 275-pound state wrestling championship.
2. That a copy of this resolution be sent to Jared Nygren.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1023A. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1023, Ninety-seventh Legislature, Second Session, 2002.

ANNOUNCEMENT

Speaker Kristensen designates LBs 255, 399, 533, 633, 642, 647, 722, 863, 877, 921, 947, 966, 973, 989, 994, 1071, 1084, 1086, 1110, 1132, 1176, 1217, 1218, LRs 4CA, and 14CA as Speaker priority bills and resolutions.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 503. Placed on General File.

LEGISLATIVE BILL 927. Placed on General File.

LEGISLATIVE BILL 969. Placed on General File.

LEGISLATIVE BILL 1009. Placed on General File.

LEGISLATIVE BILL 1043. Placed on General File.

LEGISLATIVE BILL 276. Placed on General File as amended.

Standing Committee amendment to LB 276:

AM2457

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 28-608, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 28-608. (1) A person commits the crime of criminal
- 6 impersonation if he or she:
- 7 (a) Assumes a false identity and does an act in his or
- 8 her assumed character with intent to gain a pecuniary benefit for
- 9 himself, herself, or another; or to deceive or harm another; ~~or~~
- 10 (b) Pretends to be a representative of some person or
- 11 organization and does an act in his or her pretended capacity with
- 12 the intent to gain a pecuniary benefit for himself, herself, or
- 13 another; and to deceive or harm another; ~~or~~
- 14 (c) Carries on any profession, business, or any other
- 15 occupation without a license, certificate, or other authorization
- 16 required by law; or
- 17 (d) Without the authorization or permission of another
- 18 and with the intent to deceive or harm another;
- 19 (i) Obtains or records personal identification documents
- 20 or personal identifying information; and
- 21 (ii) Accesses or attempts to access the financial
- 22 resources of another through the use of a personal identification
- 23 document or personal identifying information for the purpose of
- 24 obtaining credit, money, goods, services, or any other thing of
- 1 value.
- 2 (2)(a) Criminal impersonation is a Class III felony if
- 3 the credit, money, goods, services, or any other thing of value
- 4 that was gained or was attempted to be gained was one thousand five
- 5 hundred dollars or more.
- 6 (b) Criminal impersonation is a Class IV felony if the
- 7 credit, money, goods, services, or any other thing of value that
- 8 was gained or was attempted to be gained was five hundred dollars
- 9 or more but less than one thousand five hundred dollars.
- 10 (c) Criminal impersonation is a Class I misdemeanor if
- 11 the credit, money, goods, services, or any other thing of value
- 12 that was gained or was attempted to be gained was two hundred
- 13 dollars or more but less than five hundred dollars. Any second or
- 14 subsequent conviction under this subdivision is a Class IV felony.
- 15 (d) Criminal impersonation is a Class II misdemeanor if
- 16 no credit, money, goods, services, or any other thing of value was
- 17 gained or was attempted to be gained, or if the credit, money,
- 18 goods, services, or any other thing of value that was gained or was
- 19 attempted to be gained was less than two hundred dollars. Any

20 second conviction under this subdivision is a Class I misdemeanor,
21 and any third or subsequent conviction under this subdivision is a
22 Class IV felony.

23 (e) A person found guilty of violating this section may,
24 in addition to the penalties under this subsection, be ordered to
25 make restitution pursuant to sections 29-2280 to 29-2289.

26 (3) Criminal impersonation does not mean:

27 (a) The lawful obtaining of credit information in the
1 course of a bona fide consumer or commercial transaction;

2 (b) The lawful, good faith exercise of a security
3 interest or a right of setoff by a creditor or a financial
4 institution; or

5 (c) The lawful, good faith compliance by any person when
6 required by any warrant, levy, garnishment, attachment, court
7 order, or other judicial or administrative order, decree, or
8 directive.

9 (4) For purposes of this section:

10 (a) Personal identification document means a birth
11 certificate, motor vehicle operator's license, state identification
12 card, public, government, or private employment identification
13 card, social security card, visa work permit, firearm owner's
14 identification card, certificate issued under section 69-2404,
15 passport, or any document made or altered in a manner that it
16 purports to have been made on behalf of or issued to another person
17 or by the authority of a person who did not give that authority.

18 Personal identification document does not include a financial
19 transaction device as defined in section 28-618; and

20 (b) Personal identifying information means any name or
21 number that may be used, alone or in conjunction with any other
22 information, to identify a specific person including a person's:

23 (i) Name; (ii) date of birth; (iii) address; (iv) motor vehicle
24 operator's license number or state identification card number as
25 assigned by the State of Nebraska or another state; (v) social
26 security number or visa work permit number; (vi) public, private,
27 or government employer, place of employment, or employment
1 identification number; (vii) maiden name of a person's mother;

2 (viii) number assigned to a person's credit or debit card, whether
3 issued by a financial institution, corporation, or other business
4 entity; (ix) number assigned to a person's depository account,
5 savings account, or brokerage account; (x) personal identification
6 number as defined in section 8-157.01; (xi) electronic
7 identification number, address, or routing code used to access
8 financial information; (xii) digital signature; (xiii) identifying
9 information or access device; (xiv) unique biometric data, such as
10 fingerprint, voice print, retina or iris image, or other unique
11 physical representation; and (xv) any other number or information
12 which can be used to access a person's financial resources.

13 Criminal impersonation is a Class H misdemeanor.
14 Sec. 2. Section 28-620, Reissue Revised Statutes of

15 Nebraska, is amended to read:

16 28-620. (1) A person commits the offense of unauthorized
17 use of a financial transaction device if such person uses such
18 device in an automated banking device, to imprint a sales form, or
19 in any other manner:

20 (a) For the purpose of obtaining money, credit, property,
21 or services or for making financial payment, with intent to
22 defraud;

23 (b) With notice that the financial transaction device is
24 expired, revoked, or canceled;

25 (c) With notice that the financial transaction device is
26 forged, altered, or counterfeited; or

27 (d) When for any reason his or her use of the financial
1 transaction device is unauthorized either by the issuer or by the
2 account holder.

3 (2) For purposes of this section, notice shall mean
4 either notice given in person or notice given in writing to the
5 account holder, by registered or certified mail, return receipt
6 requested, duly stamped and addressed to such account holder at his
7 or her last address known to the issuer. Such notice shall be
8 evidenced by a returned receipt signed by the account holder which
9 shall be prima facie evidence that the notice was received.

10 (3) Any person committing the offense of unauthorized use
11 of a financial transaction device shall be guilty of:

12 (a) A Class II misdemeanor if the total value of the
13 money, credit, property, or services obtained or the financial
14 payments made are less than ~~seventy-five~~ two hundred dollars within
15 a six-month period from the date of the first unauthorized use;

16 (b) A Class I misdemeanor if the total value of the
17 money, credit, property, or services obtained or the financial
18 payments made are ~~seventy-five~~ two hundred dollars or more but less
19 than ~~three~~ five hundred dollars within a six-month period from the
20 date of the first unauthorized use;

21 (c) A Class IV felony if the total value of the money,
22 credit, property, or services obtained or the financial payments
23 made are ~~three~~ five hundred dollars or more but less than one
24 thousand five hundred dollars within a six-month period from the
25 date of the first unauthorized use; and

26 (d) A Class III felony if the total value of the money,
27 credit, property, or services obtained or the financial payments
1 made are one thousand five hundred dollars or more within a
2 six-month period from the date of the first unauthorized use.

3 (4) Any prosecution under this section may be conducted
4 in any county where the person committed the offense or any one of
5 a series of offenses to be aggregated.

6 (5) Once aggregated and filed, no separate prosecution
7 for an offense arising out of the same series of offenses
8 aggregated and filed shall be allowed in any county.

9 Sec. 3. Original sections 28-608 and 28-620, Reissue

10 Revised Statutes of Nebraska, are repealed."

LEGISLATIVE BILL 874. Placed on General File as amended.
Standing Committee amendment to LB 874:
AM2862

1 1. Strike the original sections and insert the following
2 new sections:
3 "Section 1. Section 25-2221, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 25-2221. Except as may be otherwise more specifically
6 provided, the period of time within which an act is to be done in
7 any action or proceeding shall be computed by excluding the day of
8 the act, event, or default after which the designated period of
9 time begins to run. The last day of the period so computed shall
10 be included unless it is a Saturday, a Sunday, or a day during
11 which the offices of courts of record may be legally closed as
12 provided in this section, in which event the period shall run until
13 the end of the next day on which the office will be open.
14 All courts and their offices may be closed on Saturdays,
15 Sundays, and these holidays: New Year's Day, January 1; Birthday
16 of Martin Luther King, Jr., the third Monday in January;
17 President's Day, the third Monday in February; Arbor Day, the last
18 Friday in April; Memorial Day, the last Monday in May; Independence
19 Day, July 4; Labor Day, the first Monday in September; Columbus
20 Day, the second Monday in October; Veterans Day, November 11;
21 Thanksgiving Day, the fourth Thursday in November; the day after
22 Thanksgiving; ~~and~~ Christmas Day, December 25; and all days declared
23 by law or proclamation of the Governor to be holidays. If any such
24 holiday falls on Sunday, the following Monday shall be a holiday.
1 If any such holiday falls on Saturday, the preceding Friday shall
2 be a holiday. Court offices shall be open on all other days. If
3 the date designated by the state for observance of any legal
4 holiday pursuant to this section, except Veterans Day, is different
5 from the date of observance of such holiday pursuant to a federal
6 holiday schedule, the federal holiday schedule shall be observed.
7 Sec. 2. Original section 25-2221, Reissue Revised
8 Statutes of Nebraska, is repealed."

LEGISLATIVE BILL 875. Placed on General File as amended.
Standing Committee amendment to LB 875:
AM2861

1 1. Strike original section 1 and insert the following
2 new section:
3 "Section 1. Section 24-209, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 24-209. (1) One copy of the Nebraska Reports and one
6 copy of the Nebraska Appellate Reports shall be furnished by the
7 Supreme Court to each judge of the Supreme Court, Court of Appeals,
8 Nebraska Workers' Compensation Court, and district, separate

9 juvenile, and county courts, to each county law library, and to
 10 each state library, to each officer of the executive departments of
 11 this state, to the Clerk of the Legislature, and to each judge of
 12 the United States District and Circuit Courts of this state; and
 13 two copies of such reports shall be furnished to the Legislative
 14 Council. The State Court Administrator shall be furnished as many
 15 additional copies as he or she deems necessary for the operation of
 16 the Court of Appeals and the Supreme Court, ; two copies; to the
 17 library of the College of Law of the University of Nebraska, as
 18 provided in sections 85-176 and 85-177; to the Nebraska
 19 Publications Clearinghouse, eight copies; and to the State Court
 20 Administrator's Office, up to fifteen copies.

21 (2) One advance copy of the opinions of the Nebraska
 22 Supreme Court in pamphlet form, known as the Nebraska Advance
 23 Sheets, and one advance copy of the opinions of the Nebraska Court
 24 of Appeals in pamphlet form, known as the Decisions of the Nebraska
 1 Court of Appeals, shall be furnished to each judge of the Supreme
 2 Court, Court of Appeals, Nebraska Workers' Compensation Court, and
 3 district, separate juvenile, and county courts, as many advance
 4 copies as may be requested by the members of the Legislature shall
 5 be furnished to the Clerk of the Legislature, two advance copies
 6 shall be furnished to each standing committee of the Legislature,
 7 up to twenty-five advance copies shall be furnished to the Attorney
 8 General, one advance copy shall be furnished to the Governor, and
 9 the State Court Administrator shall be furnished as many advance
 10 copies as he or she deems necessary for the operation of the Court
 11 of Appeals and the Supreme Court.

12 (3) The balance of the Nebraska Reports, Nebraska
 13 Appellate Reports, Nebraska Advance Sheets, and Decisions of the
 14 Nebraska Court of Appeals shall be sold as called for at such price
 15 as shall be prescribed by the Supreme Court. The Supreme Court
 16 shall also prescribe the price for microform copies of the reports.
 17 The money received from such sales shall be paid into the Supreme
 18 Court Reports Cash Fund which is hereby created.

19 (4) Upon request from any office or entity entitled to
 20 free copies of the Nebraska Reports, the Nebraska Appellate
 21 Reports, the Nebraska Advance Sheets, or the Decisions of the
 22 Nebraska Court of Appeals, the court may stop sending the
 23 publications to such office or entity until the request is
 24 withdrawn."

LEGISLATIVE BILL 876. Placed on General File as amended.
 (Standing Committee amendment, AM2876, may be found in the Bill
 Books. The amendment has been printed separately and is on file in the Bill
 Room - Room 1102.)

LEGISLATIVE BILL 901. Placed on General File as amended.
 Standing Committee amendment to LB 901:
 AM2875

1 1. Strike original section 1 and insert the following
 2 new section:
 3 "Section 1. Section 45-103, Revised Statutes Supplement,
 4 2000, is amended to read:
 5 45-103. ~~Interest~~ For decrees and judgments rendered
 6 before the effective date of this act, interest on decrees and
 7 judgments for the payment of money shall be fixed at a rate equal
 8 to one percentage point above the bond equivalent yield, as
 9 published by the Secretary of the Treasury of the United States, of
 10 the average accepted auction price for the last auction of
 11 fifty-two-week United States Treasury bills in effect on the date
 12 of entry of the judgment. For decrees and judgments rendered on
 13 and after the operative date of this section, interest on decrees
 14 and judgments for the payment of money shall be fixed at a rate
 15 equal to two percentage points above the bond investment yield, as
 16 published by the Secretary of the Treasury of the United States, of
 17 the average accepted auction price for the first auction of each
 18 annual quarter of the twenty-six-week United States Treasury bills
 19 in effect on the date of entry of the judgment. The State Court
 20 Administrator shall distribute notice of such rate and any changes
 21 to it to all Nebraska judges to be in effect two weeks after the
 22 date the auction price is published by the Secretary of the
 23 Treasury of the United States. This interest rate shall not apply
 24 to:

- 1 (1) An action in which the interest rate is specifically
- 2 provided by law; or
- 3 (2) An action founded upon an oral or written contract in
- 4 which the parties have agreed to a rate of interest other than that
- 5 specified in this section."

LEGISLATIVE BILL 1218. Placed on General File as amended.
 Standing Committee amendment to LB 1218:
 AM2844

1 1. Strike the original sections and insert the following
 2 new sections:
 3 "Section 1. Section 44-3,144, Reissue Revised Statutes
 4 of Nebraska, is amended to read:
 5 44-3,144. For purposes of sections 44-3,144 to 44-3,150:
 6 (1) Authorized attorney has the same meaning as in
 7 section 43-512;
 8 (2) Child means an individual to whom or on whose behalf
 9 a legal duty of support is owed by an obligor;
 10 (3) Department shall mean means the Department of Health
 11 and Human Services;
 12 ~~(2)~~ (4) Employer means an individual, a firm, a
 13 partnership, a corporation, an association, a union, a political
 14 subdivision, a state agency, or any agent thereof who pays income
 15 to an obligor on a periodic basis and has or provides health care
 16 coverage to the obligor-employee;

- 17 (5) Health care coverage means a health benefit plan or
 18 combination of plans, other than public medical assistance
 19 programs, that provide medical care or benefits;
- 20 (6) Insurer shall mean means an entity insurer as defined
 21 in section 44-103 offering a group health plan as defined in 29
 22 U.S.C. 1167, as such section existed on January 1, 2002; a health
 23 maintenance organization, an entity offering a service benefit
 24 plan, and an insurer as defined in section 44-103; and
- 1 (7) Medical support means the provision of health care
 2 coverage, contribution to the cost of health care coverage,
 3 contribution to expenses associated with the birth of a child,
 4 other uninsured medical expenses of a child, or any combination
 5 thereof;
- 6 ~~(3)~~ (8) Medical assistance program shall mean means the
 7 program established pursuant to sections 68-1018 to 68-1025;
- 8 (9) National medical support notice means a uniform
 9 administrative notice issued by the county attorney, authorized
 10 attorney, or department to enforce the medical support provisions
 11 of a support order;
- 12 (10) Obligee has the same meaning as in section 43-3341;
- 13 (11) Obligor has the same meaning as in section 43-3341;
- 14 (12) Plan administrator means the person or entity that
 15 administers health care coverage for an employer;
- 16 (13) Qualified medical child support order means an order
 17 that meets the requirements of 29 U.S.C. 1169, as such section
 18 existed on January 1, 2002; and
- 19 (14) Uninsured medical expenses means the reasonable and
 20 necessary health-related expenses that are not paid by health care
 21 coverage.
- 22 Sec. 2. Section 44-3,145, Reissue Revised Statutes of
 23 Nebraska, is amended to read:
 24 44-3,145. An insurer shall not deny enrollment of a
 25 child under the health care coverage of the ~~child's parent~~ obligor
 26 on the ground that:
- 27 (1) The child was born out of wedlock;
 1 (2) The child is not claimed as a dependent on the
 2 ~~parent's obligor's~~ parent's obligor's federal income tax return; or
 3 (3) The child does not reside with the ~~parent~~ obligor or
 4 in the insurer's service area.
- 5 Sec. 3. Section 44-3,146, Reissue Revised Statutes of
 6 Nebraska, is amended to read:
 7 44-3,146. (1) An insurer shall, in any case in which a
 8 ~~parent an obligor~~ parent an obligor is required by a court or administrative order to
 9 provide health care coverage for a child and the ~~parent~~ obligor is
 10 eligible for family health care coverage through the insurer:
 11 (a) Permit such ~~parent an obligor~~ parent an obligor to enroll under such
 12 ~~family health care~~ family health care coverage any such child who is otherwise
 13 eligible for such coverage without regard to any enrollment season
 14 restriction;

15 (b) If such a parent an obligor is covered but fails to
16 make application to obtain coverage for such child, enroll such
17 child under such family health care coverage upon application by
18 (i) the child's other parent obligee without regard to any
19 enrollment season restriction, (ii) in any case in which services
20 are provided under Title IV-D of the federal Social Security Act,
21 as amended such act existed on January 1, 2002, the county attorney
22 or authorized attorney without regard to any enrollment season
23 restriction, or (iii) in any case in which services are not
24 provided under Title IV-D of the federal Social Security Act, as
25 amended such act existed on January 1, 2002, the department without
26 regard to any enrollment season restriction; and

27 (c) Not cancel or eliminate health care coverage for any
1 such child unless the insurer is provided satisfactory written
2 evidence that (i) such court or administrative order is no longer
3 in effect or (ii) the child is or will be enrolled in comparable
4 health care coverage through another insurer which will take effect
5 not later than the effective date of such cancellation or
6 elimination.

7 (2) An employer doing business in this state shall, in
8 any case in which a parent an obligor is required by a court or
9 administrative order to provide health care coverage for a child
10 and the parent obligor is eligible for family health care coverage
11 through the employer:

12 (a) Permit such parent an obligor to enroll under such
13 family health care coverage any such child who is otherwise
14 eligible for such coverage without regard to any enrollment season
15 restriction;

16 (b) If such a parent an obligor is covered but fails to
17 make application to obtain coverage for such child, enroll such
18 child under such family health care coverage upon application by
19 (i) the child's other parent obligee without regard to any
20 enrollment season restriction, (ii) in any case in which services
21 are provided under Title IV-D of the federal Social Security Act,
22 as amended such act existed on January 1, 2002, the county attorney
23 or authorized attorney without regard to any enrollment season
24 restriction, or (iii) in any case in which services are not
25 provided under Title IV-D of the federal Social Security Act, as
26 amended such act existed on January 1, 2002, the department without
27 regard to any enrollment season restriction; and

1 (c) Not cancel or eliminate health care coverage for any
2 such child unless (i) the employer is provided satisfactory written
3 evidence that (A) such court or administrative order is no longer
4 in effect or (B) the child is or will be enrolled in comparable
5 health care coverage which will take effect not later than the
6 effective date of such cancellation or elimination or (ii) the
7 employer has eliminated family health care coverage for all of its
8 employees.

9 Upon enrollment pursuant to this subsection, premiums

10 shall be deducted from the ~~parent's~~ obligor's compensation and
11 remitted directly to the insurer. The amount withheld shall not
12 exceed the maximum amount permitted to be withheld under section
13 303(b) of the federal Consumer Credit Protection Act, as such act
14 existed on January 1, 2002. Amounts withheld pursuant to the
15 Income Withholding for Child Support Act shall have priority over
16 amounts withheld pursuant to this subsection. An employer
17 receiving a national medical support notice shall transmit the
18 notice to the plan administrator within twenty business days after
19 receipt of the notice from the county attorney, authorized
20 attorney, or department.

21 (3) If an obligor is ordered to provide health care
22 coverage for a child in any case in which services are provided
23 under Title IV-D of the federal Social Security Act, as such act
24 existed on January 1, 2002, the county attorney, authorized
25 attorney, or department shall send a national medical support
26 notice to any employer of the obligor within two business days
27 after receipt of information regarding employment under the New
1 Hire Reporting Act. A notice to enroll national medical support
2 notice sent by the county attorney, authorized attorney, or
3 department to an insurer or employer pursuant to this section shall
4 have the same effect as an enrollment application signed by the
5 parent obligor. Prior to sending a notice to enroll, the The
6 county attorney, authorized attorney, or department shall send a
7 copy of the national medical support notice to the parent of intent
8 to enforce the court or administrative order obligor by mail at his
9 or her last-known address stating:

10 (a) The court or administrative order upon which the
11 enforcement action is being taken;

12 (b) That if the county attorney, authorized attorney, or
13 department sends a national medical support notice to enroll a
14 child to an employer, the county attorney, authorized attorney, or
15 department will also direct the employer to withhold from the
16 employee's compensation the employee's share of the premium for
17 health care coverage; and

18 (c) That within fifteen days after receiving the notice
19 the ~~parent~~ obligor may request a hearing to contest the enforcement
20 action based upon evidence that (i) there is an error in the
21 identity of the obligor, (ii) he or she has enrolled the child in
22 an insurance plan providing coverage required by the order, (iii)
23 the parties have stipulated to, and the court or administrative
24 order specifically provides for, an alternative to employer-based
25 health care coverage, or (iv) or evidence that the premium cost to
26 the parent obligor exceeds the amount stated in subsection (2) of
27 this section or is otherwise unreasonable.

1 If a hearing is requested, the department shall hold the
2 hearing within fifteen days after the request, and the department
3 shall notify the ~~parent~~ obligor of its decision within fifteen days
4 after the date the hearing is held. ~~Notice to enroll~~ A national

5 medical support notice sent by the county attorney, authorized
6 attorney, or department to the ~~parent's insurer or obligor's~~
7 employer shall not be held in abeyance pending the outcome of the
8 hearing.

9 (4) The remedy provided in this section shall be in
10 addition to and not in substitution for any other remedy and shall
11 apply without regard to when the order was issued.

12 (5) An insurer or employer shall, upon request by the
13 county attorney, authorized attorney, or department, provide the
14 county attorney, authorized attorney, or department with the
15 following information regarding a ~~parent~~ an obligor required by a
16 court or administrative order to provide health care coverage for a
17 child: (a) The social security number; (b) the address; (c) whether
18 the ~~parent~~ obligor has health care coverage and, if so, the policy
19 name and number and the names of the persons covered; and (d) the
20 cost to the ~~parent~~ obligor of enrolling.

21 (6) Upon receipt of a copy of a court or administrative
22 order requiring a ~~parent~~ an obligor to provide health care coverage
23 for a child, an insurer or employer shall provide the ~~child's other~~
24 ~~parent~~ obligee upon written request the information necessary to
25 file an application pursuant to this section.

26 (7) A completed national medical support notice issued by
27 the county attorney, authorized attorney, or department that
1 complies with this section is a qualified medical child support
2 order for the purposes of the federal Employee Retirement Income
3 Security Act of 1974 (ERISA), 29 U.S.C. 1169(a), as such section
4 existed on January 1, 2002.

5 (8) Upon the termination of employment of an obligor
6 subject to this section, the employer shall promptly notify the
7 county attorney, authorized attorney, or department of the
8 termination of employment in the same manner as required for income
9 withholding cases in accordance with subdivision (6) of section
10 43-1723 of the Income Withholding for Child Support Act.

11 (9) When there is no longer a current child support order
12 in effect for an obligor subject to this section, the county
13 attorney, authorized attorney, or department shall promptly notify
14 the employer that the order is no longer in effect.

15 Sec. 4. Section 44-3,149, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 44-3,149. An insurer shall, in any case in which a child
18 has health care coverage through the insurer of a ~~noneustodial~~
19 ~~parent~~ the obligor:

20 (1) Provide such information to the eustodial parent
21 obligor as may be necessary for the child to obtain benefits
22 through such coverage;

23 (2) Permit the eustodial parent obligor or the provider,
24 with the eustodial parent's obligor's approval, to submit claims
25 for covered services without the approval of the ~~noneustodial~~
26 ~~parent~~ obligor; and

- 27 (3) Make payment on claims submitted in accordance with
1 subdivision (2) of this subsection directly to such ~~eustodial~~
2 ~~parent obligor~~, the provider, or the department pursuant to section
3 68-1026.
4 Sec. 5. This act becomes operative on July 1, 2002.
5 Sec. 6. Original sections 44-3,144, 44-3,145, 44-3,146,
6 and 44-3,149, Reissue Revised Statutes of Nebraska, are repealed.
7 Sec. 7. Since an emergency exists, this act takes effect
8 when passed and approved according to law."

LEGISLATIVE BILL 1065. Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

GENERAL FILE

LEGISLATIVE BILL 429. Senator Chambers withdrew his pending motion, found on page 536, to recommit to Committee.

Senator Dw. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Janssen renewed his pending amendment, AM2560, found on page 499.

Senator Vrtiska asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

The Janssen amendment was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Senator Janssen moved to invoke cloture on LB 429, pursuant to Rule 7, Section 10.

Senator Chambers requested a record vote on the Janssen motion to invoke cloture.

Voting in the affirmative, 41:

| | | | | |
|----------|------------|---------------|--------------|------------|
| Aguilar | Byars | Hartnett | Pederson, D. | Synowiecki |
| Baker | Connealy | Hudkins | Preister | Thompson |
| Beutler | Coordsen | Janssen | Price | Tyson |
| Bourne | Cudaback | Jones | Quandahl | Wehrbein |
| Brashear | Cunningham | Kremer | Robak | Wickersham |
| Bromm | Dierks | Kruse | Schimek | |
| Brown | Engel | Maxwell | Schrock | |
| Bruning | Erdman | McDonald | Stuhr | |
| Burling | Foley | Pedersen, Dw. | Suttle | |

Voting in the negative, 6:

| | | |
|----------|------------|----------|
| Chambers | Kristensen | Redfield |
| Jensen | Landis | Smith |

Excused and not voting, 2:

| | |
|--------|---------|
| Raikes | Vrtiska |
|--------|---------|

The Janssen motion to invoke cloture prevailed with 41 ayes, 6 nays, and 2 excused and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Senator Smith requested the roll call vote be taken in reverse order.

Voting in the affirmative, 37:

| | | | | |
|----------|------------|----------|------------|------------|
| Aguilar | Byars | Foley | Price | Thompson |
| Baker | Connealy | Hartnett | Quandahl | Tyson |
| Beutler | Coordsen | Hudkins | Robak | Vrtiska |
| Bourne | Cudaback | Janssen | Schimek | Wehrbein |
| Brashear | Cunningham | Kremer | Schrock | Wickersham |
| Bromm | Dierks | Maxwell | Stuhr | |
| Brown | Engel | McDonald | Suttle | |
| Bruning | Erdman | Preister | Synowiecki | |

Voting in the negative, 10:

| | | | | |
|----------|------------|--------|---------------|----------|
| Chambers | Jones | Kruse | Pedersen, Dw. | Redfield |
| Jensen | Kristensen | Landis | Pederson, D. | Smith |

Present and not voting, 1:

Burling

Excused and not voting, 1:

Raikes

Advanced to E & R for review with 37 ayes, 10 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 429A. Title read. Considered.

Senator Janssen offered the following amendment:

AM2721

- 1 1. On page 2, strike beginning with "(1)" in line 1
- 2 through line 2 and insert "\$22,529 from the"; and in line 6 strike
- 3 "First Session, 2001" and insert "Second Session, 2002".

Senators Dw. Pedersen, Jensen, D. Pederson, and Schimek asked unanimous consent to be excused. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Add Cointroducer

Senator Synowiecki asked unanimous consent to have his name added as cointroducer to LB 1043. No objections. So ordered.

VISITORS

Visitors to the Chamber were 26 twelfth grade students from Johnson-Brock High School; Greg Robinson and Scott Haun from Kimball; and 42 twelfth grade students from Gibbon High School.

The Doctor of the Day was Dr. Jennifer Bengston from Lincoln.

ADJOURNMENT

At 12:03 p.m., on a motion by Senator Coordsen, the Legislature adjourned until 9:00 a.m., Tuesday, February 26, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FIRST DAY - FEBRUARY 26, 2002**LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE
SECOND SESSION****THIRTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 26, 2002

PRAYER

The prayer was offered by Pastor Roger Luiken, Liberty Baptist Church, Fremont, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senator Hartnett who was excused; and Senators Bromm, Kristensen, Maxwell, and Synowiecki who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirtieth day was approved.

**SELECT COMMITTEE REPORTS
Enrollment and Review**

LEGISLATIVE RESOLUTION 6CA. Placed on Select File as amended.

E & R amendment to LR 6CA:

AM7174

- 1 1. On page 1, line 2, strike "FIRST" and insert
- 2 "SECOND".

LEGISLATIVE BILL 429. Placed on Select File.

Correctly Reengrossed

The following bills were correctly reengrossed: LBs 93, 417, and 446.

(Signed) Philip Erdman, Chairperson

STANDING COMMITTEE REPORTS**Revenue**

LEGISLATIVE BILL 120. Indefinitely postponed.
LEGISLATIVE BILL 121. Indefinitely postponed.
LEGISLATIVE BILL 141. Indefinitely postponed.
LEGISLATIVE BILL 174. Indefinitely postponed.
LEGISLATIVE BILL 282. Indefinitely postponed.
LEGISLATIVE BILL 290. Indefinitely postponed.
LEGISLATIVE BILL 332. Indefinitely postponed.
LEGISLATIVE BILL 392. Indefinitely postponed.
LEGISLATIVE BILL 422. Indefinitely postponed.
LEGISLATIVE BILL 487. Indefinitely postponed.
LEGISLATIVE BILL 528. Indefinitely postponed.
LEGISLATIVE BILL 556. Indefinitely postponed.
LEGISLATIVE BILL 1039. Indefinitely postponed.
LEGISLATIVE BILL 1042. Indefinitely postponed.
LEGISLATIVE BILL 1128. Indefinitely postponed.
LEGISLATIVE BILL 1237. Indefinitely postponed.
LEGISLATIVE BILL 1245. Indefinitely postponed.
LEGISLATIVE BILL 1299. Indefinitely postponed.
LEGISLATIVE BILL 1304. Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

NOTICE OF COMMITTEE HEARING

Revenue
Room 1524

Thursday, March 7, 2002

8:30 AM

Susan S. Lore - Tax Equalization and Review Commission

(Signed) William R. Wickersham, Chairperson

UNANIMOUS CONSENT - Member Excused

Senator Jensen asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 600. The Standing Committee amendment, AM1916, printed separately and referred to on page 1891 and considered on page 2256, First Session, 2001, as amended, was renewed.

Senator Coordsen withdrew his pending amendment, AM2812, found on page 661.

Senator Coordsen renewed his pending amendment, AM2848, found on

page 676, to the Standing Committee amendment.

Senators Bruning, Dw. Pedersen, Brashear, and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Coordsen moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Coordsen requested a roll call vote on his amendment.

Voting in the affirmative, 21:

| | | | | |
|----------|------------|---------|----------|---------|
| Baker | Coordsen | Erdman | McDonald | Vrtiska |
| Bromm | Cudaback | Hudkins | Robak | |
| Burling | Cunningham | Janssen | Schrock | |
| Byars | Dierks | Jones | Smith | |
| Connealy | Engel | Kremer | Stuhr | |

Voting in the negative, 16:

| | | | |
|----------|--------------|------------|------------|
| Aguilar | Kristensen | Raikes | Thompson |
| Bourne | Landis | Redfield | Tyson |
| Brown | Pederson, D. | Suttle | Wehrbein |
| Chambers | Price | Synowiecki | Wickersham |

Present and not voting, 6:

| | | |
|---------|---------|----------|
| Beutler | Kruse | Preister |
| Foley | Maxwell | Schimek |

Absent and not voting, 1:

Quandahl

Excused and not voting, 5:

| | | | | |
|----------|---------|----------|--------|---------------|
| Brashear | Bruning | Hartnett | Jensen | Pedersen, Dw. |
|----------|---------|----------|--------|---------------|

The Coordsen amendment lost with 21 ayes, 16 nays, 6 present and not voting, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 1106. Indefinitely postponed.

(Signed) David M. Landis, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1073A. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1073, Ninety-seventh Legislature, Second Session, 2002; and to declare an emergency.

LEGISLATIVE BILL 488A. Introduced by Landis, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 488, Ninety-seventh Legislature, Second Session, 2002.

LEGISLATIVE BILL 1169A. Introduced by Raikes, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1169, Ninety-seventh Legislature, Second Session, 2002.

AMENDMENTS - Print in Journal

Senator Aguilar filed the following amendment to LB 1003:
AM2872

(Amendments to Standing Committee amendments, AM2691)

- 1 1. Insert the following new sections:
- 2 "Sec. 17. The commission shall adopt and promulgate
- 3 rules and regulations relating to the appropriate weapons which may
- 4 be used for hunting wildlife. The rules and regulations shall take
- 5 effect beginning January 1, 2004.
- 6 Sec. 18. Section 37-528, Reissue Revised Statutes of
- 7 Nebraska, is amended to read:
- 8 37-528. (1) During any season which permits hunting deer
- 9 with rifles using center-fire cartridges, wild animals other than
- 10 deer may be hunted only with a shotgun, .22 rimfire rifle, or .22
- 11 rimfire handgun, or a smaller caliber rimfire rifle or handgun,
- 12 except that this section does not apply to a holder of a valid deer
- 13 permit or a limited deer permit under section 37-455 or to a bona
- 14 fide farmer or rancher who owns, leases, or resides upon farm or
- 15 ranch land or a member of the immediate family of such farmer or
- 16 rancher while hunting on such farm or ranch land.
- 17 (2) Any person violating this section shall be guilty of
- 18 a Class II misdemeanor and shall be fined at least forty dollars."
- 19 2. On page 1, lines 5 and 6, strike "and 17" and insert
- 20 "17, and 19".
- 21 3. Renumber the remaining sections and correct the
- 22 repealer accordingly.

Senators Raikes, Quandahl, and Jensen filed the following amendment to
LB 391:

AM2837

(Amendments to E & R amendments, AM7173)

- 1 1. On page 1, line 16, after "a" insert "construction";
- 2 and in line 18 after "project" insert "when the school district's
- 3 architect or engineer designs the project".
- 4 2. On page 2, line 8, strike "an offer by a
- 5 design-builder" and insert "a statement indicating interest"; in
- 6 line 9 after "contract" insert "or a construction management at
- 7 risk contract"; in line 16 strike "and"; and in line 17 after
- 8 "proposals" insert ", evaluation of the construction under a
- 9 design-build contract to determine adherence to the performance
- 10 criteria,".
- 11 3. On page 3, line 3, after "offer" insert "in response
- 12 to a request for proposals (a)"; and in line 5 strike "an offer"
- 13 and insert "(b)".
- 14 4. On page 4, line 7, after "selecting" insert "and
- 15 hiring on its behalf"; in line 11 after "is" insert "(a)"; and in
- 16 line 13 after "developer" insert "and (b) not employed by or have a
- 17 financial or other interest in a design-builder or construction
- 18 manager who will submit a proposal".
- 19 5. On page 5, line 3, strike "and"; and in line 6 after
- 20 "contracts" insert "; and
- 21 (8) Procedures for the evaluation of construction under a
- 22 design-build contract by the performance-criteria developer to
- 23 determine adherence to the performance criteria".
- 1 6. On page 6, line 20, after "Nebraska" insert ". The
- 2 proposed terms and conditions may set forth an initial
- 3 determination of the manner by which the design-builder selects any
- 4 subcontractor and may require that any work subcontracted be
- 5 awarded by competitive bidding".
- 6 7. On page 7, line 6, strike "may" and insert "shall".
- 7 8. On page 9, line 5, after the period insert "The
- 8 negotiations shall include a final determination of the manner by
- 9 which the design-builder selects a subcontractor.".
- 10 9. On page 10, line 13, strike "and" and insert ",
- 11 including any terms and conditions which are subject to further
- 12 negotiation. The proposed general terms and conditions shall be
- 13 consistent with nationally recognized model general terms and
- 14 conditions which are standard in the design and construction
- 15 industry in Nebraska. The proposed terms and conditions may set
- 16 forth an initial determination of the manner by which the
- 17 construction manager selects any subcontractor and may require that
- 18 any work subcontracted be awarded by competitive bidding;
- 19 (4) Any"; in line 16 strike "(4)" and insert "(5)"; in
- 20 line 21 strike "(5)" and insert "(6)"; and in line 23 strike "(6)"
- 21 and insert "(7)".
- 22 10. On page 11, line 8, after the period insert "The

23 negotiations shall include a final determination of the manner by
24 which the construction manager selects a subcontractor.".

25 11. On page 13, line 3, strike "criterion" and insert
26 "criteria"; in line 6 strike "to perform"; in line 7 after
27 "manager" insert "to perform"; and after line 19 insert the

1 following new subsection:

2 "(3) The records of the selection committee in evaluating
3 proposals and making recommendations shall be considered public
4 records for purposes of section 84-712.01".

Senator Chambers filed the following amendment to LB 429A:
FA864

Amend AM2721

Strike "\$22,529" and insert "\$24,781.90"

Senator D. Pederson filed the following amendment to LB 1132:
AM2909

1 1. Insert the following new sections:

2 "Sec. 4. (1) No railroad company shall allow the
3 operation of any freight train or locomotive in over-the-road
4 movements in this state unless the freight train or locomotive has
5 a crew of at least two railroad company employees.

6 (2) For purposes of sections 4 to 6 of this act:

7 (a) Over-the-road movements means the transport of
8 locomotives attached to freight cars or other locomotives and does
9 not include hostler and helper movements or mechanical or
10 incidental movements; and

11 (b) Railroad company means any individual, partnership,
12 firm, limited liability company, corporation, company, society, or
13 association managing, maintaining, operating, or in possession of a
14 railroad in whole or in part within this state whether as owner or
15 contractor. The term also includes any form of nonhighway ground
16 transportation that runs on rails or electromagnetic guideways and
17 any entity providing such transportation.

18 Sec. 5. Section 4 of this act does not apply if the
19 United States Secretary of Transportation, through the Federal
20 Railroad Administration, prescribes a regulation or issues an order
21 covering the subject matter of the state requirement.

22 Sec. 6. Any railroad company that violates section 4 of
23 this act is subject to a first offense fine of not less than one
24 hundred dollars, a second offense fine of not less than two hundred
1 fifty dollars, and a third offense fine of five hundred dollars.

2 All fines shall apply to each freight train or locomotive operated
3 on each day of operation in this state, shall be enforced by the
4 Public Service Commission, and shall be remitted to the State
5 Treasurer for credit to the permanent school fund.

6 Sec. 7. If any section in this act or any part of any
7 section is declared invalid or unconstitutional, the declaration
8 shall not affect the validity or constitutionality of the remaining

9 portions, therefor, such portions shall be severable."
10 2. Renumber the remaining section accordingly.

Senator D. Pederson filed the following amendment to LB 957:
AM2912

1 1. Insert the following new section:

2 "Sec. 19. Section 76-1002, Revised Statutes Supplement,
3 2000, is amended to read:

4 76-1002. (1) Transfers in trust of real property may be
5 made to secure (a) existing debts or obligations created
6 simultaneously with the execution of the trust deed, (b) future
7 advances necessary to protect the security, (c) any future advances
8 to be made at the option of the parties, or (d) the performance of
9 an obligation of any other person named in the trust deed to a
10 beneficiary.

11 (2) Future advances necessary to protect the security
12 shall include, but not be limited to, advances for payment of real
13 property taxes, special assessments, prior liens, hazard insurance
14 premiums, maintenance charges imposed under a condominium
15 declaration or other covenant, and costs of repair, maintenance, or
16 improvements.

17 (3)(a) Except as provided in subdivision (b) of this
18 subsection, all items identified in subsection (1) of this section
19 are equally secured by the trust deed from the time of filing the
20 trust deed as provided by law and have the same priority as the
21 trust deed over the rights of all other persons who acquire any
22 rights in or liens upon the trust property subsequent to the time
23 the trust deed was filed.

24 (b)(i) The trustor or his or her successor in title may
1 limit the amount of optional future advances secured by the trust
2 deed under subdivision (a) of this subsection by filing a notice
3 for record in the office of the register of deeds of each county in
4 which the trust property or some part thereof is situated. A copy
5 of such notice shall be sent by certified mail to the beneficiary
6 at the address of the beneficiary set forth in the trust deed. The
7 amount of such secured optional future advances shall be limited to
8 not less than the amount actually advanced at the time of receipt
9 of such notice by the beneficiary.

10 (ii) If any optional future advance is made by the
11 beneficiary to the trustor or his or her successor in title after
12 receiving written notice of the filing for record of any trust
13 deed, mortgage, lien, or claim against such trust property, then
14 the amount of such optional future advance shall be junior to such
15 trust deed, mortgage, lien, or claim. The notice under this
16 subdivision shall be sent by certified mail to the beneficiary at
17 the address of the beneficiary set forth in the trust deed.

18 (iii) Subdivisions (b)(i) and (ii) of this subsection
19 shall not limit or determine the priority of optional future
20 advances as against construction liens governed by section 52-139.

- 21 (4) The reduction to zero or elimination of the
 22 obligation evidenced by any of the transfers in trust authorized by
 23 this section shall not invalidate the operation of this section as
 24 to any future advances unless a notice or release to the contrary
 25 is filed for record as provided by law. All right, title,
 26 interest, and claim in and to the trust property acquired by the
 27 trustor or his or her successors in interest subsequent to the
 1 execution of the trust deed shall inure to the trustee as security
 2 for the obligation or obligations for which the trust property is
 3 conveyed in like manner as if acquired before execution of the
 4 trust deed."
 5 2. On page 52, line 18, strike "18, and 20" and insert
 6 "19, and 21"; in line 24 strike "and"; and in line 25 after the
 7 first comma insert "and 76-1002,".
 8 3. Renumber the remaining sections accordingly.

NOTICE OF COMMITTEE HEARING
Nebraska Retirement Systems
 Room 1525

Wednesday, March 6, 2002

12:00 PM

John Maddux - Nebraska Investment Council

Charles Peters - Public Employees Retirement Board

Compliance Audit - Pursuant to §84-1503(2)(h)

Annual Report from NIC & NPERS - Pursuant to §84-1503(3)&(4)

(Signed) Jon Bruning, Chairperson

GENERAL FILE

LEGISLATIVE BILL 600. Senator Landis renewed his pending amendment, FA288, found on page 2257, First Session, 2001, to the Standing Committee amendment.

SPEAKER KRISTENSEN PRESIDING

Senator Landis withdrew his amendment.

Pending.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 295 and 296 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 295 and 296.

GENERAL FILE

LEGISLATIVE BILL 600. The Standing Committee amendment, AM1916, printed separately and referred to on page 1891, considered on page 2256, First Session, 2001, and in this day's Journal, as amended, was renewed.

Senator Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 9 nays, 9 present and not voting, and 5 excused and not voting.

Pending.

STANDING COMMITTEE REPORT
General Affairs

LEGISLATIVE BILL 1135. Indefinitely postponed.

(Signed) Ray Janssen, Chairperson

AMENDMENTS - Print in Journal

Senator Bourne filed the following amendment to LB 825:
AM2768

(Amendments to Standing Committee amendments, AM0790)

- 1 1. On page 1, line 9, strike "Notwithstanding section
- 2 44-3,131, any" and insert "Any"; and in line 15 strike "to" through
- 3 "law".
- 4 2. On page 2, line 10, after the first period insert the
- 5 following new subsection:
- 6 "(5) Pursuant to section 44-3,131, this section shall not
- 7 apply to any insurer unless it also applies equally to employee
- 8 welfare benefit plans described in 29 U.S.C. 1001 et seq., as such
- 9 sections existed on January 1, 2002."

Senator Bourne filed the following amendment to LB 825:
AM2769

(Amendments to Standing Committee amendments, AM0790)

- 1 1. On page 1, strike beginning with "The" in line 3
- 2 through "(2)" in line 9; and in line 18 strike "(3)" and insert
- 3 "(2)".
- 4 2. On page 2, line 8, strike "(4)" and insert "(3)".

Senator Bourne filed the following amendment to LB 825:
AM2889

(Amendments to Standing Committee amendments, AM0790)

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. (1) The Task Force on Reproductive Health
- 4 Care is created. The task force members shall be appointed by
- 5 August 1, 2002, and shall consist of the following members:
- 6 (a) Two obstetrician/gynecologists, one of whom
- 7 specializes in infertility treatments;
- 8 (b) A Pediatrician;
- 9 (c) An insurance industry representative;
- 10 (d) A mental health professional;
- 11 (e) A private health care industry representative;
- 12 (f) A community public health representative; and
- 13 (g) A representative from a statewide health volunteer
- 14 agency.
- 15 (2) The Governor shall appoint the task force members and
- 16 shall consider and attempt to balance representation based on
- 17 political party affiliation, race, and different geographical areas
- 18 of Nebraska when making appointments. The Governor shall select a
- 19 chairperson from the members of the task force.
- 20 (3) The membership of the task force shall also include
- 21 the executive director of the Nebraska Commission on the Status of
- 22 Women or his or her designee; the chief medical officer, if one is
- 23 appointed pursuant to section 81-3201, and if not, then the
- 1 Director of Regulation and Licensure; the Title V director of the
- 2 Department of Health and Human Services; the chairperson of the
- 3 Health and Human Services Committee of the Legislature; and the
- 4 chairperson of the Banking, Commerce and Insurance Committee of the
- 5 Legislature.
- 6 (4) Members of the task force shall be reimbursed for
- 7 their actual and necessary expenses incurred in carrying out their
- 8 duties as members of the task force as provided in sections 81-1174
- 9 to 81-1177. For budgetary purposes only, the task force shall be
- 10 within the Department of Health and Human Services.
- 11 Sec. 2. (1) The Task Force on Reproductive Health Care
- 12 shall study the following topics and make recommendations for
- 13 Nebraska policy and potential legislation:
- 14 (a) The availability and cost of reproductive health
- 15 care, including, but not limited to: (i) Abortion; (ii)
- 16 contraceptive devices, medications, or procedures; (iii) treatment
- 17 of diseases, disorders, or dysfunctions associated with the human
- 18 reproductive process; and (iv) assisted reproductive technologies,
- 19 including, but not limited to, in vitro fertilization embryo
- 20 transfer, gamete intrafallopian transfer, zygote intrafallopian
- 21 transfer, intracytoplasmic sperm injection, intrauterine
- 22 insemination, partial zona dissection, subzonal insertion of sperm,
- 23 blastocyst embryo transfer, percutaneous epididymal sperm

24 aspiration, testicular tissue sperm aspiration, egg retrieval,
25 frozen embryo transfer, and embryo transfer;
26 (b) The causes of infertility, including, but not limited
27 to, biological, medical, and environmental causes;
1 (c) The ethics of fertility treatments, including, but
2 not limited to, assisted reproductive technologies and cloning;
3 (d) The costs associated with multiple births, including,
4 but not limited to, the medical costs for prenatal care and
5 delivery, the medical costs associated with multiple births and the
6 increased risk for severe neurological problems; the mental health
7 care costs associated with unsuccessful attempts to conceive while
8 under medical assistance, and the potential increase in need for
9 short-term and long-term federal or state financial assistance;
10 (e) Nebraska's ranking with respect to multiple births;
11 (f) The extent of insurance coverage of reproductive
12 health care in Nebraska and nationwide; and
13 (g) The filing of insurance claims by physicians with
14 respect to nonmedical, elective surgeries for fertility purposes.
15 (2) The task force may gather information from interested
16 parties through public hearings and other appropriate means to
17 assure ample opportunities for outside input.
18 (3) The task force shall issue a final report to the
19 Legislature and Governor on or before December 31, 2003.
20 Sec. 3. The Task Force on Reproductive Health Care shall
21 terminate on December 31, 2003."

RESOLUTION

LEGISLATIVE RESOLUTION 300. Introduced by Price, 26.

WHEREAS, Rev. Howard and Mary Holverson of Lincoln, Nebraska, celebrated their 70th wedding anniversary on January 22, 2002; and

WHEREAS, the Holversons were married on January 22, 1932, in Beaver City, Nebraska, and have three children, nine grandchildren, and eleven great-grandchildren; and

WHEREAS, from 1933 to 1976 Rev. Holverson, an ordained minister, and Mrs. Holverson served Christian Church congregations in Nebraska, Kansas, Oklahoma, and Kentucky in variety of ways, while raising their family and caring for ailing parents; and

WHEREAS, the Holversons retired to Lincoln, Nebraska, in 1976, where they now live.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Rev. Howard and Mary Holverson on their 70th wedding anniversary.

2. That a copy of this resolution be sent to Rev. Howard and Mary Holverson.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer

Senator Bruning asked unanimous consent to have his name added as cointroducer to LB 584. No objections. So ordered.

VISITORS

Visitors to the Chamber were students from Heartland Christian School, Fremont; 96 fourth grade students and teachers from Waverly; Pam Richter, Edwin Mayo, John Hehnke, Alice Wineman, John Fertig, and Mike Steklac from Gering; 13 twelfth grade students and sponsors from Twin Valley; members of the Nebraska Future Business Leaders of America from Omaha and Aurora; and members of the Youth Leadership Tomorrow from Hall County.

The Doctor of the Day was Scott Abrams from Lincoln.

ADJOURNMENT

At 11:56 a.m., on a motion by Senator Janssen, the Legislature adjourned until 9:00 a.m., Wednesday, February 27, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SECOND DAY - FEBRUARY 27, 2002**LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE
SECOND SESSION****THIRTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 27, 2002

PRAYER

The prayer was offered by Father Richard Quinn, Holy Name Catholic Church, Omaha, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Brashear, Bromm, Brown, Kristensen, Raikes, Schimek, Synowiecki, and Vrtiska who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-first day was approved.

UNANIMOUS CONSENT - Member Excused

Senator D. Pederson asked unanimous consent to be excused until he returns. No objections. So ordered.

AMENDMENTS - Print in Journal

Senator Wickersham filed the following amendment to LB 1136:
AM2928

(Amendments to Standing Committee amendments, AM2782)

- 1 1. Insert the following new amendments:
- 2 "3. On page 14, line 28, strike 'contracts entered into'
- 3 and insert 'applications received'.
- 4 4. On page 15, line 3, after 'Act' insert 'that is three
- 5 years old or older'."

Senator Wickersham filed the following amendment to LB 994:
AM2895

(Amendments to Standing Committee amendments, AM2625)

- 1 1. Insert the following new sections:
- 2 "Sec. 7. Section 77-415, Revised Statutes Supplement,
- 3 2000, is amended to read:
- 4 77-415. The Property Tax Administrator shall, between
- 5 January 15 and March 15, prepare and administer an annual course of
- 6 training which shall be attended by all county assessors and may be
- 7 attended by members of the county board of equalization from each
- 8 county in the state. Such course shall be designed to impart a
- 9 thorough knowledge of the methods for the valuation of real and
- 10 tangible personal property and to develop the essential
- 11 administrative skills for the proper discharge of the duties of
- 12 such offices. The county assessor may designate an employee of his
- 13 or her office to attend the course on his or her behalf. The
- 14 county assessor may, in writing, request permission not to attend
- 15 or send an employee to attend the course. The request shall be
- 16 addressed to the Property Tax Administrator thirty days prior to
- 17 the date of the course and specify the reasons why the official or
- 18 an employee cannot attend. The Property Tax Administrator may
- 19 waive the thirty-day requirement for good cause shown. The
- 20 Property Tax Administrator shall, in writing, grant or deny the
- 21 request within ten days after receipt.
- 22 Sec. 8. Section 77-1315, Revised Statutes Supplement,
- 23 2001, is amended to read:
 - 1 77-1315. (1) The county assessor shall, after March 20
 - 2 and on or before June 1, implement adjustments to the real property
 - 3 assessment roll for actions of the agricultural and horticultural
 - 4 land valuation board and the Tax Equalization and Review
 - 5 Commission.
 - 6 (2) On or before June 1, the county assessor shall notify
 - 7 the ~~record~~ owner of record as of May 20 of every item of real
 - 8 property which has been assessed at a value different than in the
 - 9 previous year. Such notice shall be given by first-class mail
 - 10 addressed to such owner's last-known address. It shall identify
 - 11 the item of real property and state the old and new valuation, the
 - 12 date of convening of the county board of equalization, the dates
 - 13 for filing a protest, and the average level of value of all classes
 - 14 and subclasses of real property in the county as determined by the
 - 15 Tax Equalization and Review Commission.
 - 16 (3) Immediately upon completion of the assessment roll,
 - 17 the county assessor shall cause to be published in a newspaper of
 - 18 general circulation in the county a certification that the
 - 19 assessment roll is complete and notices of valuation changes have
 - 20 been mailed and provide the final date for filing valuation
 - 21 protests with the county board of equalization.
 - 22 (4) The county assessor shall annually, on or before June
 - 23 6, post in his or her office and, as designated by the county

24 board, mail to a newspaper of general circulation and to licensed
25 broadcast media in the county the assessment ratios as found in his
26 or her county as determined by the Tax Equalization and Review
27 Commission and any other statistical measures, including, but not
1 limited to, the assessment-to-sales ratio, the coefficient of
2 dispersion, and the price-related differential.

3 Sec. 18. Section 77-5004, Revised Statutes Supplement,
4 2001, is amended to read:

5 77-5004. (1) Each commissioner shall be a qualified
6 voter and resident of the state and, for each commissioner
7 representing a congressional district, a resident of the district
8 he or she represents.

9 (2) Each commissioner shall devote his or her full time
10 and efforts to the discharge of his or her duties and shall not
11 hold any other office under the laws of this state, any city or
12 county in this state, or the United States Government while serving
13 on the commission. Each commissioner shall possess:

14 (a) Appropriate knowledge of terms commonly used in or
15 related to real property appraisal and of the writing of appraisal
16 reports;

17 (b) Adequate knowledge of depreciation theories, cost
18 estimating, methods of capitalization, and real property appraisal
19 mathematics;

20 (c) An understanding of the principles of land economics,
21 appraisal processes, and problems encountered in the gathering,
22 interpreting, and evaluating of data involved in the valuation of
23 real property, including complex industrial properties and
24 mass-appraisal techniques;

25 (d) Knowledge of the law relating to taxation, civil and
26 administrative procedure, due process, and evidence in Nebraska;

27 (e) At least thirty hours of successfully completed class
1 hours in courses of study, approved by the Real Estate Appraiser
2 Board, which relate to appraisal and which include a fifteen-hour
3 course in the Uniform Standards of Professional Appraisal Practice.

4 If a commissioner has not received such training prior to his or
5 her appointment, such training shall be completed within one year
6 after appointment; and

7 (f) Such other qualifications and skills as reasonably
8 may be requisite for the effective and reliable performance of the
9 commission's duties.

10 (3) One commissioner shall possess any certification or
11 training required to become a licensed real estate appraiser as set
12 forth in section 76-2230.

13 (4) Prior to January 1, 2002, the chairperson, and on and
14 after January 1, 2002, at least two commissioners, shall have been
15 engaged in the practice of law in the State of Nebraska for at
16 least five years, which may include prior service as a judge, and
17 shall be currently admitted to practice before the Nebraska Supreme
18 Court.

19 (5) No commissioner or employee of the commission shall
20 hold any position of profit or engage in any occupation or business
21 interfering with or inconsistent with his or her duties as a
22 commissioner or employee. A person is not eligible for appointment
23 and may not hold the office of commissioner or be appointed by the
24 commission to or hold any office or position under the commission
25 if he or she holds any official office or position.

26 (6)(a) Each commissioner who meets the requirements of
27 subsection (4) of this section on or after January 1, 2002, shall
1 annually attend a seminar or class of at least two days' duration,
2 sponsored that is:

3 (i) Sponsored by a recognized assessment or appraisal
4 organization, in each of these areas: Utility and railroad
5 appraisal; appraisal of complex industrial properties; appraisal of
6 other hard to assess properties; and mass appraisal, residential or
7 agricultural appraisal, or assessment administration; or

8 (ii) Pertaining to management, law, civil or
9 administrative procedure, or other knowledge or skill necessary for
10 performing the duties of the office.

11 (b) Each commissioner who does not meet the requirements
12 of subsection (4) of this section on or after January 1, 2002,
13 shall within two years after his or her appointment attend at least
14 thirty hours of instruction that constitutes training for judges or
15 administrative law judges.

16 (7) The commissioners shall be considered employees of
17 the state for purposes of sections 81-1301 to 81-1391 and 84-1601
18 to 84-1615.

19 (8) The commissioners shall be reimbursed as prescribed
20 in sections 81-1174 to 81-1177 for their actual and necessary
21 expenses in the performance of their official duties pursuant to
22 the Tax Equalization and Review Commission Act. Mileage expenses
23 incurred while traveling in the line of duty to and from a
24 commissioner's primary residence to the commission office as well
25 as living expenses for any commissioner whose residence is located
26 more than eighty miles from the commission office shall be
27 reimbursed by the state if:

1 (a) The commission has adopted and promulgated rules and
2 regulations establishing guidelines for allowable reimbursement of
3 mileage and living expenses, except that the reimbursement rate for
4 mileage shall not exceed the rate established by the Department of
5 Administrative Services pursuant to section 81-1176;

6 (b) The commissioner complies with the request procedures
7 for reimbursement set forth in such guidelines; and

8 (c) The total amounts authorized for reimbursement of
9 such mileage and living expenses in any fiscal year shall not cause
10 the total expenses to exceed the total funds appropriated to the
11 program established for commissioners' expenses."

12 2. On page 19, line 27, after the third comma insert
13 "77-415,".

- 14 3. On page 20, line 1, after "sections" insert
 15 "77-1315,"; and in line 2 after the second comma insert "77-5004,".
 16 4. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 600. Senator Coordsen offered the following amendment:

AM2934

(Amendments to Standing Committee amendments, AM1916)

- 1 1. Strike sections 11 and 12 and insert the following
 2 new sections:
 3 "Sec. 11. (1) Valuations shall be established for land
 4 devoted primarily to agricultural or horticultural use upon the
 5 basis of the agricultural or horticultural income or productivity
 6 attributable to the inherent capabilities of such land in its
 7 current usage under a degree of management reflecting average
 8 production levels for the subclasses, less the average expenses
 9 normally incurred by a landlord and capitalized at the
 10 capitalization rate as determined under section 14 of this act.
 11 (2) The data required for valuing agricultural and
 12 horticultural land shall be provided by the following sources or
 13 other local, state, or federal agencies, or as that determined by
 14 the Property Tax Administrator under the advisement of the
 15 Agricultural Land Use Advisory Committee:
 16 (a) Productivity is the estimate established by each soil
 17 type as published by the United States Department of Agriculture
 18 Natural Resources Conservation Service; and
 19 (b) Average cropping patterns, crop yields, and crop
 20 prices by county shall be obtained from the Nebraska Crop and
 21 Livestock Reporting Service or as published by other state or
 22 federal agencies. Crop price information shall include federal
 23 support information derived from United States Department of
 1 Agriculture statistics per county. The cropping pattern shall
 2 include, as data is available, but shall not be limited to, the
 3 following crops: Continuous cropland wheat; summer fallow wheat;
 4 corn for grain; dry beans; sorghum for grain; sugar beets; soybeans
 5 for beans; oats; and alfalfa.
 6 (3) The Property Tax Administrator under the advisement
 7 of the Agricultural Land Use Advisory Committee shall determine the
 8 sources to use, which may include the Department of Agricultural
 9 Economics of the University of Nebraska, to do the following:
 10 (a) Perform surveys if information is not available to
 11 determine the typical leasing arrangements, the typical rent, and
 12 the typical expenses for each land subclass and each county;
 13 (b) Compile the data for the average cropping patterns,
 14 crop yields, and crop prices by county from the sources as
 15 designated by the Property Tax Administrator;
 16 (c) Compute the three-year average typical landlord share

17 as provided for under subsection (4) of this section;

18 (d) When the county assessor has predetermined that cash
19 rent is the prevalent leasing arrangement, attribute an average
20 cash rental value to each land capability group in a county and
21 verify that the total rental value, when summing across all land
22 capability groups in a land subclass, equals the total value for
23 the land subclass as calculated by multiplying the weighted cash
24 rental value by total acres in that land subclass;

25 (e) Distribute the adjusted weighted average across the
26 land capability groups for each land subclass and verify that the
27 total valuation for the county remains unchanged after the
1 distribution; and

2 (f) Provide a report of valuations to the Property Tax
3 Administrator.

4 (4) When the county assessor determines crop share
5 leasing is the prevalent leasing arrangement for dry or irrigated
6 cropland in a county, the typical net landlord income shall be
7 determined as follows:

8 (a) Gross receipts by land capability group shall be
9 determined by multiplying the most recent three-year average crop
10 prices by the most recent three-year average crop yield;

11 (b) Landlord income shall be computed by multiplying the
12 three-year average gross receipts by landlord share; and

13 (c) Net landlord income shall be computed by subtracting
14 from landlord income expenses normally incurred by a landlord and
15 weighting the result by the most recent three-year average cropping
16 pattern.

17 (5) When the county assessor determines that cash-rent
18 leasing is the prevalent leasing arrangement, net landlord income
19 shall be computed by subtracting from the cash rental value
20 expenses normally incurred by a landlord.

21 (6) The landlord's income for grassland shall be computed
22 as follows: (a) By multiplying the carrying capacity in terms of
23 animal unit months by the typical rental value per animal unit
24 month; or (b) by forage production, less landlord expenses paid by
25 the landlord. Carrying capacity and forage production, by land
26 subclass, shall be based on productivity estimates by each soil
27 type, published by the United States Department of Agriculture

1 Natural Resources Conservation Service or other state or federal
2 agencies and as selected and applied by the Property Tax

3 Administrator after consultation with and advisement from the
4 Agricultural Land Use Advisory Committee. Rental value per animal
5 unit month shall be based on the most recent three-year average as
6 published by local, state, federal, or other agencies or developed
7 from surveys performed by or for the Department of Property

8 Assessment and Taxation. Landlord expenses shall be computed based
9 on the typical leasing arrangements as determined from surveys
10 conducted or authorized by the Department of Property Assessment
11 and Taxation or as published by other state or federal agencies and

12 as selected and applied by the Property Tax Administrator after
13 consultation with and advisement from the Agricultural Land Use
14 Advisory Committee.

15 For any county or land subclass for which
16 animal-unit-month data is not available, the income stream shall be
17 computed by using the average of the most recent three-year
18 prevailing cash rental rates per acre less the typical landlord
19 expenses. The annual prevailing cash rental rates per acre shall
20 be based on data developed by the Department of Agricultural
21 Economics of the University of Nebraska or as published by other
22 state or federal agencies and as selected and applied by the
23 Property Tax Administrator after consultation with and advisement
24 from the Agricultural Land Use Advisory Committee.
25 (7) The land portion of farm sites shall be assessed at
26 the same value as the average of all the land capability groups in
27 the parcel.

1 (8) Wasteland shall be assessed at ten percent of the
2 lowest assessed land capability group in the county.

3 (9) When making the computations prescribed in this
4 section, the same three-year period shall be used.

5 Sec. 12. The agricultural and horticultural use value
6 for each land capability group shall be calculated by dividing the
7 net landlord income determined under section 11 of this act by the
8 capitalization rate set in section 14 of this act. The value for a
9 parcel of land shall be computed by summing the values and acres of
10 land in each land capability group for the parcel. The
11 agricultural and horticultural use value placed on such land by the
12 county assessor shall be subject to equalization by the county
13 board of equalization and the Tax Equalization and Review
14 Commission."

15 2. On page 3, line 21, strike "2002" and insert "2003";
16 and in line 27 strike "2003" and insert "2004".

17 3. On page 6, strike lines 2 through 6; in line 7 strike
18 "(6)" and insert "(5)"; in line 12 strike "(7)" and insert "(6)";
19 in line 17 strike "(8)" and insert "(7)"; in line 21 strike "(9)"
20 and insert "(8)"; and after line 25 insert the following new
21 subdivision:

22 "(9) Landlord share means that share of the net income
23 normally received by the landlord from the productivity of the land
24 based on the most predominant crops and computed using the most
25 frequently occurring arrangement in the county. Crop-share or
26 cash-rent method shall be used as the basis for determining income.
27 Under a crop-share arrangement, landlord share means the landlord
1 return under crop-share leases expressed as a percentage of gross
2 receipts attributable to the land. Landlord return means gross
3 receipts less typical input costs incurred by a landlord under a
4 crop-share lease. Under a cash-rent arrangement, landlord share is
5 the cash rent;"

6 4. On page 7, line 1, after "includes" insert "prorated

- 7 conservation expenses,"; in line 2 after the last comma insert
 8 "reserves for replacement,"; after line 10 insert the following new
 9 subdivision:
 10 "(12) Reserves for replacement means the expense
 11 associated with the irrigation well and casing, underground
 12 transmission line, storage reservoirs, concrete ditches, permanent
 13 set sprinkler, drip irrigation systems, and fences and similar
 14 equipment or parts that will reach the end of their economic life
 15 before the end of the life of the land. Reserves for replacement
 16 does not include other necessary irrigation equipment, such as
 17 pumps, gearheads, and motors, and side-roll or center-pivot
 18 sprinkler systems typically considered personal property"; in line
 19 11 strike "(12)" and insert "(13)"; and in line 17 strike "(13)"
 20 and insert "(14)".
 21 5. On page 10, line 4, strike "categories" and insert
 22 "land subclasses"; in line 6 strike "Categories" and insert "Land
 23 subclasses"; in line 7 strike the first "subclasses" and insert
 24 "capability groups" and after the second "subclasses" insert "or
 25 land capability groups"; in line 12 strike "category" and insert
 26 "land subclass"; and in lines 18 and 19 after "subclasses" insert
 27 "and land capability groups".
 1 6. On page 11, line 2, after "(5)" insert "County
 2 assessors shall determine which method, crop share or cash rent,
 3 most nearly reflects the prevalent leasing arrangement by land
 4 subclass in the county. The method determined by the county
 5 assessor shall be reported to the Property Tax Administrator by
 6 January 1, 2003, and shall not be changed without a showing that
 7 the change in method most nearly reflects the use in the land
 8 subclass.
 9 (6)".
 10 7. On page 15, line 12, strike "categories" and insert
 11 "land subclasses"; and in line 16 strike "category or land
 12 subclass" and insert "land subclasses or land capability groups".
 13 8. On page 20, line 6, strike "2002" and insert "2003";
 14 and in line 22 strike "2003" and insert "2004".
 15 9. On page 21, line 27, strike "2003" and insert "2004".
 16 10. On page 25, strike beginning with "Sections" in line
 17 16 through line 17 and insert "This act becomes".
 18 11. Renumber the remaining sections and correct internal
 19 references accordingly.

Senators Price and Bruning asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers offered the following amendment to the Coordsen pending amendment:

FA865

Amend AM2934

Page 2, line 2, strike beginning with "is" through "alfalfa" in line 5 and insert, "are available, all crops".

The Chambers amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Pending.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 892A. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 892, Ninety-seventh Legislature, Second Session, 2002.

LEGISLATIVE BILL 1096A. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1096, Ninety-seventh Legislature, Second Session, 2002.

AMENDMENT - Print in Journal

Senator Bromm filed the following amendment to LB 830:
(Amendment, AM2903, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

STANDING COMMITTEE REPORTS Natural Resources

LEGISLATIVE BILL 890. Placed on General File as amended.
(Standing Committee amendment, AM2519, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 1186. Placed on General File as amended.
Standing Committee amendment to LB 1186:

AM2877

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. The commission shall adopt and promulgate
- 4 rules and regulations relating to the appropriate weapons which may
- 5 be used for hunting wildlife. The rules and regulations shall take
- 6 effect beginning January 1, 2004.
- 7 Sec. 2. Section 37-201, Revised Statutes Supplement,
- 8 2000, is amended to read:

9 37-201. Sections 37-201 to 37-811 and section 1 of this
 10 act shall be known and may be cited as the Game Law.
 11 Sec. 3. Section 37-528, Reissue Revised Statutes of
 12 Nebraska, is amended to read:
 13 37-528. (1) During any season which permits hunting deer
 14 with rifles using center-fire cartridges, wild animals other than
 15 deer may be hunted only with a shotgun, .22 rimfire rifle, ~~or~~ .22
 16 rimfire handgun, or a smaller caliber rimfire rifle or handgun,
 17 except that this section does not apply to a holder of a valid deer
 18 permit or a limited deer permit under section 37-455 or to a bona
 19 fide farmer or rancher who owns, leases, or resides upon farm or
 20 ranch land or a member of the immediate family of such farmer or
 21 rancher while hunting on such farm or ranch land.
 22 (2) Any person violating this section shall be guilty of
 23 a Class II misdemeanor and shall be fined at least forty dollars.
 24 Sec. 4. Original section 37-528, Reissue Revised
 1 Statutes of Nebraska, and section 37-201, Revised Statutes
 2 Supplement, 2000, are repealed."

LEGISLATIVE BILL 512. Indefinitely postponed.
LEGISLATIVE BILL 628. Indefinitely postponed.
LEGISLATIVE BILL 632. Indefinitely postponed.
LEGISLATIVE BILL 644. Indefinitely postponed.
LEGISLATIVE BILL 762. Indefinitely postponed.
LEGISLATIVE BILL 764. Indefinitely postponed.
LEGISLATIVE BILL 837. Indefinitely postponed.
LEGISLATIVE BILL 889. Indefinitely postponed.
LEGISLATIVE BILL 939. Indefinitely postponed.
LEGISLATIVE BILL 960. Indefinitely postponed.
LEGISLATIVE BILL 1004. Indefinitely postponed.
LEGISLATIVE BILL 1103. Indefinitely postponed.
LEGISLATIVE BILL 1130. Indefinitely postponed.
LEGISLATIVE BILL 1140. Indefinitely postponed.
LEGISLATIVE BILL 1241. Indefinitely postponed.
LEGISLATIVE BILL 1256. Indefinitely postponed.
LEGISLATIVE BILL 1270. Indefinitely postponed.
LEGISLATIVE BILL 1272. Indefinitely postponed.
LEGISLATIVE BILL 1291. Indefinitely postponed.
LEGISLATIVE BILL 1297. Indefinitely postponed.

(Signed) Ed Schrock, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 1211. Placed on General File as amended.
 Standing Committee amendment to LB 1211:
 AM2930

- 1 1. Insert the following new sections:
- 2 "Sec. 12. As authorized under the Nebraska Public Safety

3 Wireless Communication System Act and the Interlocal Cooperation
4 Act, the purposes of an alliance may include, but are not limited
5 to, the following:
6 (1) Promoting efficiency under the acts by enabling
7 members to cooperate with each other on a basis of mutual advantage
8 and thereby provide services and facilities in a manner and
9 pursuant to forms of governmental organization that will best
10 reflect geographic, economic, population, and other factors
11 influencing the needs and development of the state and local
12 communities;
13 (2) Enabling members to jointly operate, regulate,
14 manage, and maintain a system;
15 (3) Enabling members to apply jointly for grants in
16 support of a system;
17 (4) Administering and distributing grants for the
18 development of a system;
19 (5) Entering into operational service agreements with
20 members for use of a system, training, and related services;
21 (6) Entering into an operating agreement with an
22 acquisition agency for operation and maintenance of a system;
23 (7) Entering into interoperability agreements with
24 nonmember entities as needed to foster public safety;
1 (8) Providing for revenue to pay operation and
2 administration costs of a system through periodic charges for
3 availability and use of such system;
4 (9) Contracting for services for a system; and
5 (10) Contracting with any public or private entity for
6 the administration, operation, or maintenance of a system.
7 Sec. 13. An alliance may be organized with a governing
8 body referred to as an executive board. An executive board may be
9 comprised of no more than nine voting members as follows:
10 (1) Three members appointed by the Governor to represent
11 the State of Nebraska on behalf of the Department of Administrative
12 Services, the Game and Parks Commission, and the Board of Regents
13 of the University of Nebraska. One such member may be a director
14 of homeland security in Nebraska. Members appointed under this
15 subdivision may not constitute more than one-third of the voting
16 membership of the executive board;
17 (2) Two members selected by municipalities to represent
18 participating cities and villages;
19 (3) Two members selected by counties to represent
20 participating counties;
21 (4) One member selected by public power districts to
22 represent participating public power districts; and
23 (5) One member selected by fire districts to represent
24 participating fire districts.
25 Sec. 14. (1) A member of the executive board may serve
26 until his or her successor is appointed by the Governor as provided
27 in section 13 of this act or selected by respective political

- 1 subdivisions or entities as provided in the interlocal agreement.
 2 (2) Each executive board member may have one vote.
 3 (3) A majority of all voting executive board members may
 4 constitute a quorum for the transaction of any alliance business.
 5 (4) The executive board may elect a chairperson, a
 6 vice-chairperson, and a secretary-treasurer. The chairperson or,
 7 in his or her absence, the vice-chairperson may preside at
 8 executive board meetings. The executive board may appoint an
 9 assistant secretary-treasurer who is not a board member.
 10 (5) Meetings of the executive board may be called by the
 11 chairperson, vice-chairperson, or secretary-treasurer. A written
 12 notice of the meeting and agenda may be provided to each executive
 13 board member at least five days prior to any meeting. Public
 14 notice of an executive board meeting may be provided in accordance
 15 with sections 84-1408 to 84-1414.
 16 (6) An executive board may prepare and adopt a budget
 17 based on a fiscal year as determined for the operation of the
 18 alliance."
 19 2. On page 20, line 28, strike the underscored comma and
 20 insert "to 14, 16, and 17".
 21 3. On page 21, line 1, strike "13, and 14".
 22 4. On page 24, line 3, strike "(a)"; strike beginning
 23 with "and" in line 7 through line 11 and insert an underscored
 24 period; and in line 20 after "alliance" insert "is a public body
 25 which may be operated not for profit with no profit or dividend,
 26 inuring to the benefit of any individual. An alliance may employ
 27 consultants and other persons as deemed necessary and may set and
 1 approve compensation for such consultants and other persons. An
 2 alliance may have all powers authorized under the Nebraska Public
 3 Safety Wireless Communication System Act and the Interlocal
 4 Cooperation Act and".
 5 5. On page 25, after line 2, insert the following new
 6 subsection:
 7 "(3) The Governor, acting on behalf of the state or any
 8 of its agencies or departments, may assign any license or other
 9 user rights relating to or useful for public safety communications,
 10 whether presently owned or subsequently acquired on the effective
 11 date of this act, to an alliance or acquisition agency."; and in
 12 line 27 after the period insert "This subsection shall not be
 13 construed to authorize any service agreements that conflict with
 14 the provisions for the sale or lease of dark fiber pursuant to
 15 sections 86-2301 to 86-2307."
 16 6. Renumber the remaining sections accordingly.

(Signed) Curt Bromm, Chairperson

GENERAL FILE

LEGISLATIVE BILL 600. Senator Wickersham offered the following

amendment to the Coordsen pending amendment:

FA866

Amend AM2934

On page 1, line 5, strike "or productivity"

The Wickersham amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

The Coordsen pending amendment, AM2934, found in this day's Journal, as amended, was renewed.

Senator Coordsen moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Senator Coordsen requested a roll call vote on his amendment, as amended.

Voting in the affirmative, 29:

| | | | | |
|----------|------------|----------|----------|----------|
| Baker | Byars | Engel | Kremer | Schrock |
| Beutler | Connealy | Erdman | Kruse | Smith |
| Brashear | Coordsen | Hartnett | McDonald | Stuhr |
| Bromm | Cudaback | Hudkins | Price | Vrtiska |
| Bruning | Cunningham | Janssen | Robak | Wehrbein |
| Burling | Dierks | Jones | Schimek | |

Voting in the negative, 9:

| | | | | |
|----------|----------|------------|----------|------------|
| Bourne | Landis | Raikes | Thompson | Wickersham |
| Chambers | Quandahl | Synowiecki | Tyson | |

Present and not voting, 10:

| | | | | |
|---------|--------|------------|---------------|----------|
| Aguilar | Foley | Kristensen | Pedersen, Dw. | Redfield |
| Brown | Jensen | Maxwell | Preister | Suttle |

Excused and not voting, 1:

Pederson, D.

The Coordsen amendment, as amended, was adopted with 29 ayes, 9 nays, 10 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:

FA867

Amend AM2934

Page 1 beginning in line 12, strike "or other local, state, or federal agencies"

SPEAKER KRISTENSEN PRESIDING

Senator Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers amendment was adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Pending.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 297 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 297.

GENERAL FILE

LEGISLATIVE BILL 600. Senator Chambers offered the following amendment:

FA868

Amend AM2934

P. 1, line 21 put period after "Service" and strike remainder of sentence.

Senator Chambers withdrew his amendment.

Senators Brashear and Aguilar asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Wickersham offered the following amendment:

FA869

Amend AM2934

Strike subsection (d) on pg 2

Senators Connealy, Bourne, Byars, Beutler, Maxwell, and Engel asked unanimous consent to be excused. No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

Senator Chambers requested a roll call vote on the Wickersham amendment.

Voting in the affirmative, 14:

| | | | | |
|------------|---------------|----------|------------|------------|
| Chambers | Kruse | Preister | Redfield | Tyson |
| Jensen | Landis | Quandahl | Synowiecki | Wickersham |
| Kristensen | Pedersen, Dw. | Raikes | Thompson | |

Voting in the negative, 20:

| | | | | |
|---------|------------|---------|----------|----------|
| Baker | Coordsen | Foley | McDonald | Smith |
| Bromm | Cudaback | Hudkins | Price | Stuhr |
| Bruning | Cunningham | Jones | Robak | Vrtiska |
| Burling | Dierks | Kremer | Schrock | Wehrbein |

Present and not voting, 7:

| | | | |
|---------|----------|--------------|--------|
| Aguilar | Erdman | Janssen | Suttle |
| Brown | Hartnett | Pederson, D. | |

Absent and not voting, 1:

Schimek

Excused and not voting, 7:

| | | | |
|---------|----------|----------|---------|
| Beutler | Brashear | Connealy | Maxwell |
| Bourne | Byars | Engel | |

The Wickersham amendment lost with 14 ayes, 20 nays, 7 present and not voting, 1 absent and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Pending.

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 1172. Placed on General File as amended.
(Standing Committee amendment, AM2931, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Ron Raikes, Chairperson

Agriculture

LEGISLATIVE BILL 961. Indefinitely postponed.
LEGISLATIVE BILL 1294. Indefinitely postponed.
LEGISLATIVE BILL 1295. Indefinitely postponed.

(Signed) Merton L. Dierks, Chairperson

AMENDMENTS - Print in Journal

Senator Hartnett filed the following amendment to LB 176:
(Amendment, AM2921, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Connealy filed the following amendment to LB 616:
AM2814

1 1. Insert the following new sections:
2 "Sec. 2. Section 39-2519, Revised Statutes Supplement,
3 2001, is amended to read:
4 39-2519. (1) Each city of the metropolitan or primary
5 class or successor municipal county shall be entitled to the first
6 one-third of its annual allocation with no requirement of matching,
7 but shall be required to match the second one-third, on the basis
8 of one dollar for each dollar it receives, with funds provided
9 locally for street purposes, and shall be required to match the
10 final one-third, on the basis of one dollar for each two dollars it
11 receives, with funds so provided. Each city of the first or second
12 class or village or successor municipal county shall be entitled to
13 one-half of its annual allocation with no requirement of matching,
14 but shall be required to match the second one-half on the basis of
15 one dollar for each two dollars it receives, with any available
16 funds. Any municipality or municipal county which during the
17 preceding fiscal year failed to provide the matching funds required
18 by this subsection shall, except as provided in subsection (2) or
19 (3) of this section, forfeit so much of its allocation as it fails
20 to match. Any amount so forfeited shall be reallocated and
21 distributed to the municipalities or municipal counties which have
22 met the full matching provisions of this subsection. Such
23 reallocation shall be made in the manner provided in sections
24 39-2517 and 39-2518.

1 (2) Any municipality or municipal county may accumulate
2 and invest any portion or all of the money it receives for a period
3 not to exceed four years so as to provide funds for one or more
4 specific street improvement projects. Any municipality or
5 municipal county so accumulating funds shall certify to the State
6 Treasurer that the required matching funds are being accumulated
7 and invested each year of the accumulation.

8 (3) Any municipality may, for any year, certify to the
9 State Treasurer that it relinquishes, to the county in which it is
10 situated in whole or in part or to a county whose border is
11 contiguous with and adjacent to any county which is adjacent to the
12 county in which the municipality is situated in whole or in part,
13 all or a part of the state funds allocated to it for that year.
14 The amount so relinquished shall be available for distribution to
15 such county subject to the same matching as would have been
16 required of the municipality had it not relinquished such funds and
17 without regard to the provisions of sections 39-2501 to 39-2510.

18 Any amount so distributed to the county shall be used exclusively
19 for road purposes within the trade area of the relinquishing
20 municipality as may be agreed upon by the county and municipal
21 governing bodies.

22 (4) Any municipality may certify to the State Treasurer
23 that it relinquishes, to the county in which it is situated in
24 whole or in part, all or a part of the state funds allocated to it
25 for not to exceed three years. The amount so relinquished shall be
26 available for distribution to such county subject to the same
27 matching as would have been required of the municipality had it not
1 relinquished such funds and without regard to the provisions of
2 sections 39-2501 to 39-2510. Any relinquishment under this
3 subsection shall be made pursuant to an agreement between the
4 relinquishing municipality and the county, to which other political
5 subdivisions may also be parties, which provides for the
6 accumulation and investment by the county of the amount
7 relinquished for not to exceed three years so as to provide funds
8 for one or more specific road improvement projects.

9 (5) For purposes of this section, provided locally shall
10 include, but not be limited to, money provided for street purposes
11 through the following, except that there shall not be duplication
12 in the following in the determination of the total:

13 (a) Local motor vehicle or wheel fees or taxes;

14 (b) Property taxes levied by action of the local
15 governing body for construction, improvement, maintenance, and
16 repair of streets and bridges, curbs, snow removal, street
17 cleaning, grading of dirt and gravel streets and roads, traffic
18 signs and signals, construction of storm sewers directly related to
19 streets, offstreet public parking owned by the municipality or
20 municipal county, and the payment of the principal and interest on
21 general obligation bonds for any of the foregoing;

22 (c) Special assessments levied for street paving or
23 improvement districts and offstreet public parking owned by the
24 municipality or municipal county;

25 (d) Local costs in the acquisition of street right-of-way
26 including incidental expenses directly related to such acquisition;
27 and

1 (e) Any other funds provided solely for street purposes.
2 Sec. 3. Sections 1 and 4 of this act become operative
3 three calendar months after adjournment of this legislative
4 session. The other sections of this act become operative on their
5 effective date.

6 Sec. 5. Original section 39-2519, Revised Statutes
7 Supplement, 2001, is repealed.

8 Sec. 6. Since an emergency exists, this act takes effect
9 when passed and approved according to law."

10 2. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were Annette Williams from Ashland; Senator Bourne's parents, Bev and Jack Bourne; and 40 fourth grade students and teachers from Hayward School, Nebraska City.

The Doctor of the Day was Dr. James Long from Alma.

ADJOURNMENT

At 12:12 p.m., on a motion by Senator Hartnett, the Legislature adjourned until 9:00 a.m., Thursday, February 28, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-THIRD DAY - FEBRUARY 28, 2002**LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE
SECOND SESSION****THIRTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, February 28, 2002

PRAYER

The prayer was offered by Father Lloyd Gnirk, St. Pius The Tenth Catholic Church, Omaha, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

The roll was called and all members were present except Senator Redfield who was excused; and Senators Foley and Landis who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-second day was approved.

STANDING COMMITTEE REPORTS**Education**

LEGISLATIVE BILL 469. Indefinitely postponed.
LEGISLATIVE BILL 643. Indefinitely postponed.
LEGISLATIVE BILL 1171. Indefinitely postponed.
LEGISLATIVE BILL 1173. Indefinitely postponed.
LEGISLATIVE BILL 1174. Indefinitely postponed.
LEGISLATIVE BILL 1175. Indefinitely postponed.
LEGISLATIVE BILL 1254. Indefinitely postponed.

(Signed) Ron Raikes, Chairperson

Business and Labor

LEGISLATIVE BILL 1275. Placed on General File.

LEGISLATIVE BILL 1167. Placed on General File as amended.
Standing Committee amendment to LB 1167:
AM2942

- 1 1. On page 3, line 20, strike "nonvoting"; and in line
- 2 22 after "shall" insert "be nonvoting and shall".

LEGISLATIVE BILL 1308. Indefinitely postponed.

(Signed) Matt Connealy, Chairperson

MESSAGE FROM THE GOVERNOR

February 27, 2002

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 241, 241A, 259, 406, 436, 436A, 474e, 482, 500, 568e, 589, and 824e were received in my office on February 22, 2002.

These bills were signed by me on February 27, 2002 and delivered to the Secretary of State on February 28, 2002.

Sincerely,
(Signed) Mike Johanns
Governor

AMENDMENT - Print in Journal

Senator Raikes filed the following amendment to LB 326:
AM2943

- 1 1. In the Standing Committee amendments, AM0225, on page
- 2 1, strike beginning with "The" in line 8 through line 10 and insert
- 3 "The State Department of Education shall indicate which information
- 4 in the packet is appropriate for the parents of infants, for the
- 5 parents of toddlers, and for the parents of preschoolers."

STANDING COMMITTEE REPORT Business and Labor

The Business and Labor Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Commission of Industrial Relations
Loren L. Lindahl

VOTE: Aye: Senators Connealy, Vrtiska, Chambers, Dierks, Hartnett, and Schimek. Nay: None. Absent: Senator Preister.

(Signed) Matt Connealy, Chairperson

REPORTS

The following reports were received by the Legislature:

Health and Human Services System

Annual Report as required by the Infant Hearing Act

Roads, Department of

Board of Public Roads Classifications and Standards Minutes for
January 18, 2002

Secretary of State

Election Task Force Report

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 28, 2002, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Radcliffe, Walter H.
IMS Health

Schmit Industries, Inc.
Crossroads Coop

CORRECTED STANDING COMMITTEE REPORT Judiciary

LEGISLATIVE BILL 876. Corrected Standing Committee amendment: (Standing Committee amendment, AM2941, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Kermit A. Brashear, Chairperson

UNANIMOUS CONSENT - Members Excused

Senators Engel and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 600. Considered.

Senator Coordsen offered the following amendment:
AM2955

(Amendments to AM2934)

- 1 1. On page 2, strike lines 6 through 27 and insert
- 2 "(3) The Property Tax Administrator under the advisement
- 3 of the Agricultural Land Use Advisory Committee shall:
- 4 (a) Determine the sources to use, which may include the
- 5 Department of Agricultural Economics of the University of Nebraska,
- 6 to obtain the information needed for the agricultural and
- 7 horticultural use valuation process;
- 8 (b) Perform surveys or gather information to determine
- 9 the typical leasing arrangements, the typical rent, and the typical
- 10 expenses for each land subclass and each county;
- 11 (c) Compile the data for the average cropping patterns,
- 12 crop yields, and crop prices for each land subclass by county,
- 13 including federal support information; and
- 14 (d) Compute the three-year average typical landlord share
- 15 as provided for under subsection (4) or (5) of this section."
- 16 2. On page 3, strike lines 1 through 3; in line 8 strike
- 17 "capability group" and insert "subclass"; in line 18 after
- 18 "arrangement" insert "for dry or irrigated cropland"; in line 20
- 19 after "landlord" insert "for each land subclass"; and in line 26
- 20 strike "subclass" and insert "capability group".
- 21 3. On page 4, line 15, strike "or land subclass"; and in
- 22 line 25 after "(7)" insert "When the total value of a land subclass
- 23 within a county has been determined by the method described in this
- 1 section, the county assessor shall distribute that value within
- 2 that land subclass in proportion to the acres found in each land
- 3 capability group of that land subclass in the county. The total
- 4 land subclass value shall remain unchanged by the distribution.
- 5 (8)".
- 6 4. On page 5, line 1, strike "(8)" and insert "(9)"; and
- 7 in line 3 strike "(9)" and insert "(10)".

Senator Byars asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Senator Coordsen moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Senator Coordsen requested a roll call vote on his amendment.

Voting in the affirmative, 31:

| | | | | |
|----------|------------|------------|----------|------------|
| Baker | Cudaback | Jones | Raikes | Vrtiska |
| Beutler | Cunningham | Kremer | Robak | Wehrbein |
| Bromm | Dierks | Kristensen | Schimek | Wickersham |
| Bruning | Erdman | Kruse | Schrock | |
| Burling | Hartnett | Landis | Smith | |
| Connealy | Hudkins | McDonald | Stuhr | |
| Coordsen | Janssen | Price | Thompson | |

Voting in the negative, 9:

| | | | | |
|---------|----------|---------------|------------|-------|
| Aguilar | Chambers | Maxwell | Quandahl | Tyson |
| Bourne | Jensen | Pedersen, Dw. | Synowiecki | |

Present and not voting, 5:

| | | | | |
|-------|-------|--------------|----------|--------|
| Brown | Foley | Pederson, D. | Preister | Suttle |
|-------|-------|--------------|----------|--------|

Excused and not voting, 4:

| | | | | |
|----------|-------|-------|----------|--|
| Brashear | Byars | Engel | Redfield | |
|----------|-------|-------|----------|--|

The Coordsen amendment was adopted with 31 ayes, 9 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senators Landis, Aguilar, and Quandahl asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Senator Coordsen moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Senator Coordsen requested a roll call vote on the advancement of the bill.

Senator Smith requested the roll call vote be taken in reverse order.

Voting in the affirmative, 25:

| | | | | |
|---------|------------|----------|----------|----------|
| Baker | Byars | Dierks | Kremer | Schimek |
| Beutler | Connealy | Hartnett | Kruse | Schrock |
| Bromm | Coordsen | Hudkins | McDonald | Stuhr |
| Bruning | Cudaback | Janssen | Preister | Vrtiska |
| Burling | Cunningham | Jones | Price | Wehrbein |

Voting in the negative, 18:

| | | | | |
|----------|------------|---------------|------------|------------|
| Aguilar | Erdman | Pedersen, Dw. | Smith | Tyson |
| Bourne | Jensen | Pederson, D. | Suttle | Wickersham |
| Brown | Kristensen | Raikes | Synowiecki | |
| Chambers | Maxwell | Robak | Thompson | |

Present and not voting, 1:

Foley

Excused and not voting, 5:

| | | | | |
|----------|-------|--------|----------|----------|
| Brashear | Engel | Landis | Quandahl | Redfield |
|----------|-------|--------|----------|----------|

Advanced to E & R for review with 25 ayes, 18 nays, 1 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 600A. Title read. Considered.

The Chair declared the call raised.

Senator Maxwell asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Byars asked unanimous consent to be excused. No objections. So ordered.

SENATOR CUDABACK PRESIDING

Pending.

STANDING COMMITTEE REPORTS **Nebraska Retirement Systems**

LEGISLATIVE BILL 407. Placed on General File as amended. (Standing Committee amendment, AM2886, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Jon Bruning, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 1105. Placed on General File as amended. (Standing Committee amendment, AM2916, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 1210. Placed on General File as amended.
Standing Committee amendment to LB 1210:
AM2796

- 1 1. On page 6, line 18, after the period insert "If the
2 vehicle is a specially constructed motor vehicle as defined in
3 section 60-3001, the application shall be accompanied by a kit
4 manufacturer's certificate of origin and a bill of sale or
5 manufacturer's certificates of origin and bills of sale for all
6 major component parts.".
- 7 2. On page 24, lines 15 and 16, strike the new matter;
8 in line 18 after "assembled" insert "Assembled motor vehicle
9 also includes a specially constructed motor vehicle"; in line 23
10 after "(4)" insert "Kit vehicle means a motor vehicle assembled by
11 a person other than a generally recognized manufacturer of motor
12 vehicles by the use of a replica purchased from an authorized
13 manufacturer and accompanied by a manufacturer's statement of
14 origin. The term kit vehicle does not include glider kits;
15 (5)"; and in line 28 strike "(5)", show as stricken, and
16 insert "(6)".
- 17 3. On page 25, line 2, strike "(6)", show as stricken,
18 and insert "(7)"; in line 4 strike "(7)", show as stricken, and
19 insert "(8)"; in line 7 strike "(8)", show as stricken, and insert
20 "(9)"; in line 11 strike "and", show as stricken, and insert
21 "(10) Specially constructed motor vehicle means a motor
22 vehicle which was not originally constructed under a distinctive
23 name, make, model, or type by a manufacturer of motor vehicles.
24 The term specially constructed motor vehicle includes kit vehicle;
1 and" and in line 12 strike "(9)", show as stricken, and insert
2 "(11)".

LEGISLATIVE BILL 1007. Indefinitely postponed.
LEGISLATIVE BILL 1050. Indefinitely postponed.

(Signed) Curt Bromm, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 1084. Placed on General File.

LEGISLATIVE BILL 1240. Placed on General File as amended.
Standing Committee amendment to LB 1240:
AM2944

- 1 1. On page 7, line 27; and page 8, line 23, strike "one
2 hundred", show the old matter as stricken, and insert "forty".
- 3 2. On page 7, line 28; and page 8, line 24, strike "such
4 county" and insert "a county with a population of more than three
5 hundred thousand inhabitants".
- 6 3. On page 9, line 7, strike "is", show as stricken, and
7 insert "or gaming activities regulated under Chapter 9 are" and

8 after "conducted" insert "unless such proceeds are used to
 9 improve an adjacent facility with a non-wagering or non-gaming
 10 purpose"; and in line 25 after "years" insert "immediately
 11 preceding or".
 12 4. On page 10, line 1, after "county" insert "with a
 13 population of more than three hundred thousand inhabitants".

LEGISLATIVE BILL 1302. Placed on General File as amended.
 Standing Committee amendment to LB 1302:
 AM2923

1 1. Strike section 6 and insert the following new
 2 section:
 3 "Sec. 6. (1) On July 31, 2004, and every four years
 4 thereafter, the Nebraska Accountability and Disclosure Commission
 5 shall calculate the percentage of change in the Consumer Price
 6 Index for Urban Wage Earners and Clerical Workers published by the
 7 Bureau of Labor Statistics of the United States Department of Labor
 8 for the prior four years. The spending limitations found in
 9 section 32-1604 shall be adjusted by the percentage of change. The
 10 adjustments to the spending limitations shall be rounded off to the
 11 nearest one thousand dollars and shall be effective as of January 1
 12 of the following calendar year.
 13 (2) After July 31, 2004, calculations of the percentage
 14 of change in the Consumer Price Index shall be applied to the
 15 spending limitations as last adjusted.
 16 (3) On or before January 1, 2005, and every four years
 17 thereafter, the commission shall submit a report to the Clerk of
 18 the Legislature reflecting an analysis of the adjustments to the
 19 spending limitations.
 20 (4) The commission shall enforce and administer the
 21 Campaign Finance Limitation Act with the spending limitations as
 22 adjusted pursuant to this section.".

LEGISLATIVE RESOLUTION 294CA. Placed on General File as
 amended.
 Standing Committee amendment to LR 294CA:
 AM2925

1 1. Strike original sections 1 and 2 and insert the
 2 following new sections:
 3 "Section 1. At the general election in November 2002 the
 4 following proposed amendment to the Constitution of Nebraska shall
 5 be submitted to the electors of the State of Nebraska for approval
 6 or rejection:
 7 To amend Article VI, section 2:
 8 VI-2 "(1) No person shall be qualified to vote who is non
 9 compos mentis, or who has been convicted of treason or felony under
 10 the laws of the state or of the United States, unless restored to
 11 civil rights.
 12 (2) No person who is convicted of a felony under the laws

13 of the state or of the United States is qualified to vote until (a)
 14 a pardon restoring the person's voting rights is granted by the
 15 Governor, Attorney General, and Secretary of State, sitting as a
 16 board pursuant to Article IV, section 13 of this Constitution, or
 17 (b) ten years have elapsed after the completion of the sentence
 18 imposed for the felony, including any period of probation or
 19 parole, and such board approves the person's application to have
 20 such voting rights restored. Any person who is convicted of such a
 21 felony for acts committed on or after January 1, 2003, and who has
 22 a prior felony conviction for separate acts committed before, on,
 23 or after such date is not eligible to have his or her voting rights
 24 restored."

1 Sec. 2. The proposed amendment shall be submitted to the
 2 electors in the manner prescribed by the Constitution of Nebraska,
 3 Article XVI, section 1, with the following ballot language:
 4 "A constitutional amendment to prohibit a felon from
 5 voting until pardoned or until ten years after the
 6 completion of the felon's sentence and approval by the
 7 board of pardons consisting of the Governor, Attorney
 8 General, and Secretary of State and to prohibit a felon
 9 from voting after a subsequent felony conviction.
 10 For
 11 Against".

(Signed) DiAnna R. Schimek, Chairperson

Natural Resources

LEGISLATIVE BILL 899. Placed on General File as amended.
 Standing Committee amendment to LB 899:
 AM2951

- 1 1. Insert the following new section:
- 2 "Sec. 6. Since an emergency exists, this act takes
- 3 effect when passed and approved according to law."
- 4 2. On page 2, strike beginning with "until" in line 14
- 5 through the comma in line 16 and insert ", shall offer for sale".
- 6 3. On page 3, line 10, strike "January 1, 2003" and
- 7 insert "July 1, 2002".

LEGISLATIVE BILL 1267. Placed on General File as amended.
 Standing Committee amendment to LB 1267:
 AM2948

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. It is the intent of the Legislature that
- 4 costs incurred by the State of Nebraska attributable to the
- 5 shipment of high-level radioactive waste and transuranic waste in
- 6 or through the state shall be borne by the shipper.
- 7 Sec. 2. For purposes of sections 1 to 5 of this act:

8 (1) Department means the Department of Health and Human
9 Services Regulation and Licensure;

10 (2) High-level radioactive waste has the definition found
11 in section 81-1589; and

12 (3) Transuranic waste means waste material containing
13 alpha-emitting radioactive elements having an atomic number greater
14 than 92 in concentrations greater than ten nanocuries per gram.

15 Sec. 3. Until January 1, 2004, a fee of two thousand
16 dollars shall be assessed on each cask of high-level radioactive
17 waste or transuranic waste shipped in or through the state, whether
18 shipped by motor carrier or rail. On and after January 1, 2004,
19 the department shall establish and assess fees on all high-level
20 radioactive waste and transuranic waste shipped by any means in or
21 through the state. Such fees shall be equitable and shall be used
22 for purposes related to (1) shipping of high-level radioactive
23 waste and transuranic waste, including, but not limited to,
24 inspections, escorts, and security for waste shipment, planning,
1 and maintenance, (2) coordination of emergency response capability,
2 (3) education and training, (4) purchase of necessary equipment,
3 and (5) administrative costs attributable to the state agencies
4 which are incurred as related to the shipping of high-level
5 radioactive waste and transuranic waste. Fees assessed pursuant to
6 this section shall be paid in advance of shipment by the shipper.
7 Fees collected by the department under this section shall be
8 remitted to the State Treasurer for credit to the Radiation
9 Transportation Emergency Response Cash Fund.

10 Sec. 4. The Radiation Transportation Emergency Response
11 Cash Fund is created. The fund shall consist of fees credited
12 pursuant to section 3 of this act. The fund shall be used for the
13 purposes stated in such section. The Director-State Engineer, the
14 Superintendent of Law Enforcement and Public Safety, the Director
15 of Regulation and Licensure, the Director of Policy Research, the
16 Adjutant General as director of the Nebraska Emergency Management
17 Agency, and the executive director of the Public Service
18 Commission, or their designees, shall meet at least annually to
19 recommend changes in the fees charged and allocation of the fees
20 collected among participating agencies based upon their respective
21 costs in carrying out such section. Any money in the fund
22 available for investment shall be invested by the state investment
23 officer pursuant to the Nebraska Capital Expansion Act and the
24 Nebraska State Funds Investment Act.

25 Sec. 5. The department may adopt and promulgate rules
26 and regulations to carry out sections 1 to 4 of this act.

27 Sec. 6. Sections 1 to 5 of this act do not apply to
1 high-level radioactive waste or transuranic waste shipped by or for
2 the United States Government for military, national security, or
3 national defense purposes. Sections 1 to 5 of this act do not
4 require disclosure of defense information or restricted data as
5 defined in the federal Atomic Energy Act of 1954.

6 Sec. 7. Since an emergency exists, this act takes effect
7 when passed and approved according to law.".

(Signed) Ed Schrock, Chairperson

AMENDMENTS - Print in Journal

Senator D. Pederson filed the following amendment to LB 1236:
(Amendment, AM2939, may be found in the Bill Books. The amendment
has been printed separately and is on file in the Bill Room - Room 1102.)

Senators Schrock and Kremer filed the following amendment to LB 777:
(Amendment, AM2914, may be found in the Bill Books. The amendment
has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Chambers filed the following amendment to LB 707:
AM2936

1 1. Insert the following new sections:

2 "Sec. 7. Section 49-1446.01, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 49-1446.01. No committee, other than a political party
5 committee, may expend or transfer funds except to make an
6 expenditure, as defined in subsection (1), (2), or (3) of section
7 49-1419, or as provided in this section. Any committee, including
8 a political party committee, may:

9 (1) Make expenditures or transfer funds after any
10 election for: (a) The necessary continued operation of the campaign
11 office or offices of the candidate or political committee; (b)
12 social events primarily for the benefit of campaign workers and
13 volunteers or constituents; (c) obtaining public input and opinion;
14 (d) repayment of campaign loans incurred prior to election day; (e)
15 newsletters and other communications of information, thanks,
16 acknowledgment, or greetings, or for the purpose of political
17 organization and planning; (f) gifts of acknowledgment, including
18 flowers and charitable contributions, except that gifts to any one
19 natural person shall not exceed fifty dollars in any one calendar
20 year; (g) meals, lodging, and travel by an officeholder related to
21 his or her candidacy and for members of the immediate family of the
22 officeholder when involved in activities related to his or her
23 candidacy; and (h) conference fees, meals, lodging, and travel by
24 an officeholder, ~~and his or her staff, and his or her immediate~~
1 family, when involved in activities related to the duties of his or
2 her public office;

3 (2) Make expenditures or transfer funds for the payment
4 of installation and use of telephone and telefax machines located
5 in an officeholder's public office and used by such officeholder;
6 and

7 (3) Invest funds in investments authorized in the
8 Nebraska Capital Expansion Act and the Nebraska State Funds

9 Investment Act for the state investment officer.
 10 Nothing in this section shall prohibit a separate
 11 segregated political fund from disbursing funds as provided in
 12 section 49-1469.
 13 Sec. 9. Section 49-14,101.01, Revised Statutes
 14 Supplement, 2001, is amended to read:
 15 49-14,101.01. (1) A public official or public employee
 16 shall not use or authorize the use of, for personal financial gain,
 17 financial gain of a member of his or her immediate family, or
 18 financial gain of a business with which he or she is associated,
 19 other than compensation provided by law, (a) that person's public
 20 office or any confidential information received through the holding
 21 of a public office or (b) personnel, resources, property, or funds
 22 under that person's official care and control other than in
 23 accordance with prescribed constitutional, statutory, and
 24 regulatory procedures.
 25 (2) A public official shall not accept a gift of travel
 26 or lodging or a gift of reimbursement for travel or lodging if the
 27 gift is made so that a member of the public official's immediate
 1 family can accompany the public official in the performance of his
 2 or her official duties.
 3 (3) A member of the immediate family of a public official
 4 shall not accept a gift of travel or lodging or a gift of
 5 reimbursement for travel or lodging if the gift is made so that a
 6 member of the public official's immediate family can accompany the
 7 public official in the performance of his or her official duties.
 8 (4) This section does not prohibit the Executive Board of
 9 the Legislative Council from adopting policies that allow a member
 10 of the Legislature to install and use with private funds a
 11 telephone line, telephone, and telefax machine in his or her public
 12 office for private purposes.
 13 ~~(3)~~ (5) Except as provided in section 23-3113, any person
 14 violating this section shall be guilty of a Class III misdemeanor,
 15 except that no vote by any member of the Legislature shall subject
 16 such member to any criminal sanction under this section."
 17 2. Renumber the remaining sections and correct repealer
 18 accordingly.

Senator Schrock filed the following amendment to LB 458:
 AM2950

- 1 1. Insert the following new sections:
- 2 "Section 1. The Legislature declares that:
- 3 (1) In order to protect the watercourses and bodies of
- 4 water of the state, under requirements and mandates of state and
- 5 federal law relating to storm water management programs, and to
- 6 meet local storm water needs, certain municipalities, counties, and
- 7 natural resources districts are responsible to develop and
- 8 implement storm water management programs; and
- 9 (2) The costs to implement storm water management

10 programs are significant, current funding sources and methods may
11 be inadequate, and authority is necessary to develop a system of
12 charges which may be imposed to carry out the storm water
13 management programs. Charges collected shall be used only for
14 storm water management programs.

15 Sec. 2. For purposes of sections 1 to 13 of this act,
16 the definitions found in sections 3 to 7 of this act shall be used.

17 Sec. 3. Agricultural and horticultural land means
18 agricultural and horticultural lands as defined in section 77-1359.

19 Sec. 4. Impervious surface area means the plane area of
20 a parcel of real property which exhibits a comparatively low rate
21 of absorption of storm water or a high rate of runoff per unit of
22 surface area.

23 Sec. 5. Municipality means any city of the first class
24 which is required to have a storm water management program, any
1 city of the primary class, or any city of the metropolitan class.

2 Sec. 6. Process of development means grading and other
3 activities performed in preparation for residential, commercial, or
4 industrial uses.

5 Sec. 7. Storm water management programs means those
6 programs, practices, and projects necessary to meet (1) state and
7 federal requirements and mandates and (2) locally established needs
8 and priorities for surface water quality and quantity.

9 Sec. 8. Each municipality shall, by resolution of its
10 governing body, establish storm water management programs in any
11 area within its corporate limits and within its zoning
12 jurisdiction. For the purpose of funding capital improvements and
13 paying the operational costs of storm water management programs,
14 the municipality may establish a system of charges against all land
15 within such areas including, with the consent of the governing body
16 of a county, any area within such municipality's zoning
17 jurisdiction, to be paid for storm water management programs as
18 authorized by sections 18-503 and 18-509. The system of charges to
19 be paid for storm water management programs shall be as established
20 by a separate resolution of the governing body of the municipality.

21 Sec. 9. A natural resources district containing a
22 municipality, by resolution of its board of directors, may
23 establish and implement storm water management programs in any area
24 within the district. For the purpose of funding capital
25 improvements and paying the operational costs of storm water
26 management programs within such areas, a district, by resolution of
27 its board of directors, may establish a system of charges against
1 all land within such areas, including, with the consent of the
2 governing body of a municipality or of a county containing a
3 municipality, any area within such county or within such
4 municipality or its zoning jurisdiction, and may issue revenue
5 bonds repayable from the proceeds of such charges, all upon such
6 terms as the board of directors may determine reasonable. Such
7 charges shall be proportionate to the storm water contribution and

8 based upon sound engineering principles and may include factors
9 such as impervious surface area and land uses. Such charges shall
10 be collected in the same manner as district property taxes, or in
11 such other manner as determined appropriate by the board of
12 directors, and shall not be deemed to constitute special benefit
13 assessments.

14 Sec. 10. A county containing a municipality, by
15 resolution of its county board, may establish and implement storm
16 water management programs in any area within the county. For the
17 purpose of funding capital improvements and paying the operational
18 costs of storm water management programs within such areas, a
19 county, by resolution of its governing board, may establish a
20 system of charges against all land within such areas, including,
21 with the consent of the governing body of a municipality, any area
22 within such municipality or within its zoning jurisdiction, and may
23 issue revenue bonds repayable from the proceeds of such charges,
24 all upon such terms as the board may determine reasonable. Such
25 charges shall be proportionate to the storm water contribution and
26 based upon sound engineering principles and may include factors
27 such as impervious surface area and land uses. Such charges shall
1 be collected in the same manner as county property taxes, or in
2 such other manner as determined appropriate by the county board,
3 and shall not be deemed to constitute special benefit assessments.

4 Sec. 11. The plan and budget for the operational costs
5 and capital improvements that comprise a storm water management
6 program shall be prepared on an annual basis. Each municipality,
7 county, and natural resources district shall hold a public hearing
8 prior to: (1) Approving the annual operating budget and capital
9 improvements program; (2) adopting storm water management program
10 charges; and (3) amending such charges. A municipality, county, or
11 natural resources district shall not impose storm water management
12 program charges for any period against land that is subject to
13 similar charges imposed by another such entity for such period.

14 Sec. 12. The powers granted by sections 8 to 13 of this
15 act are independent of and in addition to all other grants of
16 powers on the same or related subjects, but may be exercised
17 jointly with other governmental agencies by entering into an
18 agreement pursuant to the Interlocal Cooperation Act or
19 supplemented by the powers granted by any existing law. Nothing in
20 such sections shall be construed as limiting the powers of sanitary
21 and improvement districts relating to matters of drainage as
22 provided for in the laws governing sanitary and improvement
23 districts.

24 Sec. 13. A municipality, county, or natural resources
25 district shall adopt procedures for exemption of agricultural and
26 horticultural lands that are not in the process of development from
27 storm water management program charges.

1 Sec. 14. Section 2-1575, Revised Statutes Supplement,
2 2000, is amended to read:

3 2-1575. Sections 2-1575 to 2-1585 and section 16 of this
4 act shall be known and may be cited as the Nebraska Soil and Water
5 Conservation Act.

6 Sec. 15. Section 2-1576, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 2-1576. The Legislature recognizes and hereby declares
9 that it is the public policy of this state to properly conserve,
10 protect, and utilize the water and related land resources of the
11 state, to better utilize surface waters and available
12 precipitation, to encourage ground water recharge to protect the
13 state's dwindling ground water supply, to protect the quality of
14 surface water and ground water resources, and to reduce soil
15 erosion and sediment damages. The Legislature further declares
16 that it is in the public interest of this state to financially
17 assist in encouraging water and related land resource conservation
18 and protection measures on privately owned ~~agricultural,~~
19 ~~horticultural,~~ or ~~silvicultural~~ land and that this will produce
20 long-term benefits for the general public.

21 Sec. 16. Payments may be made from the Nebraska Soil and
22 Water Conservation Fund to owners of private land which is being
23 converted to urban use for the purpose of controlling erosion and
24 sediment loss from construction and development. As a condition
25 for receiving any funds pursuant to this section, the landowner
26 shall agree in writing that the erosion and sediment control
27 practices will be installed prior to the land-disturbing activity,
1 when possible, and that the practices will be adequately maintained
2 or replaced at the landowner's expense until ninety-five percent of
3 the site is permanently stabilized. Payments made pursuant to this
4 section shall be in accordance with and conditional upon such terms
5 as are established by the commission. Such terms may be different
6 from those established by section 2-1579 for payments relating to
7 other types of projects and practices.

8 Sec. 17. Section 18-503, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 18-503. The governing body of ~~such a~~ municipality may
11 make all necessary rules and regulations governing the use,
12 operation, and control thereof of a disposal plant and sewerage
13 system, including any storm sewer system, pursuant to section
14 18-501. The governing body may establish just and equitable rates
15 or charges to be paid to it for the use of such disposal plant and
16 sewerage system, including any storm sewer system, by each person,
17 firm, or corporation whose premises are served thereby. If the
18 service charge so established is not paid when due, such sum may be
19 recovered by the municipality in a civil action, or it may be
20 certified to the tax assessor and assessed against the premises
21 served, and collected or returned in the same manner, as other
22 municipal taxes are certified, assessed, collected, and returned.
23 Charges to be paid for use of a storm sewer system shall be
24 proportionate to the storm water contribution and based upon sound

25 engineering principles and may include factors such as impervious
26 land surfaces and land uses.

27 Sec. 18. Section 18-509, Reissue Revised Statutes of
1 Nebraska, is amended to read:

2 18-509. (1) The mayor and city council of any city or
3 the board of trustees of any village, in addition to other sources
4 of revenue available to the city or village, may by ordinance set
5 up a rental or use charge, to be collected from users of any system
6 of sewerage, including any storm sewer system, and provide methods
7 for collection thereof. The charges shall be charged to each
8 property served by the sewerage system or storm sewer system, shall
9 be a lien upon the property served, and may be collected either
10 from the owner or the person, firm, or corporation requesting the
11 service. Charges to be paid for use of a storm sewer system shall
12 be based upon sound engineering principles and may include factors
13 such as impervious surface areas and land uses.

14 (2) All money raised from the charges, referred to in
15 subsection (1) of this section, shall be used for maintenance or
16 operation of the existing system, for payment of principal and
17 interest on bonds issued as is provided for in section 17-925,
18 18-502, 18-506, or 19-1305, or to create a reserve fund for the
19 purpose of future maintenance or construction of a new sewer system
20 for the city or village or to develop and implement storm water
21 management programs. Any funds raised from this charge shall be
22 placed in a separate fund or funds based on the source of such
23 funds and not be used for any other purpose or diverted to any
24 other fund.

25 Sec. 23. If any section in this act or any part of any
26 section is declared invalid or unconstitutional, the declaration
27 shall not affect the validity or constitutionality of the remaining
1 portions."

2 2. Renumber the remaining sections and correct the
3 repealer accordingly.

Senator McDonald filed the following amendment to LB 935:
AM2537

1 1. Strike original section 11.

GENERAL FILE

LEGISLATIVE BILL 600A. Senator Chambers moved to indefinitely
postpone.

Senators Aguilar, Burling, and Dierks asked unanimous consent to be
excused. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS
Agriculture

LEGISLATIVE BILL 1236. Placed on General File as amended.
(Standing Committee amendment, AM2946, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 1285. Indefinitely postponed.

(Signed) Merton L. Dierks, Chairperson

VISITORS

Visitors to the Chamber were Carolyn Matthews from Lincoln, and Geoff Faustman and Lee Lerma from Bronx, New York; Senator Stuhr's husband and grandson, Boyd and Austin, from Bradshaw; and 37 fourth grade students from Louisville.

The Doctor of the Day was Dr. Michelle Simmons from Lincoln.

MOTION - Adjournment

Senator Robak moved to adjourn. The motion prevailed with 26 ayes, 6 nays, 8 present and not voting, and 9 excused and not voting, and at 12:02 p.m., the Legislature adjourned until 9:00 a.m., Tuesday, March 5, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FOURTH DAY - MARCH 5, 2002**LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE
SECOND SESSION****THIRTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 5, 2002

PRAYER

The prayer was offered by Senator Kruse.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Coordsen presiding.

The roll was called and all members were present except Senators Dw. Pedersen and Quandahl who were excused; and Senators Beutler, Brown, Dierks, Engel, Kristensen, Landis, Maxwell, McDonald, D. Pederson, Price, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-third day was approved.

STANDING COMMITTEE REPORTS**Education**

LEGISLATIVE BILL 1059. Indefinitely postponed.
LEGISLATIVE BILL 1079. Indefinitely postponed.
LEGISLATIVE BILL 1082. Indefinitely postponed.
LEGISLATIVE BILL 1134. Indefinitely postponed.
LEGISLATIVE BILL 1162. Indefinitely postponed.

(Signed) Ron Raikes, Chairperson

Business and Labor

LEGISLATIVE BILL 1040. Placed on General File as amended.
Standing Committee amendment to LB 1040:
AM2938

1 1. Insert the following new section:

| | |
|---|--------------|
| 2 "Sec. 3. The following sums of money, or so much thereof | |
| 3 as may be required, are hereby appropriated from the General Fund | |
| 4 or from other funds as indicated in the state treasury, not | |
| 5 otherwise appropriated, for the payment of workers' compensation | |
| 6 lump-sum settlements which have been approved by the Nebraska | |
| 7 Workers' Compensation Court and which require the approval of the | |
| 8 Legislature for payment. | |
| 9 DESCRIPTION | DOLLARS |
| 10 Workers' Compensation Lump-Sum Settlement approved | |
| 11 by the Nebraska Workers' Compensation Court, pay to | |
| 12 <u>Judy Wagner and Rodger D. Moore, Attorney</u> , 3701 | |
| 13 Union Dr., Suite 200, Lincoln, NE 68516, out of the | |
| 14 Workers' Compensation Claims Revolving Fund. | 45,856.08 |
| 15 Workers' Compensation Lump-Sum Settlement approved | |
| 16 by the Nebraska Workers' Compensation Court, pay to | |
| 17 <u>Margaret Perry and James E. Harris, Attorney</u> , 10050 | |
| 18 Regency Circle, Suite 101, Omaha, Ne 68114, out of | |
| 19 the Workers' Compensation Claims Revolving Fund. | 20,039.57 |
| 20 The claims in this section shall be paid through Program | |
| 21 593 in Agency 65. | |
| 22 For informational purposes only, the appropriation | |
| 23 contained in this section and fund source: | |
| 24 REVOLVING FUNDS | 65,895.65 |
| 1 TOTAL | 65,895.65". |
| 2 2. On page 4, after line 28 insert | |
| 3 "Claim No. 01-773, against the Department of Health | |
| 4 and Human Services, pay to <u>Kathy Anstine</u> , 5119 North | |
| 5 114th Street, Omaha, Ne 68164, out of the | |
| 6 General Fund. | 5,000.00". |
| 7 3. On page 8, strike line 20 and insert | |
| 8 "GENERAL FUND | 161,756.56" |
| 9 and strike line 22 and insert | |
| 10 "TOTAL | 181,398.06". |
| 11 4. On page 9, after line 6 insert | |
| 12 "Tort Claim No. 00-100, against the Department of | |
| 13 Health and Human Services, pay to <u>E. Dean Everitt</u> | |
| 14 <u>Sr., Personal Representative of the Estate of</u> | |
| 15 <u>Kristine Everitt, Deceased, and Bruce Mason,</u> | |
| 16 <u>Attorney</u> , 215 Centennial Mall South, Lincoln, NE | |
| 17 68508, out of the Tort Claims Fund, as fully | |
| 18 reimbursed by Agency 25 through Program 421. | 125,000.00" |
| 19 and strike lines 11 and 12 and insert | |
| 20 "CASH FUNDS | 160,109.74 |
| 21 TOTAL | 160,109.74". |
| 22 5. Renumber the remaining sections accordingly. | |

(Signed) Matt Connealy, Chairperson

MOTION - Print in Journal

Senator Bruning filed the following motion to LB 1011:
Indefinitely postpone LB 1011.

ATTORNEY GENERAL'S OPINIONOpinion #02007

DATE: March 4, 2002

SUBJECT: LB 961 And LB 1236; Changes In The Operation Of
The Nebraska State Board Of Agriculture; Status Of
The Board As A State Agency.

REQUESTED BY: Senator M. L. Dierks
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Dale A. Comer, Assistant Attorney General
Charles E. Lowe, Assistant Attorney General

In our Op. Att'y Gen. No. 01038 (November 28, 2001), we considered a number of issues concerning the status of the Nebraska State Board of Agriculture (the "Board") as a state agency or a private corporation. Among other things, we concluded in that opinion that the Board is a private corporation, and not a state agency.

There are two bills currently pending before the Legislature which would affect the Board. LB 961 would abolish the Board and create a new State Fair Commission. The State Fair Commission would consist of nine members appointed by the Governor with the consent of the Legislature. Members of the State Fair Commission would serve a term of three years, and would direct and supervise the State Fair along with a State Fair Director, who would also be appointed by the Governor. The State Fair Commission would administer a new State Fair Fund for the conduct of the Nebraska State Fair, and that fund would include money appropriated to the fund by the Legislature, all monies of the Board as it existed prior to the passage of LB 961, and any money in the Nebraska State Fairgrounds Building Fund.

The other bill which would affect the Board is LB 1236. The introduced version of that bill would not abolish the Board, but would change its operation in a number of significant respects. For example, that bill would require the Board to create and appoint a nine-member executive board to manage the Board's activities. In addition, LB 1236 would create a State Fair Foundation and a State Board of Agriculture Fund. LB 1236 would also prohibit members of the Legislature from serving on the Board, and would require the Board to comply with the Public Meetings Statutes. Under

Section 8 of LB 1236, certain portions of the Nebraska Political Accountability and Disclosure Act would also apply to members of the Board.

On behalf of the Legislature's Agriculture Committee, you have posed several questions to us regarding the Board and the pending bills which would affect it. We will consider each of your questions in turn.

Question 1: To what extent does the current arrangement for the conduct of a state fair and management of the state fairgrounds by a private corporation shield the state of Nebraska from liabilities that may arise out of the errors, omissions, or negligent actions of the Board of Agriculture, from causes of action that may arise from personal, environmental or other injuries that might occur on the property of the state fairgrounds, or from the debts or contractual obligations of the State Board of Agriculture?

Your initial question is a very broad question, the answer to which depends upon the facts of any given situation and the legal theories which may be advanced in the claim. Since we cannot know what those facts or theories might be in any particular case, we cannot answer your question except in very general terms. We will, however, endeavor to provide some insight.

The current arrangement certainly provides the State with protection from tort claims which might otherwise proceed against it were the Board deemed to be a state agency. Under the State Tort Claims Act, Neb. Rev. Stat. §§ 81-8,209 through 81-9,235 (1996 and Cum. Supp. 2000), the State has waived its sovereign immunity from suit to allow certain types of tort actions to proceed against it in certain situations. The Tort Claims Act, however, specifically provides that it applies only to acts or omissions of "employees" and other officials of the State, and not to "contractors" with the State. § 81-8,210 (1), (3) and (4). Therefore, because the Board is a private entity which contracts with the State to perform certain services for the State, it is not covered by the State Tort Claims Act; and the State has not waived its immunity to permit tort claims against the State arising out of acts or omissions of the contractor. Indeed, in *Crete Mills v. Nebraska State Board of Agriculture*, 132 Neb. 244, 271 N.W. 684 (1937), which was decided long before enactment of the State Tort Claims Act, the court made it clear that the Board is essentially a private corporation and not a State entity which, absent the State Tort Claims Act, would be immune from suit. Accordingly, enactment of the State Tort Claims Act did not change the Board's status and did not imply that the State had agreed to be subject to suit for the wrongful acts or omissions of the State Board of Agriculture.

The current arrangement also provides protection to the State from contract claims which might be made against it were the Board to become a state agency. Like the State Tort Claims Act, the State Contract Claims Act, Neb. Rev. Stat. §§ 81-8,302 through 81-8,306 (1996 and Cum. Supp. 2000), exempts private corporations that are contractors with the State.

§ 81-8,303(3).

Further, the present arrangement protects the State from employment-related claims which might be made against the Board - e.g., employment discrimination claims made under federal and/or State law. Because the Board is currently essentially a private corporation, it would be deemed to be the "employer;" and the State would not be involved in any such claims.

In your opinion request letter you indicate that State Fair Park is property of the State, although the Board of Agriculture manages and maintains that property under a formal property management agreement with the Department of Administrative Services. There may be certain limited types of claims which could be made against the State simply because of its ownership of the property. For example, the owner of real estate may still be involved in litigation brought by an adjacent property owner claiming that pollutants have migrated from the former's property on to the latter's property. Thus, the current arrangement does not necessarily protect the State from those types of claims, except to the extent that the Board has contractually agreed to hold the State harmless.

Finally, it is apparent that the current arrangement means that the State is not responsible for the debts or contractual obligations of the Board.

Question 2: If LB 961 were enacted, would the State Fair Commission assume the debts, liabilities and contractual obligations of the State Board of Agriculture without legislation expressly providing for such assumption? Is it necessary and possible to compel by legislation that the State Board of Agriculture transfer to the State Fair Commission any property, records and funds?

As we noted in our Opinion No. 01038, the Nebraska Supreme Court has indicated that the Board is a private business association as contemplated under the Uniform Disposition of Unclaimed Property Act, and that the Board is "essentially a private corporation" which is not immune from suit under the doctrine of sovereign immunity. *State ex rel. Marsh v. Nebraska State Board of Agriculture*, 217 Neb. 622, 350 N.W.2d 535 (1984); *Crete Mills v. Nebraska State Board of Agriculture*, 132 Neb. 244, 271 N.W. 684 (1937). Based upon those cases, we concluded, in Opinion No. 01038, that the Board is a private corporation and not a state agency. Accord *Op. Att'y Gen. No. 99038* (August 19, 1999); *Op. Att'y Gen. No. 91087* (November 21, 1991); *Op. Att'y Gen. No. 47* (March 27, 1985); 1977-78 *Rep. Att'y Gen. 229* (Opinion No. 151, dated December 20, 1977).

In Nebraska, a corporation is generally viewed as a complete and separate entity from its shareholders and officers, who are not, as a rule, liable for the debts and obligations of the corporation. *Baye v. Airlite Plastics Co.*, 260 Neb. 385, 618 N.W.2d 145 (2000); *Nelson v. Lusterstone Surfacing Co.*, 258 Neb. 678, 605 N.W.2d 136 (2000). Consequently, it seems to us that the debts, liabilities and contractual obligations of the State Board of Agriculture, a private corporation, belong to the Board, and would not be

assumed by a new State Fair Commission absent legislation which expressly provides for such an assumption. In that regard, we would note that failure to provide for such an assumption by a new State Fair Commission could raise issues pertaining to an unconstitutional impairment of the obligation of contracts under art. I, § 16 of the Nebraska Constitution.

Based upon the same notion that the Board is currently a private corporation separate and apart from state government, we also believe that it would be necessary to compel by legislation that the Board transfer to a new State Fair Commission any of the Board's property, records and funds which the Legislature wishes to make available to the new commission. However, while we believe that compelling such a transfer is possible, we would again caution that such a transfer must take into account art. I, § 21 of the Nebraska Constitution which provides that "[t]he property of no person shall be taken or damaged for public use without just compensation therefor."

Question 3: LB 1236 would impose additional requirements upon the State Board of Agriculture, including: 1) that the Board comply with the Open Meetings Law, 2) extension of certain requirements of the Nebraska Political Accountability and Disclosure Act to Board Members, 3) the creation of a State Board of Agriculture Fund. Additionally, it has been suggested that LB 1236 be amended to provide that some members of the Board be appointed by the governor. Would enactment of LB 1236 with these provisions affect the conclusion reached in your earlier opinion that the Board is a private corporation and not an agency of the state?

As noted above, in the Crete Mills case, the Nebraska Supreme Court determined that the Board is "essentially a private corporation" which is not immune from suit under the doctrine of sovereign immunity. In the course of that opinion, the court discussed several things which led it to that determination, among them:

1. The Board was originally created in 1858 as a body corporate with perpetual existence. In that regard the court stated:

The record further demonstrates beyond peradventure that, as a fact, the original incorporators of this [State] board [of Agriculture] and their successors in interest, elected by them at the annual election, constituted a self-perpetuating body. The officers of this organization were continuously selected by the board, and its general policies were determined by the annual meeting at which the original incorporators and their successors in interest, by them selected, were supreme. The electors of the state generally had no voice in the proceedings of this board, and the political officers of the state exercised no powers of selection or appointment of its officers, or direction or control over its general business affairs.

Crete Mills, 132 Neb. at 249, 271 N.W. at 686.

2. When the State Department of Agriculture was created as an executive agency of the State in the early 1900's, the Board was not included in that agency.

3. The property of the Board was exempt from taxation under art. VIII, § 2 of the Nebraska Constitution as it existed then, not because the Board was a governmental agency, but because the Board was an agricultural society which did not use its property for financial gain or profit to its owners.

4. The Board collected receipts from admissions to fairs, charges against concessions, and from other similar sources of income, and paid out and disbursed those funds through its own officers as if it were a private corporation. Those funds were not paid into the state treasury and drawn out of the state treasury by warrant.

As a result of those various factors, the court in Crete Mills concluded:

It is obvious, therefore, that neither the inherent nature of the Nebraska state board of agriculture, the manner in which its perpetuity is accomplished, the character of the business carried on, the method of its performance, nor the purpose sought to be attained, in any manner determines its character to be that of a public governmental agency, to which the principle of exemption from suit without assent of the state is applicable.

Crete Mills, 132 Neb. at 250, 251, 271 N.W. at 687.

As you pointed out in your third question to us, the introduced version of LB 1236 would impose additional requirements upon the Board, including compliance with the Public Meetings Statutes, compliance with the requirements of the Nebraska Political Accountability and Disclosure Act and creation of a State Board of Agriculture Fund which would include monies appropriated to the Board by the Legislature. We also understand that LB 1236 may be amended to require that a certain number of Board members must be appointed by the Governor in addition to those members appointed by county agricultural societies. Nevertheless, we do not believe that those various additional requirements on the Board would greatly affect the factors which influenced the court in Crete Mills. For example, the fact that the Governor might appoint some members of the Board would not change the fact that the bulk of its members are selected by means other than by election or by appointment of state officers.¹ Nor would LB 1236 change the fact that there is no clear declaration in statute that the Board is a

¹ Indeed, in the Crete Mills case, the court quotes the following language from a treatise with approval, "[t]he corporate character of [a private corporation] is not lost by reason of the fact that the state may control the appointment of some of the directors." Crete Mills, 132 Neb. at 252, 271 N.W. at 687.

state agency, or the fact that the Board handles its own gate receipts and other revenues apart from state appropriations outside the state treasury, or the fact that the Board may still receive a tax exemption because it is an agricultural society.² Finally, we also do not believe that LB 1236 would change the Board's origins as a body corporate with perpetual existence. For those various reasons, LB 1236 would not change the conclusion set out in our Opinion No. 01038.

Sincerely yours,
 DON STENBERG
 Attorney General
 (Signed) Dale A. Comer
 Charles E. Lowe
 Assistant Attorneys General

cc. Patrick J. O'Donnell
 Clerk of the Legislature
 05-68-21

GENERAL FILE

LEGISLATIVE BILL 470. Title read. Considered.

The Standing Committee amendment, AM0145, printed separately and referred to on page 712, First Session, 2001, was considered.

Senator Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers offered the following amendment to the Standing Committee amendment:

FA871

Amend AM0145

Page 3, line 23 strike "were" and insert "are"

Senators Beutler, Raikes, Brashear, and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Pending.

² Art. VIII, § 2 of the Nebraska Constitution, cited by the court in Crete Mills, still allows the Legislature to exempt property owned by agricultural and horticultural societies from taxation when "such property is not owned or used for financial gain or profit to either the owner or user."

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 1223. Placed on General File.

LEGISLATIVE BILL 150. Placed on General File as amended.
Standing Committee amendment to LB 150:
AM2887

- 1 1. Strike original section 1 and insert the following
- 2 new section:
- 3 "Section 1. Section 28-318, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 28-318. As used in sections 28-317 to 28-321, unless the
- 6 context otherwise requires:
- 7 (1) Actor means a person accused of sexual assault;
- 8 (2) Intimate parts means the genital area, groin, inner
- 9 thighs, buttocks, or breasts;
- 10 (3) Past sexual behavior means sexual behavior other than
- 11 the sexual behavior upon which the sexual assault is alleged;
- 12 (4) Serious personal injury means great bodily injury or
- 13 disfigurement, extreme mental anguish or mental trauma, pregnancy,
- 14 disease, or loss or impairment of a sexual or reproductive organ;
- 15 (5) Sexual contact means the intentional touching of the
- 16 victim's sexual or intimate parts or the intentional touching of
- 17 the victim's clothing covering the immediate area of the victim's
- 18 sexual or intimate parts. Sexual contact ~~shall also mean~~ also
- 19 means the touching by the victim of the actor's sexual or intimate
- 20 parts or the clothing covering the immediate area of the actor's
- 21 sexual or intimate parts when such touching is intentionally caused
- 22 by the actor. Sexual contact ~~shall include~~ includes only such
- 23 conduct which can be reasonably construed as being for the purpose
- 24 of sexual arousal or gratification of either party;
- 1 (6) Sexual penetration means sexual intercourse in its
- 2 ordinary meaning, cunnilingus, fellatio, anal intercourse, or any
- 3 intrusion, however slight, of any part of the actor's or victim's
- 4 body or any object manipulated by the actor into the genital or
- 5 anal openings of the victim's body which can be reasonably
- 6 construed as being for nonmedical or nonhealth purposes. Sexual
- 7 penetration ~~shall~~ does not require emission of semen;
- 8 (7) Victim means the person alleging to have been
- 9 sexually assaulted;
- 10 (8) Without consent means:
- 11 (a)(i)(A) ~~(a)(i)~~ The victim was compelled to submit due
- 12 to the use of force or threat of force or coercion, or ~~(ii)~~ (B) the
- 13 victim expressed a lack of consent through words, or ~~(iii)~~ (C) the
- 14 victim expressed a lack of consent through conduct, or ~~(iv)~~ (D) the
- 15 consent, if any was actually given, was the result of the actor's
- 16 deception as to the identity of the actor or the nature or purpose
- 17 of the act on the part of the actor;

- 18 ~~(ii) (b)~~ The victim need only resist, either verbally or
 19 physically, so as to make the victim's refusal to consent genuine
 20 and real and so as to reasonably make known to the actor the
 21 victim's refusal to consent; and
 22 ~~(iii) (c)~~ A victim need not resist verbally or physically
 23 where it would be useless or futile to do so; or
 24 (b) The victim, without his or her knowledge, was
 25 rendered mentally incapacitated or physically helpless by being
 26 placed under the influence of a controlled substance, a controlled
 27 substance analogue, or other intoxicating substance; and
 1 (9) Force or threat of force means (a) the use of
 2 physical force which overcomes the victim's resistance or (b) the
 3 threat of physical force, express or implied, against the victim or
 4 a third person that places the victim in fear of death or in fear
 5 of serious personal injury to the victim or a third person where
 6 the victim reasonably believes that the actor has the present or
 7 future ability to execute the threat."

LEGISLATIVE BILL 1265. Placed on General File as amended.
 Standing Committee amendment to LB 1265:
 AM2898

- 1 1. Strike the original sections and insert the following
 2 new sections:
 3 "Section 1. Section 76-239.01, Reissue Revised Statutes
 4 of Nebraska, is amended to read:
 5 76-239.01. (1) Any person, firm, or corporation lending
 6 money for the purpose of financing the construction of improvements
 7 on real property, to be secured by a mortgage filed of record, is
 8 hereby required, before the disbursement of any proceeds under such
 9 loan, to notify the borrower in writing, separate from any written
 10 application, mortgage note, or any other loan document between the
 11 lender and the borrower, that it is the responsibility of the
 12 borrower or the borrower's contractor, if disbursements are to be
 13 made to such contractor, to apply the loan proceeds to the payment
 14 of lawful claims for labor and material furnished for such
 15 improvements and that failure of the borrower or his contractor to
 16 pay all lawful claims for labor and material could result in the
 17 filing of construction liens against the property. It shall be the
 18 duty of the contractor to whom any such disbursement is made to
 19 make such application of the loan proceeds.
 20 (2) A subcontractor and material supplier may request
 21 from the contractor or the borrower and the contractor or borrower
 22 shall supply a list of the dates on which loan proceeds or funds of
 23 the borrower are disbursed for lawful claims for labor and material
 24 furnished for improvements on real property pursuant to subsection
 1 (1) of this section.
 2 Sec. 2. For purposes of sections 3 to 5 of this act,
 3 construction contract means a written or oral agreement for the
 4 construction, alteration, repair, maintenance, moving, or

- 5 demolition of any building, structure, or improvement to land.
 6 Sec. 3. Notwithstanding any contractual provision to the
 7 contrary, construction contracts for improvements to real property
 8 located in Nebraska that provide for the resolution of disputes by
 9 suit, arbitration, or other proceeding shall require any suit,
 10 arbitration, or other proceeding to be brought in Nebraska and
 11 governed by the laws of Nebraska.
 12 Sec. 4. A provision, covenant, clause, or understanding
 13 collateral to or affecting a construction contract stating that a
 14 party to a construction contract cannot suspend performance under
 15 the construction contract if another party fails to make prompt
 16 payments under the construction contract is declared contrary to
 17 public policy and therefor is void and unenforceable.
 18 Sec. 5. In any action brought to collect payments and
 19 interest pursuant to any construction contract, the prevailing
 20 party shall be awarded court costs and reasonable attorney's fees.
 21 Sec. 6. Original section 76-239.01, Reissue Revised
 22 Statutes of Nebraska, is repealed.".

LEGISLATIVE BILL 1287. Placed on General File as amended.
 Standing Committee amendment to LB 1287:
 AM2626

- 1 1. On page 2, line 10, strike "would", show as stricken,
 2 and insert "could"; and in line 14 after "herself" insert "or".

LEGISLATIVE BILL 605. Indefinitely postponed.
LEGISLATIVE BILL 769. Indefinitely postponed.
LEGISLATIVE BILL 895. Indefinitely postponed.
LEGISLATIVE BILL 974. Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

Revenue

LEGISLATIVE BILL 928. Placed on General File.

LEGISLATIVE BILL 1232. Placed on General File as amended.
 Standing Committee amendment to LB 1232:
 AM2972

- 1 1. Strike the original sections and insert the following
 2 new sections:
 3 "Section 1. Section 77-1380, Revised Statutes
 4 Supplement, 2000, is amended to read:
 5 77-1380. (1) For each land manual area there is created
 6 an agricultural and horticultural land valuation board. Each
 7 county in a land manual area shall appoint one person to serve on
 8 the board. The appointment shall be made by the county board for a
 9 term of four years commencing on the second Tuesday after the first
 10 Thursday in January. Vacancies occurring during a term shall be

11 filled by appointment by the county board of the county from which
 12 the vacancy occurred for the unexpired term. Upon expiration of a
 13 term of office, a member shall continue to serve until his or her
 14 successor has been appointed. Members shall serve without
 15 compensation but shall be entitled to the actual and necessary
 16 expenses incurred in the performance of their duties.

17 Reimbursement for mileage shall be as provided in section 23-1112.

18 (2) After reasonable notice and hearing, members of an
 19 agricultural and horticultural land valuation board may be removed
 20 by the Tax Equalization and Review Commission for inefficiency,
 21 neglect of duty, misconduct, or incapacity to carry out the duties
 22 of a board member.

23 (3) ~~On the first Monday~~ During the first ten days of

24 February each year, each board shall meet and elect a chairperson,

1 vice-chairperson, and secretary from its members. A majority of

2 the members of a board shall constitute a quorum for the

3 transaction of business. All actions of a board shall require the

4 assenting vote of a majority of the members except adjournment. A

5 board shall keep records of its proceedings and any proceedings in

6 court arising out of or founded upon any board action pursuant to

7 section 77-1381. On or before February 15 each year, each

8 chairperson shall issue a written order to all county assessors

9 within the land manual area to report data on the assessed

10 valuations of agricultural and horticultural land, level of value,

11 and any other information deemed appropriate for the board to

12 perform its duties. No order from the chairperson shall require

13 the county assessor to provide the requested data before March 20

14 or after April 1. Copies of all reports received by the

15 chairperson in response to his or her order shall be transmitted to

16 all members of the board upon receipt, but not later than five days

17 prior to any meeting of the board held after April 1.

18 (4) Prior to any meeting of the board held after April 1,

19 members of the board may transmit to the chairperson for referral

20 to the other members of the board any proposals for action to be

21 taken pursuant to the authority granted to the board by subsections

22 (3) and (4) of section 77-1381.

23 Sec. 2. Original section 77-1380, Revised Statutes

24 Supplement, 2000, is repealed."

LEGISLATIVE BILL 1242. Placed on General File as amended.

Standing Committee amendment to LB 1242:

AM2973

1 1. Strike original section 9 and insert the following

2 new section:

3 "Sec. 9. The changes made to sections 77-2003,

4 77-2008.01, 77-2014, 77-2017, 77-2018, 77-2018.02, 77-2018.07, and

5 77-2032 by this legislative bill apply to decedents whose death

6 occurs on or after January 1, 2003."

7 2. On page 9, line 12, after "collected" insert ", plus

8 interest earned on the fund," and strike beginning with "For" in
9 line 15 through line 20.

(Signed) William R. Wickersham, Chairperson

Natural Resources

LEGISLATIVE BILL 936. Placed on General File as amended.
Standing Committee amendment to LB 936:
AM2965

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. The Legislature declares that:
- 4 (1) In order to protect the watercourses and bodies of
- 5 water of the state, under requirements and mandates of state and
- 6 federal law relating to storm water management programs, and to
- 7 meet local storm water needs, certain municipalities, counties, and
- 8 natural resources districts are responsible to develop and
- 9 implement storm water management programs; and
- 10 (2) The costs to implement storm water management
- 11 programs are significant, current funding sources and methods may
- 12 be inadequate, and authority is necessary to develop a system of
- 13 charges which may be imposed to carry out the storm water
- 14 management programs. Charges collected shall be used only for
- 15 storm water management programs.
- 16 Sec. 2. For purposes of sections 1 to 13 of this act,
- 17 the definitions found in sections 3 to 7 of this act shall be used.
- 18 Sec. 3. Agricultural and horticultural land means
- 19 agricultural and horticultural lands as defined in section 77-1359.
- 20 Sec. 4. Impervious surface area means the plane area of
- 21 a parcel of real property which exhibits a comparatively low rate
- 22 of absorption of storm water or a high rate of runoff per unit of
- 23 surface area.
- 24 Sec. 5. Municipality means any city of the first class
- 1 which is required to have a storm water management program, any
- 2 city of the primary class, or any city of the metropolitan class.
- 3 Sec. 6. Process of development means grading and other
- 4 activities performed in preparation for residential, commercial, or
- 5 industrial uses.
- 6 Sec. 7. Storm water management programs means those
- 7 programs, practices, and projects necessary to meet (1) state and
- 8 federal requirements and mandates and (2) locally established needs
- 9 and priorities for surface water quality and quantity.
- 10 Sec. 8. Each municipality shall, by resolution of its
- 11 governing body, establish storm water management programs in any
- 12 area within its corporate limits and within its zoning
- 13 jurisdiction. For the purpose of funding capital improvements and
- 14 paying the operational costs of storm water management programs,
- 15 the municipality may establish a system of charges against all land

16 within such areas including, with the consent of the governing body
17 of a county, any area within such municipality's zoning
18 jurisdiction, to be paid for storm water management programs as
19 authorized by sections 18-503 and 18-509. The system of charges to
20 be paid for storm water management programs shall be as established
21 by a separate resolution of the governing body of the municipality.
22 Such charges shall be proportionate to the storm water contribution
23 and based upon sound engineering principles and may include factors
24 such as impervious surface area and land uses. Such charges shall
25 be collected in the same manner as municipality property taxes, or
26 in such other manner as determined appropriate by the governing
27 body, and shall not be deemed to constitute special benefit
1 assessments.

2 Sec. 9. A natural resources district containing a
3 municipality, by resolution of its board of directors, may
4 establish and implement storm water management programs in any area
5 within the district. For the purpose of funding capital
6 improvements and paying the operational costs of storm water
7 management programs within such areas, a district, by resolution of
8 its board of directors, may establish a system of charges against
9 all land within such areas, including, with the consent of the
10 governing body of a municipality or of a county containing a
11 municipality, any area within such county or within such
12 municipality or its zoning jurisdiction, and may issue revenue
13 bonds repayable from the proceeds of such charges, all upon such
14 terms as the board of directors may determine reasonable. Such
15 charges shall be proportionate to the storm water contribution and
16 based upon sound engineering principles and may include factors
17 such as impervious surface area and land uses. Such charges shall
18 be collected in the same manner as district property taxes, or in
19 such other manner as determined appropriate by the board of
20 directors, and shall not be deemed to constitute special benefit
21 assessments.

22 Sec. 10. A county containing a municipality, by
23 resolution of its county board, may establish and implement storm
24 water management programs in any area within the county. For the
25 purpose of funding capital improvements and paying the operational
26 costs of storm water management programs within such areas, a
27 county, by resolution of its governing board, may establish a
1 system of charges against all land within such areas, including,
2 with the consent of the governing body of a municipality, any area
3 within such municipality or within its zoning jurisdiction, and may
4 issue revenue bonds repayable from the proceeds of such charges,
5 all upon such terms as the board may determine reasonable. Such
6 charges shall be proportionate to the storm water contribution and
7 based upon sound engineering principles and may include factors
8 such as impervious surface area and land uses. Such charges shall
9 be collected in the same manner as county property taxes, or in
10 such other manner as determined appropriate by the county board,

11 and shall not be deemed to constitute special benefit assessments.
12 Sec. 11. The plan and budget for the operational costs
13 and capital improvements that comprise a storm water management
14 program shall be prepared on an annual basis. Each municipality,
15 county, and natural resources district shall hold a public hearing
16 prior to: (1) Approving the annual operating budget and capital
17 improvements program; (2) adopting storm water management program
18 charges; and (3) amending such charges. A municipality, county, or
19 natural resources district shall not impose storm water management
20 program charges for any period against land that is subject to
21 similar charges imposed by another such entity for such period.

22 Sec. 12. The powers granted by sections 8 to 13 of this
23 act are independent of and in addition to all other grants of
24 powers on the same or related subjects, but may be exercised
25 jointly with other governmental agencies by entering into an
26 agreement pursuant to the Interlocal Cooperation Act or
27 supplemented by the powers granted by any existing law. Nothing in
1 such sections shall be construed as limiting the powers of sanitary
2 and improvement districts relating to matters of drainage as
3 provided for in the laws governing sanitary and improvement
4 districts.

5 Sec. 13. A municipality, county, or natural resources
6 district shall adopt procedures for exemption of agricultural and
7 horticultural lands that are not in the process of development from
8 storm water management program charges.

9 Sec. 14. Section 2-1575, Revised Statutes Supplement,
10 2000, is amended to read:
11 2-1575. Sections 2-1575 to 2-1585 and section 16 of this
12 act shall be known and may be cited as the Nebraska Soil and Water
13 Conservation Act.

14 Sec. 15. Section 2-1576, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 2-1576. The Legislature recognizes and hereby declares
17 that it is the public policy of this state to properly conserve,
18 protect, and utilize the water and related land resources of the
19 state, to better utilize surface waters and available
20 precipitation, to encourage ground water recharge to protect the
21 state's dwindling ground water supply, to protect the quality of
22 surface water and ground water resources, and to reduce soil
23 erosion and sediment damages. The Legislature further declares
24 that it is in the public interest of this state to financially
25 assist in encouraging water and related land resource conservation
26 and protection measures on privately owned ~~agricultural,~~
27 ~~horticultural,~~ or ~~silvicultural~~ land and that this will produce
1 long-term benefits for the general public.

2 Sec. 16. ~~Payments may be made from the Nebraska Soil and~~
3 ~~Water Conservation Fund to owners of private land which is being~~
4 ~~converted to urban use for the purpose of controlling erosion and~~
5 ~~sediment loss from construction and development. As a condition~~

6 for receiving any funds pursuant to this section, the landowner
7 shall agree in writing that the erosion and sediment control
8 practices will be installed prior to the land-disturbing activity,
9 when possible, and that the practices will be adequately maintained
10 or replaced at the landowner's expense until ninety-five percent of
11 the site is permanently stabilized. Payments made pursuant to this
12 section shall be in accordance with and conditional upon such terms
13 as are established by the commission. Such terms may be different
14 from those established by section 2-1579 for payments relating to
15 other types of projects and practices.

16 Sec. 17. Section 18-503, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 18-503. The governing body of ~~such~~ a municipality may
19 make all necessary rules and regulations governing the use,
20 operation, and control ~~thereof of a disposal plant and sewerage~~
21 system, including any storm sewer system, pursuant to section
22 18-501. The governing body may establish just and equitable rates
23 or charges to be paid to it for the use of such disposal plant and
24 sewerage system, including any storm sewer system, by each person,
25 firm, or corporation whose premises are served thereby. If the
26 service charge so established is not paid when due, such sum may be
27 recovered by the municipality in a civil action, or it may be
1 certified to the tax assessor and assessed against the premises
2 served, and collected or returned in the same manner, as other
3 municipal taxes are certified, assessed, collected, and returned.
4 Charges to be paid for use of a storm sewer system shall be
5 proportionate to the storm water contribution and based upon sound
6 engineering principles and may include factors such as impervious
7 land surfaces and land uses.

8 Sec. 18. Section 18-509, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 18-509. (1) The mayor and city council of any city or
11 the board of trustees of any village, in addition to other sources
12 of revenue available to the city or village, may by ordinance set
13 up a rental or use charge, to be collected from users of any system
14 of sewerage, including any storm sewer system, and provide methods
15 for collection thereof. The charges shall be charged to each
16 property served by the sewerage system or storm sewer system, shall
17 be a lien upon the property served, and may be collected either
18 from the owner or the person, firm, or corporation requesting the
19 service. Charges to be paid for use of a storm sewer system shall
20 be based upon sound engineering principles and may include factors
21 such as impervious surface areas and land uses.

22 (2) All money raised from the charges, referred to in
23 subsection (1) of this section, shall be used for maintenance or
24 operation of the existing system, for payment of principal and
25 interest on bonds issued as is provided for in section 17-925,
26 18-502, 18-506, or 19-1305, or to create a reserve fund for the
27 purpose of future maintenance or construction of a new sewer system

1 for the city or village or to develop and implement storm water
 2 management programs. Any funds raised from this charge shall be
 3 placed in a separate fund or funds based on the source of such
 4 funds and not be used for any other purpose or diverted to any
 5 other fund.

6 Sec. 19. If any section in this act or any part of any
 7 section is declared invalid or unconstitutional, the declaration
 8 shall not affect the validity or constitutionality of the remaining
 9 portions.

10 Sec. 20. Original sections 2-1576, 18-503, and 18-509,
 11 Reissue Revised Statutes of Nebraska, and section 2-1575, Revised
 12 Statutes Supplement, 2000, are repealed.".

LEGISLATIVE BILL 937. Indefinitely postponed.

LEGISLATIVE BILL 938. Indefinitely postponed.

(Signed) Ed Schrock, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1309. Introduced by Speaker Kristensen, 37; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2001, LB 24A, section 1; Laws 2001, LB 152A, section 1; Laws 2001, LB 244A, section 1; Laws 2001, LB 313A, section 1; Laws 2001, LB 329A, section 1; Laws 2001, LB 335A, section 1; Laws 2001, LB 468A, section 2; Laws 2001, LB 542, section 9; Laws 2001, LB 542, sections 34, 38, 40, 43, 44, 48, 51, and 57; Laws 2001, LB 543, sections 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 24, 25, 26, 29, 31, 33, 34, 37, 38, 39, 40, 44, 48, 49, 51, 53, 57, 58, 59, 68, 69, 70, 71, 72, 73, 75, 80, 81, 82, 83, 84, 95, 96, 97, 102, 103, 105, 109, 110, 113, 118, 123, 124, 125, 127, 128, 130, 131, 136, 137, 142, 143, 144, 145, 146, 147, 149, 150, 151, 154, 159, 161, 162, 163, 166, 167, 168, 169, 170, 171, 172, 177, 189, 190, 191, 192, 193, 197, 198, 199, 200, 201, 202, 203, 204, 207, 209, 210, 213, 214, 215, 216, 217, 219, 220, 221, 222, 223, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 239, 241, 242, 244, 247, 252, 255, 258, 259, 261, 262, and 268; Laws 2001, LB 640A, sections 1, 2, 3, and 4; Laws 2001, LB 659A, section 1; Laws 2001, LB 666A, section 1; and Laws 2001, LB 772A, section 1; as amended by sections 7 to 17, 19 to 23, and 25 to 165, respectively, Legislative Bill 1, Ninety-seventh Legislature, First Special Session, 2001; Laws 2001, LB 542, sections 8, 10, 11, 29, 30, 31, 32, 33, 36, 39, 41, 46, 50, 54, and 55; and Laws 2001, LB 543, sections 46, 60, 88, 90, 98, 99, 100, 101, 104, 112, 114, 115, 134, 135, 165, 175, 176, 186, 238, 240, and 250; and sections 18 and 24, Legislative Bill 1, Ninety-seventh Legislature, First Special Session, 2001; to define terms; to change certain appropriations as prescribed; to change certain transfers; to

repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 1310. Introduced by Speaker Kristensen, 37; at the request of the Governor.

A BILL FOR AN ACT relating to funds; to amend sections 48-1,116, 60-1409, and 81-1188, Reissue Revised Statutes of Nebraska, section 71-5714, Revised Statutes Supplement, 2000, section 84-612, Revised Statutes Supplement, 2001, and section 9-812, Revised Statutes Supplement, 2001, as amended by section 1, Legislative Bill 3, Ninety-seventh Legislature, First Special Session, 2001; to provide for interfund transfers; to change provisions relating to the use of funds; to harmonize provisions; to repeal the original sections; and to declare an emergency.

MESSAGE FROM THE GOVERNOR

February 28, 2002

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

Dear Mr. President and Senators:

On January 15, 2002, I presented Mid-Biennium Budget Adjustments for the 2001-2003 budget biennium to address \$29.8 million in various State agency requests for supplemental General Fund appropriations and to begin to address the \$50 million budget imbalance remaining after the 2001 special session. My recommendations reduced this budget imbalance to \$27.5 million. At that time we agreed that further budget actions should await the next official review of tax receipt forecasts by the Economic Forecasting Advisory Board on February 22, 2002.

In the meantime the Nebraska Department of Education certified TEEOSA school aid for FY03 at an amount approximately \$20 million higher than the previous estimate. This certification effectively reestablished the budget imbalance at approximately \$47.5 million based upon my January 15, 2002, recommendations. This last Friday, February 22, 2002, the Economic Forecasting Advisory Board lowered the estimate of net General Fund receipts for the current 2001-2003 biennium by approximately \$133 million causing the budget imbalance to now exceed \$180 million.

When the Economic Forecasting Advisory Board lowered receipts in October 2001 I wasted no time in advancing my recommendations to make immediate reductions to the State budget and to cause other necessary budget changes to address the projected downturn in tax receipts. The Legislature also responded diligently to this difficult fiscal situation. Today, I am promptly advancing my additional recommendations to further reduce General Fund spending and to support limited revenue measures to address

this difficult fiscal situation.

I continue to believe that we must first focus our efforts on reducing General Fund spending. I am recommending an additional \$78.6 million in reductions to General Fund spending for FY02 and FY03. There has been much argument that during difficult fiscal times business tax incentives should be reduced not unlike the budgets of the various State agencies. My recommendations include a recovery of business tax incentive credits used that will address \$23.2 million of our budget imbalance during FY02 and FY03. I have also indicated my support for a fifty cent increase in the cigarette tax which provides \$43.2 million in FY03. An annual allocation of \$7.0 million for smoking prevention and control and \$5.0 million for children's health care should be made from these funds beginning in FY04. I am also recommending additional transfers of cash fund balances to the General Fund of \$13.1 million and a temporary cash reserve fund transfer. My recommendations eliminate the budget imbalance and provide for an ending biennial balance \$1.0 million greater than the minimum reserve requirement.

In January I encouraged the Legislature to focus on the many significant policy matters requiring your attention. These past thirty days you have in fact addressed serious policy issues. I applaud your efforts. These next thirty days you will focus much of your attention to the resolution of the budget difficulties that result from the slowing of economic growth and the demand to finance a growing government.

I remain opposed to an increase in the sales and income tax rates. Today our citizenry continues to be challenged by our recent difficult economic conditions and we must continue to focus first on budget actions that avoid a demand by State government for more of their personal resources.

I understand the difficult work ahead for the Legislature, and as always, remain available to work with you to resolve this important fiscal challenge.

Sincerely,
(Signed) Mike Johanns
Governor

(Enclosure attached and is on file in the Clerk's Office - Room 2018.)

AMENDMENT - Print in Journal

Senator Hartnett filed the following amendment to LB 1240:
AM2958

- 1 1. On page 10, strike lines 8 through 10 and insert
- 2 "(b) Such transfer of funds shall be subject to any
- 3 obligations lawfully entered into by the governing board of the
- 4 county or the committee by contract or agreement prior to the date
- 5 of the transfer. Any entity which has received funds from the
- 6 county raised through the taxes provided for in the act in each of
- 7 the two fiscal years immediately preceding the transfer shall, in
- 8 the first full fiscal year of the city's administration of the
- 9 program, receive from the city from such taxes not less than the

10 average annual amount granted to the entity in that two-year 11 period."

GENERAL FILE

LEGISLATIVE BILL 470. Senator Chambers offered the following amendment to the Standing Committee amendment:

FA872

Amend AM0145

Page 7, in lines 1-4 strike the new language and reinstate the stricken language.

Senator Aguilar asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER KRISTENSEN PRESIDING

Pending.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 298 and 299 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 298 and 299.

GENERAL FILE

LEGISLATIVE BILL 470. The Chambers pending amendment, FA872, found in this day's Journal, to the Standing Committee amendment, was renewed.

Senator Vrtiska moved the previous question. The question is, "Shall the debate now close?"

Senator Vrtiska moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Senator Chambers requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 34:

| | | | | |
|----------|------------|--------------|----------|------------|
| Aguilar | Coordsen | Hudkins | Preister | Suttle |
| Bourne | Cudaback | Janssen | Price | Synowiecki |
| Bromm | Cunningham | Jones | Redfield | Thompson |
| Bruning | Dierks | Kremer | Robak | Tyson |
| Burling | Engel | Kruse | Schrock | Vrtiska |
| Byars | Erdman | McDonald | Smith | Wehrbein |
| Connealy | Foley | Pederson, D. | Stuhr | |

Voting in the negative, 5:

Chambers Kristensen Raikes Schimek Wickersham

Present and not voting, 3:

Baker Hartnett Maxwell

Absent and not voting, 2:

Jensen Landis

Excused and not voting, 5:

Beutler Brashear Brown Pedersen, Dw. Quandahl

The motion to cease debate prevailed with 34 ayes, 5 nays, 3 present and not voting, 2 absent and not voting, and 5 excused and not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 4:

Coordsen Hartnett Redfield Wickersham

Voting in the negative, 28:

| | | | | |
|---------|------------|----------|---------|----------|
| Aguilar | Connealy | Hudkins | Price | Thompson |
| Baker | Cunningham | Jones | Robak | Tyson |
| Bromm | Dierks | Kremer | Schrock | Vrtiska |
| Bruning | Engel | Kruse | Smith | Wehrbein |
| Burling | Erdman | McDonald | Stuhr | |
| Byars | Foley | Preister | Suttle | |

Present and not voting, 10:

Bourne Cudaback Kristensen Pederson, D. Schimek
Chambers Janssen Maxwell Raikes Synowiecki

Absent and not voting, 2:

Jensen Landis

Excused and not voting, 5:

Beutler Brashear Brown Pedersen, Dw. Quandahl

The Chambers amendment lost with 4 ayes, 28 nays, 10 present and not voting, 2 absent and not voting, and 5 excused and not voting.

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1290A. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1290, Ninety-seventh Legislature, Second Session, 2002; and to declare an emergency.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative bills:

| LB/LR | Committee |
|--------------|------------------|
| LB 1309 | Appropriations |
| LB 1310 | Appropriations |

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

AMENDMENTS - Print in Journal

Senator Beutler filed the following amendment to LB 935:
AM2979

- 1 1. On page 3, line 5, strike "so that" and insert "and
- 2 counted if".

Senator Hartnett filed the following amendment to LB 994:
AM2984

(Amendments to Standing Committee amendments, AM2625)

- 1 1. Insert the following new section:
- 2 "Sec. 16. Section 77-1380, Revised Statutes Supplement,
- 3 2000, is amended to read:
- 4 77-1380. (1) For each land manual area there is created
- 5 an agricultural and horticultural land valuation board. Each
- 6 county in a land manual area shall appoint one person to serve on
- 7 the board. The appointment shall be made by the county board for a
- 8 term of four years commencing on the second Tuesday after the first
- 9 Thursday in January. Vacancies occurring during a term shall be
- 10 filled by appointment by the county board of the county from which
- 11 the vacancy occurred for the unexpired term. Upon expiration of a
- 12 term of office, a member shall continue to serve until his or her
- 13 successor has been appointed. Members shall serve without
- 14 compensation but shall be entitled to the actual and necessary
- 15 expenses incurred in the performance of their duties.
- 16 Reimbursement for mileage shall be as provided in section 23-1112.

17 (2) After reasonable notice and hearing, members of an
 18 agricultural and horticultural land valuation board may be removed
 19 by the Tax Equalization and Review Commission for inefficiency,
 20 neglect of duty, misconduct, or incapacity to carry out the duties
 21 of a board member.

22 (3) On the first Monday of February each year, each board
 23 shall meet and elect a chairperson, vice-chairperson, and secretary
 1 from its members. A majority of the members of a board shall
 2 constitute a quorum for the transaction of business. All actions
 3 of a board shall require the assenting vote of a majority of the
 4 members except adjournment. A board shall keep records of its
 5 proceedings and any proceedings in court arising out of or founded
 6 upon any board action pursuant to section 77-1381. On or before
 7 February 15 each year, each chairperson shall issue a written order
 8 to all county assessors within the land manual area to report data
 9 on the assessed valuations, level of value, and any other
 10 information deemed appropriate for the board to perform its duties.
 11 No order from the chairperson shall require the county assessor to
 12 provide the requested data before March 20 or after April 1.
 13 Copies of all reports received by the chairperson in response to
 14 his or her order shall be transmitted to all members of the board
 15 upon receipt, but not later than five days prior to any meeting of
 16 the board held after April 1.

17 (4) Prior to any meeting of the board held after April 1,
 18 members of the board may transmit to the chairperson for referral
 19 to the other members of the board any proposals for action to be
 20 taken pursuant to the authority granted to the board by subsections
 21 (3) and (4) of section 77-1381."

22 2. On page 19, line 27, strike "and".

23 3. On page 20, line 1, after the first comma insert "and
 24 77-1380,".

25 4. Renumber the remaining sections accordingly.

MOTION - Print in Journal

Senator Chambers filed the following motion to LB 470:
 Reconsider the vote on FA872 to LB 470.

VISITORS

Visitors to the Chamber were Ramona Thieman from Petersburg; Kerri Peterson from Omaha; 37 elementary students from Eagle; 14 students from Maywood Public School, Maywood, and Medicine Valley Public School, Curtis; and members of the League of Women Voters of Nebraska from across the state.

RECESS

At 12:10 p.m., on a motion by Senator Coordsen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senators Jensen, Dw. Pedersen, and Quandahl who were excused; and Senators Brashear, Brown, Bruning, Dierks, Landis, Price, and Robak who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 58. Senator Coordsen withdrew his pending amendment, FA812, found on page 286.

Senator Smith withdrew his pending amendments, AM2429, FA836, FA837, and AM2545, found on pages 451, 482, and 483.

Senator Smith withdrew his pending motion, found on page 498, to indefinitely postpone.

Senator Coordsen renewed his pending amendment, AM2811, found on page 652.

Senator Aguilar asked unanimous consent to be excused until he returns. No objections. So ordered.

The Coordsen amendment was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 251. E & R amendment, AM7157, found on page 437, was adopted.

Senator Schimek renewed her pending amendment, AM2589, found on page 520.

The Schimek amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 814. E & R amendment, AM7153, found on page 438, was adopted.

SPEAKER KRISTENSEN PRESIDING

Senator Schrock offered the following amendment:

AM2991

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. The Legislature declares that:
- 4 (1) In order to protect the watercourses and bodies of
- 5 water of the state, under requirements and mandates of state and
- 6 federal law relating to storm water management programs, and to
- 7 meet local storm water needs, certain municipalities, counties, and
- 8 natural resources districts are responsible to develop and
- 9 implement storm water management programs; and
- 10 (2) The costs to implement storm water management
- 11 programs are significant, current funding sources and methods may
- 12 be inadequate, and authority is necessary to develop a system of
- 13 charges which may be imposed to carry out the storm water
- 14 management programs. Charges collected shall be used only for
- 15 storm water management programs.
- 16 Sec. 2. For purposes of sections 1 to 13 of this act,
- 17 the definitions found in sections 3 to 7 of this act shall be used.
- 18 Sec. 3. Agricultural and horticultural land means
- 19 agricultural and horticultural lands as defined in section 77-1359.
- 20 Sec. 4. Impervious surface area means the plane area of
- 21 a parcel of real property which exhibits a comparatively low rate
- 22 of absorption of storm water or a high rate of runoff per unit of
- 23 surface area.
- 24 Sec. 5. Municipality means any city of the first class
- 1 which is required by federal law to have a storm water management
- 2 program, any city of the primary class, or any city of the
- 3 metropolitan class.
- 4 Sec. 6. Process of development means grading and other
- 5 activities performed in preparation for residential, commercial, or
- 6 industrial uses.
- 7 Sec. 7. Storm water management programs means those
- 8 programs, practices, and projects necessary to meet (1) state and
- 9 federal requirements and mandates and (2) locally established needs
- 10 and priorities for surface water quality and quantity.
- 11 Sec. 8. Each municipality may, by ordinance of its
- 12 governing body, establish storm water management programs in any
- 13 area within its corporate limits and within its zoning
- 14 jurisdiction. For the purpose of funding capital improvements and
- 15 paying the operational costs of storm water management programs,
- 16 the municipality may establish a system of charges against all land
- 17 within such areas including, with the consent of the governing body
- 18 of a county, any area within such municipality's zoning
- 19 jurisdiction, to be paid for storm water management programs as
- 20 authorized by sections 18-503 and 18-509. The system of charges to
- 21 be paid for storm water management programs shall be as established
- 22 by a separate ordinance of the governing body of the municipality.
- 23 Such ordinance shall provide for an appeals process for aggrieved

24 parties. Such charges shall be proportionate to the storm water
25 contribution and based upon sound engineering principles and may
26 include factors such as impervious surface area and land uses.
27 Such charges shall be collected in the same manner as municipality
1 property taxes, or in such other manner as determined appropriate
2 by the governing body, and shall not be deemed to constitute
3 special benefit assessments.
4 Sec. 9. A natural resources district containing a
5 municipality, by resolution of its board of directors, may
6 establish and implement storm water management programs in any area
7 within the district. For the purpose of funding capital
8 improvements and paying the operational costs of storm water
9 management programs within such areas, a district, by resolution of
10 its board of directors, may establish a system of charges against
11 all land within such areas, including, with the consent of the
12 governing body of a municipality or of a county containing a
13 municipality, any area within such county or within such
14 municipality or its zoning jurisdiction, and may issue revenue
15 bonds repayable from the proceeds of such charges, all upon such
16 terms as the board of directors may determine reasonable. Such
17 charges shall be proportionate to the storm water contribution and
18 based upon sound engineering principles and may include factors
19 such as impervious surface area and land uses. Such charges shall
20 be collected in the same manner as district property taxes, or in
21 such other manner as determined appropriate by the board of
22 directors, and shall not be deemed to constitute special benefit
23 assessments. Such resolution shall provide for an appeals process
24 for aggrieved parties.
25 Sec. 10. A county containing a municipality, by
26 resolution of its county board, may establish and implement storm
27 water management programs in any area within the county. For the
1 purpose of funding capital improvements and paying the operational
2 costs of storm water management programs within such areas, a
3 county, by resolution of its governing board, may establish a
4 system of charges against all land within such areas, including,
5 with the consent of the governing body of a municipality, any area
6 within such municipality or within its zoning jurisdiction, and may
7 issue revenue bonds repayable from the proceeds of such charges,
8 all upon such terms as the board may determine reasonable. Such
9 charges shall be proportionate to the storm water contribution and
10 based upon sound engineering principles and may include factors
11 such as impervious surface area and land uses. Such charges shall
12 be collected in the same manner as county property taxes, or in
13 such other manner as determined appropriate by the county board,
14 and shall not be deemed to constitute special benefit assessments.
15 Such resolution shall provide for an appeals process for aggrieved
16 parties.
17 Sec. 11. The plan and budget for the operational costs
18 and capital improvements that comprise a storm water management

19 program shall be prepared on an annual basis. Each municipality,
20 county, and natural resources district shall hold a public hearing
21 prior to: (1) Approving the annual operating budget and capital
22 improvements program; (2) adopting storm water management program
23 charges; and (3) amending such charges. A municipality, county, or
24 natural resources district shall not impose storm water management
25 program charges for any period against land that is subject to
26 similar charges imposed by another such entity or by a sanitary and
27 improvement district for such period.

1 Sec. 12. The powers granted by sections 8 to 13 of this
2 act are independent of and in addition to all other grants of
3 powers on the same or related subjects, but may be exercised
4 jointly with other governmental agencies by entering into an
5 agreement pursuant to the Interlocal Cooperation Act or
6 supplemented by the powers granted by any existing law. Nothing in
7 such sections shall be construed as limiting the powers of sanitary
8 and improvement districts relating to matters of drainage as
9 provided for in the laws governing sanitary and improvement
10 districts.

11 Sec. 13. A municipality, county, or natural resources
12 district shall adopt procedures for exemption of agricultural and
13 horticultural lands that are in compliance with the Erosion and
14 Sediment Control Act and are not in the process of development from
15 storm water management program charges.

16 Sec. 14. Section 2-1575, Revised Statutes Supplement,
17 2000, is amended to read:
18 2-1575. Sections 2-1575 to 2-1585 and section 16 of this
19 act shall be known and may be cited as the Nebraska Soil and Water
20 Conservation Act.

21 Sec. 15. Section 2-1576, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 2-1576. The Legislature recognizes and hereby declares
24 that it is the public policy of this state to properly conserve,
25 protect, and utilize the water and related land resources of the
26 state, to better utilize surface waters and available
27 precipitation, to encourage ground water recharge to protect the
1 state's dwindling ground water supply, to protect the quality of
2 surface water and ground water resources, and to reduce soil
3 erosion and sediment damages. The Legislature further declares
4 that it is in the public interest of this state to financially
5 assist in encouraging water and related land resource conservation
6 and protection measures on privately owned ~~agricultural,~~
7 ~~horticultural,~~ or ~~silvicultural~~ land and that this will produce
8 long-term benefits for the general public.

9 Sec. 16. Payments may be made from the Nebraska Soil and
10 Water Conservation Fund to owners of private land which is being
11 converted to urban use for the purpose of controlling erosion and
12 sediment loss from construction and development. As a condition
13 for receiving any funds pursuant to this section, the landowner

14 shall agree in writing that the erosion and sediment control
15 practices will be installed prior to the land-disturbing activity,
16 when possible, and that the practices will be adequately maintained
17 or replaced at the landowner's expense until ninety-five percent of
18 the site is permanently stabilized. Payments made pursuant to this
19 section shall be in accordance with and conditional upon such terms
20 as are established by the commission. Such terms may be different
21 from those established by section 2-1579 for payments relating to
22 other types of projects and practices.

23 Sec. 17. Section 18-503, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 18-503. The governing body of ~~such~~ a municipality may
26 make all necessary rules and regulations governing the use,
27 operation, and control ~~thereof~~ of a disposal plant and sewerage
1 system, including any storm sewer system, pursuant to section
2 18-501. The governing body may establish just and equitable rates
3 or charges to be paid to it for the use of such disposal plant and
4 sewerage system, including any storm sewer system, by each person,
5 firm, or corporation whose premises are served thereby. If the
6 service charge so established is not paid when due, such sum may be
7 recovered by the municipality in a civil action, or it may be
8 certified to the tax assessor and assessed against the premises
9 served, and collected or returned in the same manner, as other
10 municipal taxes are certified, assessed, collected, and returned.
11 Charges to be paid for use of a storm sewer system shall be
12 proportionate to the storm water contribution and based upon sound
13 engineering principles and may include factors such as impervious
14 land surfaces and land uses.

15 Sec. 18. Section 18-509, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 18-509. (1) The mayor and city council of any city or
18 the board of trustees of any village, in addition to other sources
19 of revenue available to the city or village, may by ordinance set
20 up a rental or use charge, to be collected from users of any system
21 of sewerage, including any storm sewer system, and provide methods
22 for collection thereof. The charges shall be charged to each
23 property served by the sewerage system or storm sewer system, shall
24 be a lien upon the property served, and may be collected either
25 from the owner or the person, firm, or corporation requesting the
26 service. Charges to be paid for use of a storm sewer system shall
27 be proportionate to the storm water contribution and based upon
1 sound engineering principles and may include factors such as
2 impervious surface areas and land uses.

3 (2) All money raised from the charges, referred to in
4 subsection (1) of this section, shall be used for maintenance or
5 operation of the existing system, for payment of principal and
6 interest on bonds issued as is provided for in section 17-925,
7 18-502, 18-506, or 19-1305, or to create a reserve fund for the
8 purpose of future maintenance or construction of a new sewer system

9 for the city or village or to develop and implement storm water
10 management programs. Any funds raised from this charge shall be
11 placed in a separate fund or funds based on the source of such
12 funds and not be used for any other purpose or diverted to any
13 other fund.

14 Sec. 19. If any section in this act or any part of any
15 section is declared invalid or unconstitutional, the declaration
16 shall not affect the validity or constitutionality of the remaining
17 portions.

18 Sec. 20. Original sections 2-1576, 18-503, and 18-509,
19 Reissue Revised Statutes of Nebraska, and section 2-1575, Revised
20 Statutes Supplement, 2000, are repealed."

Senator Janssen requested a ruling of the Chair on whether the Schrock amendment is germane to the bill.

The Chair ruled the Schrock amendment is not germane to the bill.

Senator Schrock moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of AM2991.

Senators Jones and Aguilar asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Beutler asked unanimous consent to bracket LB 814 until March 12, 2002. No objections. So ordered.

LEGISLATIVE BILL 235. E & R amendment, AM7155, found on page 438, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 235A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 458. E & R amendment, AM7156, found on page 443, was adopted.

Senator Schrock withdrew his pending amendment, AM2950, found on page 780.

Senator Schrock offered the following amendment:
AM2962

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 46-230, Revised Statutes Supplement,
- 3 2001, is amended to read:
- 4 46-230. As the adjudication of a stream progresses and
- 5 as each claim is finally adjudicated, the director shall make and
- 6 cause to be entered of record in his or her office an order
- 7 determining and establishing the ~~several~~ priorities of right to use

8 the water of such stream, the amount of the appropriation of the
9 several persons claiming water from such stream and the character
10 of use for which each appropriation shall be is found to have been
11 made, and the address of the owner of each water appropriation. It
12 shall be the duty of every owner of an appropriation to give notice
13 to the department of its address and any change of its address or
14 of the name of the owner of the appropriation. Notification shall
15 be in such form and shall include such evidence of ownership as the
16 director may by regulation require. Upon receipt of such notice,
17 the department shall update its records. ~~The department shall~~
18 ~~establish a uniform fee for filing such notices, notices filed~~
19 ~~pursuant to section 76-2,124, and notices filed pursuant to~~
20 ~~subsection (6) of section 46-602. Such fees shall be no higher~~
21 ~~than the amount necessary to cover the costs incurred by the~~
22 ~~department for processing such notices in accordance with this~~
23 ~~section, subsection (6) of section 46-602, and section 76-2,124.~~
24 ~~The fee shall be paid at the time of filing the notice and shall be~~
1 ~~remitted to the State Treasurer for credit to the Department of~~
2 ~~Natural Resources Cash Fund~~ The department shall not collect a fee
3 for the filing of the notice.

4 Sec. 2. Section 46-602, Revised Statutes Supplement,
5 2001, is amended to read:

6 46-602. (1) Each water well completed in this state on
7 or after July 1, 2001, excluding test holes and dewatering wells to
8 be used for less than ninety days, shall be registered with the
9 Department of Natural Resources as provided in this section within
10 sixty days after completion of construction of the water well. The
11 water well contractor as defined in section 46-1213 constructing
12 the water well, or the owner of the water well if the owner
13 constructed the water well, shall file the registration on a form
14 made available by the department and shall also file with the
15 department the information from the well log required pursuant to
16 section 46-1241. The department shall, by January 1, 2002, provide
17 water well contractors with the option of filing such registration
18 forms electronically. No signature shall be required on forms
19 filed electronically. The fee required by section 46-1224 shall be
20 the source of funds for any required fee to a contractor which
21 provides the on-line services for such registration. Any discount
22 in the amount paid the state by a credit card, charge card, or
23 debit card company or a third-party merchant bank for such
24 registration fees shall be deducted from the portion of the
25 registration fee collected pursuant to section 46-1224.

26 (2) If the newly constructed water well is a replacement
27 water well, the registration number of the water well it replaces,
1 if applicable, and the date the original water well was or will be
2 decommissioned shall be included on the registration form. For
3 purposes of this section, replacement water well means a water well
4 which (a) replaces an abandoned water well within three years after
5 the last operation of the abandoned water well or replaces a water

6 well that will not be used after construction of the new water well
7 and the original water well will be abandoned within one year after
8 such construction and (b) is constructed to provide water to the
9 same tract of land served by the water well being replaced. No
10 water well shall be registered as a replacement water well until
11 the department has received a properly completed notice of
12 abandonment for the water well being replaced.

13 (3) For a series of two or more water wells completed and
14 pumped into a common carrier as part of a single site plan for
15 irrigation purposes, a registration form and a detailed site plan
16 shall be filed for each water well. The registration form shall
17 include the registration numbers of other water wells included in
18 the series if such water wells are already registered.

19 (4) A series of water wells completed for purposes of
20 installation of a ground heat exchanger for a structure for
21 utilizing the geothermal properties of the ground shall be
22 considered as one water well. One registration form and a detailed
23 site plan shall be filed for each such series.

24 (5) One registration form shall be required along with a
25 detailed site plan which shows the location of each such water well
26 in the site and a log from each such water well for water wells
27 constructed as part of a single site plan for (a) monitoring ground
1 water, obtaining hydrogeologic information, or extracting
2 contaminants from the ground, (b) water wells constructed as part
3 of remedial action approved by the Department of Environmental
4 Quality pursuant to section 66-1525, 66-1529.02, or 81-15,124, and
5 (c) water well owners who have a permit issued pursuant to the
6 Industrial Ground Water Regulatory Act and also have an underground
7 injection control permit issued by the Department of Environmental
8 Quality.

9 (6) The department shall be notified by the owner of any
10 change in the ownership of a water well required to be registered
11 under this section. Notification shall be in such form and include
12 such evidence of ownership as the Director of Natural Resources by
13 rule and regulation directs. The department shall use such notice
14 to update the registration on file. ~~The department shall establish
15 a uniform fee for filing such notices, notices filed pursuant to
16 section 76-2,124, and notices filed pursuant to section 46-230.
17 Such fees shall be no higher than the amount necessary to cover the
18 costs incurred by the department for processing such notices in
19 accordance with this section and sections 46-230 and 76-2,124. The
20 fee shall be paid at the time of filing the notice and shall be
21 remitted to the State Treasurer for credit to the Department of
22 Natural Resources Cash Fund~~ The department shall not collect a fee
23 for the filing of the notice.

24 (7) The water well contractor or pump installation
25 contractor responsible therefor shall notify the department on a
26 form provided by the department of any pump installation or any
27 modifications to the construction of the water well or pump, after

1 the initial registration of the well. A water well owner shall
2 notify the department on a form provided by the department of any
3 other changes or any inaccuracies in recorded water well
4 information, including, but not limited to, changes in use. ~~The~~
5 ~~fee for filing any such document shall be governed by section~~
6 ~~33-105~~ The department shall not collect a fee for the filing of the
7 notice.

8 (8) Whenever a water well becomes an illegal water well
9 as defined in section 46-656.07, the owner of the water well shall
10 either correct the deficiency that causes the well to be an illegal
11 water well or shall cause the proper decommissioning of the water
12 well in accordance with rules and regulations adopted pursuant to
13 the Water Well Standards and Contractors' Licensing Act. Upon
14 proper decommissioning of any water well, written notice of
15 abandonment shall be provided by the owner to the department within
16 sixty days. The department shall not collect a fee for the filing
17 of the notice.

18 (9) Except for water wells which are used solely for
19 domestic purposes and were constructed before September 9, 1993,
20 and for test holes and dewatering wells used for less than ninety
21 days, each water well which was completed in this state before July
22 1, 2001, and which is not registered on that date shall be an
23 illegal water well until it is registered with the Department of
24 Natural Resources. Such registration shall be completed by a water
25 well contractor or by the current owner of the water well, shall be
26 on forms provided by the department, and shall provide as much of
27 the information required by subsections (1) through (5) of this
1 section for registration of a new water well as is possible at the
2 time of registration.

3 Sec. 3. Section 46-606, Revised Statutes Supplement,
4 2001, is amended to read:

5 46-606. (1) The Director of Natural Resources shall
6 collect in advance a registration fee of thirty dollars and the fee
7 required by section 46-1224 for each water well registered under
8 section 46-602 except as provided in subsections (2) through (5) of
9 this section.

10 (2) For water wells permitted pursuant to the Industrial
11 Ground Water Regulatory Act, the director shall collect in advance
12 a registration fee of thirty dollars and the fee required by
13 section 46-1224 for each of the first ten such water wells
14 registered under section 46-602, and for each group of ten or fewer
15 such water wells registered thereafter, the director shall collect
16 in advance a registration fee of thirty dollars and the fee
17 required by section 46-1224.

18 (3) For a series of water wells completed for purposes of
19 installation of a ground heat exchanger for a structure for
20 utilizing the geothermal properties of the ground, the director
21 shall collect in advance a fee of thirty dollars for each such
22 series and the fee required by section 46-1224.

23 (4) For water wells constructed as part of a single site
24 plan for monitoring ground water, obtaining hydrogeologic
25 information, or extracting contaminants from the ground, the
26 director shall collect in advance a registration fee of thirty
27 dollars and the fee required by section 46-1224 for each of the
1 first five such water wells registered under section 46-602, and
2 for each group of five or fewer such water wells registered
3 thereafter, the director shall collect in advance a registration
4 fee of thirty dollars and the fee required by section 46-1224.
5 However, if such water wells are a part of remedial action approved
6 by the Department of Environmental Quality pursuant to section
7 66-1525, 66-1529.02, or 81-15,124, the fee set pursuant to this
8 subsection shall be collected as if only one water well was being
9 registered and the fee required by section 46-1224 shall be
10 collected.

11 (5)(a) For a series of two or more water wells completed
12 and pumped into a common carrier as part of a single site plan for
13 irrigation purposes, the director shall collect in advance a
14 registration fee of thirty dollars and the fee required by section
15 46-1224 for each of the first two such wells registered under
16 section 46-602.

17 (b) Any additional water wells which are part of a series
18 registered under this subsection shall not be subject to a new well
19 registration fee.

20 (6) The director shall remit the fees collected to the
21 State Treasurer for credit to the appropriate fund. The From the
22 registration fees required by subsections (1) through (5) of this
23 section, the State Treasurer shall credit to the Department of
24 Natural Resources Cash Fund one-half the amount determined by the
25 Department of Natural Resources to be necessary to pay for the
26 costs of notices filed pursuant to section 46-230, the costs of
1 water resources update notices required by section 76-2,124, and
2 the costs for making corrections to water well registration data
3 authorized by subsections (6) and (7) of section 46-602 and shall
4 credit the remainder of the registration fees required by
5 subsections (1) through (5) of this section to the Water Well
6 Decommissioning Fund. From the fees required by section 46-1224,
7 the State Treasurer shall credit to the Department of Natural
8 Resources Cash Fund one-half the amount determined by the
9 Department of Natural Resources to be necessary to pay for the
10 costs of registering such water wells on-line as authorized by
11 subsection (4) of section 46-1224 the notices filed pursuant to
12 section 46-230, the costs of water resources update notices
13 required by section 76-2,124, and the costs for making corrections
14 to water well registration data authorized by subsections (6) and
15 (7) of section 46-602 and shall credit the remainder of the fees
16 required by section 46-1224 to the Water Well Standards and
17 Contractors' Licensing Fund. This subsection terminates on
December 31, 2004.

18 Sec. 8. Section 61-210, Revised Statutes Supplement,
19 2001, is amended to read:

20 61-210. The Department of Natural Resources Cash Fund is
21 created. The State Treasurer shall credit to such fund such money
22 as is specifically appropriated or reappropriated by the
23 Legislature. The State Treasurer shall also credit such fund with
24 payments, if any, accepted for services rendered by the department
25 and fees collected pursuant to subdivision (10) of section 33-105,
26 ~~subsection (6) of section 46-602~~, subsection (6) of section 46-606,
27 ~~sections 46-230, 61-209, and 76-2,124~~ and section 61-209. The
1 funds made available to the Department of Natural Resources by the
2 United States, through the Natural Resources Conservation Service
3 of the Department of Agriculture or through any other agencies,
4 shall be credited to the fund by the State Treasurer. Any money in
5 the fund available for investment shall be invested by the state
6 investment officer pursuant to the Nebraska Capital Expansion Act
7 and the Nebraska State Funds Investment Act. The Department of
8 Natural Resources shall allocate money from the fund to pay costs
9 of the programs or activities of the department. The Director of
10 Administrative Services, upon receipt of proper vouchers approved
11 by the department, shall issue warrants on the fund, and the State
12 Treasurer shall countersign and pay from, but never in excess of,
13 the amounts to the credit of the fund. The State Treasurer shall
14 transfer any money in the Department of Water Resources Cash Fund
15 and in the Nebraska Natural Resources Commission Cash Fund on July
16 1, 2000, to the Department of Natural Resources Cash Fund.

17 Sec. 9. Section 76-2,124, Revised Statutes Supplement,
18 2001, is amended to read:

19 76-2,124. (1) Any person transferring ownership of real
20 property not inside the corporate limits of a municipality shall
21 complete and provide to the transferee, at or before the closing of
22 the transfer, a water resources update notice acknowledging (a)
23 whether any surface water rights issued pursuant to Chapter 46,
24 article 2, and in the name of any party other than an irrigation
25 district, public power and irrigation district, or mutual
26 irrigation company are attached to the real property, ownership of
27 which is being transferred, and (b) whether there are any water
1 wells, except water wells used solely for domestic purposes and
2 constructed prior to September 9, 1993, on the real property,
3 ownership of which is being transferred. If the water resources
4 update notice discloses the existence of such surface water rights
5 or such water wells, the transferee shall complete the water
6 resources update notice and shall file it with the Department of
7 Natural Resources within sixty days after recording the deed or
8 other instrument by which the transfer of ownership of real
9 property is made. The department shall use such notice to update
10 ownership of surface water rights and water well registrations as
11 required by sections 46-230 and 46-602.

12 (2) The department shall prescribe the form and content

13 of the water resources update notice and shall make such forms
 14 available to title insurance companies and other persons as deemed
 15 appropriate by the department. The requirement that a water
 16 resources update notice be filed with the department or the failure
 17 to file such a notice does not affect the recording, legality, or
 18 sufficiency of a deed or other instrument evidencing the transfer
 19 of ownership of real property.

20 (3) The department shall establish a uniform fee which
 21 shall be no higher than the amount necessary to cover costs
 22 incurred by the department for processing not collect a fee for the
 23 filing of the water resources update notices, , notices filed
 24 pursuant to section 46-230, and notices filed pursuant to
 25 subsection (6) of section 46-602. The fee shall be paid at the time
 26 of filing the water resources update notice and shall be remitted.
 27 to the State Treasurer for credit to the Department of Natural
 1 Resources Cash Fund."

2 2. On page 4, line 2, before "are" insert ", and
 3 sections 46-230, 46-602, 46-606, 61-210, and 76-2,124, Revised
 4 Statutes Supplement, 2001,".

5 3. In the Baker amendment, AM2293, on page 10, line 23,
 6 strike "and".

7 4. Renumber the remaining sections accordingly.

The Schrock amendment was adopted with 32 ayes, 0 nays, 9 present and
 not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 385. Senator Beutler moved to indefinitely
 postpone.

Senators Bromm, Burling, and Tyson asked unanimous consent to be
 excused until they return. No objections. So ordered.

Senator Beutler withdrew his motion to indefinitely postpone.

Senator Beutler requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 26 ayes, 1 nay, 12 present and not
 voting, and 10 excused and not voting.

LEGISLATIVE BILL 112. E & R amendment, AM7151, found on page
 443, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 604. Advanced to E & R for engrossment.

LEGISLATIVE BILL 491. Advanced to E & R for engrossment.

LEGISLATIVE BILL 21. E & R amendment, AM7159, found on page 443, was adopted.

Senator Suttle renewed her pending amendment, AM2503, found on page 524.

The Suttle amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 21A. E & R amendment, AM7158, found on page 443, was adopted.

Senator Suttle renewed her pending motion, found on page 524, to indefinitely postpone LB 21A.

The Suttle motion to indefinitely postpone prevailed with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 499. Senator Bromm offered the following amendment:
(Amendment, AM2971, is on file in the Clerk's Office - Room 2018.)

The Bromm amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 616. E & R amendment, AM7160, found on page 444, was adopted.

Senator Connealy renewed his pending amendment, AM2814, found on page 766.

The Connealy amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 547. E & R amendment, AM7161, printed separately and referred to on page 444, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 547A. E & R amendment, AM7162, found on page 444, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 123. Advanced to E & R for engrossment.

LEGISLATIVE BILL 57. E & R amendment, AM7163, found on page 444, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 326. Senator Raikes renewed his pending amendment, AM2943, found on page 770.

Senator McDonald asked unanimous consent to be excused. No objections. So ordered.

The Raikes amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 326A. E & R amendment, AM7164, found on page 553, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 22. E & R amendment, AM7165, found on page 553, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 22A. E & R amendment, AM7166, found on page 554, was adopted.

Senator Suttle offered the following amendment:
AM2990

- 1 1. Strike the original section and all amendments
- 2 thereto and insert the following new section:
- 3 "Section 1. There is hereby appropriated (1) \$5,000 from
- 4 the General Fund for FY2002-03 and (2) \$5,000 from the General Fund
- 5 for FY2003-04 to the Supreme Court, for Program 52, to aid in
- 6 carrying out the provisions of Legislative Bill 22, Ninety-seventh
- 7 Legislature, Second Session, 2002.
- 8 No expenditures for permanent and temporary salaries and
- 9 per diems for state employees shall be made from funds appropriated
- 10 in this section."

The Suttle amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 752. E & R amendment, AM7168, found on page 590, was adopted.

Senator D. Pederson offered the following amendment:

FA873

Amend AM7168

1. Strike all of Section 2
2. Amend Section 3 by inserting the following language:
 Sec 3. Before the testimony of a jail house informer is admissible in court
 the following requirements must be met:"
3. renumber section 1 accordingly.

The D. Pederson amendment was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 188. Senator Chambers withdrew his pending amendments, FA851, FA852, FA853, FA854, FA855, FA856, and FA857, found on page 649.

Senator Chambers withdrew his pending motion, found on page 649, to recommit to committee.

Senator Chambers withdrew his pending motion, found on page 649, to indefinitely postpone.

Senator Chambers withdrew his pending motion, found on page 649, to bracket.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 545. E & R amendment, AM7171, found on page 591, was adopted.

Senator Janssen renewed his pending amendment, AM2749, printed separately and referred to on page 622.

Senator Kremer asked unanimous consent to be excused. No objections. So ordered.

Senator Janssen offered the following amendment to his pending amendment:

AM3014

(Amendments to AM2749)

- 1 1. On page 9, lines 23 and 25; page 45, lines 12 and 13;
 2 page 71, lines 8 and 10; and page 82, lines 17 and 18, after
 3 "mailed" insert "by certified mail".
- 4 2. On page 9, lines 25 and 26; page 13, lines 15 and 16;
 5 page 45, lines 13 and 14; page 49, lines 15 and 16; page 71, lines

6 10 and 11; page 74, lines 14 and 15; page 82, lines 18 and 19; and
7 page 86, lines 23 and 24, strike "of the United States postmarked
8 stamped on the envelope" and insert "the notice is mailed".

9 3. On page 13, line 11; page 49, line 11; page 74, line
10 10; and page 86, line 18, after "writing" insert "by certified
11 mail".

The Janssen amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

The Janssen amendment, AM2749, as amended, was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 719. Advanced to E & R for engrossment.

LEGISLATIVE BILL 176. E & R amendment, AM7170, found on page 593, was adopted.

Senator Hartnett renewed his pending amendment, AM2921, printed separately and referred to on page 766.

The Hartnett amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 301. Introduced by Raikes, 25; Price, 26; Beutler, 28; Foley, 29; Schimek, 27; Hudkins, 21; Byars, 30; Landis, 46.

WHEREAS, on March 2, 2002, at the Bob Devaney Sports Center, the Lincoln Christian Crusaders defeated the Columbus Scotus Central Shamrocks 35-34 and thereby won the title of 2002 Class C-1 Nebraska State High School Girls' Basketball State Champions; and

WHEREAS, in winning this title, the 2001-02 Crusaders made history by bringing Lincoln Christian its first girls' basketball state championship; and

WHEREAS, this achievement is the result of hard work, talent, and dedication by the team members, who were supported in their efforts by the parents, administrators, students, and teachers of Lincoln Christian; and

WHEREAS, the 2001-02 Lincoln Christian High School Crusaders are Lizel Glenn, Lynsey Hertzler, Chrystal Lovelace, Whitney McPherrin, Melissa Nelson, Carley Paulsen, Stephanie Rexilius, Jessica Samuelson, Janelle Sorenson, Megan Wilson, Nicole Wilson, Janae Winner, and Alexis Wismer; the Crusaders' head coach is Nick Orduna; the assistant coaches are Kory Kavan, Scott Erickson, Scott Wilson, and Stephanie Holen; and the team manager is Laura Phelps.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the members of the 2001-02 Lincoln Christian Crusaders girls' basketball team.
2. That a copy of this resolution be presented to the Crusaders' head coach Nick Orduna.

Laid over.

LEGISLATIVE RESOLUTION 302. Introduced by Connealy, 16.

WHEREAS, the team won the 2002 Class C-2 state championship on Saturday, March 2, 2002; and

WHEREAS, the West Point Central Catholic High School Bluejays girls' basketball team defeated Kearney Catholic High School 53-27 to win the championship; and

WHEREAS, the West Point Central Catholic High School Bluejays girls' basketball team tied a defensive Class C-2 state championship record dating from 1986 in allowing its opponent only 27 points in the 2002 championship game; and

WHEREAS, the championship is the result of hard work, talent, and dedication by the team members and coaches, who are supported in their efforts by parents, faculty, staff, and students of West Point Central Catholic High School; and

WHEREAS, 2001-02 West Point Central Catholic High School Bluejays girls' basketball team was led by head coach Dan Ingwersen and assistant coach Kevin Kreikemeier.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the 2001-02 West Point Central Catholic High School Bluejays girls' basketball team and coaches Dan Ingwersen and Kevin Kreikemeier.
2. That a copy of this resolution be sent to West Point Central Catholic High School.

Laid over.

AMENDMENTS - Print in Journal

Senator Smith filed the following amendment to LB 814:
AM2996

(Amendments to AM2991)

- 1 1. On page 7, line 14, after the period insert "In no
- 2 case shall the fee exceed three hundred dollars per year for any
- 3 property owner.".

Senator Erdman filed the following amendment to LB 814:
AM3003

(Amendments to AM2991)

- 1 1. On page 2, strike beginning with "by" in line 11
- 2 through "body" in line 12 and insert "following a majority vote of
- 3 the general public in the next scheduled primary or general
- 4 election in the municipality".
- 5 2. On page 3, line 5, strike "by" through "directors"
- 6 and insert "following a majority vote of the general public in the
- 7 next scheduled primary or general election in the natural resources
- 8 district"; and strike beginning with "by" in line 25 through
- 9 "board" in line 26 and insert "following a majority vote of the
- 10 general public in the next scheduled primary or general election in
- 11 the county".

UNANIMOUS CONSENT - Add Cointroducer

Senator Stuhr asked unanimous consent to have her name added as cointroducer to LB 326. No objections. So ordered.

VISITORS

Visitors to the Chamber were Jozef Bushati, Arben Havari, Edlira Tukaj, and Bahri Musellbelliu from Albania and Dave Lang from Lincoln.

The Doctor of the Day was Dr. Sauer from Lincoln.

ADJOURNMENT

At 4:36 p.m., on a motion by Senator Erdman, the Legislature adjourned until 9:00 a.m., Wednesday, March 6, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FIFTH DAY - MARCH 6, 2002**LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE
SECOND SESSION****THIRTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 6, 2002

PRAYER

The prayer was offered by Senator Dierks.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Vrtiska presiding.

The roll was called and all members were present except Senator Jensen who was excused; and Senators Brown, Coordsen, Foley, Kristensen, Maxwell, Synowiecki, and Wickersham who were excused until they arrive.

SENATOR CUDABACK PRESIDING**CORRECTIONS FOR THE JOURNAL**

Page 794, line 21, after "page 712, " insert "First Session, 2001,".
The Journal for the thirty-fourth day was approved as corrected.

STANDING COMMITTEE REPORTS**Education**

LEGISLATIVE BILL 880. Placed on General File as amended.
(Standing Committee amendment, AM2989, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 1204. Placed on General File as amended.
Standing Committee amendment to LB 1204:
AM2755

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. (1) State aid payments and county tax
- 4 receipts shall be adjusted to reflect transfers of property due to

5 annexation, to any dissolution of a Class I school district, and to
6 any reorganization involving one or more Class I school districts.

7 (2) This section applies whenever:

8 (a) A Class I school district dissolves or reorganizes in
9 such a manner that the parcels of property making up the Class I
10 district prior to the dissolution or reorganization which were
11 affiliated with a Class II, III, IV, or V school district do not
12 become part of the Class II, III, IV, or V school district with
13 which such parcels of property were affiliated; or

14 (b) Property within the boundaries of a Class II, III,
15 IV, V, or VI school district is transferred to another school
16 district due to a change in the school district boundaries in
17 response to annexation of the transferred property by a city or
18 village.

19 (3) To qualify for additional state aid pursuant to this
20 section, the school district from which property is being
21 transferred shall apply on a form prescribed by the State
22 Department of Education on or before August 20 preceding the first
23 school fiscal year for which the property will not be available for
24 taxation for the school district's general fund levy. For purposes
1 of this section, property is deemed transferred from the school
2 district whether the property was within the boundaries of the
3 school district or the property was affiliated with the school
4 district.

5 (4) Upon receipt of the application, the department shall
6 calculate the amount of additional state aid, if any, that the
7 local system, as defined in section 79-1003, for the applicant
8 school district would have received for such school fiscal year if
9 the adjusted valuation for the transferred property had not been
10 included in the adjusted valuation of such local system for the
11 calculation of state aid for such school fiscal year. The
12 department shall notify the applicant school district on or before
13 September 20 of such school fiscal year of the amount of additional
14 state aid, if any, the district will receive. If such high school
15 district receives a lump-sum payment pursuant to subsection (2) of
16 section 79-1022, such lump-sum payment shall be increased by the
17 amount of additional state aid. If such high school district does
18 not receive a lump-sum payment pursuant to such subsection, state
19 aid payments shall be increased by one-tenth of the amount of
20 additional state aid for each of the ten state aid payments for
21 such school fiscal year.

22 (5) An amount equal to the additional state aid
23 calculated pursuant to subsection (4) of this section for the local
24 system of an applicant school district shall be attributed to the
25 local systems receiving valuation in such transfer based upon the
26 ratio of the adjusted valuation received by each local system
1 divided by the total adjusted valuation transferred from the
2 applicant school district. The state aid payments shall be reduced
3 for the high school district of each receiving local system. If

3 such high school district receives a lump-sum payment pursuant to
4 subsection (2) of section 79-1022, such lump-sum payment shall be
5 reduced by the amount attributed to the receiving local system. If
6 the high school district of a receiving local system does not
7 receive a lump-sum payment pursuant to such subsection, state aid
8 payments shall be reduced by one-tenth of the amount attributed to
9 such receiving local system for each of the ten state aid payments
10 for such school fiscal year. If the total reduction is greater
11 than the total state aid payments for such school fiscal year, the
12 remainder shall be transferred from the general fund levy proceeds
13 of such high school district to the applicant school district by
14 the county treasurer of the county in which the high school
15 building having the largest average daily membership of the
16 receiving local system is located. On or before September 20 of
17 such school fiscal year, the department shall notify the high
18 school district of the receiving local system of the amount of the
19 reduction in state aid and of any amount of general fund levy
20 proceeds that will be transferred to the applicant school district.
21 On or before such date, the department shall also direct the county
22 treasurer of the county in which such high school building is
23 located to withhold the amount of general fund levy proceeds that
24 will be transferred to the applicant school district and to
25 transfer such amount to the applicant school district on or before
26 January 1 of such school fiscal year. The county treasurers shall
27 withhold such amount and transfer the funds on or before such date.
1 If such amount is not available to be transferred on January 1, the
2 county treasurers shall continue to withhold the general fund levy
3 proceeds of such high school district of the receiving local system
4 until such amount has been transferred.

5 (6) For the purposes of the final calculation of state
6 aid pursuant to section 79-1065, the adjusted valuation of the
7 property that was transferred shall also be transferred for
8 purposes of adjusted valuation for the final calculation of state
9 aid. For determining adjustments in state aid pursuant to section
10 79-1065, the final calculation of state aid shall be compared to
11 the state aid certified for such school fiscal year combined with
12 any adjustments in state aid payments and transfers from other
13 districts pursuant to this section.

14 Sec. 2. Section 79-475, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 79-475. Whenever an existing school district, or a part
17 thereof, is merged into a Class III or IV school district under the
18 provisions of section 79-407, 79-408, or 79-473, such merger shall
19 be effective on June 1 of the year following the first full school
20 year after such merger.

21 Sec. 3. Section 79-1008.01, Revised Statutes Supplement,
22 2001, is amended to read:

23 79-1008.01. (1) Except as provided in subsection (2) of
24 this section and sections 79-1008.02 to 79-1010, each local system

25 shall receive equalization aid in the amount that the total formula
26 need of each local system, as determined pursuant to sections
27 79-1007.01 and 79-1007.02, exceeds its total formula resources as
1 determined pursuant to sections 79-1015.01 to 79-1018.01.

2 (2) Except as provided in section 79-1008.02, a local
3 system shall not receive state aid for any school fiscal year which
4 is less than an amount equal to the difference of eighty-five
5 percent of the amount of aid certified in the preceding school
6 fiscal year minus an amount equal to any increase in the adjusted
7 valuation between the adjusted valuation used for the certification
8 of aid in the preceding school fiscal year and the adjusted
9 valuation used for the aid being calculated multiplied by the
10 maximum levy, for the school fiscal year for which aid is being
11 certified, pursuant to subdivision (2)(a) of section 77-3442
12 without a vote pursuant to section 77-3444.

13 (3) Except as provided in subsection (2) of this section,
14 no local system may receive equalization aid such that, when total
15 aid is added to a levy of one dollar for state aid to be
16 distributed in school fiscal years 1998-99 and 1999-00 or of ninety
17 cents for state aid to be distributed in school fiscal year 2000-01
18 and each school fiscal year thereafter, multiplied by the local
19 system's adjusted valuation divided by one hundred, would result in
20 total local system revenue from state aid plus property tax
21 receipts which exceeds the total of:

22 (a) State aid plus The sum of state aid, receipts from
23 other school districts related to annexation or pursuant to section
24 1 of this act, and property tax receipts received by the local
25 system during the preceding school fiscal year multiplied by the
26 total of (i) 1.01 plus (ii) the applicable allowable growth rate
27 for the local system calculated pursuant to section 79-1026 as
1 determined for the school fiscal year immediately preceding the
2 school fiscal year when aid is to be distributed plus (iii) the
3 percentage growth in formula students from the certification of
4 state aid for the immediately preceding school fiscal year to the
5 formula students for the certification of state aid for the current
6 school fiscal year, except that the percentage growth shall not be
7 less than zero;

8 (b) Unused budget authority authorized pursuant to
9 section 79-1030;

10 (c) The difference between the other actual receipts
11 included in local system formula resources for the certification of
12 state aid in the preceding school fiscal year and other actual
13 receipts included in local system formula resources for the
14 certification of state aid for the current school fiscal year,
15 except that such difference shall not be less than zero; and

16 (d) The absolute value of any negative prior year
17 adjustment pursuant to section 79-1065.

18 For local systems that have reorganized, state aid,
19 property tax receipts, and number of formula students shall be

20 attributed based on valuation. The revenue from property tax
21 receipts shall be calculated by multiplying the reported general
22 fund common levy by the assessed valuation subject to the levy
23 divided by one hundred.

24 (4) The aid that is not distributed through equalization
25 based on subsection (3) of this section shall be distributed
26 through this subsection. Local systems qualify for distribution
27 under this subsection if they have nine hundred or less formula
1 students and adjusted general fund operating expenditures per
2 formula student less than the average for all local systems with
3 nine hundred or less formula students. The aid shall be
4 distributed proportionally to qualifying districts based on the
5 dollar amount each local system's calculated state aid plus the
6 product of a levy of one dollar and ten cents for school fiscal
7 years 1998-99 and 1999-00 and of one dollar for school fiscal year
8 2000-01 and each school fiscal year thereafter multiplied by the
9 assessed valuation divided by one hundred is below ninety percent
10 of state aid plus property tax receipts received by the local
11 system during the preceding school fiscal year. No system shall
12 receive aid pursuant to this subsection such that the calculated
13 state aid plus the product of a levy of one dollar and ten cents
14 for school fiscal years 1998-99 and 1999-00 and of one dollar for
15 school fiscal year 2000-01 and each school fiscal year thereafter
16 multiplied by the assessed valuation divided by one hundred is
17 ninety percent or more of state aid plus property tax receipts
18 received by the local system during the preceding school fiscal
19 year. Any aid available for distribution pursuant to this
20 subsection that is not distributed pursuant to this subsection
21 shall be distributed as equalization aid.

22 Sec. 4. Section 79-1018.01, Revised Statutes Supplement,
23 2001, is amended to read:

24 79-1018.01. Local system formula resources include other
25 actual receipts available for the funding of general fund operating
26 expenditures as determined by the department for the second school
27 fiscal year immediately preceding the school fiscal year in which
1 aid is to be paid, except that receipts from the Community
2 Improvements Cash Fund, receipts acquired pursuant to the Low-Level
3 Radioactive Waste Disposal Act, receipts from other school
4 districts pursuant to section 1 of this act, and, beginning with
5 the calculation of state aid to be distributed in school fiscal
6 year 2004-05, tuition receipts from converted contracts shall not
7 be included. Other actual receipts include:
8 (1) Public power district sales tax revenue;
9 (2) Fines and license fees;
10 (3) Tuition receipts from individuals, other districts,
11 or any other source except those derived from adult education and
12 except, beginning with the calculation of state aid to be
13 distributed in school fiscal year 2004-05, tuition receipts from
14 converted contracts;

- 15 (4) Transportation receipts;
16 (5) Interest on investments;
17 (6) Other miscellaneous noncategorical local receipts,
18 not including receipts from private foundations, individuals,
19 associations, or charitable organizations;
20 (7) Special education receipts, excluding grant funds
21 received pursuant to section 9-812;
22 (8) Special education receipts and non-special education
23 receipts from the state for wards of the court and wards of the
24 state;
25 (9) All receipts from the temporary school fund.
26 Beginning with the calculation of aid for school fiscal year
27 2002-03 and each school fiscal year thereafter, receipts from the
1 temporary school fund shall only include receipts pursuant to
2 section 79-1035 and the receipt of funds pursuant to section
3 79-1036 for property leased for a public purpose as set forth in
4 subdivision (1)(a) of section 77-202;
5 (10) Motor vehicle tax receipts received on or after
6 January 1, 1998;
7 (11) Pro rata motor vehicle license fee receipts;
8 (12) Other miscellaneous state receipts excluding revenue
9 from the textbook loan program authorized by section 79-734;
10 (13) Impact aid entitlements for the school fiscal year
11 which have actually been received by the district to the extent
12 allowed by federal law;
13 (14) All other noncategorical federal receipts;
14 (15) All receipts pursuant to the enrollment option
15 program under sections 79-232 to 79-246;
16 (16) Receipts under the federal Medicare Catastrophic
17 Coverage Act of 1988, as such act existed on May 8, 2001, as
18 authorized pursuant to sections 43-2510 and 43-2511 but only to the
19 extent of the amount the local system would have otherwise received
20 pursuant to the Special Education Act; and
21 (17) Receipts for accelerated or differentiated
22 curriculum programs pursuant to sections 79-1106 to 79-1108.03.
23 Sec. 5. If any section in this act or any part of any
24 section is declared invalid or unconstitutional, the declaration
25 shall not affect the validity or constitutionality of the remaining
26 portions.
27 Sec. 6. Original section 79-475, Reissue Revised
1 Statutes of Nebraska, and sections 79-1008.01 and 79-1018.01,
2 Revised Statutes Supplement, 2001, are repealed."

LEGISLATIVE BILL 380. Indefinitely postponed.

(Signed) Ron Raikes, Chairperson

MOTION - Suspend Rules

Senator Wehrbein moved to suspend the rules, Rule 3, Section 14, to permit the scheduling of a public hearing on LB 1309 and LB 1310 by the Appropriations Committee.

The Wehrbein motion to suspend the rules prevailed with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

NOTICE OF COMMITTEE HEARING**Appropriations**

Room 1524

| | | |
|---------|-----------------------|---------|
| LB 1309 | Friday, March 8, 2002 | 9:00 AM |
| LB 1310 | Friday, March 8, 2002 | 9:00 AM |

| | |
|-----------------------|---------|
| Friday, March 8, 2002 | 9:00 AM |
|-----------------------|---------|

AGENCY 5 - Supreme Court
 AGENCY 11 - Attorney General
 AGENCY 15 - Board of Pardons
 AGENCY 46 - Correctional Services
 AGENCY 64 - State Patrol
 AGENCY 78 - NE Commission on Law Enforcement
 AGENCY 94 - Comm. on Public Advocacy
 AGENCY 18 - Dept. of Agriculture
 AGENCY 29 - Dept. of Natural Resources
 AGENCY 33 - Game & Parks Commission
 AGENCY 52 - State Board of Agriculture
 AGENCY 84 - Dept. of Environmental Quality
 AGENCY 14 - Public Service Commission
 AGENCY 21 - State Fire Marshal
 AGENCY 31 - Military
 AGENCY 35 - Liquor Control Commission
 AGENCY 40 - Motor Vehicle Licensing Board*
 AGENCY 17 - Dept. of Aeronautics
 AGENCY 27 - Dept. of Roads
 AGENCY 90 - Nebraska Railway Council

| | |
|-----------------------|----------|
| Friday, March 8, 2002 | 10:30 AM |
|-----------------------|----------|

AGENCY 13 - Dept. of Education*
 AGENCY 34 - Nebraska Library Commission
 AGENCY 47 - Educational Telecommunications
 AGENCY 48 - Postsecondary Education
 AGENCY 50 - State College System
 AGENCY 51 - University Systemwide
 AGENCY 54 - State Historical Society
 AGENCY 69 - Nebraska Arts Council
 AGENCY 83 - Community College Aid

Friday, March 8, 2002

1:30 PM

AGENCY 3 - Legislative Council
 AGENCY 7 - Governor
 AGENCY 8 - Lieutenant Governor
 AGENCY 9 - Secretary of State
 AGENCY 10 - Auditor of Public Accounts
 AGENCY 12 - State Treasurer
 AGENCY 16 - Dept. of Revenue
 AGENCY 32 - Bd. of Educational Lands-Funds
 AGENCY 37 - Workers' Compensation Court*
 AGENCY 65 - Dept. of Administrative Services*
 AGENCY 72 - Dept. of Economic Development
 AGENCY 77 - Comm. of Industrial Relations
 AGENCY 85 - Employees Retirement Bd.
 AGENCY 87 - Account. & Disclosure Comm.
 AGENCY 93 - Tax Equalization & Review
 AGENCY 95 - Rural Development Commission
 AGENCY 96 - Property Assessment & Taxation

Friday, March 8, 2002

3:00 PM

AGENCY 20 - HHS -- Regulation & Licensure*
 AGENCY 25 - Health & Human Services*
 AGENCY 26 - HHS--Finance & Support*
 AGENCY 23 - Dept. of Labor
 AGENCY 28 - Dept. of Veterans' Affairs
 AGENCY 38 - Women's Commission
 AGENCY 67 - Equal Opportunity Comm.
 AGENCY 68 - Mexican American Comm.
 AGENCY 70 - Foster Care Review Board
 AGENCY 76 - Nebraska Indian Commission
 AGENCY 81 - Blind & Visually Impaired
 AGENCY 82 - Comm. Deaf & Hard of Hearing

*Fund issues in LB 1310 related to agency hearings

(Signed) Roger R. Wehrbein, Chairperson

UNANIMOUS CONSENT - Member Excused

Senator Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Approve Appointment

Senator Connealy moved the adoption of the report of the Business and Labor Committee for the following appointment found on page 770: Commission of Industrial Relations - Loren L. Lindahl.

Voting in the affirmative, 31:

| | | | | |
|----------|------------|---------------|--------------|----------|
| Aguilar | Byars | Jones | Pederson, D. | Thompson |
| Baker | Connealy | Kremer | Preister | Vrtiska |
| Bourne | Cunningham | Kruse | Price | Wehrbein |
| Brashear | Erdman | Landis | Raikes | |
| Bromm | Hartnett | Maxwell | Redfield | |
| Bruning | Hudkins | McDonald | Schimek | |
| Burling | Janssen | Pedersen, Dw. | Suttle | |

Voting in the negative, 0.

Present and not voting, 10:

| | | | | |
|----------|----------|----------|---------|-------|
| Beutler | Cudaback | Quandahl | Schrock | Stuhr |
| Chambers | Engel | Robak | Smith | Tyson |

Excused and not voting, 8:

| | | | |
|----------|--------|------------|------------|
| Brown | Dierks | Jensen | Synowiecki |
| Coordsen | Foley | Kristensen | Wickersham |

The appointment was confirmed with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 848. E & R amendment, AM7145, found on page 369, was adopted.

Senator Chambers offered the following amendment:

FA878

Add the emergency clause.

The Chambers amendment was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 848A. E & R amendment, AM7146, found on page 371, was adopted.

Senator Brashear renewed his pending amendment, AM2634, found on page 566.

The Brashear amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Senator Chambers offered the following amendment:

FA879

Add the emergency clause.

The Chambers amendment was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 82. E & R amendment, AM7149, printed separately and referred to on page 416, was adopted.

Senator Bruning renewed his pending amendment, AM2435, found on page 434.

Senator McDonald asked unanimous consent to be excused until she returns. No objections. So ordered.

The Bruning amendment lost with 10 ayes, 17 nays, 17 present and not voting, and 5 excused and not voting.

Senator Beutler withdrew his pending amendment, AM2550, found on page 488.

SPEAKER KRISTENSEN PRESIDING

Pending.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 300 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 300.

SELECT FILE

LEGISLATIVE BILL 82. Senator Beutler offered the following amendment:

FA880

Amend AM7149

On page 16, line 19 after the word "law" add the following "when the defendant is not represented by counsel"

The Beutler amendment lost with 5 ayes, 18 nays, 24 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 82A. E & R amendment, AM7148, found on page 417, was adopted.

Senator Brashear renewed his pending motion, found on page 430, to indefinitely postpone LB 82A.

Senator Brashear withdrew his motion to indefinitely postpone.

Senator Brashear requested to have LB 82A passed over.

GENERAL FILE

LEGISLATIVE BILL 407. Title read. Considered.

SENATOR JANSSEN PRESIDING

The Standing Committee amendment, AM2886, printed separately and referred to on page 774, was considered.

Senator Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Wickersham offered the following amendment to the Standing Committee amendment:

AM3020

(Amendments to Standing Committee amendments, AM2886)

- 1 1. Insert the following new section:
- 2 "Sec. 12. Section 24-702, Revised Statutes Supplement,
- 3 2001, is amended to read:
- 4 24-702. (1) There is hereby created in the state
- 5 treasury a fund to be known as the Nebraska Retirement Fund for
- 6 Judges which shall be administered by the board and to which shall
- 7 be credited all money appropriated or transferred by law thereto.
- 8 The fund is hereby appropriated and made available to the board for
- 9 the uses and purposes prescribed by the provisions of the Judges
- 10 Retirement Act.
- 11 (2) The employer contribution to the fund shall consist
- 12 of the amounts remitted pursuant to subsection (3) of section
- 13 24-703.
- 14 (3) The Nebraska Judges Retirement Act Expense Fund is
- 15 created. The fund shall be credited with money from the retirement
- 16 system assets and income sufficient to pay the pro rata share of
- 17 administrative expenses incurred through the Nebraska Public
- 18 Employees Retirement Systems Expense Fund, as directed by the board
- 19 for the proper administration of the Judges Retirement Act and
- 20 necessary in connection with the administration and operation of
- 21 the retirement system."
- 22 2. Correct the operative date provision and repealer so
- 23 that the section added by this amendment becomes operative on July

1 1, 2002.

2 3. Renumber the remaining sections and correct internal
3 references accordingly.

The Wickersham amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

SENATOR CUDABACK PRESIDING

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 1021. Title read. Considered.

The Standing Committee amendment, AM2500, found on page 476, was considered.

Senator Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Suttle offered the following amendment to the Standing Committee amendment:

AM3023

(Amendments to Standing Committee amendments, AM2500)

1 1. On page 4, after line 4, insert the following new
2 section:
3 "Sec. 80. Section 71-6725, Revised Statutes Supplement,
4 2000, is amended to read:
5 71-6725. (1) The minimum competencies for a medication
6 aide, a person licensed to operate a child care facility or a staff
7 member of a child care facility, or a staff member of a school
8 shall include (a) maintaining confidentiality, (b) complying with a
9 recipient's right to refuse to take medication, (c) maintaining
10 hygiene and current accepted standards for infection control, (d)
11 documenting accurately and completely, (e) providing medications
12 according to the five rights, (f) having the ability to understand
13 and follow instructions, (g) practicing safety in application of
14 medication procedures, (h) complying with limitations and
15 conditions under which a medication aide may provide medications,
16 and (i) having an awareness of abuse and neglect reporting

17 requirements and any other areas as shall be determined by rules or
18 regulations.

19 (2) The Department of Health and Human Services

20 Regulation and Licensure shall adopt and promulgate rules and
21 regulations setting minimum standards for competencies listed in
22 subsection (1) of this section and methods for competency

23 assessment of medication aides. The Department of Health and Human

1 Services shall adopt and promulgate rules and regulations setting
2 methods for competency assessment of the person licensed to operate
3 a child care facility or staff of child care facilities. The State
4 Department of Education shall adopt and promulgate rules and
5 regulations setting methods for competency assessment of the school
6 staff member.

7 (3) A medication aide (except one who is employed by a
8 nursing home, an intermediate care facility for the mentally
9 retarded, or an assisted-living facility), a person licensed to
10 operate a child care facility or a staff member of a child care
11 facility, or a staff member of a school shall not be required to
12 take a course. The medication aide shall be assessed to determine
13 that the medication aide has the competencies listed in subsection
14 (1) of this section.

15 (4) A medication aide providing services in an
16 assisted-living facility as defined in section 71-406 shall be
17 required to have successfully completed a twenty-hour course on the
18 competencies listed in subsection (1) of this section and
19 competency standards established through rules and regulations as
20 provided for in subsection (2) of this section. Competency
21 assessment shall include passing an examination developed and
22 administered by the Department of Health and Human Services
23 Regulation and Licensure. Criteria for establishing a passing
24 standard for the examination shall be established in rules and
25 regulations.

26 (5) A medication aide providing services in an
27 assisted-living facility as defined in section 71-406, a nursing
1 home, or an intermediate care facility for the mentally retarded
2 shall be required to have completed a forty-hour course on the
3 competencies listed in subsection (1) of this section and
4 competency standards established through rules and regulations as
5 provided for in subsection (2) of this section, except that a
6 medication aide who has, prior to the operative date of this act,
7 completed a twenty-hour course and passed an examination developed
8 and administered by the Department of Health and Human Services
9 Regulation and Licensure may complete a second twenty-hour course
10 supplemental to the first twenty-hour course in lieu of completing
11 the forty-hour course. The department shall adopt and promulgate
12 rules and regulations regarding the procedures and criteria for
13 curriculum. Competency assessment shall include passing an
14 examination developed and administered by the department. Criteria
15 for establishing a passing standard for the examination shall be

16 established in rules and regulations. Before providing services in
 17 a nursing home or an intermediate care facility for the mentally
 18 retarded, a medication aide who has previously met the requirements
 19 of subsection (4) of this section shall be required to complete an
 20 additional twenty-hour course. This twenty-hour course, together
 21 with the twenty-hour course set forth in subsection (4) of this
 22 section shall be equivalent to the forty-hour course set forth in
 23 this subsection.

24 (5) Medication aides providing services in nursing homes
 25 or intermediate care facilities for the mentally retarded shall
 26 also meet the requirements set forth in section 71-6039."

27 2. Insert the following new amendment:

1 "3. Renumber the remaining sections and correct internal
 2 references and the repealer accordingly."

The Suttle amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Senator Byars asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1003. Title read. Considered.

The Standing Committee amendment, AM2691, printed separately and referred to on page 627, was considered.

Senator Maxwell asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Wickersham renewed his pending amendment, AM2781, found on page 660, to the Standing Committee amendment.

The Wickersham amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 303. Introduced by Dierks, 40.

WHEREAS, on March 2, 2002, at the Bob Devaney Sports Center, the Chambers High School Coyotes defeated the Prague High School Panthers

47-43 and thereby won the title of 2002 Class D-2 Nebraska State High School Girls' Basketball State Champions; and

WHEREAS, this achievement is the result of hard work, talent, and dedication by the team members, who were supported in their efforts by the parents, administrators, students, and teachers of Chambers High School; and

WHEREAS, the 2001-02 Chambers High School Coyotes are Alison Wecker, Amber Miller, Ashley Bromwich, Carissa Ehlers, Charissa Pavel, Ellen Tomjack, Heather Wecker, Hollie Waldo, Jenna Sladek, Jessica Schwager, Kendra Hansen, Kim Tomjack, Kristi Stairs, Kylee Tomjack, Maggie Doolittle, Mary Barber, and Tiff Walker.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the members of the 2001-02 Chambers Coyotes girls' basketball team.

2. That a copy of this resolution be presented to the Coyotes' head coach John Miller.

Laid over.

AMENDMENTS - Print in Journal

Senator Bruning filed the following amendment to LB 298:
AM3017

- 1 1. On page 3, line 7, strike "fifty" and insert
- 2 "forty-five".

Senator Brashear filed the following amendment to LB 876:
AM2963

(Amendments to corrected Standing Committee amendments, AM2941)

- 1 1. On page 1, lines 3 and 7, strike "2004" and insert
- 2 "2003".
- 3 2. On page 22, lines 19 and 20, strike "and answers are
- 4 not", show as stricken, and insert "are not denied in the answer
- 5 or"; and strike beginning with "by" in line 20 through "or" in line
- 6 21 and show the old matter as stricken.
- 7 3. On page 42, strike beginning with "before" in line 13
- 8 through "Court" in line 14, show the old matter as stricken, and
- 9 insert "within fourteen days after receiving the transcript from
- 10 the department".
- 11 4. On page 48, line 7, after "3," insert "52,,"; in line
- 12 9 strike "2004" and insert "2003"; in line 10 after the first comma
- 13 insert "25-2221,,"; and in line 21 strike "25-2221,,".
- 14 5. On page 49, line 1, after the last comma insert
- 15 "25-2175,,".

VISITORS

Visitors to the Chamber were 35 eighth grade students and teacher from Bryan Middle School, Omaha.

RECESS

At 11:55 a.m., on a motion by Speaker Kristensen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Kristensen presiding.

ROLL CALL

The roll was called and all members were present except Senator Jensen who was excused; and Senators Beutler, Cunningham, Dierks, Engel, Robak, and Schrock who were excused until they arrive.

MESSAGE FROM THE GOVERNOR

February 28, 2002

President, Speaker Kristensen,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Kristensen and Members:

Contingent upon your approval, the following individual has been reappointed to the Motor Vehicle Industry Licensing Board.

APPOINTEE:

Jess Hull, 3303 N. 133 Circle, Omaha NE 68164

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

AMENDMENTS - Print in Journal

Senator Beutler filed the following amendment to LB 1003:
FA875
Amend AM2691
Strike Section 9

Senator Beutler filed the following amendment to LB 1003:
 FA876
 Amend AM2691
 Strike the new language on page 8, lines 24 through 27

Senator Beutler filed the following amendment to LB 1003:
 FA877
 Amend AM2691
 Strike the new language on lines 12 through 27 on page 18

Senator Schrock filed the following amendment to LB 1003:
 AM3032

(Amendments to Standing Committee amendments, AM2691)

- 1 1. Insert the following new sections:
- 2 "Sec. 19. Section 49-1401, Revised Statutes Supplement,
- 3 2001, is amended to read:
- 4 49-1401. Sections 49-1401 to 49-14,141 and section 21 of
- 5 this act shall be known and may be cited as the Nebraska Political
- 6 Accountability and Disclosure Act. Any reference to sections
- 7 49-1401 to 49-14,138 shall be construed to include sections
- 8 49-1499.01 and 49-14,103.01 to 49-14,103.07. After August 25,
- 9 1989, any reference to sections 49-1401 to 49-14,138 shall be
- 10 construed to include sections 49-14,123.01 and 49-14,140.
- 11 Sec. 20. Section 49-1493, Revised Statutes Supplement,
- 12 2001, is amended to read:
- 13 49-1493. The individuals listed in subdivisions (1)
- 14 through ~~(42)~~ (13) of this section shall file with the commission a
- 15 statement of financial interests as provided in sections 49-1496
- 16 and 49-1497 for the preceding calendar year on or before April 1 of
- 17 each year in which such individual holds such a position. An
- 18 individual who leaves office shall, within thirty days after
- 19 leaving office, file a statement covering the period since the
- 20 previous statement was filed. Disclosure of the interest named in
- 21 sections 49-1496 to 49-1498 shall be made by:
- 22 (1) An individual holding a state executive office as
- 23 provided in Article IV of the Constitution of Nebraska, including
 - 1 the Governor, Lieutenant Governor, Secretary of State, Auditor of
 - 2 Public Accounts, State Treasurer, Attorney General, Tax
 - 3 Commissioner, and heads of such other executive departments as set
 - 4 forth in the Constitution or as may be established by law;
 - 5 (2) An individual holding the office of Commissioner of
 - 6 Education, member of the State Board of Education, member of the
 - 7 Board of Regents of the University of Nebraska with the exception
 - 8 of student members, or member of the Coordinating Commission for
 - 9 Postsecondary Education;
 - 10 (3) A member of the Board of Parole;
 - 11 (4) A member of the Public Service Commission;
 - 12 (5) A member of the Legislature;
 - 13 (6) A member of the board of directors or an officer of a
 - 14 district organized under the provisions of Chapter 70;
 - 15 (7) A member of any board or commission of the state or

16 any county which examines or licenses a business or which
17 determines rates for or otherwise regulates a business;

18 (8) A member of a land-use planning commission, zoning
19 commission, or authority of the state or any county with a
20 population of more than one hundred thousand inhabitants;

21 (9) An elected official of a city of the primary or
22 metropolitan class;

23 (10) An elected county official;

24 (11) A member of the Nebraska Environmental Trust Board;

25 (12) An individual employed at the University of

26 Nebraska-Lincoln in the position of Head Football Coach, Men's
27 Basketball Coach, or Women's Basketball Coach; and

1 (42) (13) An official or employee of the state designated

2 by rules and regulations of the commission who is responsible for
3 taking or recommending official action of a nonministerial nature
4 with regard to:

5 (a) Contracting or procurement;

6 (b) Administering or monitoring grants or subsidies;

7 (c) Land-use planning or zoning;

8 (d) Inspecting, licensing, regulating, or auditing any
9 person; or

10 (e) Any similar action.

11 Sec. 21. Any member of the Nebraska Environmental Trust
12 Board who is also a director of a state agency shall abstain from
13 voting on applications pursuant to the Nebraska Environmental Trust
14 Act which would provide funding primarily to his or her agency.

15 Sec. 28. Section 81-15,167, Revised Statutes Supplement,
16 2000, is amended to read:

17 81-15,167. Sections 81-15,167 to 81-15,176 and section
18 30 of this act shall be known and may be cited as the Nebraska
19 Environmental Trust Act.

20 Sec. 29. Section 81-15,170, Revised Statutes Supplement,
21 2000, is amended to read:

22 81-15,170. The Nebraska Environmental Trust Board is
23 hereby created as an entity of the executive branch. The board
24 shall consist of the Director of Environmental Quality, the
25 Director of Regulation and Licensure, the Director of Natural
26 Resources, the Director of Agriculture, the secretary of the Game
27 and Parks Commission, and nine citizens appointed by the Governor

1 with the approval of a majority of the Legislature. The citizen
2 members shall begin serving immediately following notice of
3 nomination and prior to approval by the Legislature. The citizen
4 members shall represent the general public and shall have
5 demonstrated competence, experience, and interest in the
6 environment of the state. Two of the citizen appointees shall also
7 have experience with private financing of public-purpose projects.

8 Three appointees shall be chosen from each of the three
9 congressional districts. The board shall hire an executive
10 director who shall hire and supervise other staff members as may be

11 authorized by the board. The executive director shall serve at the
12 pleasure of the board and be solely responsible to it. The Game
13 and Parks Commission shall provide administrative support,
14 including, but not limited to, payroll and accounting functions, to
15 the board. For administrative purposes only, the board shall be
16 part of the Game and Parks Commission.

17 Sec. 30. Members of the board shall comply with the
18 conflict of interest provisions of the Nebraska Political
19 Accountability and Disclosure Act. Any member of the board who is
20 also a director of a state agency shall abstain from voting on
21 applications which would provide funding primarily to his or her
22 agency.

23 Sec. 31. Section 81-15,175, Revised Statutes Supplement,
24 2000, is amended to read:

25 81-15,175. (1) The board may make an annual allocation
26 from the Nebraska Environmental Trust Fund to the Nebraska
27 Environmental Endowment Fund as provided in section 81-15,174.01.

1 The board shall make annual allocations from the Nebraska
2 Environmental Trust Fund and may make annual allocations from the
3 Nebraska Environmental Endowment Fund for projects which conform to
4 the environmental priorities of the board established pursuant to
5 section 81-15,176 and to the extent the board determines those
6 projects to have merit. The board shall establish an annual
7 calendar for receiving and evaluating proposals and awarding
8 grants. To evaluate the economic, financial, and technical
9 feasibility of proposals, the board may establish subcommittees,
10 request or contract for assistance, or establish advisory groups.
11 Private citizens serving on advisory groups shall be reimbursed for
12 their actual and necessary expenses pursuant to sections 81-1174 to
13 81-1177.

14 (2) The board shall establish a rating system for ranking
15 proposals which meet the board's environmental priorities and other
16 criteria. The rating system shall include, but not be limited to,
17 the following considerations:

18 (a) Conformance with priorities established pursuant to
19 section 81-15,176;

20 (b) Amount of funds committed from other funding sources;

21 (c) Encouragement of public-private partnerships;

22 (d) Geographic mix of projects over time;

23 (e) Cost effectiveness and economic impact;

24 (f) Direct environmental impact; and

25 (g) Environmental benefit to the general public and the
26 long-term nature of such public benefit.

27 (3) The results of the annual rating of proposals shall
1 guide the board's allocation of funds, except that the board may
2 assign a higher rating to any proposal with an affirmative vote of
3 eleven members. The motion for such an action shall specify the
4 reasons for such action. The board may commit funds to multiyear
5 projects, subject to available funds and appropriations. No

6 commitment shall exceed three years without formal action by the
7 board to renew the grant or contract. Multiyear commitments may be
8 exempt from the rating process, except for the initial application
9 and requests to renew the commitment.

10 (4) The board may establish a subcommittee to rate grant
11 applications. If the board uses a subcommittee, the subcommittee
12 shall (a) use the rating system established by the board under
13 subsection (2) of this section, (b) assign a numeric value to each
14 rating criterion, combine these values into a total score for each
15 application, and rank the applications by the total scores, (c)
16 recommend an amount of funding for each application, which amount
17 may be more or less than the requested amount, and (d) submit the
18 ranked list and recommended funding to the board for its approval
19 or disapproval.

20 (4) A motion to deviate from the subcommittee's
21 recommendations must specify the reason for doing so and be adopted
22 with an affirmative vote of not fewer than eight members of the
23 board.

24 (5) The board may commit funds to multiyear projects,
25 subject to available funds and appropriations. No commitment shall
26 exceed three years without formal action by the board to renew the
27 grant or contract. Multiyear commitments may be exempt from the
1 rating process, except for the initial application and requests to
2 renew the commitment.

3 (6) The board shall adopt and promulgate rules and
4 regulations and publish guidelines governing allocations from the
5 fund. The board shall conduct annual reviews of existing projects
6 for compliance with project goals and grant requirements.

7 (7) Every five years the board may evaluate the long-term
8 effects of the projects it funds. The evaluation may assess a
9 sample of such projects. The board may hire an independent
10 consultant to conduct the evaluation and may report the evaluation
11 findings to the Legislature and the Governor.

12 Sec. 32. Section 81-15,176, Revised Statutes Supplement,
13 2000, is amended to read:

14 81-15,176. (1) Subject to subsection (3) of this
15 section, the board shall establish environmental priorities for the
16 trust. The board, after allowing opportunity for public comment,
17 shall designate as priorities those environmental goals which most
18 affect the natural physical and biological environment in Nebraska,
19 including the air, land, ground water and surface water, flora and
20 fauna, prairies and forests, wildlife and wildlife habitat, and
21 areas of aesthetic or scenic values. In designating environmental
22 priorities, the board shall attempt to focus on the areas which
23 promise the greatest opportunities for effective action to achieve
24 and preserve the future environmental quality in the state. The
25 board shall establish priorities for five-year periods beginning
26 July 1, 1995, except that the board may make annual modifications
27 to refine and clarify its priorities. The board shall provide for

1 public involvement in developing the priorities for such five-year
2 periods, including public meetings in each of the three
3 congressional districts.

4 (2) The board shall establish criteria for determining
5 the eligibility of projects for grant assistance, which criteria
6 shall include the following:

7 (a) The grants shall not provide direct assistance to
8 regulatory programs or to implement actions mandated by regulations
9 except remediation;

10 (b) No more than sixty percent of grant allocations in
11 any year shall assist remediation of soils or ground water, and no
12 grants for this purpose shall occur unless all other available
13 sources of funding are, in the opinion of the board, being
14 substantially utilized;

15 (c) The grants shall not pay for projects which provide
16 primarily private benefits or to relieve private liability for
17 environmental damage;

18 (d) The grants shall not pay for projects which have
19 direct beneficiaries who could afford the costs of the benefits
20 without experiencing serious financial hardship;

21 (e) The grants should assist those projects which offer
22 the greatest environmental benefits relative to cost;

23 (f) The grants should assist those projects which provide
24 clear and direct environmental benefits;

25 (g) The grants should assist those projects which will
26 make a real contribution to achieving the board's environmental
27 priorities;

1 (h) The grants should assist those projects which offer
2 the greatest public benefits; and

3 (i) The grants shall not pay for land or easements
4 acquired without the full and express consent of the landowner.

5 (3) Until the first five-year priorities become effective
6 on July 1, 1995, the board shall observe the following priorities
7 for allocating grants:

8 (a) Critical habitat areas, including wetlands
9 acquisition, preservation, and restoration and acquisition and
10 easements of areas critical to rare or endangered species;

11 (b) Surface water quality, including actions to preserve
12 lakes and streams from degradation;

13 (c) Ground water quality, including fostering best
14 management practices as defined in section 46-656.07, actions to
15 preserve ground water from degradation, and remediation of soils or
16 ground water; and

17 (d) Development of recycling markets and reduction of
18 solid waste volume and toxicity.

19 (4) The board may refine and clarify these initial
20 priorities."

21 2. Renumber the remaining sections and correct the
22 repealer accordingly.

Senator Chambers filed the following amendment to LB 1003:

FA881

Amend AM2691

1. Strike section 9.

GENERAL FILE

LEGISLATIVE BILL 470. Senator Chambers renewed his pending motion, found on page 809, to reconsider the vote on FA872.

Senator Chambers asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

Senator Bromm offered the following amendment to the Standing Committee amendment:

AM3029

(Amendments to Standing Committee amendments, AM0145)

- 1 1. On page 7, lines 1 through 4, strike the new matter
- 2 and reinstate the stricken matter.
- 3 2. On page 8, strike lines 14 through 19 and insert:
- 4 "(9) To operate weighing stations and portable scales and
- 5 to perform carrier enforcement powers and duties pursuant to
- 6 sections 60-1301 to 60-1309.
- 7 Carrier enforcement officers appointed to the carrier
- 8 enforcement division before the effective date of this act shall
- 9 have the powers and duties pursuant to sections 60-1301 to
- 10 60-1309.".

SENATOR COORDSEN PRESIDING

Senators Aguilar and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

The Bromm amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Senator Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, AM0145, printed separately and referred to on page 712, First Session, 2001, and considered on page 794, as amended, was renewed.

The Standing Committee amendment, as amended, was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 31 ayes, 1 nay, 13 present and not voting, and 4 excused and not voting.

Senator Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 470A. Senator Bromm renewed his pending amendment, AM2730, found on page 612.

The Bromm amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 600. Placed on Select File as amended. (E & R amendment, AM7175, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Correctly Engrossed

The following bills were correctly engrossed: LBs 58, 235, 235A, and 251.

Enrollment and Review Change to LB 58

The following changes, required to be reported for publication in the Journal, have been made:

ER9110

1. On page 1, line 1, "44-501.02" has been struck and "44-1540" inserted; and in line 3 "valued policies" has been struck and "unfair claims settlement practices" inserted.

Enrollment and Review Change to LB 235

The following changes, required to be reported for publication in the Journal, have been made:

ER9117

1. In the E & R amendment, AM7155, on page 8, line 3, "Improvements" has been struck and "Improvement" inserted.

(Signed) Philip Erdman, Chairperson

AMENDMENTS - Print in Journal

Senator Schimek filed the following amendment to LB 276:
AM3025

1. Insert the following new sections:
2. "Sec. 11. (1) For purposes of sections 12 and 13 of this

3 act:

4 (a) Merchant means an owner or operator of any retail
5 mercantile establishment or any agent, employee, lessee, consignee,
6 officer, director, franchisee, or independent contractor of such
7 owner or operator. A merchant also includes a person who receives
8 from an authorized user of a payment card, or someone the person
9 believes to be an authorized user, a payment card or information
10 from a payment card, or what the person believes to be a payment
11 card or information from a payment card, as the instrument for
12 obtaining, purchasing, or receiving goods, services, money, or
13 anything else of value from the person;

14 (b) Payment card means a credit card, charge card, debit
15 card, or any other card that is issued to an authorized card user
16 and that allows the user to obtain, purchase, or receive goods,
17 services, money, or anything else of value from a merchant;

18 (c) Person means an individual, firm, partnership,
19 association, corporation, limited liability company, or other
20 business entity;

21 (d) Reencoder means an electronic device that places
22 encoded information from the magnetic strip or stripe of a payment
23 card onto the magnetic strip or stripe of a different payment card;
24 and

1 (e) Scanning device means a scanner, reader, or any other
2 electronic device that is used to access, read, scan, obtain,
3 memorize, or store, temporarily or permanently, information encoded
4 on the magnetic strip or stripe of a payment card.

5 Sec. 12. (1) A person that accepts a payment card for
6 the transaction of business shall print no more than the last five
7 digits of the payment card account number upon any receipt provided
8 to the payment card holder.

9 (2) This section applies only to receipts that are
10 electronically printed and does not apply to any transaction in
11 which the only means of recording the payment card number is by
12 handwriting or by an imprint or copy of the payment card.

13 (3) A violation of this section is a Class III
14 misdemeanor for the first offense and a Class I misdemeanor for a
15 second or subsequent offense.

16 (4)(a) This section becomes operative on January 1, 2004,
17 with respect to any cash register or other machine or device that
18 electronically prints receipts for payment card transactions and is
19 originally put into use on or after January 1, 2004.

20 (b) This section becomes operative on January 1, 2007,
21 with respect to any cash register or other machine or device that
22 electronically prints receipts for payment card transactions and is
23 originally put into use before January 1, 2004.

24 Sec. 13. (1) It is unlawful for a person to use:

25 (a) A scanning device to access, read, obtain, memorize,
26 or store, temporarily or permanently, information encoded on the
27 magnetic strip or stripe of a payment card without the permission

- 1 of the authorized user of the payment card and with the intent to
 2 defraud the authorized user, the issuer of the authorized user's
 3 payment card, or a merchant; or
 4 (b) A reencoder to place information encoded on the
 5 magnetic strip or stripe of a payment card onto the magnetic strip
 6 or stripe of a different card without the permission of the
 7 authorized user of the card from which the information is being
 8 reencoded and with the intent to defraud the authorized user, the
 9 issuer of the authorized user's payment card, or a merchant.
 10 (2) A violation of this section is a Class IV felony for
 11 the first offense and a Class IIIA felony for a second or
 12 subsequent offense."
 13 2. On page 7, line 4, after "8" insert "and 11 to 13".
 14 3. Renumber the remaining section accordingly.

Senator Dierks filed the following amendment to LB 1003:
 AM3022

(Amendments to Standing Committee amendments, AM2691)

- 1 1. Insert the following new sections:
 2 "Sec. 19. Section 54-2302, Revised Statutes Supplement,
 3 2000, is amended to read:
 4 54-2302. Sections 54-2302 to 54-2323 and section 21 of
 5 this act shall be known and may be cited as the Domesticated
 6 Cervine Animal Act.
 7 Sec. 20. Section 54-2305, Revised Statutes Supplement,
 8 2000, is amended to read:
 9 54-2305. On and after January 1, 2000, it is unlawful
 10 for any person to own, possess, buy, sell, or barter any
 11 domesticated cervine animal in this state unless such animal is
 12 individually identified and kept at a premises for which a
 13 domesticated cervine animal facility permit has been issued by the
 14 department. Permits shall be issued only after a determination
 15 that the applicant is in compliance with the Domesticated Cervine
 16 Animal Act. This section shall not be construed to require a
 17 municipal, state, or federal zoo, park, refuge, or wildlife area, a
 18 bona fide circus or animal exhibit, or any private, nonprofit
 19 zoological society to obtain a permit in order to own, possess,
 20 buy, sell, or barter a domesticated cervine animal, but such
 21 facilities shall be governed by the provisions of the act and the
 22 rules and regulations promulgated thereunder regarding the testing,
 23 control, and eradication of cervidae diseases including chronic
 1 wasting disease.
 2 Sec. 21. Nothing in the Domesticated Cervine Animal Act
 3 shall be construed to authorize any person to import, own, or
 4 possess any species of cervine animal whose importation or
 5 possession are prohibited under section 37-524 and the rules and
 6 regulations promulgated thereunder.
 7 Sec. 22. Section 54-2322, Revised Statutes Supplement,
 8 2000, is amended to read:

9 54-2322. The commission shall have access, upon
 10 notification, to any premises where domesticated cervine animals
 11 may be for the purpose of assessing or removing populations of wild
 12 cervidae."
 13 2. Correct the repealer and renumber the remaining
 14 sections accordingly.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointment:

Hull, Jess - Motor Vehicle Industry Licensing Board - Transportation and Telecommunications

(Signed) George Coordsen, Chairperson
 Legislative Council
 Executive Board

GENERAL FILE

LEGISLATIVE BILL 1211. Title read. Considered.

SENATOR CUDABACK PRESIDING

The Standing Committee amendment, AM2930, found on page 760, was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

AMENDMENTS - Print in Journal

Senator Connealy filed the following amendment to LB 1167:
 AM3015

(Amendments to Standing Committee amendments, AM2942)

- 1 1. Insert the following amendment:
- 2 "1. On page 2, line 10, strike 'and' and show as
- 3 stricken; and in line 11, after '(c)' insert 'The mayor of each
- 4 city of the metropolitan class;
- 5 (d) The mayor of each city of the primary class; and
- 6 (e)';".
- 7 2. On page 1, line 1, after the first comma insert "line
- 8 19, strike 'who is'; in".
- 9 3. Renumber the remaining amendment accordingly.

Senator Connealy filed the following amendment to LB 921:
AM2960

- 1 1. On page 5, lines 21 and 22, strike "allocated by and"
- 2 and insert "shared".

Senator Connealy filed the following amendment to LB 816:
AM2523

(Amendments to Standing Committee amendments, AM0918)

- 1 1. On page 8, line 13, strike "No" and insert "Except as
- 2 provided in subsection (4) of this section, no".
- 3 2. On page 9, after line 3, insert:
- 4 "(4) The commissioner shall adopt and promulgate rules
- 5 and regulations which provide procedures for the issuance of
- 6 emergency and temporary elevator mechanic licenses in emergency
- 7 situations if there are insufficient elevator mechanic licensees
- 8 under the Elevator Safety Act available to cope with the
- 9 emergency.".

GENERAL FILE

LEGISLATIVE BILL 1172. Title read. Considered.

The Standing Committee amendment, AM2931, printed separately and referred to on page 765, was considered.

Senator Kristensen offered the following amendment to the Standing Committee amendment:
AM2952

(Amendments to Standing Committee amendments, AM2931)

- 1 1. Strike amendment 1 and insert the following new
- 2 amendment:
- 3 "1. Strike the original sections and insert the
- 4 following new sections:
- 5 "Section 1. Section 79-215, Revised Statutes Supplement,
- 6 2001, is amended to read:
- 7 79-215. (1) Except as otherwise provided in this
- 8 section, a student (a) is a resident of the school district where
- 9 he or she resides or any school district where at least one of his
- 10 or her parents reside and (b) shall be admitted to any such school
- 11 district upon request without charge.
- 12 (2) A school district may charge a fee for
- 13 extracurricular activities, not to exceed the actual cost of
- 14 providing such activities, and may waive such fee on the basis of
- 15 need. For purposes of this subsection, extracurricular activities
- 16 means optional activities that are supervised and administered by
- 17 the school district. Extracurricular activities does not include
- 18 (a) activities, programs, or services which are mandatory, which
- 19 meet requirements for graduation or for grade level promotion, or
- 20 which provide extra course credit or (b) for-credit

21 noninstructional activities, programs, or services.

22 ~~(3)~~ (3) A school board shall admit any homeless student that
23 requests admission without charge.

1 ~~(3)~~ (4) A school board may allow a student whose
2 residency in the district ceases during a school year to continue
3 attending school in such district for the remainder of that school
4 year.

5 ~~(4)~~ (5) A school board may admit nonresident students to
6 the school district pursuant to a contract with the district where
7 the student is a resident and shall collect tuition pursuant to the
8 contract.

9 ~~(5)~~ (6) A school board may admit nonresident students to
10 the school district pursuant to the enrollment option program as
11 authorized by sections 79-232 to 79-246, and such admission shall
12 be without charge.

13 ~~(6)~~ (7) A school board may admit a student who is a
14 resident of another state to the school district and collect
15 tuition in advance at a rate determined by the school board.

16 ~~(7)~~ (8) When a student as a ward of the state or as a
17 ward of any court (a) has been placed in a school district other
18 than the district in which he or she resided at the time he or she
19 became a ward and such ward does not reside in a foster family home
20 licensed or approved by the Department of Health and Human Services
21 or a foster home maintained or used pursuant to section 83-108.04
22 or (b) has been placed in any institution which maintains a special
23 education program which has been approved by the State Department
24 of Education and such institution is not owned or operated by the
25 district in which he or she resided at the time he or she became a
26 ward, the cost of his or her education and the required
27 transportation costs associated with the student's education shall

1 be paid by the state, but not in advance, to the receiving school
2 district or approved institution under rules and regulations
3 prescribed by the Department of Health and Human Services and the
4 student shall remain a resident of the district in which he or she
5 resided at the time he or she became a ward. Any student who is a
6 ward of the state or a ward of any court who resides in a foster
7 family home licensed or approved by the Department of Health and
8 Human Services or a foster home maintained or used pursuant to
9 section 83-108.04 shall be deemed a resident of the district in
10 which the foster family home or foster home is located.

11 ~~(8)~~ (9) When a student is not a ward of the state or a
12 ward of any court and is residing in a residential setting located
13 in Nebraska for reasons other than to receive an education and the
14 residential setting is operated by a service provider which is
15 certified or licensed by the Department of Health and Human
16 Services or is enrolled in the medical assistance program
17 established under sections 68-1018 to 68-1025 and Title XIX or XXI
18 of the federal Social Security Act, as amended, the student shall
19 remain a resident of the district in which he or she resided

20 immediately prior to residing in such residential setting. Upon
21 request by a parent or legal guardian, the resident school district
22 shall contract with the district in which such residential setting
23 is located for the provision of all educational services, including
24 all special education services. If the parent or legal guardian has
25 requested that the resident school district contract with the
26 district in which such residential setting is located, the district
27 in which such residential setting is located shall contract with
1 the resident district and provide all educational services,
2 including all special education services, to the student. If the
3 two districts cannot agree on the amount of the contract, the State
4 Department of Education shall determine the amount to be paid by
5 the resident district to the district in which such residential
6 setting is located based on the needs of the student, approved
7 special education rates, the department's general experience with
8 special education budgets, and the cost per student in the district
9 in which such residential setting is located. Once the contract has
10 been entered into, all legal responsibility for special education
11 and related services shall be transferred to the school district in
12 which the residential setting is located. The resident district
13 for a student who is not a ward of the state or a ward of any court
14 does not change when the student moves from one residential setting
15 to another.

16 ~~(9)~~ (10) In the case of any individual eighteen years of
17 age or younger who is a ward of the state or any court and who is
18 placed in a county detention home established under section
19 43-2,110, the cost of his or her education shall be paid by the
20 state, regardless of the district in which he or she resided at the
21 time he or she became a ward, to the agency or institution which:
22 (a) Is selected by the county board with jurisdiction over such
23 detention home; (b) has agreed or contracted with such county board
24 to provide educational services; and (c) has been approved by the
25 State Department of Education pursuant to rules and regulations
26 prescribed by the State Board of Education.

27 ~~(10)~~ (11) No tuition shall be charged for students who
1 may be by law allowed to attend the school without charge.
2 ~~(11)~~ (12) On a form prescribed by the State Department of
3 Education, an adult with legal or actual charge or control of a
4 student shall provide the name of the student, the name of the
5 adult with legal or actual charge or control of the student, the
6 address where the student is residing, and the phone number and
7 address where the adult may generally be reached during the school
8 day. If the student is homeless or if the adult does not have a
9 phone number and address where he or she may generally be reached
10 during the school day, those parts of the form may be left blank
11 and a box may be marked acknowledging that these are the reasons
12 these parts of the form were left blank. The adult with legal or
13 actual charge or control of the student shall also sign the form.
14 ~~(12)~~ (13) The department shall adopt and promulgate rules

15 and regulations to carry out the department's responsibilities

16 under this section.

17 Sec. 2. Original section 79-215, Revised Statutes

18 Supplement, 2001, is repealed.'."

Senators Brashear, McDonald, and Bruning asked unanimous consent to be excused. No objections. So ordered.

Senator Raikes requested a ruling of the Chair on whether the Kristensen amendment would require a three-fifths majority vote, pursuant to Rule 6, Section 3(h).

The Chair ruled that the Kristensen amendment was substantially the same as LB 1059, which was indefinitely postponed by the Education Committee, and would, therefore, require 30 votes.

Senator Kristensen moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Kristensen requested a roll call vote on his amendment.

Voting in the affirmative, 31:

| | | | | |
|---------|------------|--------------|----------|----------|
| Aguilar | Connealy | Hudkins | Quandahl | Thompson |
| Baker | Cudaback | Jones | Redfield | Tyson |
| Beutler | Cunningham | Kremer | Robak | Wehrbein |
| Bourne | Dierks | Kristensen | Schimek | |
| Bromm | Erdman | Kruse | Schrock | |
| Burling | Foley | Pederson, D. | Smith | |
| Byars | Hartnett | Preister | Suttle | |

Voting in the negative, 10:

| | | | | |
|----------|---------|--------|------------|------------|
| Coordsen | Landis | Price | Stuhr | Vrtiska |
| Janssen | Maxwell | Raikes | Synowiecki | Wickersham |

Present and not voting, 2:

Brown Engel

Absent and not voting, 1:

Chambers

Excused and not voting, 5:

Brashear Bruning Jensen McDonald Pedersen, Dw.

The Kristensen amendment was adopted with 31 ayes, 10 nays, 2 present and not voting, 1 absent and not voting, and 5 excused and not voting.

The Chair declared the call raised.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 6 nays, 12 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

AMENDMENT - Print in Journal

Senator Bromm filed the following amendment to LB 491:
AM3012

- 1 1. Insert the following new section:
- 2 "Sec. 2. Section 60-680, Revised Statutes Supplement,
- 3 2000, is amended to read:
- 4 60-680. (1) Any local authority with respect to highways
- 5 under its jurisdiction and within the reasonable exercise of the
- 6 police power may:
- 7 (a) Regulate or prohibit stopping, standing, or parking;
- 8 (b) Regulate traffic by means of peace officers or
- 9 traffic control devices;
- 10 (c) Regulate or prohibit processions or assemblages on
- 11 the highways;
- 12 (d) Designate highways or roadways for use by traffic
- 13 moving in one direction;
- 14 (e) Establish speed limits for vehicles in public parks;
- 15 (f) Designate any highway as a through highway or
- 16 designate any intersection as a stop or yield intersection;
- 17 (g) Restrict the use of highways as authorized in section
- 18 60-681;
- 19 (h) Regulate operation of bicycles and require
- 20 registration and inspection of such, including requirement of a
- 21 registration fee;
- 22 (i) Regulate or prohibit the turning of vehicles or
- 23 specified types of vehicles;
- 24 (j) Alter or establish speed limits authorized in the
- 1 Nebraska Rules of the Road;
- 2 (k) Designate no-passing zones;
- 3 (l) Prohibit or regulate use of controlled-access
- 4 highways by any class or kind of traffic except those highways
- 5 which are a part of the state highway system;
- 6 (m) Prohibit or regulate use of heavily traveled highways
- 7 by any class or kind of traffic it finds to be incompatible with
- 8 the normal and safe movement of traffic, except that such
- 9 regulations shall not be effective on any highway which is part of
- 10 the state highway system unless authorized by the Department of
- 11 Roads;
- 12 (n) Establish minimum speed limits as authorized in the
- 13 rules;

- 14 (o) Designate hazardous railroad grade crossings as
 15 authorized in the rules;
- 16 (p) Designate and regulate traffic on play streets;
- 17 (q) Prohibit pedestrians from crossing a roadway in a
 18 business district or any designated highway except in a crosswalk
 19 as authorized in the rules;
- 20 (r) Restrict pedestrian crossings at unmarked crosswalks
 21 as authorized in the rules;
- 22 (s) Regulate persons propelling push carts;
- 23 (t) Regulate persons upon skates, coasters, sleds, and
 24 other toy vehicles;
- 25 (u) Adopt Notwithstanding any other provision of law,
 26 adopt and enforce an ordinance or resolution prohibiting the use of
 27 engine brakes on the National System of Interstate and Defense
 1 Highways that has a grade of less than five degrees within its
 2 jurisdiction. For purposes of this subdivision, engine brake means
 3 a device that converts a power producing engine into a
 4 power-absorbing air compressor, resulting in a net energy loss;
- 5 (v) Adopt and enforce such temporary or experimental
 6 regulations as may be necessary to cover emergencies or special
 7 conditions; and
- 8 (w) Adopt other traffic regulations except as prohibited
 9 by state law or contrary to state law.
- 10 (2) No local authority, except an incorporated city with
 11 more than forty thousand inhabitants, shall erect or maintain any
 12 traffic control device at any location so as to require the traffic
 13 on any state highway or state-maintained freeway to stop before
 14 entering or crossing any intersecting highway unless approval in
 15 writing has first been obtained from the Department of Roads.
- 16 (3) No ordinance or regulation enacted under subdivision
 17 (1)(d), (e), (f), (g), (i), (j), (k), (l), (m), (o), (p), or (r) of
 18 this section shall be effective until traffic control devices
 19 giving notice of such local traffic regulations are erected upon or
 20 at the entrances to such affected highway or part thereof affected
 21 as may be most appropriate."
- 22 2. On page 3, line 23, strike "is" and insert "and
 23 section 60-680, Revised Statutes Supplement, 2000, are".
- 24 3. Renumber the remaining section accordingly.

VISITORS

The Doctor of the Day was Dr. Rob Rhodes from Lincoln.

ADJOURNMENT

At 5:36 p.m., on a motion by Senator Coordsen, the Legislature adjourned until 9:00 a.m., Thursday, March 7, 2002.

Patrick J. O'Donnell
 Clerk of the Legislature

THIRTY-SIXTH DAY - MARCH 7, 2002

LEGISLATIVE JOURNAL

**NINETY-SEVENTH LEGISLATURE
SECOND SESSION**

THIRTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 7, 2002

PRAYER

The prayer was offered by Pastor J. J. White, Berean Church, Lexington, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Brown, Dierks, Kristensen, Kruse, Landis, Maxwell, Price, Raikes, Schimek, Synowiecki, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fifth day was approved.

REPORTS

The following reports were received by the Legislature:

Health and Human Services System

Nursing Facility Conversion Grant Program - 2001 Annual Report

Property Assessment and Taxation

Redevelopment Projects for Cities Using Tax Increment Financing

GENERAL FILE

LEGISLATIVE BILL 1003. Senator Schrock withdrew his pending amendment, AM2806, found on page 670.

Senator Schrock renewed his pending amendment, AM3032, found on page 845, to the Standing Committee amendment.

The Schrock amendment was adopted with 29 ayes, 0 nays, 9 present and not voting, and 11 excused and not voting.

Senator Aguilar renewed his pending amendment, AM2872, found on page 742, to the Standing Committee amendment.

The Aguilar amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Senator Chambers renewed his pending amendment, FA881, found on page 850, to the Standing Committee amendment.

Senator Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER KRISTENSEN PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 9:

| | | | | |
|----------|------------|------------|----------|-------|
| Beutler | Cunningham | Kristensen | McDonald | Smith |
| Coordsen | Erdman | Landis | Robak | |

Voting in the negative, 26:

| | | | | |
|---------|----------|---------------|----------|----------|
| Aguilar | Connealy | Jones | Quandahl | Vrtiska |
| Baker | Dierks | Kremer | Raikes | Wehrbein |
| Bromm | Engel | Kruse | Schrock | |
| Bruning | Foley | Maxwell | Stuhr | |
| Burling | Hudkins | Pedersen, Dw. | Thompson | |
| Byars | Jensen | Price | Tyson | |

Present and not voting, 11:

| | | | |
|----------|----------|--------------|------------|
| Bourne | Chambers | Pederson, D. | Suttle |
| Brashear | Cudaback | Preister | Synowiecki |
| Brown | Hartnett | Redfield | |

Excused and not voting, 3:

| | | |
|---------|---------|------------|
| Janssen | Schimek | Wickersham |
|---------|---------|------------|

The Chambers amendment lost with 9 ayes, 26 nays, 11 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENT - Print in Journal

Senator Tyson filed the following amendment to LB 460:
AM3011

(Amendments to Standing Committee amendments, AM1697)

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 79-4,110, Revised Statutes
- 3 Supplement, 2000, is amended to read:
- 4 79-4,110. A Class I district of which fifty eight
- 5 percent or more of the district's valuation is affiliated with a
- 6 single Class II or III district shall not merge, dissolve, or
- 7 reorganize unless:
- 8 (1) ~~The All~~ Class II or III ~~district districts~~ with which
- 9 fifty eight percent or more of the Class I district's valuation is
- 10 affiliated ~~is~~ are also reorganizing in the same reorganization
- 11 plan, petition, or election and that plan, petition, or election
- 12 requires approval by either the school ~~board~~ or such boards or
- 13 legal voters of such Class II or III ~~district districts~~;
- 14 (2) ~~Fifty percent or more of the The~~ Class I district's
- 15 valuation is being merged with ~~such the~~ Class II or III ~~district~~
- 16 districts with which the property is affiliated;
- 17 (3) The Class I district has been participating in a
- 18 unified system for a minimum of seven school fiscal years and the
- 19 unified system includes at least one Class II or III district
- 20 reorganizing in the same reorganization plan or petition; or
- 21 (4) The school ~~board of the boards of all~~ Class II or III
- 22 ~~district districts~~ with which fifty eight percent or more of the
- 23 Class I district's valuation is affiliated votes to approve the
- 1 plan or petition.
- 2 Sec. 3. Sections 1, 5, and 6 of this act become
- 3 operative on their effective date. The other sections of this act
- 4 become operative three calendar months after adjournment of this
- 5 legislative session.
- 6 Sec. 5. Original section 79-4,110, Revised Statutes
- 7 Supplement, 2000, is repealed.
- 8 Sec. 6. Since an emergency exists, this act takes effect
- 9 when passed and approved according to law."
- 10 2. Renumber the remaining sections accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 304. Introduced by Hartnett, 45.

WHEREAS, the State High School Girls' Basketball Class A State Championship match for 2002 saw a classic meeting of superior teams from

Bellevue East High School and Lincoln Southeast High School; and

WHEREAS, the Bellevue East Chieftains after a superbly hard-fought contest emerged triumphant with an exciting 43 to 42 victory; and

WHEREAS, the skill, determination, tenacity, and teamwork exhibited by the Chieftains was emblematic of the finest traditions of Nebraska student athletics; and

WHEREAS, the Bellevue community and the State of Nebraska can be proud of these students, their team, their coaches, and their school; and

WHEREAS, the Legislature should publicly recognize the talent, commitment, dedication, and accomplishments of these students and the support of their parents and the coaches and staff of Bellevue East High School.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its heartiest congratulations to the members of the 2002 Bellevue East Chieftains Class A Champion Varsity Girls Basketball Team: Kylie Kaipust, Chevelle Herring, Nora Cummings, Skeeter Zoucha, Kaylen Harris, Stephanie Shada, Cydney Franklin, Emily Mathews, Brittany Fischer, Katie Homan, Paula Brown, Janielle Bryan, Mary Homan, and Emily Salie, and their coaches, Scott Jensen, Larry Kaipust, Bryan McKinley, Matt Fritsche, Lori Waring, and Andrew Havelka.

2. That a copy of this resolution be presented, on behalf of the team and Bellevue East High School, to the Chieftain's head coach, Scott Jensen.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 584A. Introduced by Smith, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 584, Ninety-seventh Legislature, Second Session, 2002.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 7, 2002, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell

Jensen, Ronald L.

Bankers Association, Nebraska Independent

Niemann, Nicholas K.
Omaha Chamber of Commerce, Greater

States, Jennifer
Community Action Agencies, Association of Nebraska (Withdrawn
03/04/2002)

GENERAL FILE

LEGISLATIVE BILL 1003. Senator Chambers moved to reconsider the vote on FA881, found in this day's Journal.

Senators Robak, Brashear, and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 19 ayes, 5 nays, and 25 not voting.

The Chambers motion to reconsider failed with 12 ayes, 26 nays, 8 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Dierks renewed his pending amendment, AM3022, found on page 853, to the Standing Committee amendment.

SENATOR CUDABACK PRESIDING

Senators Bromm and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

The Dierks amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Senator Beutler asked unanimous consent to replace his pending amendment, FA875, found on page 844, with a substitute amendment. No objections. So ordered.

Senator Beutler withdrew his pending amendment, FA875, found on page 844.

Senator Beutler offered the following substitute amendment to the Standing Committee amendment:

AM3045

(Amendments to Standing Committee amendments, AM2691)

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 37-101, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 37-101. (1) The Game and Parks Commission shall consist

5 of ~~seven~~ eight members, one from each of the ~~seven~~ eight districts
6 provided for by section 37-102, and shall be appointed by the
7 Governor with the consent of a majority of all members of the
8 Legislature. Members of the commission shall be legal residents
9 and citizens of Nebraska and shall be well informed on wildlife
10 conservation and restoration. At least two members of the
11 commission shall be actually engaged in agricultural pursuits and
12 shall reside on a farm or ranch, and not more than four of the
13 members of the commission shall be affiliated with the same
14 political party.

15 (2) When the term of any member of the commission
16 expires, ~~the Governor shall appoint~~ a successor shall be appointed
17 as provided in subsection (1) of this section for a term of five
18 years from the same district as the member whose term has expired.
19 Beginning with appointments made for terms beginning after January
20 1, 2008, in districts which contain more than one county, the
21 Governor shall not appoint a person from the same county as his or
22 her predecessor. Each member shall serve until the appointment and
23 qualification of his or her successor. In case of a vacancy

1 occurring prior to the expiration of the term of a member, the
2 appointment shall be made only for the remainder of the term.

3 (3) All members of the commission shall be citizens and
4 bona fide residents of the district from which they are appointed.

5 When a member ceases to be a bona fide resident of the district,
6 from which he or she was appointed, the office shall be immediately
7 vacated.

8 (4) If the Legislature is not in session when members of
9 the commission are appointed by the Governor, they shall take
10 office and act as recess appointees until the Legislature next
11 thereafter convenes.

12 (5) Members may be removed by the Governor for
13 inefficiency, neglect of duty, or misconduct in office, but only
14 after delivering to the member a copy of the charges and affording
15 an opportunity of being publicly heard in person or by counsel in
16 his or her own defense, upon not less than ten days' notice. Such
17 hearing shall be held before the Governor.

18 (6) If such member is removed, the Governor shall file in
19 the office of the Secretary of State a complete statement of all
20 charges made against such member and his or her findings thereon,
21 together with a complete record of the proceedings. No person who
22 has served a full five-year term shall be eligible for
23 reappointment as a member of the commission until at least five
24 years have elapsed between any previous term which he or she might
25 have served and the effective date of his or her new appointment.

26 Sec. 2. Section 37-102, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 37-102. For purposes of section 37-101, the state is
2 hereby divided into ~~seven~~ eight districts. The limits and
3 designations of the ~~seven~~ eight districts shall be as follows:

- 4 (1) District No. 1. The counties of Richardson, Pawnee,
 5 Nemaha, Johnson, Otoe, Cass, ~~Lancaster~~ Sarpy, Saunders, Butler,
 6 Gage, Seward, Saline, and Jefferson;
 7 (2) District No. 2. ~~The counties of Sarpy and Douglas~~
 8 County;
 9 (3) District No. 3. The counties of Washington, Dodge,
 10 Colfax, Platte, Merrick, Nance, Boone, Madison, Stanton, Cuming,
 11 Burt, Thurston, Wayne, Pierce, Antelope, Knox, Cedar, Dixon, and
 12 Dakota;
 13 (4) District No. 4. The counties of Thayer, Nuckolls,
 14 Webster, Adams, Clay, Fillmore, York, Polk, Hamilton, Hall,
 15 Buffalo, Kearney, and Franklin;
 16 (5) District No. 5. The counties of Harlan, Furnas, Red
 17 Willow, Hitchcock, Dundy, Chase, Hayes, Frontier, Gosper, Phelps,
 18 Dawson, Lincoln, and Perkins;
 19 (6) District No. 6. The counties of Howard, Greeley,
 20 Wheeler, Sherman, Valley, Garfield, Holt, Boyd, Keya Paha, Rock,
 21 Brown, Loup, Blaine, Custer, Logan, McPherson, Arthur, Grant,
 22 Hooker, Thomas, and Cherry; ~~and~~
 23 (7) District No. 7. The counties of Deuel, Garden,
 24 Keith, Sheridan, Cheyenne, Morrill, Box Butte, Dawes, Sioux, Scotts
 25 Bluff, Banner, and Kimball; ~~and~~
 26 (8) District No. 8. Lancaster County".
 27 2. Renumber the remaining sections and correct the
 1 repealer and internal references accordingly.

Senators Cunningham and Aguilar asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Smith requested a ruling of the Chair on whether the Beutler amendment would require a three-fifths majority vote, pursuant to Rule 6, Section 3(h).

The Chair ruled that the Beutler amendment is not substantially the same as another legislative bill that had been indefinitely postponed by the committee, and would therefore require a majority of the elected members.

Pending.

AMENDMENTS - Print in Journal

Senator Dierks filed the following amendment to LB 1003:
 AM3044

(Amendments to Standing Committee amendments, AM2691)

- 1 1. On page 2, line 8, before the period insert "if there
- 2 is reasonable cause to believe that any such wildlife are present
- 3 on the property and if attempts to gain access to the property by
- 4 permission of the owner or lessee are unsuccessful or
- 5 impracticable"; and in line 16 after "premises" insert "or personal
- 6 property upon the premises".

Senator Chambers filed the following amendments to LB 1003:

FA883

Amend AM2691

P. 7, line 10 strike "Fourteen" and insert "Thirteen".

FA884

Amend AM2691

Page 7, strike lines 12-20

FA885

Amend AM2691

Page 7, Strike lines 14-20.

FA886

Amend AM2691

P. 7, Strike lines 16-20.

FA887

Amend AM2691

P. 7, Strike lines 18-20.

FA888

Amend AM2691

P. 7 strike new language in lines 24-27, and in line 23 strike "two dollars" and insert "one dollar".

FA889

Amend AM2691

P. 7, line 24, strike "three dollars and fifty" and insert "seventy-five"

FA890

Amend AM2691

P. 7, lines 24 and 25, strike "and fifty cents".

FA891

Amend AM2691

P. 7, line 26 strike "four" and insert "three".

FA892

Amend AM2691

P. 7, line 26 strike "four" and insert "two".

FA893

Amend AM2691

Page 7, line 26 strike "four dollars" and insert "one dollar".

FA894

Amend AM2691

Strike section 5.

FA895
Amend AM2691
Strike section 10.

FA896
Amend AM2691
Strike section 12.

Senator Kremer filed the following amendment to LB 1003:
AM3038

- 1 1. Insert the following new section:
- 2 "Sec. 19. Section 37-806, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 37-806. (1) Any species of wildlife or wild plants
- 5 determined to be an endangered species pursuant to the Endangered
- 6 Species Act shall be an endangered species under the Nongame and
- 7 Endangered Species Conservation Act, and any species of wildlife or
- 8 wild plants determined to be a threatened species pursuant to the
- 9 Endangered Species Act shall be a threatened species under the
- 10 Nongame and Endangered Species Conservation Act. The commission
- 11 may determine that any such threatened species is an endangered
- 12 species throughout all or any portion of the range of such species
- 13 within this state.
- 14 (2) In addition to the species determined to be
- 15 endangered or threatened pursuant to the Endangered Species Act,
- 16 the commission shall by regulation determine whether any species of
- 17 wildlife or wild plants normally occurring within this state is an
- 18 endangered or threatened species as a result of any of the
- 19 following factors:
- 20 (a) The present or threatened destruction, modification,
- 21 or curtailment of its habitat or range;
- 22 (b) Overutilization for commercial, sporting, scientific,
- 23 educational, or other purposes;
- 24 (c) Disease or predation;
- 1 (d) The inadequacy of existing regulatory mechanisms; or
- 2 (e) Other natural or manmade factors affecting its
- 3 continued existence within this state.
- 4 (3)(a) The commission shall make determinations required
- 5 by subsection (2) of this section on the basis of the best
- 6 scientific, commercial, and other data available to the commission.
- 7 (b) Except with respect to species of wildlife or wild
- 8 plants determined to be endangered or threatened species under
- 9 subsection (1) of this section, the commission may not add a
- 10 species to nor remove a species from any list published pursuant to
- 11 subsection (5) of this section unless the commission has first:
- 12 (a) Published a (i) Provided public notice of such
- 13 proposed action by publication in a newspaper of general
- 14 circulation in each county in that portion of the subject species'
- 15 range in which it is endangered or threatened;

- 16 (ii) Provided notice of such proposed action to and
17 allowed comment from the Governor and state agencies;
18 (iii) Provided notice of such proposed action to and
19 allowed comment from each county, natural resources district, and
20 public power district located in that portion of the subject
21 species' range in which it is endangered or threatened;
22 (b) (iv) Notified the Governor of any state sharing a
23 common border with this state, in which the subject species is
24 known to occur, that such action is being proposed; and
25 (v) Allowed at least thirty sixty days following
26 publication for comment from the public and other interested
27 parties;
1 (vi) Held at least one public hearing on such proposed
2 action in each region of the subject species' range in which it is
3 endangered or threatened;
4 (vii) Submitted the scientific, commercial, and other
5 data which is the basis of the proposed action to scientists or
6 experts outside and independent of the commission or a state or
7 federal fish and wildlife agency for peer review of the data and
8 conclusions; and
9 (viii) For species proposed to be added under this
10 subsection but not for species proposed to be removed under this
11 subsection, developed a description of the potential impacts,
12 requirements, or regulations that may be placed on private
13 landowners, or other persons who hold state-recognized property
14 rights on behalf of themselves or others, as a result of the
15 listing of the species or the development of a proposed program for
16 the conservation of the species as required in subsection (1) of
17 section 37-807.
18 (c) When the commission is proposing to add or remove a
19 species under this subsection, public notice under subdivision
20 (3)(b)(i) of this section shall include, but not be limited to, (i)
21 the species proposed to be listed and a description of that portion
22 of its range in which the species is endangered or threatened, (ii)
23 a declaration that the commission submitted the data which is the
24 basis for the listing for peer review and developed a description
25 if required under subdivision (b)(viii) of this subsection, and
26 (iii) a declaration of the availability of the peer review,
27 including an explanation of any changes or modifications the
1 commission has made to its proposal as a result of the peer review,
2 and the description required under subdivision (b)(viii) of this
3 subsection, if applicable, for public examination.
4 (d) In cases when the commission determines that an
5 emergency situation exists involving the continued existence of
6 such species as a viable component of the wild fauna or flora of
7 the state, the commission may add species to such lists after
8 having first published a public notice that such an emergency
9 situation exists together with a summary of facts which support
10 such determination.

11 (4) In determining whether any species of wildlife or
12 wild plants is an endangered or threatened species, the commission
13 shall take into consideration those actions being carried out by
14 the federal government, by other states, by other agencies of this
15 state or political subdivisions thereof, or by any other person
16 which may affect the species under consideration.

17 (5) The commission shall issue regulations containing a
18 list of all species of wildlife and wild plants normally occurring
19 within this state which it determines, in accordance with
20 subsections (1) through (4) of this section, to be endangered or
21 threatened species and a list of all such species. Each list shall
22 refer to the species contained therein by scientific and common
23 name or names, if any, and shall specify with respect to each such
24 species over what portion of its range it is endangered or
25 threatened.

26 (6) Except with respect to species of wildlife or wild
27 plants determined to be endangered or threatened pursuant to the
1 Endangered Species Act, the commission shall, upon the petition of
2 an interested person, conduct a review of any listed or unlisted
3 species proposed to be removed from or added to the lists published
4 pursuant to subsection (5) of this section, but only if the
5 commission publishes a public notice that such person has presented
6 substantial evidence which warrants such a review.

7 (7) Whenever any species of wildlife or wild plants is
8 listed as a threatened species pursuant to subsection (5) of this
9 section, the commission shall issue such regulations as are
10 necessary to provide for the conservation of such species. The
11 commission may prohibit, with respect to any threatened species of
12 wildlife or wild plants, any act prohibited under subsection (8) or
13 (9) of this section.

14 (8) With respect to any endangered species of wildlife,
15 it shall be unlawful, except as provided in subsection (7) of this
16 section, for any person subject to the jurisdiction of this state
17 to:

18 (a) Export any such species from this state;

19 (b) Take any such species within this state;

20 (c) Possess, process, sell or offer for sale, deliver,

21 carry, transport, or ship, by any means whatsoever except as a

22 common or contract motor carrier under the jurisdiction of the

23 Public Service Commission or the Interstate Commerce Commission,

24 any such species; or

25 (d) Violate any regulation pertaining to the conservation

26 of such species or to any threatened species of wildlife listed

27 pursuant to this section and promulgated by the commission pursuant

1 to the Nongame and Endangered Species Conservation Act.

2 (9) With respect to any endangered species of wild

3 plants, it shall be unlawful, except as provided in subsection (7)

4 of this section, for any person subject to the jurisdiction of this

5 state to:

- 6 (a) Export any such species from this state;
 7 (b) Possess, process, sell or offer for sale, deliver,
 8 carry, transport, or ship, by any means whatsoever, any such
 9 species; or
 10 (c) Violate any regulation pertaining to such species or
 11 to any threatened species of wild plants listed pursuant to this
 12 section and promulgated by the commission pursuant to the act.
 13 (10) Any endangered species of wildlife or wild plants
 14 which enters this state from another state or from a point outside
 15 the territorial limits of the United States and which is being
 16 transported to a point within or beyond this state may be so
 17 entered and transported without restriction in accordance with the
 18 terms of any federal permit or permit issued under the laws or
 19 regulations of another state.
 20 (11) The commission may permit any act otherwise
 21 prohibited by subsection (8) of this section for scientific
 22 purposes or to enhance the propagation or survival of the affected
 23 species.
 24 (12) Any law, regulation, or ordinance of any political
 25 subdivision of this state which applies with respect to the taking,
 26 importation, exportation, possession, sale or offer for sale,
 27 processing, delivery, carrying, transportation other than under the
 1 jurisdiction of the Public Service Commission, or shipment of
 2 species determined to be endangered or threatened species pursuant
 3 to the Nongame and Endangered Species Conservation Act shall be
 4 void to the extent that it may effectively (a) permit that which is
 5 prohibited by the act or by any regulation which implements the act
 6 or (b) prohibit that which is authorized pursuant to an exemption
 7 or permit provided for in the act or in any regulation which
 8 implements the act. The Nongame and Endangered Species
 9 Conservation Act shall not otherwise be construed to void any law,
 10 regulation, or ordinance of any political subdivision of this state
 11 which is intended to conserve wildlife or wild plants."
 12 2. Renumber the remaining sections and correct the
 13 repealer accordingly.

Senator Chambers filed the following amendment to LB 1003:

FA897

Amend AM2691

Page 2, line 6 after "authority", insert "only when in uniform or accompanied by an employee in uniform"

Senator Kremer filed the following amendment to LB 777:

AM3037

(Amendments to Standing Committee amendments, AM0742)

- 1 1. On page 2, line 13, strike "Published a", show as
 2 stricken, and insert "Provided"; in line 14 strike "in each region"
 3 and insert "by publication in a newspaper of general circulation in
 4 each county in that portion"; in line 19 strike "and natural

5 resources district" and insert "natural resources district, and
 6 public power district"; and in line 25 strike "thirty", show as
 7 stricken, and insert "sixty".
 8 2. On page 3, line 6, after "commission" insert "or a
 9 state or federal fish and wildlife agency"; strike line 10 and
 10 insert "subsection, developed a description of the potential
 11 impacts, requirements, or"; in line 12 after "rights" insert "on
 12 behalf of themselves or others"; in line 22 strike "an outline" and
 13 insert "a description"; and in line 24 strike "and outline" and
 14 insert ", including an explanation of any changes or modifications
 15 the commission has made to its proposal as a result of the peer
 16 review, and the description required under subdivision (b)(viii) of
 17 this subsection".

RESOLUTION

LEGISLATIVE RESOLUTION 305. Introduced by Smith, 48.

WHEREAS, the Minatare High School LifeSmarts Quiz Bowl team won the state LifeSmarts Quiz Bowl in North Platte on February 14, 2002; and

WHEREAS, the LifeSmarts Quiz Bowl uses a game-show competition format in asking questions that test the marketplace skills of high school students; and

WHEREAS, LifeSmarts Quiz Bowl questions focus on the areas of personal financial management, health and safety, environment, technology, and consumer rights and responsibilities; and

WHEREAS, the Minatare High School LifeSmarts Quiz Bowl team will represent Nebraska at the national LifeSmarts competition in Washington, D.C. April 13 through April 16, 2002; and

WHEREAS, the members of the Minatare High School LifeSmarts Quiz Bowl team are team captain Kayla Fry and team members Jessica Kraski, Heather Kreiling, Travis Manka, and Joshua Sandoz, and the coach of the team is science teacher Beth Coop.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the members of the Minatare High School LifeSmarts Quiz Bowl team and their coach Beth Coop.

2. That a copy of this resolution be sent to Minatare High School.

Laid over.

SELECT COMMITTEE REPORTS Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 21, 57, 112, 123, 326, 326A, 385, 458, 491, 499, 547, 547A, 604, and 616.

Enrollment and Review Change to LB 21

The following changes, required to be reported for publication in the Journal, have been made:

ER9111

1. In the E & R amendments, AM7159, on page 1, line 2, "or waiver" has been inserted after "amendment".

Enrollment and Review Change to LB 326A

The following changes, required to be reported for publication in the Journal, have been made:

ER9120

1. On page 2, line 2, "Cash" has been inserted after each occurrence of "READY".

Enrollment and Review Change to LB 458

The following changes, required to be reported for publication in the Journal, have been made:

ER9112

1. In the Schrock amendment, AM2962, on page 11, line 2, the last comma has been struck.

2. In the E & R amendments, AM7156, on page 1, line 3, the second "and" has been struck; and in line 4 ", and sections 46-230, 46-602, 46-606, 61-210, and 76-2,124, Revised Statutes Supplement, 2001; to change and eliminate provisions relating to fees; to provide a termination date relating to the crediting of such fees" has been inserted after "2000".

Enrollment and Review Change to LB 499

The following changes, required to be reported for publication in the Journal, have been made:

ER9113

1. In the Bromm amendment, AM2971:

a. On page 4, lines 19 and 20, "of a violation" has been struck; and

b. On page 9, line 13, the colon has been struck, shown as stricken, and an underscored semicolon inserted.

2. On page 1, the matter beginning with "vehicle" in line 1 through line 5 has been struck and "vehicles; to amend sections 60-4,132, 60-4,162, 60-1306, and 75-369.03, Reissue Revised Statutes of Nebraska, and sections 60-4,168, 75-363, and 75-364, Revised Statutes Supplement, 2001; to change provisions relating to intent, employers, and disqualification of commercial motor vehicle drivers; to change provisions relating to motor carrier safety; to adopt certain portions of the federal Motor Carrier Safety Regulations and the federal Hazardous Material Regulations; to repeal provisions regarding names displayed on commercial trucks and truck-tractors; to provide and eliminate penalties; to harmonize provisions; to repeal the original sections; and to" inserted.

Enrollment and Review Change to LB 616

The following changes, required to be reported for publication in the Journal, have been made:

ER9114

1. On page 1, line 2, ", and section 39-2519, Revised Statutes Supplement, 2001" has been inserted after "Nebraska"; in line 4 "and" has been struck and "to authorize the relinquishment of street improvement funds to counties as prescribed; to provide operative dates;" inserted; and in line 5 "section" has been struck and "sections; and to declare an emergency" inserted.

(Signed) Philip Erdman, Chairperson

VISITORS

Visitors to the Chamber were Layne Burbach and Shane, Kristi, and Dave Owens from Randolph; 10 seventh grade students and teacher from Hampton; 11 students, teachers, and sponsors from Clinton Elementary School, Lincoln; members of the Nebraska Women Involved in Farm Economics from across the state; Frank Janousek and Sonny and Kyle Pesek from Omaha; 29 students from Grant Elementary School, Norfolk; Ray Mossey from Omaha; 50 fourth grade students, teachers, and Senator Bourne's sister, Jacki Bruenning, from Two Springs Elementary School, Bellevue; and Jessica Penlerick from Cedar and Daniel, Dave, and William Binkard from Ponca.

RECESS

At 12:04 p.m., on a motion by Senator Jones, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senator Kristensen who was excused; and Senators Beutler, Dierks, Price, Robak, and Wickersham who were excused until they arrive.

UNANIMOUS CONSENT - Member Excused

Senator Vrtiska asked unanimous consent to be excused. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 306. Introduced by Vrtiska, 1.

WHEREAS, the Nemaha Valley High School Academic Decathlon Team from Cook, Nebraska, won the 2002 Academic Decathlon State Championship (Small Schools Division) for the fourth consecutive year; and

WHEREAS, the Nemaha Valley High School Academic Decathlon Team was one of two schools from Nebraska to qualify for the National Championship, to be held in Phoenix, Arizona, April 10-13, 2002; and

WHEREAS, the members of the Nemaha Valley High School Academic Decathlon Team are Holly Morris, April Duncza, Mike Costello, Ann Moles, Adam Badberg, Melinda Kreifels, John Dietz, Travis Effken, Steven Cook, Tyler Harris, Rachel Grundman, and Katie Bebout; and

WHEREAS, the coaches of the Nemaha Valley High School Academic Decathlon Team are Jane Antholz, Shelley Moles, Mark Wentz, Lindsey LeMunyan, Alta Bohling, and Superintendent Jack Moles; and

WHEREAS, the members of the Nemaha Valley High School Academic Decathlon Team put in many hours of hard work in preparation for the 2002 championship competition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the members of the Nemaha Valley High School Academic Decathlon Team, their parents, and their coaches.

2. That a copy of this resolution be sent to Nemaha Valley High School.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 1089. Title read. Considered.

Senator Tyson renewed his pending amendment, AM2555, found on page 498.

Senator Landis moved the previous question. The question is, "Shall the debate now close?"

Senator Landis moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

The Tyson amendment lost with 3 ayes, 34 nays, 9 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Landis offered the following amendment:

FA882

Strike section 8

Senator Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

The Landis amendment was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Senator Landis moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 32:

| | | | | |
|----------|------------|---------------|----------|------------|
| Baker | Burling | Hartnett | Price | Synowiecki |
| Beutler | Byars | Jensen | Quandahl | Tyson |
| Bourne | Connealy | Kruse | Raikes | Wehrbein |
| Brashear | Cunningham | Landis | Redfield | Wickersham |
| Bromm | Dierks | Maxwell | Schimek | |
| Brown | Engel | Pedersen, Dw. | Smith | |
| Bruning | Foley | Preister | Suttle | |

Voting in the negative, 5:

| | | | | |
|----------|--------|--------|---------|-------|
| Chambers | Erdman | Kremer | Schrock | Stuhr |
|----------|--------|--------|---------|-------|

Present and not voting, 9:

| | | | | |
|----------|---------|----------|--------------|----------|
| Aguilar | Hudkins | Jones | Pederson, D. | Thompson |
| Cudaback | Janssen | McDonald | Robak | |

Excused and not voting, 3:

| | | |
|----------|------------|---------|
| Coordsen | Kristensen | Vrtiska |
|----------|------------|---------|

Advanced to E & R for review with 32 ayes, 5 nays, 9 present and not voting, and 3 excused and not voting.

Senator Tyson asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 29. Title read. Considered.

The Standing Committee amendment, AM0917, found on page 1007, First Session, 2001, was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Senator Jensen asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 935. Title read. Considered.

Senator Wickersham renewed his pending amendment, AM2431, found on page 480.

Senator Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Schimek requested a ruling of the Chair on whether the Wickersham amendment would require a three-fifths majority vote, pursuant to Rule 6, Section 3(h).

The Chair ruled that the Wickersham amendment is substantially the same as another legislative bill that had been indefinitely postponed by the committee, and would therefore require 30 votes.

Senator Smith moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

The Wickersham amendment lost with 5 ayes, 30 nays, 7 present and not voting, and 7 excused and not voting.

Senator Chambers moved to reconsider the vote on the Wickersham amendment, AM2431.

Senator McDonald asked unanimous consent to be excused. No objections. So ordered.

Senator Chambers asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

Pending.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 22, 22A, 188, and 752.

Enrollment and Review Change to LB 752

The following changes, required to be reported for publication in the Journal, have been made:

ER9115

1. In the Pederson amendment, FA873, "Sec 3." has been struck and "Sec. 2." inserted; and a comma has been inserted after "court".

2. In the E & R Amendments, AM7168:

a. On page 1, line 12, "to 3" has been struck and "and 2" inserted; and in line 21 "Sec. 3." has been struck; and

b. On page 2, line 18, "to require a pretrial hearing;" has been struck.

(Signed) Philip Erdman, Chairperson

AMENDMENTS - Print in Journal

Senator Tyson filed the following amendment to LB 391:
AM2850

(Amendments to E & R amendments, AM7173)

- 1 1. Insert the following new sections:
- 2 "Sec. 16. Section 2-3256, Revised Statutes Supplement,
- 3 2000, is amended to read:
- 4 2-3256. All design or construction by a district of
- 5 structural works costing more than eighty thousand dollars, or such
- 6 higher amount as is established by the Board of Engineers and
- 7 Architects by rule and regulation, shall be under the supervision
- 8 of a licensed engineer except as provided in the Engineers and
- 9 Architects Regulation Act.
- 10 Sec. 17. Section 81-3445, Reissue Revised Statutes of
- 11 Nebraska, is amended to read:
- 12 81-3445. Except as provided in this section and sections
- 13 81-3449 to 81-3453, the state and its political subdivisions shall
- 14 not engage in the construction of any public works involving
- 15 architecture or engineering unless the plans, specifications, and
- 16 estimates have been prepared and the construction has been observed
- 17 by an architect, a professional engineer, or a person under the
- 18 direct supervision of an architect, professional engineer, or those
- 19 under the direct supervision of an architect or professional
- 20 engineer. This except that this section shall not apply to any
- 21 public work in which the contemplated expenditure for the complete
- 22 project does not exceed eighty thousand dollars, or such higher
- 23 amount as is established by the board by rule and regulation.
- 1 Sec. 18. Section 81-3449, Revised Statutes Supplement,
- 2 2000, is amended to read:
- 3 81-3449. The provisions of the Engineers and Architects
- 4 Regulation Act regulating the practice of architecture do not apply
- 5 to the following activities:
- 6 (1) The construction, remodeling, alteration, or
- 7 renovation of (a) a detached single-family through four-family
- 8 dwelling of less than five thousand square feet of above grade
- 9 finished space or (b) a one-story commercial or industrial building
- 10 or structure of less than five thousand square feet of above grade
- 11 finished space which does not exceed thirty feet in height unless
- 12 such building or structure, or the remodeling or repairing thereof,

13 provides for the employment, housing, or assembly of twenty or more
14 persons. Any detached or attached sheds, storage buildings, and
15 garages incidental to the dwelling are not included in the
16 tabulation of finished space. The exemption granted in this
17 subdivision may be modified by rule and regulation of the board if
18 the rule and regulation is adopted using the procedures of the
19 Negotiated Rulemaking Act;

20 (2) The construction, remodeling, alteration, or
21 renovation of farm buildings, including barns, silos, sheds, or
22 housing for farm equipment and machinery, livestock, poultry, or
23 storage, if the structures are designed to be occupied by no more
24 than twenty persons. The exemption granted in this subdivision may
25 be modified by rule and regulation of the board if the rule and
26 regulation is adopted using the procedures of the Negotiated
27 Rulemaking Act;

1 (3) Any public works project with contemplated
2 expenditures for a completed project that do not exceed eighty
3 thousand dollars. The exemption granted in this subdivision may be
4 modified by rule and regulation of the board if the rule and
5 regulation is adopted using the procedures of the Negotiated
6 Rulemaking Act;

7 (4) Any alteration, renovation, or remodeling of a
8 building if the alteration, renovation, or remodeling does not
9 affect architectural or engineering safety features of the
10 building;

11 (5) The teaching, including research and service, of
12 architectural subjects in a college or university offering a degree
13 in architecture accredited by the National Architectural
14 Accreditation Board;

15 (6) The preparation of submissions to architects,
16 building officials, or other regulating authorities by the
17 manufacturer, supplier, or installer of any materials, assemblies,
18 components, or equipment that describe or illustrate the use of
19 such items, the preparation of any details or shop drawings
20 required of the contractor by the terms of the construction
21 documents, or the management of construction contracts by persons
22 customarily engaged in contracting work;

23 (7) The preparation of technical submissions or the
24 administration of construction contracts by employees of a person
25 or organization lawfully engaged in the practice of architecture if
26 such employees are acting under the direct supervision of an
27 architect;

1 (8) The offering by an organization of a combination of
2 services involved in the practice of architecture and construction
3 services if:

4 (a) An architect or person otherwise permitted under
5 subdivision (10) of this section to offer architectural services
6 participates substantially in all material aspects of the offering;

7 (b) There is written disclosure at the time of the

- 8 offering that an architect is engaged by and contractually
9 responsible to such organization;
- 10 (c) Such organization agrees that the architect will have
11 direct supervision of the work and that such architect's services
12 will not be terminated without the consent of the person engaging
13 the organization; and
- 14 (d) The rendering of architectural services by such
15 architect will conform to the act and the rules and regulations;
- 16 (9) A public service provider or an organization who
17 employs a design professional from performing professional services
18 for itself;
- 19 (10) A nonresident who holds the certification issued by
20 the National Council of Architectural Registration Boards from
21 offering to render the professional services involved in the
22 practice of architecture. The nonresident shall not perform any of
23 the professional services involved in the practice of architecture
24 until licensed as provided in the act. The nonresident shall
25 notify the board in writing that (a) he or she holds a National
26 Council of Architectural Registration Boards certificate and is not
27 currently licensed in Nebraska but will be present in Nebraska for
1 the purpose of offering to render architectural services, (b) he or
2 she will deliver a copy of the notice to every potential client to
3 whom the applicant offers to render architectural services, and (c)
4 he or she promises to apply immediately to the board for licensure
5 if selected as the architect for the project;
- 6 (11) The practice of any other certified trade or legally
7 recognized profession;
- 8 (12) Financial institutions making disbursements of funds
9 in connection with construction projects;
- 10 (13) Earthmoving and related work associated with soil
11 and water conservation practices performed on farmland or any land
12 owned by a political subdivision that is not subject to a permit
13 from the Department of Natural Resources or for work related to
14 livestock waste facilities that are not subject to a permit by the
15 Department of Environmental Quality; and
- 16 (14) The work of employees and agents of a political
17 subdivision or a nonprofit entity organized for the purpose of
18 furnishing electrical service performing, in accordance with other
19 requirements of law, their customary duties in the administration
20 and enforcement of codes, permit programs, and land-use regulations
21 and their customary duties in utility and public works
22 construction, operation, and maintenance.
- 23 Sec. 19. Section 81-3453, Revised Statutes Supplement,
24 2000, is amended to read:
- 25 81-3453. The provisions of the Engineers and Architects
26 Regulation Act regulating the practice of engineering do not apply
27 to the following activities:
- 1 (1) The construction, remodeling, alteration, or
2 renovation of (a) a detached single-family through four-family

3 dwelling of less than five thousand square feet above grade
4 finished space or (b) a one-story commercial or industrial building
5 or structure of less than five thousand square feet above grade
6 finished space which does not exceed thirty feet in height unless
7 such building or structure, or the remodeling or repairing thereof,
8 provides for the employment, housing, or assembly of twenty or more
9 persons. Any detached or attached sheds, storage buildings, and
10 garages incidental to the dwelling are not included in the
11 tabulation of finished space. The exemption granted in this
12 subdivision may be modified by rule and regulation of the board if
13 the rule and regulation is adopted using the procedures of the
14 Negotiated Rulemaking Act;

15 (2) The construction, remodeling, alteration, or
16 renovation of farm buildings, including barns, silos, sheds, or
17 housing for farm equipment and machinery, livestock, poultry, or
18 storage and if the structures are designed to be occupied by no
19 more than twenty persons. The exemption granted in this
20 subdivision may be modified by rule and regulation of the board if
21 the rule and regulation is adopted using the procedures of the
22 Negotiated Rulemaking Act;

23 (3) Any public works project with contemplated
24 expenditures for the completed project that do not exceed eighty
25 thousand dollars. The exemption granted in this subdivision may be
26 modified by rule and regulation of the board if the rule and
27 regulation is adopted using the procedures of the Negotiated
1 Rulemaking Act;

2 (4) Any alteration, renovation, or remodeling of a
3 building if the alteration, renovation, or remodeling does not
4 affect architectural or engineering safety features of the
5 building;

6 (5) The teaching, including research and service, of
7 engineering subjects in a college or university offering an
8 Accrediting Board for Engineering and Technology accredited
9 engineering curriculum of four years or more;

10 (6) The act does not prevent a public service provider or
11 an organization who employs a design professional from performing
12 professional services for itself;

13 (7) The practice of any other certified trade or legally
14 recognized profession;

15 (8) The offer to practice engineering by a person not a
16 resident of and having no established place of business in this
17 state if the person is legally qualified by licensure to practice
18 engineering in his or her own state or country. The person shall
19 make application to the board in writing and after payment of a fee
20 established by the board may be granted a temporary permit for a
21 definite period of time not to exceed one year to do a specific
22 job. No right to practice engineering accrues to such applicant
23 with respect to any other work not set forth in the permit;

24 (9) The work of an employee or a subordinate of a person

25 holding a certificate of licensure under the act or an employee of
26 a person practicing lawfully under subdivision (8) of this section
27 if the work is done under the direct supervision of a person
1 holding a certificate of licensure or a person practicing lawfully
2 under such subdivision;

3 (10) Those services ordinarily performed by subordinates
4 under direct supervision of a professional engineer or those
5 commonly designated as locomotive, stationary, marine operating
6 engineers, power plant operating engineers, or manufacturers who
7 supervise the operation of or operate machinery or equipment or who
8 supervise construction within their own plant;

9 (11) Financial institutions making disbursements of funds
10 in connection with construction projects;

11 (12) Earthmoving and related work associated with soil
12 and water conservation practices performed on farmland or any land
13 owned by a political subdivision that is not subject to a permit
14 from the Department of Natural Resources or for work related to
15 livestock waste facilities that are not subject to a permit by the
16 Department of Environmental Quality;

17 (13) The work of employees and agents of a political
18 subdivision or a nonprofit entity organized for the purpose of
19 furnishing electrical service performing, in accordance with other
20 requirements of law, their customary duties in the administration
21 and enforcement of codes, permit programs, and land-use regulations
22 and their customary duties in utility and public works
23 construction, operation, and maintenance;

24 (14) Work performed exclusively in the exploration for
25 and development of energy resources and base, precious, and
26 nonprecious minerals, including sand, gravel, and aggregate, which
27 does not have a substantial impact upon public health, safety, and
1 welfare, as determined by the board, or require the submission of
2 reports or documents to public agencies;

3 (15) The construction of water wells as defined in
4 section 46-1212, the installation of pumps and pumping equipment
5 into water wells, and the decommissioning of water wells, unless
6 such construction, installation, or decommissioning is required by
7 the owner thereof to be designed or supervised by an engineer or
8 unless legal requirements are imposed upon the owner of a water
9 well as a part of a public water supply; and

10 (16) Work performed in the exploration, development, and
11 production of oil and gas or before the Nebraska Oil and Gas
12 Conservation Commission.

13 Sec. 20. Sections 1 to 19 and 21 of this act become
14 operative three calendar months after adjournment of this
15 legislative session. The other sections of this act become
16 operative on their effective date.

17 Sec. 21. Original section 81-3445, Reissue Revised
18 Statutes of Nebraska, and sections 2-3256, 81-3449, and 81-3453,
19 Revised Statutes Supplement, 2000, are repealed.

- 20 Sec. 22. The following section is outright repealed:
 21 Section 81-3447, Reissue Revised Statutes of Nebraska.
 22 Sec. 23. Since an emergency exists, this act takes
 23 effect when passed and approved according to law."
 24 2. On page 1, line 3, strike "This" and insert "Sections
 25 1 to 15 of this".
 26 3. Insert underscoring in the original sections.

Senator Dw. Pedersen filed the following amendment to LB 1073:
 AM3039

- 1 1. Insert the following new section:
 2 "Section 1. Section 60-6,157, Reissue Revised Statutes
 3 of Nebraska, is amended to read:
 4 60-6,157. (1) ~~No~~ Except as provided in subsection (3) of
 5 this section, no person shall stand in a roadway for the purpose of
 6 soliciting a ride, employment, contributions, or business from the
 7 occupant of any vehicle.
 8 (2) No person shall stand on or in proximity to a highway
 9 for the purposes of soliciting the watching or guarding of any
 10 vehicle while parked or about to be parked on a highway.
 11 (3) Any municipality may, by ordinance, allow pedestrians
 12 to solicit contributions on roadways within its corporate
 13 boundaries if the contributions are to be devoted to charitable or
 14 community betterment purposes."
 15 2. Renumber the remaining sections and correct the
 16 repealer accordingly.

Senator Landis filed the following amendment to LB 488:
 AM2945

(Amendments to Standing Committee amendments, AM2603)

- 1 1. On page 5, line 3, after the period insert "Not later
 2 than July 1, 2003, the Director of Motor Vehicles may contract with
 3 a designated agent for the purpose of establishing and operating
 4 the motor vehicle insurance data base and monitoring compliance
 5 with the financial responsibility requirements of sections 2 to 5
 6 of this act."
 7 2. On page 6, line 24, before the period insert ",
 8 except that the Director of Motor Vehicles may reconvene the task
 9 force at any time thereafter if he or she deems it necessary".
 10 3. On page 9, strike beginning with "(1)" in line 9
 11 through line 24 and insert "Failure by an insurance company subject
 12 to sections 2 to 5 of this act to comply with the requirements of
 13 such sections and the rules and regulations adopted and promulgated
 14 under such sections by the Director of Motor Vehicles shall be an
 15 unfair trade practice in the business of insurance subject to the
 16 Unfair Insurance Trade Practices Act."

Senator Baker filed the following amendment to LB 564:
AM2281

- 1 1. On page 6, line 6, strike "of any offense" and show
- 2 as stricken; and in line 7 after "States" insert "by the United
- 3 States Government, or by court martial or other military tribunal
- 4 of any offense".
- 5 2. On page 9, line 19, strike "29-4007" and insert
- 6 "29-4006".

STANDING COMMITTEE REPORT **Revenue**

The Revenue Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Tax Equalization and Review Commission
Susan S. Lore

VOTE: Aye: Senators Coordsen, Dierks, Hartnett, Janssen, Raikes, Redfield, and Wickersham. Nay: None. Absent: Senator Landis.

(Signed) William R. Wickersham, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Senator Preister asked unanimous consent to have his name added as cointroducer to LB 29 and LB 82. No objections. So ordered.

VISITORS

The Doctor of the Day was Dr. Dale Michels from Walton.

ADJOURNMENT

At 4:07 p.m., on a motion by Senator Brashear, the Legislature adjourned until 9:00 a.m., Monday, March 11, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SEVENTH DAY - MARCH 11, 2002**LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE
SECOND SESSION****THIRTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, March 11, 2002

PRAYER

The prayer was offered by Senator Kruse.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

The roll was called and all members were present except Senator Hartnett who was excused; and Senators Byars, Dierks, Landis, and Vrtiska who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-sixth day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 307. Introduced by Foley, 29.

WHEREAS, Chris Schroeder has earned the rank of Eagle Scout in the Boy Scouts of America, that organization's highest rank; and

WHEREAS, Chris Schroeder has been an active member of the Cathedral of the Risen Christ's Boy Scout Troop 54 since 1995; and

WHEREAS, in achieving this rank, Chris Schroeder advanced through five ranks and earned forty-two merit badges, of which only twenty-one are required; and

WHEREAS, for his Eagle Scout project, Chris Schroeder made plans, obtained permits, built, and installed three rest benches in the courtyard of the Silvercrest Assisted Living Home in Lincoln, therein providing residents a place to rest during their time in the courtyard; and

WHEREAS, fewer than four percent of all boys who join the Boy Scouts attain the rank of Eagle Scout; and

WHEREAS, Chris Schroeder has achieved great success as an exemplary

member of the Scouting program and has represented his troop and community with excellence; and

WHEREAS, a Court of Honor will be held for Chris Schroeder on Sunday, April 21, 2002, at Cathedral of the Risen Christ Church in Lincoln, at which time he will be presented with the Eagle Scout Badge.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature commends Chris Schroeder for his dedication, perseverance, and hard work in obtaining this distinguished rank.
2. That a copy of this resolution be sent to Chris Schroeder.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 935. Senator Brown renewed her pending amendment, AM2774, found on page 645.

The Brown amendment was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Senator Beutler renewed his pending amendment, AM2979, found on page 808.

The Beutler amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Senator McDonald renewed her pending amendment, AM2537, found on page 784.

The McDonald amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 38 ayes, 1 nay, 7 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 384. Title read. Considered.

The Standing Committee amendment, AM2193, printed separately and referred to on page 2298, First Session, 2001, was considered.

Senator Quandahl withdrew his pending amendment, AM2645, found on page 640.

Senator Quandahl offered the following amendment to the Standing Committee amendment:

(Amendment, AM3058, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Aguilar asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Tyson moved to bracket LB 384 until March 28, 2002.

Senator Tyson withdrew his motion to bracket.

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

SENATOR COORDSEN PRESIDING

Pending.

NOTICE OF COMMITTEE HEARING Transportation and Telecommunications Room 1113

Thursday, March 21, 2002

1:15 PM

Jess Hull - Motor Vehicle Industry Licensing Board

(Signed) Curt Bromm, Chairperson

STANDING COMMITTEE REPORTS Nebraska Retirement Systems

The Nebraska Retirement Systems Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Nebraska Investment Council
John Maddux

VOTE: Aye: Senators Bourne, Bruning, Erdman, Stuhr, Wehrbein, and Wickersham. Nay: None. Absent: None.

The Nebraska Retirement Systems Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Public Employees Retirement Board
Charles Peters

VOTE: Aye: Senators Bourne, Bruning, Erdman, Stuhr, Wehrbein, and Wickersham. Nay: None. Absent: None.

(Signed) Jon Bruning, Chairperson

AMENDMENT - Print in Journal

Senator Suttle filed the following amendment to LB 880:
AM3056

(Amendments to Standing Committee amendments, AM2989)

- 1 1. On page 1, line 10, after "Nebraska" insert "or in a
- 2 private, denominational, or parochial school located in Nebraska".
- 3 2. On page 2, line 5, after "Nebraska" insert "or in
- 4 private, denominational, or parochial schools located in Nebraska".

GENERAL FILE

LEGISLATIVE BILL 384. Senator Tyson moved to bracket until March 18, 2002.

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

SPEAKER KRISTENSEN PRESIDING

Senator Smith moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

The Tyson motion to bracket failed with 6 ayes, 26 nays, 14 present and not voting, and 3 excused and not voting.

The Quandahl pending amendment, AM3058, printed separately and referred to on page 888, to the Standing Committee amendment, was renewed.

Senator Baker moved the previous question. The question is, "Shall the debate now close?"

Senator Beutler requested a ruling of the Chair on whether there had been sufficient debate on the Quandahl amendment, AM3058, to the Standing Committee amendment, pursuant to Rule 7, Section 4.

The Chair overruled the point of order stating there had been a full and fair debate on the Quandahl amendment.

The motion to cease debate prevailed with 25 ayes, 6 nays, and 18 not voting.

The Quandahl amendment was adopted with 36 ayes, 2 nays, 8 present and not voting, and 3 excused and not voting.

Senator Chambers moved to recommit LB 384 to Committee.

Senators Foley, Brashear, Thompson, Byars, and Wickersham asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 308. Introduced by Aguilar, 35.

WHEREAS, Grace Abbott is known as "the great American champion of children's rights" and is recognized as having led the early twentieth century fights to end child labor and to establish child health care; and

WHEREAS, Grace Abbott was, as Chief of the United States Children's Bureau, the most powerful woman in the federal government at the time when the Great Depression hit and her work provided the first major effort to combat the economic crisis; and

WHEREAS, Edith Abbott was the first female dean of a major American university graduate school, at the University of Chicago's School of Social Service Administration; and

WHEREAS, Edith Abbott helped to establish the first graduate program of social work in a major university and has been recognized as "the chief architect of America's social work educational system"; and

WHEREAS, Grace and Edith Abbott were born and bred in the city of Grand Island, in the State of Nebraska, and were the children of O. A. Abbott, who was the State of Nebraska's first Lt. Governor, and of Elizabeth Abbott, who was a leader in the early days of the women's suffrage movement in Nebraska; and

WHEREAS, Grace and Edith Abbott, to the ends of their lives, wished to be known as "the Abbott Sisters of Nebraska"; and

WHEREAS, "The Abbott Sisters of Nebraska" are great American women who -- despite their important achievements for the rights of children, immigrants, and women -- remain virtually unknown to many Nebraskans; and

WHEREAS, The year 2002 marks the tenth anniversary of the creation of the Abbott Sisters Project, the goal of which is to raise public awareness of the lives and achievements of Grace and Edith Abbott, so that these important women may continue to influence policy on children's and immigrants' issues, and so that their story may serve as an inspiration for future generations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That March 20, 2002, be proclaimed Abbott Sisters' Day.
2. That all citizens should recognize the remarkable contributions and selfless dedication of Grace and Edith Abbott to the citizens of Nebraska and the nation.

Laid over.

AMENDMENTS - Print in Journal

Senator Aguilar filed the following amendment to LB 1073:

AM3082

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 60-4,182, Revised Statutes
- 3 Supplement, 2001, is amended to read:
- 4 60-4,182. In order to prevent and eliminate successive
- 5 traffic violations, there is hereby provided a point system dealing
- 6 with traffic violations as disclosed by the files of the director.
- 7 The following point system shall be adopted:
- 8 (1) Conviction of motor vehicle homicide -- 12 points;
- 9 (2) Third offense drunken driving in violation of any
- 10 city or village ordinance or of section 60-6,196, as disclosed by
- 11 the records of the director, regardless of whether the trial court
- 12 found the same to be a third offense -- 12 points;
- 13 (3) Failure to stop and render aid as required under the
- 14 laws of this state in the event of involvement in a motor vehicle
- 15 accident resulting in the death or personal injury of another -- 6
- 16 points;
- 17 (4) Failure to stop and render aid as required under the
- 18 laws of this state or any city or village ordinance in the event of
- 19 a motor vehicle accident resulting in property damage if such
- 20 accident is reported by the owner or operator within twelve hours
- 21 from the time of the accident -- 4 points, otherwise -- 8 points,
- 22 and for purposes of this subdivision a telephone call or other
- 23 notification to the appropriate peace officers shall be deemed to
- 24 be a report;
- 1 (5) Driving a motor vehicle while under the influence of
- 2 alcoholic liquor or any drug or when such person has a
- 3 concentration of eight-hundredths of one gram or more by weight of
- 4 alcohol per one hundred milliliters of his or her blood or per two
- 5 hundred ten liters of his or her breath in violation of any city or
- 6 village ordinance or of section 60-6,196 -- 6 points;
- 7 (6) Willful reckless driving in violation of any city or
- 8 village ordinance or of section 60-6,214 or 60-6,217 -- 6 points;
- 9 (7) Careless driving in violation of any city or village
- 10 ordinance or of section 60-6,212 -- 4 points;
- 11 (8) Negligent driving in violation of any city or village
- 12 ordinance -- 3 points;
- 13 (9) Reckless driving in violation of any city or village
- 14 ordinance or of section 60-6,213 -- 5 points;
- 15 (10) Speeding in violation of any city or village
- 16 ordinance or any of sections 60-6,185 to 60-6,190 and 60-6,313:
- 17 (a) Not more than five miles per hour over the speed
- 18 limit -- 1 point;
- 19 (b) More than five miles per hour but not more than ten
- 20 miles per hour over the speed limit -- 2 points; and
- 21 (c) More than ten miles per hour over the speed limit --
- 22 3 points, except that one point shall be assessed upon conviction
- 23 of exceeding by not more than ten miles per hour, two points shall
- 24 be assessed upon conviction of exceeding by more than ten miles per

25 hour but not more than fifteen miles per hour, and three points
 26 shall be assessed upon conviction of exceeding by more than fifteen
 27 miles per hour the speed limits provided for in subdivision (1)(e),
 1 (f), or (g) of section 60-6,186;
 2 (11) Failure to yield to a pedestrian not resulting in
 3 bodily injury to a pedestrian -- 2 points;
 4 (12) Failure to yield to a pedestrian resulting in bodily
 5 injury to a pedestrian -- 4 points; and
 6 (13) All other traffic violations involving the operation
 7 of motor vehicles by the operator for which reports to the
 8 Department of Motor Vehicles are required under sections 60-497.01
 9 and 60-497.02, not including violations involving an occupant
 10 protection system pursuant to section 60-6,270, parking violations,
 11 violations for operating a motor vehicle without a valid operator's
 12 license in the operator's possession, muffler violations,
 13 overwidth, overheight, or overlength violations, motorcycle or
 14 moped protective helmet violations, ~~or~~ overloading of trucks, or
 15 unlawful transportation of minors under section 3 of this act -- 1
 16 point.

17 All such points shall be assessed against the driving
 18 record of the operator as of the date of the violation for which
 19 conviction was had. Points may be reduced by the department under
 20 section 60-4,188.

21 In all cases, the forfeiture of bail not vacated shall be
 22 regarded as equivalent to the conviction of the offense with which
 23 the operator was charged.

24 The point system shall not apply to persons convicted of
 25 traffic violations committed while operating a bicycle.

26 Sec. 2. Section 60-601, Revised Statutes Supplement,
 27 2001, is amended to read:

1 60-601. Sections 60-601 to 60-6,374 and section 3 of
 2 this act shall be known and may be cited as the Nebraska Rules of
 3 the Road.

4 Sec. 3. (1) It is unlawful for the operator of any
 5 vehicle to allow any person under the age of eighteen years to ride
 6 on any vehicle or upon any portion of a vehicle which is not
 7 designed or intended for the use of passengers when the vehicle is
 8 in motion.

9 (2) This section does not apply if:

10 (a) An employee under the age of eighteen years is
 11 engaged in the necessary discharge of the employee's duty within a
 12 truck body in space intended for merchandise or cargo;

13 (b) The vehicle is being operated in a parade, caravan,
 14 or exhibition officially authorized or otherwise permitted by law;
 15 or

16 (c) The person is secured with a restraint system. The
 17 restraint system shall meet or exceed the federal motor vehicle
 18 safety standards published in 49 C.F.R. 571.207, 571.209, and
 19 571.210, as such regulations existed on January 1, 2002.

20 (3) Any person who violates this section is guilty of a
 21 traffic infraction and shall be fined fifty dollars.

22 Sec. 6. Sections 1 to 3 and 7 of this act become
 23 operative three calendar months after adjournment of this
 24 legislative session. The other sections of this act become
 25 operative on their effective date.

26 Sec. 7. Original sections 60-4,182 and 60-601, Revised
 27 Statutes Supplement, 2001, are repealed."

1 2. Renumber the remaining sections accordingly.

Senator Wickersham filed the following amendment to LB 298:
 AM3040

1 1. Strike original section 2 and insert the following
 2 new sections:

3 "Section 1. Section 21-301, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 21-301. (1) Each corporation organized under the laws of
 6 this state, for profit, shall make a report in writing to the
 7 Secretary of State, as of January 1, annually, in such form as the
 8 Secretary of State may prescribe. The report shall be signed by
 9 one of the following: The president, a vice president, a
 10 secretary, or a treasurer of the corporation. ~~The report and~~
 11 annual fee shall be , and forwarded to the Secretary of State. ~~The~~
 12 report and fee shall be due on March 1 of each year and shall
 13 become on or before (1) August 1, 1982, or (2) April 15, 1983, and
 14 April 15 of each year thereafter. ~~The report shall be for the~~
 15 calendar year beginning January 1, and the annual fee shall become
 16 due and assessable on the same date, and delinquent if not filed
 17 and paid by on or before (a) August 1, 1982, or (b) April 15, 1983,
 18 and April 15 of each year, thereafter. If the Secretary of State
 19 finds that such report and annual fee conform to the requirements
 20 of the law, ~~he or she~~ the Secretary of State shall file the same
 21 report. If ~~he or she~~ the Secretary of State finds that ~~they the~~
 22 report or fee do not so conform, ~~he or she~~ the Secretary of State
 23 shall return the same report and fee to the corporation for any
 24 necessary corrections.

1 (2) The Secretary of State shall cause a notice to be
 2 sent by United States mail to each corporation for which a report
 3 and annual fee as described in this section has not been received
 4 as of March 1. The notice shall state that the report has not been
 5 received, that the report and fee are due on March 1, and that the
 6 corporation will be dissolved if the report and proper fee are not
 7 received by April 15.

8 Sec. 2. Section 21-304, Reissue Revised Statutes of
 9 Nebraska, is amended to read:

10 21-304. (1) Each foreign corporation for profit, doing
 11 business in this state, owning or using a part or all of its
 12 capital or plant in this state, and subject to compliance with all
 13 other provisions of law shall, in addition to all other statements

14 required by law, make an annual report in writing, to the Secretary
 15 of State, as of January 1, in such form as the Secretary of State
 16 may prescribe. The report shall be signed by one of the following:
 17 The president, a vice president, a secretary, or a treasurer of the
 18 corporation. ~~The report and annual fee shall be, and forwarded to~~
 19 ~~the Secretary of State. The report and fee shall be due on March 1~~
 20 ~~of each year and shall become on or before (1) August 1, 1982, or~~
 21 ~~(2) April 15, 1983, and April 15 of each year thereafter. The~~
 22 ~~report shall be for the calendar year beginning January 1, and the~~
 23 ~~annual fee shall become due and assessable on the same date, and~~
 24 ~~delinquent if not filed and paid by on or before (a) August 1,~~
 25 ~~1982, or (b) April 15, 1983, and April 15 of each year.~~
 26 ~~thereafter.~~ If the Secretary of State finds that such report and
 27 annual fee conform to the requirements of the law, ~~he or she the~~
 1 Secretary of State shall file the same report. If ~~he or she the~~
 2 Secretary of State finds that they the report and fee do not so
 3 conform, he or she the Secretary of State shall return the same
 4 report and fee to the corporation for any necessary corrections.
 5 (2) The Secretary of State shall cause a notice to be
 6 sent by United States mail to each corporation for which a report
 7 and annual fee as described in this section has not been received
 8 as of March 1. The notice shall state that the report has not been
 9 received, that the report and fee are due on March 1, and that the
 10 corporation will be dissolved if the report and proper fee are not
 11 received by April 15.

12 Sec. 3. Section 21-306, Reissue Revised Statutes of
 13 Nebraska, is amended to read:

14 21-306. Upon the filing of such report with the
 15 Secretary of State, it shall be the duty of every foreign
 16 corporation for profit, ~~now or hereafter~~ doing business in this
 17 state, to pay to the Secretary of State as an annual fee which
 18 shall be for the calendar year beginning January 1 and become due
 19 and assessable on March 1 of that year and become that date, and
 20 delinquent if not paid by on or before (1) August 1, 1982, or (2)
 21 April 15, 1983, and April 15 of each year. The fee shall
 22 thereafter, to be measured by the property employed by said the
 23 foreign corporation in the conduct of its business in the State of
 24 Nebraska. For such purpose said the property shall consist of the
 25 sum total of the actual value of all real estate and personal
 26 property employed in Nebraska by such foreign corporation in the
 27 transaction of its business. The annual fee to be paid by such
 1 foreign corporation shall be based upon the sum so determined, and
 2 shall be considered the capital stock of such foreign corporation
 3 in this state for the purpose of said the annual fee. The schedule
 4 of payment shall be double the fees set forth in section 21-303, or
 5 any amendments thereto, except that the fee shall not exceed
 6 fifteen thousand dollars, and the Secretary of State, or any person
 7 deputized by him or her the Secretary of State, shall have
 8 authority to investigate and obtain information from such

9 corporation or any state, county, or city official, ~~who may have~~
10 ~~information in reference thereto.~~ Such officers are authorized by
11 ~~the provisions of this section to furnish such information to the~~
12 Secretary of State, or anyone deputized by the Secretary of State,
13 ~~him or her,~~ in order to determine all facts, and give effect to the
14 collection of the annual fee, ~~as herein defined.~~

15 Sec. 4. Section 21-313, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 21-313. If a corporation required to file the report and
18 pay the fee prescribed in sections 21-301 to 21-325 fails or
19 neglects to make such report, ~~as required therein,~~ or to pay such
20 fee ~~by on or before (1) August 1, 1982, or (2) April 15, 1983, and~~
21 ~~April 15, of each year thereafter,~~ such corporation shall be
22 automatically dissolved on ~~August 2, 1982, or on April 16, 1983,~~
23 ~~and April 16 of such year, each year thereafter.~~

24 Sec. 5. Section 21-323, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 21-323. (1) Prior to January 1 of each year, the
27 Secretary of State shall cause to be mailed by first-class mail to
1 the last-named and appointed registered agent at the last-named
2 street address of the registered office of each domestic
3 corporation subject to sections 21-301 to 21-325 a notice stating
4 ~~that (a) on or before August 1, 1982, or (b) April 15, 1983, and~~
5 ~~April 15~~ March 1 of each year ~~thereafter~~ that occupation taxes are
6 due to be paid and that a properly executed and signed report is
7 due to be filed. If occupation taxes are not paid and the report
8 is not filed ~~on or before such dates,~~ by April 15 of each year, (a)
9 ~~such taxes and report shall become delinquent, (b) the delinquent~~
10 ~~corporations corporation shall be automatically dissolved on August~~
11 ~~2, 1982, or April 16, 1983, and April 16 of each year thereafter~~
12 ~~such year for nonpayment of occupation taxes and failure to file~~
13 ~~the report, ; and that (c) the delinquent occupation tax shall be a~~
14 ~~lien upon the assets of the corporation subsequent only to state,~~
15 ~~county, and municipal taxes.~~

16 (2) Upon the failure of any domestic corporation to pay
17 its occupation tax and file the report within the time limited by
18 sections 21-301 to 21-325, the Secretary of State shall ~~upon August~~
19 ~~2, 1982, or April 16, 1983, and on~~ April 16 of each such year
20 ~~thereafter~~ automatically dissolve the corporation for nonpayment of
21 taxes and make such entry and showing upon the records of his or
22 her office.

23 (3)(a) ~~Commencing April 16, 1996, the~~ The Secretary of
24 State shall automatically dissolve a corporation subject to the
25 Business Corporation Act by signing a certificate of dissolution
26 that recites the ground or grounds for dissolution and its
27 effective date. The Secretary of State shall file the original of
1 the certificate and serve a copy on the corporation under section
2 21-2034.

3 (b) A corporation automatically dissolved continues its

4 corporate existence but may not carry on any business, except that
 5 business necessary to wind up and liquidate its business and
 6 affairs under section 21-20,155 and notify claimants under sections
 7 21-20,156 and 21-20,157.

8 (c) The automatic dissolution of a corporation shall not
 9 terminate the authority of its registered agent.

10 (4) All delinquent occupation taxes of the corporation
 11 shall be a lien upon the assets of the corporation, subsequent only
 12 to state, county, and municipal taxes. Occupation taxes existing
 13 and delinquent on August 28, 1943, shall cease to be a lien as
 14 against any mortgagee, pledgee, purchaser, or judgment creditor
 15 unless a notice of the lien is filed by the Secretary of State,
 16 within one year after March 9, 1957, with the county clerk of the
 17 county wherein the personal property sought to be charged with such
 18 lien is situated, and with the county clerk or register of deeds of
 19 the county wherein the real estate sought to be charged with such
 20 lien is situated.

21 (5) No domestic corporation shall be voluntarily
 22 dissolved until all occupation taxes and annual fees due to or
 23 assessable by the state have been paid and the report filed by such
 24 corporation.

25 Sec. 6. Section 21-325, Reissue Revised Statutes of
 26 Nebraska, is amended to read:

27 21-325. (1) Prior to January 1 of each year, the
 1 Secretary of State shall cause to be mailed by first-class mail to
 2 the last-known address of each foreign corporation subject to
 3 sections 21-301 to 21-325 a notice stating that (a) on or before
 4 August 1, 1982, or (b) April 15, 1983, and April 15 March 1 of each
 5 year ~~thereafter~~ that occupation taxes are due to be paid and that a
 6 properly executed and signed report is due to be filed. If such
 7 occupation taxes are not paid and such report is not filed ~~on or~~
 8 ~~before such dates,~~ by April 15 of each year, (a) such taxes and
 9 report shall become delinquent, (b) the delinquent corporations
 10 corporation shall be automatically dissolved on August 2, 1982, or
 11 April 16, 1983, and April 16 of each such year thereafter for
 12 nonpayment of occupation taxes and failure to file the report, ~~;~~
 13 and ~~that~~ (c) the delinquent occupation tax shall be a lien upon the
 14 assets of the corporation subject only to state, county, and
 15 municipal taxes.

16 (2) Upon the failure of any foreign corporation to pay
 17 its occupation tax and file the report within the time limited by
 18 sections 21-301 to 21-325, the Secretary of State shall ~~upon August~~
 19 ~~2, 1982, or April 16, 1983, and on~~ April 16 of each such year
 20 ~~thereafter~~ automatically dissolve the corporation for nonpayment of
 21 taxes and shall bar the corporation from doing business in the
 22 State of Nebraska under the corporation laws of the state and make
 23 such entry and showing upon the records of his or her office.

24 (3)(a) ~~Commencing April 16, 1996, the~~ The Secretary of
 25 State shall automatically dissolve a foreign corporation subject to

26 the Business Corporation Act by signing a certificate of revocation
27 of authority to transact business in this state that recites the

1 ground or grounds for revocation and its effective date. The
2 Secretary of State shall file the original of the certificate and
3 serve a copy on the foreign corporation under section 21-20,177.

4 (b) The authority of a foreign corporation to transact
5 business in this state shall cease on the date shown on the
6 certificate revoking its certificate of authority.

7 (c) Revocation of a foreign corporation's certificate of
8 authority shall not terminate the authority of the registered agent
9 of the corporation.

10 (4) All delinquent corporation taxes of the corporation
11 shall be a lien upon the assets of the corporation within the
12 state, subsequent only to state, county, and municipal taxes.
13 Nothing in sections 21-322 to 21-325 shall be construed to allow a
14 foreign corporation to do business in Nebraska without complying
15 with the laws of the State of Nebraska.

16 (5) No foreign corporation shall be voluntarily withdrawn
17 until all occupation taxes ~~and annual fees~~ due to or assessable by
18 the state have been paid and the report filed by such corporation.
19 Sec. 8. Original sections 21-301, 21-304, 21-306,
20 21-313, 21-323, and 21-325, Reissue Revised Statutes of Nebraska,
21 and section 33-101, Revised Statutes Supplement, 2000, are
22 repealed.".

23 2. Renumber the remaining section accordingly.

Senators Foley, Beutler, Kremer, Aguilar, Bruning, Dw. Pedersen, Dierks,
Stuhr, Maxwell, Hartnett, Redfield, Thompson, Hudkins, Erdman, Vrtiska,
Schimek, Price, and Suttle filed the following amendment to LB 825:
AM2779

(Amendments to Standing Committee amendments, AM0790)

1 1. Strike the original section and all amendments
2 thereto and insert the following new section:

3 "Section 1. (1) The Legislature finds that reproductive
4 disease processes in and of themselves are serious health matters
5 that need to be properly diagnosed, maintained, and treated.

6 (2) If an individual or group sickness and accident
7 insurance policy or subscriber contract delivered, issued for
8 delivery, or renewed in this state, a hospital, medical, or
9 surgical expense-incurred policy, or a self-funded employee benefit
10 plan to the extent not preempted by federal law provides coverage
11 for endometriosis, pelvic adhesive disease, or polycystic ovarian
12 disease, then medical insurance claims for treatment of such
13 condition may not be denied on the basis of fertility or
14 infertility.

15 (3) This section applies to policies, plans, or contracts
16 which are delivered, issued for delivery, or renewed in this state
17 on or after the effective date of this act.".

VISITORS

Visitors to the Chamber were 40 twelfth grade students from Hartington Cedar Catholic School; and Jonathon Darby, Deputy Consulate General of the British Embassy, from Chicago, Illinois.

RECESS

At 12:02 p.m., on a motion by Senator Schimek, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senator Hartnett who was excused; and Senators Beutler, Brown, Bruning, Cunningham, Dierks, Foley, Vrtiska, and Wickersham who were excused until they arrive.

STANDING COMMITTEE REPORT Transportation and Telecommunications

LEGISLATIVE BILL 1286. Placed on General File as amended.
Standing Committee amendment to LB 1286:
AM2893

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Notwithstanding the provisions of section
- 4 86-808:
- 5 (1) A wireless carrier providing telecommunications
- 6 service in Nebraska shall file a registration form with and pay a
- 7 registration fee to the Public Service Commission. A wireless
- 8 carrier which provided such telecommunications service prior to
- 9 January 1, 2003, and which continues to provide such
- 10 telecommunications service on and after January 1, 2003, shall
- 11 register with the commission prior to April 1, 2003. Any wireless
- 12 carrier which begins to provide telecommunications service in
- 13 Nebraska on or after January 1, 2003, shall register with the
- 14 commission prior to providing such telecommunications service.
- 15 (2) The commission shall prescribe the registration form.
- 16 It shall include:
- 17 (a) The name, address, telephone number, and email
- 18 address of a contact person concerning the Nebraska
- 19 Telecommunications Universal Service Fund Act and related
- 20 surcharges, if applicable;
- 21 (b) The name, address, telephone number, and email
- 22 address of a contact person concerning the Telecommunications Relay

23 System Act and related surcharges, if applicable;

24 (c) The name, address, telephone number, and email

1 address of a contact person concerning sections 86-2201 to 86-2214

2 and related surcharges, if applicable; and

3 (d) The name, address, telephone number, and email

4 address of a contact person concerning consumer complaints and

5 inquiries.

6 (3) The wireless carrier shall submit a registration fee

7 with the registration form. The commission shall set the fee by

8 rule and regulation, but the fee shall not exceed fifty dollars.

9 (4) The wireless carrier shall keep the information

10 required by this section current and shall notify the commission of

11 any changes to such information within sixty days after the change.

12 The commission shall not assess a fee for any changes to

13 information made within the sixty-day period.

14 (5) The commission may administratively fine pursuant to

15 section 75-156 any wireless carrier which violates this section.

16 (6) For purposes of this section, wireless carrier means

17 any person offering mobile radio service, radio paging service, or

18 wireless telecommunications service for a fee in Nebraska

19 intrastate commerce.

20 Sec. 2. Section 75-134, Revised Statutes Supplement,

21 2000, is amended to read:

22 75-134. (1) A commission order entered after a hearing

23 shall be written and shall recite (a) a discussion of the facts of

24 a basic or underlying nature, (b) the ultimate facts, and (c) the

25 commission's reasoning or other authority relied upon by the

26 commission.

27 (2) Every order of the commission shall become effective

1 ten days after the date of the mailing of a copy of the order to

2 the parties of record except (a) when the commission prescribes a

3 later effective date, (b) as otherwise provided in section 75-121

4 or 75-139, (c) as otherwise provided for cease and desist orders

5 issued pursuant to section 75-133, or (d) for orders entered

6 pursuant to section 75-319 which shall be effective on the date of

7 entry.

8 (3) Except as otherwise provided in this section or for

9 rate orders provided for in section 75-139, if one of the parties

10 of record commences an appeal pursuant to section 75-137, the order

11 appealed shall be in abeyance until the Court of Appeals or Supreme

12 Court issues its mandate. Nothing in this section shall hold in

13 abeyance an order authorizing the issuance of a certificate or

14 permit, an order denying relief or authority, or an order entered

15 pursuant to section 75-319.

16 (4) If a party of record to a telecommunications order

17 commences an appeal in accordance with the Administrative Procedure

18 Act, the order appealed shall become effective on the date

19 prescribed in subsection (2) of this section and remain in effect

20 unless upon application (a) the commission or district court issues

21 an order staying the underlying commission order or (b) the
22 commission, district court, Court of Appeals, or Supreme Court
23 issues an order reversing or modifying the underlying commission
24 order. For purposes of this subsection, telecommunications order
25 means an order entered by the commission pursuant to the Intrastate
26 Pay-Per-Call Regulation Act, the Nebraska Telecommunications
27 Universal Service Fund Act, the Telecommunications Relay System
1 Act, subsection (2) of section 75-109, ~~or~~ sections 75-604 to
2 75-616, 86-801 to 86-811, 86-1001 to 86-1009, or 86-1201 to
3 86-1222, or section 1 of this act.

4 (5) The commission or district court may only issue a
5 stay pursuant to subsection (4) of this section if it finds that
6 (a) the applicant for the stay is likely to prevail when the matter
7 is finally decided, (b) without relief, the applicant will suffer
8 irreparable injury, and (c) the grant of relief to the applicant
9 will not substantially harm other parties to the proceedings. The
10 commission or district court may require the party requesting such
11 stay to give bond in such amount and conditioned as the commission
12 or court may direct. The grant or denial of a stay shall not be
13 considered to be a final order.

14 Sec. 3. Section 75-156, Revised Statutes Supplement,
15 2000, is amended to read:

16 75-156. (1) In addition to other penalties and relief
17 provided by law, the Public Service Commission may, upon a finding
18 that the violation is proven by clear and convincing evidence,
19 assess a civil penalty of up to ten thousand dollars per day
20 against any person, motor carrier, regulated motor carrier, common
21 carrier, or contract carrier for each violation of (a) any
22 provision of sections 75-301 to 75-390 administered by the
23 commission or section 75-126 as such section applies to any person
24 or carrier specified in sections 75-301 to 75-390, (b) a commission
25 order entered pursuant to the Intrastate Pay-Per-Call Regulation
26 Act, the Nebraska Telecommunications Universal Service Fund Act,
27 the Telecommunications Relay System Act, subsection (2) of section
1 75-109, or sections 75-604 to 75-616, 86-801 to 86-811, 86-1001 to
2 86-1009, or 86-1201 to 86-1222, (c) any term, condition, or
3 limitation of any certificate or permit issued by the commission
4 pursuant to sections 75-301 to 75-390, or (d) any rule, regulation,
5 or order of the commission issued under authority delegated to the
6 commission pursuant to sections 75-301 to 75-390. The civil
7 penalty assessed under this section shall not exceed two million
8 dollars per year for each violation. The amount of the civil
9 penalty assessed in each case shall be based on the severity of the
10 violation charged. The commission may compromise or mitigate any
11 penalty prior to hearing if all parties agree. In determining the
12 amount of the penalty, the commission shall consider the
13 appropriateness of the penalty in light of the gravity of the
14 violation and the good faith of the violator in attempting to
15 achieve compliance after notification of the violation is given.

16 (2) Upon notice and hearing in accordance with this
17 section and section 75-157, the commission may enter an order
18 assessing a civil penalty of up to one hundred dollars against any
19 person, firm, partnership, limited liability company, corporation,
20 cooperative, or association for failure to file an annual report as
21 required by section 75-116 and as prescribed by commission rules
22 and regulations or for failure to register as required by section 1
23 of this act and as prescribed by commission rules and regulations.
24 Each day during which the violation continues after the commission
25 has issued an order finding that a violation has occurred
26 constitutes a separate offense. Any party aggrieved by an order of
27 the commission under this section, except an order assessing a
1 civil penalty issued under subdivision (1)(b) of this section, has
2 the rights of appeal set forth in section 75-136.01. For an order
3 assessing a civil penalty issued under subdivision (1)(b) of this
4 section, any party aggrieved may appeal. The appeal shall be in
5 accordance with the Administrative Procedure Act.

6 (3) When any person or party is accused of any violation
7 listed in this section, the commission shall notify such person or
8 party in writing (a) setting forth the date, facts, and nature of
9 each act or omission upon which each charge of a violation is
10 based, (b) specifically identifying the particular statute,
11 certificate, permit, rule, regulation, or order purportedly
12 violated, (c) that a hearing will be held and the time, date, and
13 place of the hearing, (d) that in addition to the civil penalty,
14 the commission may enforce additional penalties and relief as
15 provided by law, and (e) that upon failure to pay any civil penalty
16 determined by the commission, the penalty may be collected by civil
17 action in the district court of Lancaster County.

18 Sec. 4. Section 86-1405, Revised Statutes Supplement,
19 2001, is amended to read:

20 86-1405. (1) The Nebraska Telecommunications Universal
21 Service Fund is hereby created. The fund shall provide the
22 assistance necessary to make universal access to telecommunications
23 services available to all persons in the state consistent with the
24 policies set forth in the Nebraska Telecommunications Universal
25 Service Fund Act. Only eligible telecommunications companies
26 designated by the commission shall be eligible to receive support
27 to serve high-cost areas from the fund. A telecommunications
1 company that receives such support shall use that support only for
2 the provision, maintenance, and upgrading of facilities and
3 services for which the support is intended. Any such support
4 should be explicit and sufficient to achieve the purpose of the
5 act.

6 (2) Notwithstanding the provisions of section 86-808, ~~the~~
7 commission (a) shall in addition to other provisions of the act,
8 and to the extent not prohibited by federal law, the commission:

9 (a) Shall have authority and power to subject eligible
10 telecommunications companies to service quality, customer service,

11 and billing regulations. Such regulations shall apply only to the
 12 extent of any telecommunications services or offerings made by an
 13 eligible telecommunications company which are eligible for support
 14 by the fund;

15 (b) Shall have authority and power to issue orders
 16 carrying out its responsibilities and to review the compliance of
 17 any eligible telecommunications company receiving support for
 18 continued compliance with any such orders or regulations adopted
 19 pursuant to the act;

20 (c) ~~May~~ ~~and may~~ withhold all or a portion of the funds to
 21 be distributed from any telecommunications company failing to
 22 continue compliance with ~~its~~ the commission's orders or
 23 regulations;

24 (d) ~~Shall~~ ; (b) ~~shall consistent with the~~
 25 ~~Telecommunications Act of 1996,~~ require every telecommunications
 26 company to contribute to any universal service mechanism
 27 established by the commission pursuant to state law. To determine
 1 compliance, the commission may require an audit of any
 2 telecommunications company concerning the collection and remittance
 3 of a surcharge for universal service; ; and (e) may

4 (e) May administratively fine pursuant to section 75-156
 5 any person who violates the Nebraska Telecommunications Universal
 6 Service Fund Act.

7 (3) Any money in the fund available for investment shall
 8 be invested by the state investment officer pursuant to the
 9 Nebraska Capital Expansion Act and the Nebraska State Funds
 10 Investment Act.

11 Sec. 5. This act becomes operative on September 1, 2002.

12 Sec. 6. Original sections 75-134 and 75-156, Revised
 13 Statutes Supplement, 2000, and section 86-1405, Revised Statutes
 14 Supplement, 2001, are repealed."

(Signed) Curt Bromm, Chairperson

AMENDMENT - Print in Journal

Senator Schimek filed the following amendment to LB 276:
 AM3077

1 1. Insert the following new sections:
 2 "Sec. 11. (1) For purposes of sections 12 and 13 of this
 3 act:
 4 (a) Merchant means an owner or operator of any retail
 5 mercantile establishment or any agent, employee, lessee, consignee,
 6 officer, director, franchisee, or independent contractor of such
 7 owner or operator. A merchant also includes a person who receives
 8 from an authorized user of a payment card, or someone the person
 9 believes to be an authorized user, a payment card or information
 10 from a payment card, or what the person believes to be a payment
 11 card or information from a payment card, as the instrument for

12 obtaining, purchasing, or receiving goods, services, money, or
13 anything else of value from the person;

14 (b) Payment card means a credit card, charge card, or
15 debit card that is issued to an authorized card user and that
16 allows the user to obtain, purchase, or receive goods, services,
17 money, or anything else of value from a merchant;

18 (c) Person means an individual, firm, partnership,
19 association, corporation, limited liability company, or other
20 business entity;

21 (d) Reencoder means an electronic device that places
22 encoded information from the magnetic strip or stripe of a payment
23 card onto the magnetic strip or stripe of a different payment card;
24 and

1 (e) Scanning device means a scanner, reader, or any other
2 electronic device that is used to access, read, scan, obtain,
3 memorize, or store, temporarily or permanently, information encoded
4 on the magnetic strip or stripe of a payment card.

5 Sec. 12. (1) A person that accepts a payment card for
6 the transaction of business shall print no more than the last five
7 digits of the payment card account number upon any receipt provided
8 to the payment card holder.

9 (2) This section applies only to receipts that are
10 electronically printed and does not apply to any transaction in
11 which the only means of recording the payment card number is by
12 handwriting or by an imprint or copy of the payment card.

13 (3) A violation of this section is a Class III
14 misdemeanor for the first offense and a Class I misdemeanor for a
15 second or subsequent offense.

16 (4)(a) This section becomes operative on January 1, 2004,
17 with respect to any cash register or other machine or device that
18 electronically prints receipts for payment card transactions and is
19 originally put into use on or after January 1, 2004.

20 (b) This section becomes operative on January 1, 2007,
21 with respect to any cash register or other machine or device that
22 electronically prints receipts for payment card transactions and is
23 originally put into use before January 1, 2004.

24 Sec. 13. (1) It is unlawful for a person to use:

25 (a) A scanning device to access, read, obtain, memorize,
26 or store, temporarily or permanently, information encoded on the
27 magnetic strip or stripe of a payment card without the permission
1 of the authorized user of the payment card and with the intent to
2 defraud the authorized user, the issuer of the authorized user's
3 payment card, or a merchant; or

4 (b) A reencoder to place information encoded on the
5 magnetic strip or stripe of a payment card onto the magnetic strip
6 or stripe of a different card without the permission of the
7 authorized user of the card from which the information is being
8 reencoded and with the intent to defraud the authorized user, the
9 issuer of the authorized user's payment card, or a merchant.

- 10 (2) A violation of this section is a Class IV felony for
 11 the first offense and a Class IIIA felony for a second or
 12 subsequent offense."
 13 2. On page 7, line 4, after "8" insert "and 11 to 13".
 14 3. Renumber the remaining sections accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 309. Introduced by Aguilar, 35.

WHEREAS, the State High School Boys' Basketball Class A State Championship match for 2002 saw a classic meeting of superior teams from Grand Island High School and Lincoln Southeast High School; and

WHEREAS, the Grand Island Islanders after a superbly hard-fought contest emerged triumphant with an exciting 51 to 29 victory; and

WHEREAS, the skill, determination, tenacity, and teamwork exhibited by the Islanders was emblematic of the finest traditions of Nebraska student athletics; and

WHEREAS, the Grand Island community and the State of Nebraska can be proud of these students, their team, their coaches, and their school; and

WHEREAS, the Legislature should publicly recognize the talent, commitment, dedication, and accomplishments of these students and the support of their parents and the coaches and staff of Grand Island High School.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its heartiest congratulations to the members of the 2002 Grand Island Islanders Class A Champion Boys Basketball Team and the coaches.

2. That a copy of this resolution be presented, on behalf of the team and Grand Island High School, to the Islanders head coach, Dave Oman.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 384. The Chambers pending motion, found on page 890, to recommit to Committee, was renewed.

Senator Jensen asked unanimous consent to be excused. No objections. So ordered.

Senator Chambers withdrew his motion to recommit LB 384 to Committee.

Senator Chambers offered the following amendment to the Standing Committee amendment:

FA898

Amend AM3058

Page 7 in line 11, strike "and swear" and after "witnesses," insert "administer oaths"

Senators McDonald, Brashear, Hudkins, and Dw. Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 545 and 719.

Enrollment and Review Change to LB 545

The following changes, required to be reported for publication in the Journal, have been made:

ER9118

1. In the Janssen amendment, AM3014, on page 1, line 7, "postmarked" has been struck and "postmark" inserted.

2. In the Standing Committee amendment, AM2749, on page 4, line 9, "has" has been struck, shown as stricken, and "have" inserted.

3. On page 1, the matter beginning with "the" in line 1 through line 8 and all amendments thereto have been struck and "gambling; to amend sections 9-201, 9-204.03, 9-211, 9-213, 9-214.01, 9-226.01, 9-231, 9-232.01, 9-241.05, 9-255.02, 9-255.04, 9-255.05, 9-255.08, 9-301, 9-304, 9-306.01, 9-309, 9-311, 9-322.02, 9-326, 9-331, 9-340.02, 9-347, 9-347.01, 9-349, 9-401, 9-410, 9-418.01, 9-423, 9-601, 9-603, 9-606.01, 9-622, 9-631, 9-631.01, 9-642.01, and 9-653, Reissue Revised Statutes of Nebraska, sections 9-1,104, 9-226, 9-232.02, 9-233, 9-255.06, 9-322, 9-328, 9-329, 9-418, 9-425, and 9-620, Revised Statutes Supplement, 2000, and sections 9-230.01 and 9-625, Revised Statutes Supplement, 2001; to provide for fingerprinting and criminal history record checks for lottery workers; to change provisions relating to cease and desist orders, special event bingo, licensure requirements and fees, notice of license denials, prize and expense limitations, reporting requirements, licensed distributor sales and purchases, pickle card unit deliveries, gross proceeds, the licensure of lottery workers and sales outlet locations, lottery operation requirements, and the disclosure of reports or records; to authorize the collection and prorating of certain fees and the sale or donation of disposable paper bingo cards as prescribed; to define and redefine terms; to provide powers and duties; to harmonize provisions; to provide operative dates; and to repeal the original sections." inserted.

(Signed) Philip Erdman, Chairperson

RESOLUTIONS**LEGISLATIVE RESOLUTION 310.** Introduced by Jones, 43; Dierks, 40.

WHEREAS, the 2002 Nebraska High School boys' basketball state championship game in Class D-1 paired teams from Spencer-Naper High School and Scribner-Snyder High School; and

WHEREAS, the Spencer-Naper Pirates defeated Scribner-Snyder by a score of 67-54 to win the 2002 Class D-1 boys' state basketball championship; and

WHEREAS, Spencer-Naper is now the only team in Nebraska with an undefeated 2001-02 season, having a 28-0 record for the season; and

WHEREAS, the skill, determination, tenacity, and teamwork exhibited by the Spencer-Naper Pirates demonstrated the finest traditions of Nebraska student athletics; and

WHEREAS, the communities of Spencer and Naper and the State of Nebraska can be proud of these students, their team, their coaches, and their school; and

WHEREAS, the Legislature should publicly recognize the talent, commitment, dedication, and accomplishments of these students and the support of their parents and the coaches and staff of Spencer-Naper High School.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the 2001-02 Spencer-Naper High School boys' basketball team and Coach Jim Carlson.

2. That a copy of this resolution be sent to Spencer-Naper High School.

Laid over.

LEGISLATIVE RESOLUTION 311. Introduced by Jones, 43.

WHEREAS, the 2002 Nebraska High School boys' basketball state championship game in Class D-2 paired teams from Cody-Kilgore High School and Greeley High School; and

WHEREAS, the Cody-Kilgore Cowboys defeated Greeley by a score of 48-45 in an overtime victory to win the 2002 Class D-2 boys' state basketball championship; and

WHEREAS, the Cody-Kilgore team came into the state tournament on a wild card and defeated teams seeded No. 1, No. 3, and No. 4 on its way to the Class D-2 championship;

WHEREAS, the skill, determination, tenacity, and teamwork exhibited by the Cody-Kilgore Cowboys demonstrated the finest traditions of Nebraska student athletics; and

WHEREAS, the communities of Cody and Kilgore and the State of Nebraska can be proud of these students, their team, their coaches, and their school; and

WHEREAS, the Legislature should publicly recognize the talent,

commitment, dedication, and accomplishments of these students and the support of their parents and the coaches and staff of Cody-Kilgore High School.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the 2001-02 Cody-Kilgore High School boys' basketball team and Coach Dennis Johnson.
2. That a copy of this resolution be sent to Cody-Kilgore High School.

Laid over.

LEGISLATIVE RESOLUTION 312. Introduced by Dierks, 40; Cunningham, 18.

WHEREAS, on March 9, 2002, at the Bob Devaney Sports Center, the Randolph Cardinals defeated the Sutton Mustangs 50-43 and thereby won the title of 2002 Class C-2 State High School Boys' Basketball State Champions; and

WHEREAS, this achievement is the result of hard work, talent, and dedication by the team members, who were supported in their efforts by the parents, administrators, students, and teachers of Randolph; and

WHEREAS, the 2001-02 Randolph High School Cardinals are Bryan Alderson, Bryce Whalen, Nick Haselhorst, Bryan Bazata, Justin Gubbels, Trevor Anderson, Jim Dowling, Bill Hansen, Jake Borst, Chad Arens, Mitchell Tunink, and Aaron Billerbeck; and

WHEREAS, the Randolph High School Cardinals head coach Lyle Nannen retires from coaching at the end of this season concluding a 31 year career of coaching at Randolph.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the members of the 2001-02 Randolph Cardinals boys' basketball team.
2. That a copy of this resolution be presented to the Randolph head coach Lyle Nannen and assistant coaches Jim Hixson and Mark Anderson.

Laid over.

AMENDMENT - Print in Journal

Senator Landis filed the following amendment to LB 397:
AM3070

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. It is the intent of the Legislature that
- 4 costs incurred by the State of Nebraska attributable to the
- 5 shipment of high-level radioactive waste and transuranic waste in
- 6 or through the state shall be borne by the shipper.

- 7 Sec. 2. For purposes of sections 1 to 5 of this act:
8 (1) Department means the Department of Health and Human
9 Services Regulation and Licensure;
10 (2) High-level radioactive waste has the definition found
11 in section 81-1589; and
12 (3) Transuranic waste means waste material containing
13 alpha-emitting radioactive elements having an atomic number greater
14 than 92 in concentrations greater than ten nanocuries per gram.
- 15 Sec. 3. Until January 1, 2004, a fee of two thousand
16 dollars shall be assessed on each cask of high-level radioactive
17 waste or transuranic waste shipped in or through the state, whether
18 shipped by motor carrier or rail. On and after January 1, 2004,
19 the department shall establish and assess fees on all high-level
20 radioactive waste and transuranic waste shipped by any means in or
21 through the state. Such fees shall be equitable and shall be used
22 for purposes related to (1) shipping of high-level radioactive
23 waste and transuranic waste, including, but not limited to,
24 inspections, escorts, and security for waste shipment, planning,
1 and maintenance, (2) coordination of emergency response capability,
2 (3) education and training, (4) purchase of necessary equipment,
3 and (5) administrative costs attributable to the state agencies
4 which are incurred as related to the shipping of high-level
5 radioactive waste and transuranic waste. Fees assessed pursuant to
6 this section shall be paid in advance of shipment by the shipper.
7 Fees collected by the department under this section shall be
8 remitted to the State Treasurer for credit to the Radiation
9 Transportation Emergency Response Cash Fund.
- 10 Sec. 4. The Radiation Transportation Emergency Response
11 Cash Fund is created. The fund shall consist of fees credited
12 pursuant to section 3 of this act. The fund shall be used for the
13 purposes stated in such section. The Director-State Engineer, the
14 Superintendent of Law Enforcement and Public Safety, the Director
15 of Regulation and Licensure, the Adjutant General as director of
16 the Nebraska Emergency Management Agency, and the executive
17 director of the Public Service Commission, or their designees,
18 shall meet at least annually to recommend changes in the fees
19 charged and allocation of the fees collected among participating
20 agencies based upon their respective costs in carrying out such
21 section. Any money in the fund available for investment shall be
22 invested by the state investment officer pursuant to the Nebraska
23 Capital Expansion Act and the Nebraska State Funds Investment Act.
- 24 Sec. 5. The department may adopt and promulgate rules
25 and regulations to carry out sections 1 to 4 of this act.
- 26 Sec. 6. Sections 1 to 5 of this act do not apply to
27 high-level radioactive waste or transuranic waste shipped by or for
1 the United States Government for military, national security, or
2 national defense purposes. Sections 1 to 5 of this act do not
3 require disclosure of defense information or restricted data as
4 defined in the federal Atomic Energy Act of 1954.

5 Sec. 7. Since an emergency exists, this act takes effect
6 when passed and approved according to law."

MOTION - Print in Journal

Senators Landis, Connealy, and Bourne filed the following motion to
LB 825:

Indefinitely postpone LB 825.

GENERAL FILE

LEGISLATIVE BILL 384. Senator Chambers offered the following
amendment to the Standing Committee amendment:

FA899

Amend AM3058

P. 5, line 15 strike "of the district court"

Senator Chambers moved for a call of the house. The motion prevailed with
16 ayes, 0 nays, and 33 not voting.

The Chambers amendment was adopted with 40 ayes, 0 nays, 2 present and
not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to the Standing
Committee amendment:

FA900

Amend AM3058

P. 5, line 16 after "shall" insert "select a presiding judge,"

The Chambers amendment was adopted with 37 ayes, 0 nays, 5 present and
not voting, and 7 excused and not voting.

The Standing Committee amendment, AM2193, as amended, was adopted
with 39 ayes, 0 nays, 3 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 35 ayes, 2 nays, 6 present and not
voting, and 6 excused and not voting.

LEGISLATIVE BILL 707. Title read. Considered.

The Standing Committee amendment, AM0791, printed separately and
referred to on page 928, First Session, 2001, was considered.

Senator Brashear asked unanimous consent to replace his pending
amendment, FA121, found on page 1181, First Session, 2001, with a
substitute amendment. No objections. So ordered.

Senator Brashear withdrew his pending amendment, FA121, found on page 1181, First Session, 2001.

Senator Brashear renewed his substitute pending amendment, AM1125, found on page 1198, First Session, 2001, to the Standing Committee amendment.

SENATOR DIERKS PRESIDING

Senator Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Brashear moved to bracket LB 707 to April 19, 2002.

Senator Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Senators Schrock and Brown asked unanimous consent to be excused. No objections. So ordered.

Pending.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 82, 176, 848, and 848A.

Enrollment and Review Change to LB 176

The following changes, required to be reported for publication in the Journal, have been made:

ER9116

1. In the Hartnett amendment, AM2921, original section 9 has been struck and the remaining section renumbered and repealer corrected accordingly.

2. On page 1, the matter beginning with "civil" in line 1 through line 6 and all amendments thereto have been struck and "sanitary and improvement districts; to amend sections 25-2501, 31-740, 31-741, 31-786 to 31-789, and 31-791, Reissue Revised Statutes of Nebraska; to provide an exemption from eminent domain provisions; to change provisions relating to approval of certain projects; to change bidding and election recall provisions; to harmonize provisions; and to repeal the original sections." inserted.

Enrollment and Review Change to LB 848

The following changes, required to be reported for publication in the Journal, have been made:

ER9119

1. In the E & R amendment, AM7145, on page 3, line 2, the second "bar" has been struck.

(Signed) Philip Erdman, Chairperson

AMENDMENTS - Print in Journal

Senator Schimek filed the following amendment to LB 707:
AM3078

- 1 1. Insert the following new section:
- 2 "Section 1. Any advertising or promotional materials
- 3 relating to programs administered by the Governor, Lieutenant
- 4 Governor, Secretary of State, Attorney General, Auditor of Public
- 5 Accounts, or State Treasurer may include references to the public
- 6 office but shall not refer to the officeholder by name."
- 7 2. Renumber the remaining sections accordingly.

Senators Cunningham and Erdman filed the following amendment to
LB 916:
AM3073

- 1 1. Strike sections 3 and 6.
- 2 2. On page 2, lines 21 and 22, strike "6 and 18 to 23"
- 3 and insert "16 to 21".
- 4 3. On page 4, lines 4 and 5, strike the new matter and
- 5 reinstate the stricken matter and before the reinstated semicolon
- 6 insert "which are: (a) Soft drinks, carbonated or noncarbonated,
- 7 which do not contain a primary dairy product or dairy ingredient
- 8 base or which contain less than fifteen percent natural fruit or
- 9 vegetable juice; (b) candy; (c) chewing gum; (d) potato or corn
- 10 chips; (e) pretzels; (f) cheese puffs and curls; (g) crackers; (h)
- 11 popped popcorn; (i) nuts and edible seeds; and (j) cookies, cakes,
- 12 pies, and other pastries".
- 13 4. On page 5, line 15; and page 25, line 28, strike "18"
- 14 and insert "16".
- 15 5. On page 28, line 20, strike "81-2,240,".
- 16 6. Renumber the remaining sections accordingly.

Senator Baker filed the following amendment to LB 564:
AM3093

- 1 1. On page 3, line 20, strike "investigators" and insert
- 2 "personnel".
- 3 2. On page 6, line 6, strike "of any offense" and show
- 4 as stricken; and in line 7 after "States" insert ", by the United
- 5 States Government, or by court martial or other military tribunal
- 6 of any offense".
- 7 3. On page 9, line 19, strike "29-4007" and insert
- 8 "29-4006".
- 9 4. On page 19, line 8, strike "(2)(b)" and insert

10 "(3)(b)".

11 5. On page 22, line 5, strike "Investigators" and insert

12 "Personnel".

VISITORS

Visitors to the Chamber were Ron and Connie Kime from Duenweg, Missouri, and Don and Pat Stafford from Fremont; 45 students, teachers, and sponsors from St. Josephs Catholic Elementary School, Lincoln; and Deputy Section Chief, Heilongjian Province Finance Bureau, Peng Jhang, from People's Republic of China, interpreter, Charles Wang, with the Department of State, and Robert Meininger from Lincoln.

ADJOURNMENT

At 4:47 p.m., on a motion by Senator Wehrbein, the Legislature adjourned until 9:00 a.m., Tuesday, March 12, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-EIGHTH DAY - MARCH 12, 2002**LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE
SECOND SESSION****THIRTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 12, 2002

PRAYER

The prayer was offered by Senator Stuhr.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senator Hartnett who was excused; and Senators Bromm, Brown, Coordsen, Dierks, Jensen, Landis, Maxwell, Synowiecki, Tyson, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-seventh day was approved.

UNANIMOUS CONSENT - Member Excused

Senator Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Approve Appointment

Senator Janssen moved the adoption of the report of the Revenue Committee for the following appointment found on page 885: Tax Equalization and Review Commission - Susan S. Lore.

Voting in the affirmative, 27:

| | | | | |
|----------|------------|---------------|----------|----------|
| Aguilar | Connealy | Kremer | Raikes | Suttle |
| Beutler | Cudaback | Kruse | Redfield | Thompson |
| Brashear | Cunningham | McDonald | Schimek | Wehrbein |
| Burling | Erdman | Pedersen, Dw. | Schrock | |
| Byars | Janssen | Price | Smith | |
| Chambers | Jones | Quandahl | Stuhr | |

Voting in the negative, 0.

Present and not voting, 10:

| | | | | |
|--------|-------|------------|--------------|---------|
| Baker | Engel | Hudkins | Pederson, D. | Robak |
| Bourne | Foley | Kristensen | Preister | Vrtiska |

Excused and not voting, 12:

| | | | |
|---------|----------|---------|------------|
| Bromm | Coordsen | Jensen | Synowiecki |
| Brown | Dierks | Landis | Tyson |
| Bruning | Hartnett | Maxwell | Wickersham |

The appointment was confirmed with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 707. Senator Brashear renewed his pending motion, found on page 911, to bracket to April 19, 2002.

SPEAKER KRISTENSEN PRESIDING

SENATOR SCHIMEK PRESIDING

Senators Kristensen, D. Pederson, and Aguilar asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Brashear withdrew his motion to bracket.

The Brashear pending amendment, AM1125, found on page 1198, First Session, 2001, and considered on page 911, to the Standing Committee amendment, was renewed.

Senator Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Senator Brashear moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Brashear requested a roll call vote on his amendment.

Voting in the affirmative, 25:

| | | | | |
|----------|----------|---------------|----------|------------|
| Aguilar | Cudaback | Jensen | Price | Smith |
| Baker | Dierks | Jones | Quandahl | Stuhr |
| Brashear | Engel | Maxwell | Redfield | Tyson |
| Byars | Erdman | Pedersen, Dw. | Robak | Vrtiska |
| Coordsen | Hudkins | Pederson, D. | Schrock | Wickersham |

Voting in the negative, 15:

| | | | | |
|---------|----------|--------|----------|------------|
| Beutler | Chambers | Kremer | Preister | Synowiecki |
| Bromm | Foley | Kruse | Raikes | Thompson |
| Burling | Janssen | Landis | Schimek | Wehrbein |

Present and not voting, 6:

| | | |
|--------|------------|----------|
| Bourne | Connealy | McDonald |
| Brown | Cunningham | Suttle |

Excused and not voting, 3:

| | | |
|---------|----------|------------|
| Bruning | Hartnett | Kristensen |
|---------|----------|------------|

The Brashear amendment was adopted with 25 ayes, 15 nays, 6 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 313. Introduced by Byars, 30.

WHEREAS, on March 2, 2002, at the Bob Devaney Sports Center, the Freeman High School Lady Falcons defeated Falls City Sacred Heart 40-35 and thereby won the title of 2002 Class D-1 State High School Girls' Basketball State Champions; and

WHEREAS, this achievement is the result of hard work, talent, and dedication by the team members, who were supported in their efforts by the parents, administrators, students, and teachers of Freeman High School.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the members of the 2001-02 Freeman Lady Falcons basketball team.

2. That a copy of this resolution be presented to the Lady Falcons head coach Ken Cook.

Laid over.

LEGISLATIVE RESOLUTION 314. Introduced by Byars, 30.

WHEREAS, on March 9, 2002, at the Bob Devaney Sports Center, the Norris High School Titans defeated Pius X and thereby won the 2002 Class B State High School Boys' Basketball Championship; and

WHEREAS, this achievement is the result of hard work, talent, and dedication by the team members, who were supported in their efforts by the parents, administrators, students, and teachers of Norris High School.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the members of the 2001-02 Norris Titans basketball team.

2. That a copy of this resolution be presented to the Titans head coach Curt Carlson.

Laid over.

LEGISLATIVE RESOLUTION 315. Introduced by Bromm, 23; Hudkins, 21.

WHEREAS, the Bishop Neumann Cavaliers Boys Basketball team won the 2002 Class C-1 Boys' State High School Basketball Championship; and

WHEREAS, the Bishop Neumann Cavaliers finished the season with a record of 25-1; and

WHEREAS, the Bishop Neumann Cavaliers won the Class C-1 Championship by defeating the Columbus Lakeview Vikings 74-61 for the title; and

WHEREAS, the Bishop Neumann Cavaliers have qualified for the state tournament two years in a row; and

WHEREAS, the team exhibited exemplary dedication, discipline, and perseverance throughout the season and especially during the state tournament; and

WHEREAS, the members of the team, Eric Baumert, Alex Kotera, Kyle Loos, Ryan Mach, Zach Miller, Charlie Pleskac, Ross Plybon, Kyle Prochaska, Mitch Reeves, Matt Sabata, Mike Spicka, and Justin Woita, were each an integral component of the 2002 championship season; and

WHEREAS, Coach Paul Johnson and the assistant coaches provided effective guidance and leadership throughout the season; and

WHEREAS, Coach Johnson has been a model of integrity, dedication, and determination throughout his coaching career at Bishop Neumann High School.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes and congratulates the Bishop Neumann Cavaliers Boys Basketball team, Coach Paul Johnson, and the assistant coaches, parents, and supporters.

2. That a copy of this resolution be sent to Bishop Neumann High School.

Laid over.

AMENDMENTS - Print in Journal

Senator Janssen filed the following amendment to LB 791:
AM3099

- 1 1. On page 2, line 17, strike "October 1, 2001" and
- 2 insert "August 1, 2002"; in line 18 strike "October 1, 2006" and
- 3 insert "August 1, 2007"; and in line 25 strike "2000-01" and insert
- 4 "2001-02" and strike "October 1, 2006" and insert "August 1, 2007".

Senator Chambers filed the following amendment to LB 1086:
AM3049

(Amendments to Standing Committee amendments, AM2847)

- 1 1. On page 1, line 24, strike the first "and" and show
- 2 as stricken.
- 3 2. On page 2, line 1, reinstate the stricken matter; in
- 4 lines 1 and 2 strike the new matter; and in line 3 after the
- 5 semicolon insert "and (i) in the case of the candidate committee
- 6 for the Governor, conference fees, meals, lodging, and travel by
- 7 the Governor, his or her staff, and his or her immediate family,
- 8 when involved in activities related to the duties of the
- 9 Governor:".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 479A. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 479, Ninety-seventh Legislature, Second Session, 2002.

GENERAL FILE

LEGISLATIVE BILL 707. Senator Brashear asked unanimous consent to replace his pending amendment, FA122, found on page 1181, First Session, 2001, with a substitute amendment. No objections. So ordered.

Senator Brashear withdrew his pending amendment, FA122, found on page 1181, First Session, 2001.

Senator Brashear renewed his substitute pending amendment, AM1126, found on page 1198, First Session, 2001, to the Standing Committee amendment.

Senator Brashear withdrew his amendment.

SENATOR DIERKS PRESIDING

Senator Brashear asked unanimous consent to replace his pending amendment, FA123, found on page 1182, First Session, 2001, with a substitute amendment. No objections. So ordered.

Senator Brashear withdrew his pending amendment, FA123, found on page 1182, First Session, 2001.

Senator Brashear renewed his substitute pending amendment, AM1127, found on page 1199, First Session, 2001, to the Standing Committee amendment.

Senator Beutler asked unanimous consent to bracket LB 707 to April 10, 2002. No objections. So ordered.

LEGISLATIVE BILL 687. Title read. Considered.

The Standing Committee amendment, AM2432, printed separately and referred to on page 388, was considered.

Senators Maxwell and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

VISITORS

Visitors to the Chamber were Roland and Adelyne Koranda from Wahoo and Janet Koranda from Fremont; former Senator David Bernard-Stevens and the Lincoln County Leadership Class from North Platte; Mayor Jim Whitaker and the Youth Council from North Platte; 20 twelfth grade students and teacher from Wilcox Public School; 45 fourth grade students and teachers from York Elementary School; 9 students and teacher of the American Government class from O'Neill; Bonnie Hassler from Dodge; student senators from District 47; and 48 third and fourth grade students and teacher from Avery Elementary School, Bellevue.

RECESS

At 12:02 p.m., on a motion by Senator Bruning, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senator Hartnett who was excused; and Senators Brashear, Brown, Dierks, Foley, Landis,

and Vrtiska who were excused until they arrive.

SPEAKER KRISTENSEN PRESIDING

GENERAL FILE

LEGISLATIVE BILL 687. The Standing Committee amendment, AM2432, printed separately and referred to on page 388 and considered on page 920, was renewed.

The Standing Committee amendment was adopted with 31 ayes, 1 nay, 12 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 26 ayes, 2 nays, 16 present and not voting, and 5 excused and not voting.

Senator D. Pederson asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 564. Title read. Considered.

Senator Baker withdrew his pending amendment, AM2281, found on page 885.

Senator Baker renewed his pending amendment, AM3093, found on page 912.

Senator Quandahl asked unanimous consent to be excused until he returns. No objections. So ordered.

The Baker amendment was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Senator Synowiecki offered the following amendment:

FA901

Section 5, (3), page 11 Line 7: after "consider" insert "information contained in the Pre-sentence Investigation Report."

Section 8, (4), page 18 Line 25: insert a comma after "Patrol" and insert after Patrol "Probation or Parole"

Senator Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

The Synowiecki amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 460. Title read. Considered.

The Standing Committee amendment, AM1697, found on page 1713, First Session, 2001, was considered.

Senator Beutler renewed his pending amendment, AM2312, found on page 386, to the Standing Committee amendment.

Senator McDonald asked unanimous consent to be excused until she returns. No objections. So ordered.

The Beutler amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Senator Tyson renewed his pending amendment, AM3011, found on page 863, to the Standing Committee amendment.

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

The Tyson amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

SENATOR CUDABACK PRESIDING

Senator Price asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 1139. Title read. Considered.

The Standing Committee amendment, AM2460, printed separately and referred to on page 430, was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Senators Kremer and Robak asked unanimous consent to be excused. No objections. So ordered.

Senator Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Senator Bruning asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 1003. The Beutler pending amendment, AM3045, found on page 865, to the Standing Committee amendment, was renewed.

Senator Beutler asked unanimous consent to replace his pending amendment, AM3045, found on page 865, with a substitute amendment.

Senator Chambers objected.

Senator Beutler moved to replace his pending amendment, AM3045, found on page 865, with a substitute amendment.

Senators Synowiecki, Quandahl, Wickersham, and Bromm asked unanimous consent to be excused. No objections. So ordered.

Senator Chambers withdrew his objection.

Senator Beutler asked unanimous consent to replace his pending amendment, AM3045, found on page 865, with a substitute amendment. No objections. So ordered.

Senator Beutler withdrew his pending amendment, AM3045, found on page 865.

Senator Beutler offered the following substitute amendment to the Standing Committee amendment:

AM3107

(Amendments to Standing Committee amendments, AM2691)

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 37-101, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 37-101. (1) The Game and Parks Commission shall consist
- 5 of ~~seven~~ eight members, one from each of the ~~seven~~ eight districts
- 6 provided for by section 37-102, and shall be appointed by the
- 7 Governor with the consent of a majority of all members of the
- 8 Legislature. Members of the commission shall be legal residents
- 9 and citizens of Nebraska and shall be well informed on wildlife
- 10 conservation and restoration. At least two members of the
- 11 commission shall be actually engaged in agricultural pursuits and
- 12 shall reside on a farm or ranch, and not more than ~~four~~ five of the
- 13 members of the commission shall be affiliated with the same
- 14 political party.
- 15 (2) When the term of any member of the commission
- 16 expires, ~~the Governor shall appoint~~ a successor shall be appointed
- 17 as provided in subsection (1) of this section for a term of five
- 18 years from the same district as the member whose term has expired.
- 19 Beginning with appointments made for terms beginning after January

20 1, 2008, in districts which contain more than one county, the
 21 Governor shall not appoint a person from the same county as his or
 22 her predecessor. Each member shall serve until the appointment and
 23 qualification of his or her successor. In case of a vacancy

1 occurring prior to the expiration of the term of a member, the
 2 appointment shall be made only for the remainder of the term.

3 (3) All members of the commission shall be citizens and
 4 bona fide residents of the district from which they are appointed.

5 When a member ceases to be a bona fide resident of the district,
 6 from which he or she was appointed, the office shall be immediately
 7 vacated.

8 (4) If the Legislature is not in session when members of
 9 the commission are appointed by the Governor, they shall take
 10 office and act as recess appointees until the Legislature next
 11 thereafter convenes.

12 (5) Members may be removed by the Governor for
 13 inefficiency, neglect of duty, or misconduct in office, but only
 14 after delivering to the member a copy of the charges and affording
 15 an opportunity of being publicly heard in person or by counsel in
 16 his or her own defense, upon not less than ten days' notice. Such
 17 hearing shall be held before the Governor.

18 (6) If such member is removed, the Governor shall file in
 19 the office of the Secretary of State a complete statement of all
 20 charges made against such member and his or her findings thereon,
 21 together with a complete record of the proceedings. No person who
 22 has served a full five-year term shall be eligible for
 23 reappointment as a member of the commission until at least five
 24 years have elapsed between any previous term which he or she might
 25 have served and the effective date of his or her new appointment.

26 Sec. 2. Section 37-102, Reissue Revised Statutes of
 27 Nebraska, is amended to read:

1 37-102. For purposes of section 37-101, the state is
 2 hereby divided into ~~seven~~ eight districts. The limits and
 3 designations of the ~~seven~~ eight districts shall be as follows:

4 (1) District No. 1. The counties of Richardson, Pawnee,
 5 Nemaha, Johnson, Otoe, Cass, ~~Lancaster~~ Sarpy, Saunders, Butler,
 6 Gage, Seward, Saline, and Jefferson;

7 (2) District No. 2. ~~The counties of Sarpy and Douglas~~
 8 County;

9 (3) District No. 3. The counties of Washington, Dodge,
 10 Colfax, Platte, Merrick, Nance, Boone, Madison, Stanton, Cuming,
 11 Burt, Thurston, Wayne, Pierce, Antelope, Knox, Cedar, Dixon, and
 12 Dakota;

13 (4) District No. 4. The counties of Thayer, Nuckolls,
 14 Webster, Adams, Clay, Fillmore, York, Polk, Hamilton, Hall,
 15 Buffalo, Kearney, and Franklin;

16 (5) District No. 5. The counties of Harlan, Furnas, Red
 17 Willow, Hitchcock, Dundy, Chase, Hayes, Frontier, Gosper, Phelps,
 18 Dawson, Lincoln, and Perkins;

- 19 (6) District No. 6. The counties of Howard, Greeley,
 20 Wheeler, Sherman, Valley, Garfield, Holt, Boyd, Keya Paha, Rock,
 21 Brown, Loup, Blaine, Custer, Logan, McPherson, Arthur, Grant,
 22 Hooker, Thomas, and Cherry; and
- 23 (7) District No. 7. The counties of Deuel, Garden,
 24 Keith, Sheridan, Cheyenne, Morrill, Box Butte, Dawes, Sioux, Scotts
 25 Bluff, Banner, and Kimball; and
- 26 (8) District No. 8. Lancaster County."
- 27 2. On page 2, strike lines 4 through 20 and insert
 1 "(2) If there is reasonable cause to believe that any
 2 wildlife that is diseased, is needed for scientific study of
 3 disease, or is considered dangerous to human, wildlife, or
 4 livestock health, is present on any property, the commission or its
 5 designee shall make a reasonable attempt to gain access to the
 6 property by permission of the property owner, tenant, lessee,
 7 occupant, or person in control of the property. If such attempt is
 8 not successful or impracticable, the commission or its designee may
 9 enter the property to take wildlife that is diseased, needed for
 10 scientific study of disease, or dangerous to human, wildlife, or
 11 livestock health. Immediately subsequent to any entry on the
 12 property, the commission or its designee shall notify the property
 13 owner, tenant, lessee, occupant, or person in control of the
 14 property regarding the activities of the commission's designee on
 15 such property. The property owner shall retain all legal rights to
 16 recover damages from such entry, except that damages for trespass
 17 shall not be available."
- 18 3. On page 7, strike beginning with the underscored
 19 colon in line 9 through "years" in line 19 and insert "fourteen
 20 dollars per permit for permits which are valid for 2002 and
 21 eighteen dollars per permit for permits which are valid beginning
 22 January 1, 2003"; in line 24 after the comma insert "and"; and
 23 strike beginning with the last comma in line 25 through "years" in
 24 line 27.
- 25 4. Renumber the remaining sections and correct the
 26 repealer and internal references accordingly.

Pending.

AMENDMENT - Print in Journal

Senator Wickersham filed the following amendment to LB 298:
 (Amendment, AM3103, may be found in the Bill Books. The amendment
 has been printed separately and is on file in the Bill Room - Room 1102.)

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 862A. Introduced by Byars, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 862, Ninety-seventh Legislature, Second Session, 2002.

GENERAL FILE

LEGISLATIVE BILL 1003. The Beutler pending amendment, AM3107, found in this day's Journal, to the Standing Committee amendment, was renewed.

Senator Chambers requested a division of the question on the Beutler amendment.

The Chair sustained the division of the question.

The first Beutler amendment, to the Standing Committee amendment, is as follows:

FA904

(Amendments to Standing Committee amendments, AM2691)

18 3. On page 7, strike beginning with the underscored
19 colon in line 9 through "years" in line 19 and insert "fourteen
20 dollars per permit for permits which are valid for 2002 and
21 eighteen dollars per permit for permits which are valid beginning
22 January 1, 2003"; in line 24 after the comma insert "and"; and
23 strike beginning with the last comma in line 25 through "years" in
24 line 27.

Senators Landis and Foley asked unanimous consent to be excused. No objections. So ordered.

SPEAKER KRISTENSEN PRESIDING

Pending.

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB 1003:

FA905

Amend AM2691

In AM3107 on page 4, line 21 strike "eighteen dollars" and insert "fourteen dollars and fifty cents".

Senator Chambers filed the following amendment to LB 1003:

FA906

Amend AM2691

In AM3107 on page 4, line 21 strike "eighteen dollars" and insert "fourteen dollars and seventy-five cents".

Senator Chambers filed the following amendment to LB 1003:

FA907

Amend AM2691

In AM3107 on page 4, line 21 strike "eighteen dollars" and insert "fifteen dollars".

UNANIMOUS CONSENT - Add Cointroducer

Senator Erdman asked unanimous consent to have his name added as cointroducer to LB 276. No objections. So ordered.

ADJOURNMENT

At 5:33 p.m., on a motion by Senator Preister, the Legislature adjourned until 9:00 a.m., Wednesday, March 13, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-NINTH DAY - MARCH 13, 2002**LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE
SECOND SESSION****THIRTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 13, 2002

PRAYER

The prayer was offered by Senator Janssen.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

The roll was called and all members were present except Senator Hartnett who was excused; and Senators Cunningham, Kremer, Maxwell, McDonald, Schrock, Stuhr, Vrtiska, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-eighth day was approved.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 301 and 302 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 301 and 302.

MOTIONS - Approve Appointments

Senator Bruning moved the adoption of the report of the Nebraska Retirement Systems Committee for the following appointment found on page 889: Nebraska Investment Council - John Maddux.

Voting in the affirmative, 32:

| | | | | |
|----------|----------|---------------|----------|------------|
| Aguilar | Byars | Janssen | Preister | Suttle |
| Baker | Chambers | Jensen | Price | Synowiecki |
| Brashear | Coordsen | Kristensen | Quandahl | Thompson |
| Bromm | Dierks | Kruse | Redfield | Tyson |
| Brown | Engel | Landis | Robak | |
| Bruning | Erdman | Pedersen, Dw. | Schimek | |
| Burling | Hudkins | Pederson, D. | Smith | |

Voting in the negative, 0.

Present and not voting, 8:

| | | | |
|---------|----------|-------|----------|
| Beutler | Connealy | Foley | Raikes |
| Bourne | Cudaback | Jones | Wehrbein |

Excused and not voting, 9:

| | | | | |
|------------|---------|----------|---------|------------|
| Cunningham | Kremer | McDonald | Stuhr | Wickersham |
| Hartnett | Maxwell | Schrock | Vrtiska | |

The appointment was confirmed with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Senator Bruning moved the adoption of the report of the Nebraska Retirement Systems Committee for the following appointment found on page 889: Public Employees Retirement Board - Charles Peters.

Voting in the affirmative, 34:

| | | | | |
|----------|----------|------------|---------------|------------|
| Aguilar | Burling | Foley | McDonald | Schimek |
| Baker | Byars | Hudkins | Pedersen, Dw. | Smith |
| Beutler | Chambers | Janssen | Preister | Suttle |
| Brashear | Coordsen | Jensen | Price | Synowiecki |
| Bromm | Dierks | Kristensen | Quandahl | Thompson |
| Brown | Engel | Kruse | Redfield | Wehrbein |
| Bruning | Erdman | Landis | Robak | |

Voting in the negative, 0.

Present and not voting, 7:

| | | | |
|----------|----------|--------------|-------|
| Bourne | Cudaback | Pederson, D. | Tyson |
| Connealy | Jones | Raikes | |

Excused and not voting, 8:

| | | | |
|------------|---------|---------|------------|
| Cunningham | Kremer | Schrock | Vrtiska |
| Hartnett | Maxwell | Stuhr | Wickersham |

The appointment was confirmed with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 21. With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to require a report on a federal medicaid program amendment or waiver; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

| | | | | |
|----------|------------|------------|---------------|------------|
| Aguilar | Byars | Hudkins | Pedersen, Dw. | Smith |
| Baker | Chambers | Janssen | Pederson, D. | Stuhr |
| Beutler | Coordsen | Jensen | Preister | Suttle |
| Bourne | Cudaback | Jones | Price | Synowiecki |
| Brashear | Cunningham | Kremer | Quandahl | Thompson |
| Bromm | Dierks | Kristensen | Raikes | Tyson |
| Brown | Engel | Kruse | Redfield | Vrtiska |
| Bruning | Erdman | Landis | Robak | Wehrbein |
| Burling | Foley | McDonald | Schimek | Wickersham |

Voting in the negative, 0.

Present and not voting, 2:

Connealy Schrock

Excused and not voting, 2:

Hartnett Maxwell

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 58.

A BILL FOR AN ACT relating to insurance; to amend section 44-1540, Reissue Revised Statutes of Nebraska; to change provisions relating to unfair claims settlement practices; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to

procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Coordsen | Jones | Price | Synowiecki |
| Baker | Cudaback | Kremer | Quandahl | Thompson |
| Beutler | Cunningham | Kristensen | Raikes | Tyson |
| Bourne | Dierks | Kruse | Redfield | Vrtiska |
| Brashear | Engel | Landis | Robak | Wehrbein |
| Bromm | Erdman | Maxwell | Schimek | Wickersham |
| Brown | Foley | McDonald | Schrock | |
| Bruning | Hudkins | Pedersen, Dw. | Smith | |
| Byars | Janssen | Pederson, D. | Stuhr | |
| Chambers | Jensen | Preister | Suttle | |

Voting in the negative, 0.

Present and not voting, 2:

Burling Connealy

Excused and not voting, 1:

Hartnett

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 93 with 39 ayes, 3 nays, 6 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 93.

A BILL FOR AN ACT relating to state government; to amend sections 44-788, 60-2121, 71-3503, 71-3504, 71-3508.01, 71-4903, 75-366, 79-1312, 81-177, 81-1417, and 83-4,124, Reissue Revised Statutes of Nebraska, sections 2-2626, 20-139, 50-1302, 71-1405, 71-3505, 71-4609, 77-27,187, 81-5,147, and 81-8,307, Revised Statutes Supplement, 2000, and sections 71-1901 to 71-1905, Revised Statutes Supplement, 2001; to eliminate certain boards, committees, councils, and panels; to change provisions relating to a committee report; to eliminate a duty relating to the Lewis and Clark Bicentennial Commission; to change membership provisions for the Nebraska Commission on Law Enforcement and Criminal Justice and the Jail Standards Board; to harmonize provisions; to repeal the original

sections; and to outright repeal sections 60-2122 to 60-2124, 71-1401 to 71-1404, 71-1744, 71-1759, 71-3506, 71-4902, 75-387, 75-388, 77-27,196, 79-1326, 81-5,150, and 81-5,154 to 81-5,156, Reissue Revised Statutes of Nebraska, sections 71-533 to 71-538, 71-1565, 71-1758, 71-1906.02, 71-8606, 79-1327, 80-323, 80-324, and 81-5,149, Revised Statutes Supplement, 2000, and section 71-1906.03, Revised Statutes Supplement, 2001.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

| | | | | |
|----------|------------|---------------|--------------|------------|
| Aguilar | Chambers | Janssen | Pederson, D. | Stuhr |
| Baker | Connealy | Jensen | Preister | Suttle |
| Beutler | Coordsen | Jones | Price | Synowiecki |
| Bourne | Cudaback | Kremer | Quandahl | Thompson |
| Brashear | Cunningham | Kristensen | Raikes | Tyson |
| Bromm | Dierks | Kruse | Redfield | Vrtiska |
| Brown | Engel | Landis | Robak | Wehrbein |
| Bruning | Erdman | Maxwell | Schimek | Wickersham |
| Burling | Foley | McDonald | Schrock | |
| Byars | Hudkins | Pedersen, Dw. | Smith | |

Voting in the negative, 0.

Excused and not voting, 1:

Hartnett

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 112.

A BILL FOR AN ACT relating to correctional services; to amend section 83-183, Reissue Revised Statutes of Nebraska; to change provisions relating to work arrangements for persons committed to the Department of Correctional Services; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

| | | | | |
|----------|------------|---------------|--------------|------------|
| Aguilar | Chambers | Janssen | Pederson, D. | Stuhr |
| Baker | Connealy | Jensen | Preister | Suttle |
| Beutler | Coordsen | Jones | Price | Synowiecki |
| Bourne | Cudaback | Kremer | Quandahl | Thompson |
| Brashear | Cunningham | Kristensen | Raikes | Tyson |
| Bromm | Dierks | Kruse | Redfield | Wehrbein |
| Brown | Engel | Landis | Robak | Wickersham |
| Bruning | Erdman | Maxwell | Schimek | |
| Burling | Foley | McDonald | Schrock | |
| Byars | Hudkins | Pedersen, Dw. | Smith | |

Voting in the negative, 0.

Present and not voting, 1:

Vrtiska

Excused and not voting, 1:

Hartnett

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 176 with 41 ayes, 1 nay, 6 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 176.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend sections 25-2501, 31-740, 31-741, 31-786 to 31-789, and 31-791, Reissue Revised Statutes of Nebraska; to provide an exemption from eminent domain provisions; to change provisions relating to approval of certain projects; to change bidding and election recall provisions; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Connealy | Jensen | Preister | Synowiecki |
| Baker | Coordsen | Jones | Price | Thompson |
| Bourne | Cudaback | Kremer | Quandahl | Tyson |
| Brashear | Cunningham | Kristensen | Raikes | Vrtiska |
| Bromm | Dierks | Kruse | Redfield | Wehrbein |
| Brown | Engel | Landis | Robak | Wickersham |
| Bruning | Erdman | Maxwell | Schrock | |
| Burling | Foley | McDonald | Smith | |
| Byars | Hudkins | Pedersen, Dw. | Stuhr | |
| Chambers | Janssen | Pederson, D. | Suttle | |

Voting in the negative, 1:

Schimek

Present and not voting, 1:

Beutler

Excused and not voting, 1:

Hartnett

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 188.

A BILL FOR AN ACT relating to the Nebraska Mental Health Commitment Act; to amend section 83-1025, Reissue Revised Statutes of Nebraska; to change provisions relating to filing petitions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

| | | | | |
|----------|------------|---------------|--------------|------------|
| Aguilar | Chambers | Janssen | Pederson, D. | Stuhr |
| Baker | Connealy | Jensen | Preister | Suttle |
| Beutler | Coordsen | Jones | Price | Synowiecki |
| Bourne | Cudaback | Kremer | Quandahl | Thompson |
| Brashear | Cunningham | Kristensen | Raikes | Tyson |
| Bromm | Dierks | Kruse | Redfield | Vrtiska |
| Brown | Engel | Landis | Robak | Wehrbein |
| Bruning | Erdman | Maxwell | Schimek | Wickersham |
| Burling | Foley | McDonald | Schrock | |
| Byars | Hudkins | Pedersen, Dw. | Smith | |

Voting in the negative, 0.

Excused and not voting, 1:

Hartnett

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 235.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-521 and 71-524, Reissue Revised Statutes of Nebraska, sections 71-520, 71-522, and 71-523, Revised Statutes Supplement, 2000, and section 71-519, Revised Statutes Supplement, 2001; to change and eliminate provisions relating to newborn screening for metabolic diseases, food supplements and treatment, fees, records, reports, and rules and regulations; to provide immunity from liability; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

| | | | | |
|----------|------------|---------------|--------------|------------|
| Aguilar | Chambers | Janssen | Pederson, D. | Stuhr |
| Baker | Connealy | Jensen | Preister | Suttle |
| Beutler | Coordsen | Jones | Price | Synowiecki |
| Bourne | Cudaback | Kremer | Quandahl | Thompson |
| Brashear | Cunningham | Kristensen | Raikes | Tyson |
| Bromm | Dierks | Kruse | Redfield | Vrtiska |
| Brown | Engel | Landis | Robak | Wehrbein |
| Bruning | Erdman | Maxwell | Schimek | Wickersham |
| Burling | Foley | McDonald | Schrock | |
| Byars | Hudkins | Pedersen, Dw. | Smith | |

Voting in the negative, 0.

Excused and not voting, 1:

Hartnett

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Senator D. Pederson asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 235A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 235, Ninety-seventh Legislature, Second Session, 2002.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

| | | | | |
|----------|------------|------------|---------------|------------|
| Aguilar | Chambers | Hudkins | Pedersen, Dw. | Smith |
| Baker | Connealy | Janssen | Preister | Stuhr |
| Beutler | Coordsen | Jensen | Price | Suttle |
| Bourne | Cudaback | Jones | Quandahl | Synowiecki |
| Brashear | Cunningham | Kremer | Raikes | Thompson |
| Bromm | Dierks | Kristensen | Redfield | Tyson |
| Bruning | Engel | Kruse | Robak | Vrtiska |
| Burling | Erdman | Maxwell | Schimek | Wehrbein |
| Byars | Foley | McDonald | Schrock | Wickersham |

Voting in the negative, 0.

Present and not voting, 2:

Brown Landis

Excused and not voting, 2:

Hartnett Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 251.

A BILL FOR AN ACT relating to elections; to amend sections 32-560, 32-572, 32-605, 32-615, 32-616, 32-625, and 85-1514, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to vacancies; to harmonize provisions; to repeal the original sections; and to outright repeal section 32-626, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Chambers | Janssen | Preister | Synowiecki |
| Baker | Connealy | Jensen | Price | Thompson |
| Beutler | Coordsen | Jones | Quandahl | Tyson |
| Bourne | Cudaback | Kremer | Raikes | Vrtiska |
| Brashear | Cunningham | Kristensen | Redfield | Wehrbein |
| Bromm | Dierks | Kruse | Schimek | Wickersham |
| Brown | Engel | Landis | Schrock | |
| Bruning | Erdman | Maxwell | Smith | |
| Burling | Foley | McDonald | Stuhr | |
| Byars | Hudkins | Pedersen, Dw. | Suttle | |

Voting in the negative, 0.

Present and not voting, 1:

Robak

Excused and not voting, 2:

Hartnett Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Senator Synowiecki asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 326.

A BILL FOR AN ACT relating to education; to adopt the Nebraska Read, Educate, and Develop Youth Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

| | | | | |
|----------|----------|------------|---------------|------------|
| Aguilar | Chambers | Janssen | Pedersen, Dw. | Smith |
| Baker | Connealy | Jensen | Preister | Stuhr |
| Beutler | Coordsen | Jones | Price | Suttle |
| Bourne | Cudaback | Kremer | Quandahl | Thompson |
| Brashear | Dierks | Kristensen | Raikes | Tyson |
| Bromm | Engel | Kruse | Redfield | Wehrbein |
| Brown | Erdman | Landis | Robak | Wickersham |
| Bruning | Foley | Maxwell | Schimek | |
| Byars | Hudkins | McDonald | Schrock | |

Voting in the negative, 0.

Present and not voting, 3:

Burling Cunningham Vrtiska

Excused and not voting, 3:

Hartnett Pederson, D. Synowiecki

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 326A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 326, Ninety-seventh Legislature, Second Session, 2002.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

| | | | | |
|----------|------------|------------|---------------|------------|
| Aguilar | Chambers | Janssen | Pedersen, Dw. | Smith |
| Baker | Connealy | Jensen | Preister | Stuhr |
| Beutler | Coordsen | Jones | Price | Suttle |
| Bourne | Cunningham | Kremer | Quandahl | Thompson |
| Brashear | Dierks | Kristensen | Raikes | Wehrbein |
| Bromm | Engel | Kruse | Redfield | Wickersham |
| Brown | Erdman | Landis | Robak | |
| Bruning | Foley | Maxwell | Schimek | |
| Byars | Hudkins | McDonald | Schrock | |

Voting in the negative, 0.

Present and not voting, 4:

Burling Cudaback Tyson Vrtiska

Excused and not voting, 3:

Hartnett Pederson, D. Synowiecki

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 385.

A BILL FOR AN ACT relating to the rule against perpetuities; to amend section 76-2005, Reissue Revised Statutes of Nebraska; to provide for an

exclusion from the rule for certain trusts as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

| | | | | |
|----------|------------|------------|---------------|------------|
| Aguilar | Chambers | Hudkins | Pedersen, Dw. | Stuhr |
| Baker | Connealy | Janssen | Price | Suttle |
| Bourne | Coordsen | Jensen | Quandahl | Synowiecki |
| Brashear | Cudaback | Jones | Raikes | Thompson |
| Bromm | Cunningham | Kremer | Redfield | Tyson |
| Brown | Dierks | Kristensen | Robak | Vrtiska |
| Bruning | Engel | Kruse | Schimek | Wehrbein |
| Burling | Erdman | Landis | Schrock | Wickersham |
| Byars | Foley | Maxwell | Smith | |

Voting in the negative, 1:

Beutler

Present and not voting, 2:

McDonald Preister

Excused and not voting, 2:

Hartnett Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 417.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-106 and 48-139, Reissue Revised Statutes of Nebraska, and section 48-115, Revised Statutes Supplement, 2000; to change provisions relating to coverage and exclusions; to redefine a term; to change settlement provisions; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Coordsen | Jensen | Preister | Stuhr |
| Beutler | Cudaback | Jones | Price | Suttle |
| Bourne | Cunningham | Kremer | Quandahl | Synowiecki |
| Brashear | Dierks | Kristensen | Raikes | Thompson |
| Bromm | Engel | Kruse | Redfield | Tyson |
| Bruning | Erdman | Landis | Robak | Wehrbein |
| Byars | Foley | Maxwell | Schimek | Wickersham |
| Chambers | Hudkins | McDonald | Schrock | |
| Connealy | Janssen | Pedersen, Dw. | Smith | |

Voting in the negative, 0.

Present and not voting, 4:

| | | | |
|-------|-------|---------|---------|
| Baker | Brown | Burling | Vrtiska |
|-------|-------|---------|---------|

Excused and not voting, 2:

| | |
|----------|--------------|
| Hartnett | Pederson, D. |
|----------|--------------|

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Senator Connealy asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 446.

A BILL FOR AN ACT relating to aeronautics; to amend sections 3-129, 3-133, 3-157, 3-239, 3-501, 3-508, 3-513, and 3-514, Reissue Revised Statutes of Nebraska; to change provisions relating to airports, landing areas, airport projects, and funding; to provide and change powers and duties; to define terms; to eliminate a reappraisal requirement and obsolete references; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

| | | | | |
|----------|------------|------------|---------------|------------|
| Aguilar | Byars | Hudkins | McDonald | Schrock |
| Baker | Chambers | Janssen | Pedersen, Dw. | Smith |
| Beutler | Coordsen | Jensen | Preister | Stuhr |
| Bourne | Cudaback | Jones | Price | Suttle |
| Brashear | Cunningham | Kremer | Quandahl | Synowiecki |
| Bromm | Dierks | Kristensen | Raikes | Tyson |
| Brown | Engel | Kruse | Redfield | Vrtiska |
| Bruning | Erdman | Landis | Robak | Wehrbein |
| Burling | Foley | Maxwell | Schimek | Wickersham |

Voting in the negative, 0.

Present and not voting, 1:

Thompson

Excused and not voting, 3:

Connealy Hartnett Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 458 with 38 ayes, 2 nays, 6 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 458.

A BILL FOR AN ACT relating to water; to amend sections 46-677, 46-1225, and 46-1237.03, Reissue Revised Statutes of Nebraska, section 46-656.28, Revised Statutes Supplement, 2000, and sections 46-230, 46-602, 46-606, 61-210, and 76-2,124, Revised Statutes Supplement, 2001; to change and eliminate provisions relating to fees; to provide a termination date relating to the crediting of such fees; to change a termination date for temporary suspension of water well drilling; to change a date for permits to transfer ground water; to eliminate a reporting duty and change certain payment provisions under the Water Well Standards and Contractors' Licensing Act; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Chambers | Janssen | Preister | Stuhr |
| Baker | Coordsen | Jones | Price | Suttle |
| Beutler | Cudaback | Kremer | Quandahl | Synowiecki |
| Bourne | Cunningham | Kristensen | Raikes | Thompson |
| Brashear | Dierks | Kruse | Redfield | Tyson |
| Bromm | Engel | Landis | Robak | Vrtiska |
| Bruning | Erdman | Maxwell | Schimek | Wehrbein |
| Burling | Foley | McDonald | Schrock | Wickersham |
| Byars | Hudkins | Pedersen, Dw. | Smith | |

Voting in the negative, 0.

Present and not voting, 2:

Brown Jensen

Excused and not voting, 3:

Connealy Hartnett Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 499 with 36 ayes, 2 nays, 8 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 499.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,132, 60-4,162, 60-1306, and 75-369.03, Reissue Revised Statutes of Nebraska, and sections 60-4,168, 75-363, and 75-364, Revised Statutes Supplement, 2001; to change provisions relating to intent, employers, and disqualification of commercial motor vehicle drivers; to change provisions relating to motor carrier safety; to adopt certain portions of the federal Motor Carrier Safety Regulations and the federal Hazardous Material Regulations; to repeal provisions regarding names displayed on commercial trucks and truck-tractors; to provide and eliminate penalties; to harmonize provisions; to repeal the original sections; and to outright repeal sections 60-305.12 and 60-305.13, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|----------|------------|------------|---------------|------------|
| Aguilar | Byars | Hudkins | Pedersen, Dw. | Stuhr |
| Baker | Chambers | Janssen | Price | Suttle |
| Beutler | Coordsen | Jensen | Quandahl | Synowiecki |
| Bourne | Cudaback | Jones | Raikes | Thompson |
| Brashear | Cunningham | Kremer | Redfield | Tyson |
| Bromm | Dierks | Kristensen | Robak | Vrtiska |
| Brown | Engel | Kruse | Schimek | Wehrbein |
| Bruning | Erdman | Maxwell | Schrock | Wickersham |
| Burling | Foley | McDonald | Smith | |

Voting in the negative, 0.

Present and not voting, 2:

Landis Preister

Excused and not voting, 3:

Connealy Hartnett Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 545 with 35 ayes, 2 nays, 9 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 545.

A BILL FOR AN ACT relating to gambling; to amend sections 9-201, 9-204.03, 9-211, 9-213, 9-214.01, 9-226.01, 9-231, 9-232.01, 9-241.05, 9-255.02, 9-255.04, 9-255.05, 9-255.08, 9-301, 9-304, 9-306.01, 9-309, 9-311, 9-322.02, 9-326, 9-331, 9-340.02, 9-347, 9-347.01, 9-349, 9-401, 9-410, 9-418.01, 9-423, 9-601, 9-603, 9-606.01, 9-622, 9-631, 9-631.01, 9-642.01, and 9-653, Reissue Revised Statutes of Nebraska, sections 9-1,104, 9-226, 9-232.02, 9-233, 9-255.06, 9-322, 9-328, 9-329, 9-418, 9-425, and 9-620, Revised Statutes Supplement, 2000, and sections 9-230.01 and 9-625, Revised Statutes Supplement, 2001; to provide for fingerprinting and criminal history record checks for lottery workers; to change provisions relating to cease and desist orders, special event bingo, licensure requirements and fees, notice of license denials, prize and expense limitations, reporting requirements, licensed distributor sales and purchases, pickle card unit deliveries, gross proceeds, the licensure of lottery workers and sales outlet locations, lottery operation requirements, and the disclosure of reports or records; to authorize the collection and prorating of certain fees and the sale or donation of disposable paper bingo cards as prescribed; to define and redefine terms; to provide powers and duties; to harmonize provisions; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|----------|------------|------------|---------------|------------|
| Aguilar | Chambers | Janssen | Pedersen, Dw. | Stuhr |
| Baker | Coordsen | Jensen | Preister | Suttle |
| Bourne | Cudaback | Jones | Price | Synowiecki |
| Brashear | Cunningham | Kremer | Quandahl | Thompson |
| Bromm | Dierks | Kristensen | Raikes | Tyson |
| Brown | Engel | Kruse | Redfield | Vrtiska |
| Bruning | Erdman | Landis | Robak | Wehrbein |
| Burling | Foley | Maxwell | Schrock | Wickersham |
| Byars | Hudkins | McDonald | Smith | |

Voting in the negative, 0.

Present and not voting, 2:

Beutler Schimek

Excused and not voting, 3:

Connealy Hartnett Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 547 with 39 ayes, 2 nays, 5 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 547.

A BILL FOR AN ACT relating to insurance; to amend sections 44-6603 and 44-6604, Reissue Revised Statutes of Nebraska, section 28-631, Revised Statutes Supplement, 2000, and section 44-6606, Revised Statutes Supplement, 2001; to redefine terms and change insurance fraud provisions; to change a fee provision; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Chambers | Jensen | Price | Synowiecki |
| Baker | Coordsen | Jones | Quandahl | Thompson |
| Beutler | Cudaback | Kremer | Raikes | Tyson |
| Bourne | Cunningham | Kristensen | Redfield | Vrtiska |
| Brashear | Dierks | Kruse | Robak | Wehrbein |
| Bromm | Engel | Landis | Schimek | Wickersham |
| Brown | Erdman | Maxwell | Schrock | |
| Bruning | Foley | McDonald | Smith | |
| Burling | Hudkins | Pedersen, Dw. | Stuhr | |
| Byars | Janssen | Preister | Suttle | |

Voting in the negative, 0.

Excused and not voting, 3:

Connealy Hartnett Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 547A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 547, Ninety-seventh Legislature, Second Session, 2002.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

| | | | | |
|----------|------------|------------|---------------|------------|
| Aguilar | Chambers | Janssen | Pedersen, Dw. | Smith |
| Baker | Coordsen | Jensen | Preister | Stuhr |
| Beutler | Cudaback | Jones | Price | Suttle |
| Bourne | Cunningham | Kremer | Quandahl | Synowiecki |
| Brashear | Dierks | Kristensen | Raikes | Thompson |
| Bromm | Engel | Kruse | Redfield | Tyson |
| Bruning | Erdman | Landis | Robak | Vrtiska |
| Burling | Foley | Maxwell | Schimek | Wehrbein |
| Byars | Hudkins | McDonald | Schrock | Wickersham |

Voting in the negative, 0.

Present and not voting, 1:

Brown

Excused and not voting, 3:

Connealy Hartnett Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 604.

A BILL FOR AN ACT relating to the Department of Correctional Services; to amend section 83-915, Reissue Revised Statutes of Nebraska; to change provisions relating to investment of inmate funds and surplus trust funds; to create a fund; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Coordsen | Jensen | Preister | Stuhr |
| Baker | Cudaback | Jones | Price | Suttle |
| Beutler | Cunningham | Kremer | Quandahl | Synowiecki |
| Bourne | Dierks | Kristensen | Raikes | Thompson |
| Bromm | Engel | Kruse | Redfield | Tyson |
| Bruning | Erdman | Landis | Robak | Vrtiska |
| Burling | Foley | Maxwell | Schimek | Wehrbein |
| Byars | Hudkins | McDonald | Schrock | Wickersham |
| Chambers | Janssen | Pedersen, Dw. | Smith | |

Voting in the negative, 0.

Present and not voting, 2:

Brashear Brown

Excused and not voting, 3:

Connealy Hartnett Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 616. With Emergency.

A BILL FOR AN ACT relating to roads; to amend section 39-1803, Reissue Revised Statutes of Nebraska, and section 39-2519, Revised Statutes Supplement, 2001; to authorize road maintenance agreements between counties, cities, and villages as prescribed; to authorize the relinquishment of street improvement funds to counties as prescribed; to provide operative

dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Chambers | Jensen | Price | Synowiecki |
| Baker | Coordsen | Jones | Quandahl | Thompson |
| Beutler | Cudaback | Kremer | Raikes | Tyson |
| Bourne | Cunningham | Kristensen | Redfield | Vrtiska |
| Brashear | Dierks | Kruse | Robak | Wehrbein |
| Bromm | Engel | Landis | Schimek | Wickersham |
| Brown | Erdman | Maxwell | Schrock | |
| Bruning | Foley | McDonald | Smith | |
| Burling | Hudkins | Pedersen, Dw. | Stuhr | |
| Byars | Janssen | Preister | Suttle | |

Voting in the negative, 0.

Excused and not voting, 3:

Connealy Hartnett Pederson, D.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 719.

A BILL FOR AN ACT relating to the Small Employer Health Insurance Availability Act; to amend section 44-5256, Reissue Revised Statutes of Nebraska; to provide an exemption; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

| | | | | |
|----------|------------|------------|---------------|------------|
| Aguilar | Chambers | Janssen | Pedersen, Dw. | Stuhr |
| Baker | Coordsen | Jensen | Preister | Suttle |
| Beutler | Cudaback | Jones | Price | Synowiecki |
| Brashear | Cunningham | Kremer | Quandahl | Thompson |
| Bromm | Dierks | Kristensen | Raikes | Tyson |
| Brown | Engel | Kruse | Redfield | Wehrbein |
| Bruning | Erdman | Landis | Robak | Wickersham |
| Burling | Foley | Maxwell | Schimek | |
| Byars | Hudkins | McDonald | Schrock | |

Voting in the negative, 0.

Present and not voting, 3:

Bourne Smith Vrtiska

Excused and not voting, 3:

Connealy Hartnett Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 752.

A BILL FOR AN ACT relating to courts; to state intent; to define jailhouse informer; and to require disclosures regarding testimony of jailhouse informers.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 30:

| | | | | |
|----------|----------|---------------|----------|------------|
| Aguilar | Chambers | Kremer | Price | Smith |
| Beutler | Coordsen | Kristensen | Raikes | Synowiecki |
| Bourne | Cudaback | Maxwell | Redfield | Thompson |
| Brashear | Dierks | McDonald | Robak | Vrtiska |
| Brown | Engel | Pedersen, Dw. | Schimek | Wehrbein |
| Byars | Foley | Pederson, D. | Schrock | Wickersham |

Voting in the negative, 12:

| | | | |
|---------|------------|---------|--------|
| Baker | Burling | Hudkins | Landis |
| Bromm | Cunningham | Jensen | Stuhr |
| Bruning | Erdman | Jones | Tyson |

Present and not voting, 5:

Janssen Kruse Preister Quandahl Suttle

Excused and not voting, 2:

Connealy Hartnett

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 848. With Emergency.

A BILL FOR AN ACT relating to attorneys at law; to amend section 7-102, Reissue Revised Statutes of Nebraska; to change admission and membership requirements for the Nebraska bar; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

| | | | | |
|----------|------------|---------------|--------------|------------|
| Aguilar | Byars | Jensen | Pederson, D. | Smith |
| Baker | Chambers | Jones | Preister | Stuhr |
| Beutler | Coordsen | Kremer | Price | Suttle |
| Bourne | Cunningham | Kristensen | Quandahl | Synowiecki |
| Brashear | Dierks | Kruse | Raikes | Thompson |
| Bromm | Engel | Landis | Redfield | Tyson |
| Brown | Erdman | Maxwell | Robak | Vrtiska |
| Bruning | Foley | McDonald | Schimek | Wehrbein |
| Burling | Hudkins | Pedersen, Dw. | Schrock | Wickersham |

Voting in the negative, 0.

Present and not voting, 2:

Cudaback Janssen

Excused and not voting, 2:

Connealy Hartnett

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 848A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 848, Ninety-seventh Legislature, Second Session, 2002; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

| | | | | |
|----------|------------|------------|---------------|------------|
| Aguilar | Byars | Janssen | Pedersen, Dw. | Schrock |
| Baker | Chambers | Jensen | Pederson, D. | Smith |
| Beutler | Coordsen | Jones | Preister | Stuhr |
| Bourne | Cunningham | Kremer | Price | Suttle |
| Brashear | Dierks | Kristensen | Quandahl | Synowiecki |
| Bromm | Engel | Kruse | Raikes | Thompson |
| Brown | Erdman | Landis | Redfield | Vrtiska |
| Bruning | Foley | Maxwell | Robak | Wehrbein |
| Burling | Hudkins | McDonald | Schimek | Wickersham |

Voting in the negative, 0.

Present and not voting, 2:

Cudaback Tyson

Excused and not voting, 2:

Connealy Hartnett

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Senators Coordsen and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Return LB 435 to Select File

Senator Dierks moved to return LB 435 to Select File for the following specific amendment:

FA863

Strike the enacting clause.

Senator Dierks withdrew his motion to return.

. BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 435.

A BILL FOR AN ACT relating to agricultural tenants; to amend section 75-109, Revised Statutes Supplement, 2000; to adopt the Agricultural Suppliers Lease Protection Act; to change powers of the Public Service Commission; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Cunningham | Kremer | Price | Synowiecki |
| Baker | Dierks | Kristensen | Quandahl | Thompson |
| Beutler | Engel | Kruse | Raikes | Tyson |
| Bourne | Erdman | Landis | Redfield | Vrtiska |
| Bromm | Foley | Maxwell | Robak | Wehrbein |
| Bruning | Hudkins | McDonald | Schrock | Wickersham |
| Burling | Janssen | Pedersen, Dw. | Smith | |
| Byars | Jensen | Pederson, D. | Stuhr | |
| Chambers | Jones | Preister | Suttle | |

Voting in the negative, 0.

Present and not voting, 3:

| | | |
|-------|----------|---------|
| Brown | Cudaback | Schimek |
|-------|----------|---------|

Excused and not voting, 4:

| | | | |
|----------|----------|----------|----------|
| Brashear | Connealy | Coordsen | Hartnett |
|----------|----------|----------|----------|

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 435A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 435, Ninety-seventh Legislature, Second Session, 2002.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

| | | | | |
|------------|---------|---------------|----------|------------|
| Aguilar | Dierks | Kristensen | Quandahl | Synowiecki |
| Baker | Engel | Kruse | Raikes | Thompson |
| Beutler | Erdman | Landis | Redfield | Tyson |
| Bourne | Foley | Maxwell | Robak | Vrtiska |
| Bruning | Hudkins | McDonald | Schimek | Wehrbein |
| Burling | Janssen | Pedersen, Dw. | Schrock | Wickersham |
| Byars | Jensen | Pederson, D. | Smith | |
| Chambers | Jones | Preister | Stuhr | |
| Cunningham | Kremer | Price | Suttle | |

Voting in the negative, 0.

Present and not voting, 3:

Bromm Brown Cudaback

Excused and not voting, 4:

Brashear Connealy Coordsen Hartnett

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Senator Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 491 to Select File

Senator Bromm moved to return LB 491 to Select File for his specific pending amendment, AM3012, found on page 859.

The Bromm motion to return prevailed with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 491. The Bromm specific pending amendment, AM3012, found on page 859, was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Advanced to E & R for reengrossment.

WITHDRAW - Amendment to LB 830

Senator Bromm withdrew his pending amendment, AM2860, printed separately and referred to on page 712, to LB 830.

MOTION - Return LB 830 to Select File

Senator Bromm moved to return LB 830 to Select File for his specific pending amendment, AM2903, printed separately and referred to on page 759.

Senator Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

The Bromm motion to return prevailed with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 830. The Bromm specific pending amendment, AM2903, printed separately and referred to on page 759, was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Advanced to E & R for reengrossment.

AMENDMENT - Print in Journal

Senator Chambers filed the following amendment to LB 1086:
AM3114

(Amendments to Standing Committee amendments, AM2847)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 49-1446.01, Reissue Revised Statutes
- 4 of Nebraska, is amended to read:
- 5 49-1446.01. No committee, other than a political party
- 6 committee, may expend or transfer funds except to make an
- 7 expenditure, as defined in subsection (1), (2), or (3) of section
- 8 49-1419, or as provided in this section. Any committee, including
- 9 a political party committee, may:
- 10 (1) Make expenditures or transfer funds after any
- 11 election for: (a) The necessary continued operation of the campaign
- 12 office or offices of the candidate or political committee; (b)
- 13 social events primarily for the benefit of campaign workers and
- 14 volunteers or constituents; (c) obtaining public input and opinion;
- 15 (d) repayment of campaign loans incurred prior to election day; (e)
- 16 newsletters and other communications of information, thanks,
- 17 acknowledgment, or greetings, or for the purpose of political
- 18 organization and planning; (f) gifts of acknowledgment, including
- 19 flowers and charitable contributions, except that gifts to any one
- 20 natural person shall not exceed fifty dollars in any one calendar
- 21 year; (g) meals, lodging, and travel by an officeholder related to
- 22 his or her candidacy and for members of the immediate family of the
- 23 officeholder when involved in activities related to his or her
- 1 candidacy; ~~and~~ (h) conference fees, meals, lodging, and travel by
- 2 an officeholder and his or her staff when involved in activities
- 3 related to the duties of his or her public office; and (i) in the
- 4 case of the candidate committee for the Governor, conference fees,
- 5 meals, lodging, and travel by the Governor, his or her staff, and
- 6 his or her immediate family, when involved in activities related to
- 7 the duties of the Governor;
- 8 (2) Make expenditures or transfer funds for the payment
- 9 of installation and use of telephone and telefax machines located
- 10 in an officeholder's public office and used by such officeholder;
- 11 and
- 12 (3) Invest funds in investments authorized in the
- 13 Nebraska Capital Expansion Act and the Nebraska State Funds

14 Investment Act for the state investment officer.
 15 Nothing in this section shall prohibit a separate
 16 segregated political fund from disbursing funds as provided in
 17 section 49-1469.
 18 Sec. 2. Section 49-14,101.01, Revised Statutes
 19 Supplement, 2001, is amended to read:
 20 49-14,101.01. (1) A public official or public employee
 21 shall not use or authorize the use of, for personal financial gain,
 22 financial gain of a member of his or her immediate family, or
 23 financial gain of a business with which he or she is associated,
 24 other than compensation provided by law, (a) that person's public
 25 office or any confidential information received through the holding
 26 of a public office or (b) personnel, resources, property, or funds
 27 under that person's official care and control other than in
 1 accordance with prescribed constitutional, statutory, and
 2 regulatory procedures.
 3 (2) A public official shall not accept a gift of travel
 4 or lodging or a gift of reimbursement for travel or lodging if the
 5 gift is made so that a member of the public official's immediate
 6 family can accompany the public official in the performance of his
 7 or her official duties.
 8 (3) A member of the immediate family of a public official
 9 shall not accept a gift of travel or lodging or a gift of
 10 reimbursement for travel or lodging if the gift is made so that a
 11 member of the public official's immediate family can accompany the
 12 public official in the performance of his or her official duties.
 13 (4) This section does not prohibit the Executive Board of
 14 the Legislative Council from adopting policies that allow a member
 15 of the Legislature to install and use with private funds a
 16 telephone line, telephone, and telefax machine in his or her public
 17 office for private purposes.
 18 ~~(3)~~ (5) Except as provided in section 23-3113, any person
 19 violating this section shall be guilty of a Class III misdemeanor,
 20 except that no vote by any member of the Legislature shall subject
 21 such member to any criminal sanction under this section.
 22 Sec. 3. Original section 49-1446.01, Reissue Revised
 23 Statutes of Nebraska, and section 49-14,101.01, Revised Statutes
 24 Supplement, 2001, are repealed."

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 21, 58, 93, 112, 176, 188, 235, 235A, 251, 326, 326A, 385, 417, 446, 458, 499, 545, 547, 547A, 604, 616, 719, 752, 848, 848A, 435, and 435A.

UNANIMOUS CONSENT - Members Excused

Senators McDonald and Aguilar asked unanimous consent to be excused

until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 825. Title read. Considered.

The Standing Committee amendment, AM0790, found on page 934, First Session, 2001, was considered.

SENATOR CUDABACK PRESIDING

Senator Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Landis moved to bracket LB 825 to April 18, 2002.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 13, 2002, at 11:30 a.m., were the following: LBs 21e, 58, 93, 112, 176, 188, 235, 235A, 251, 326, 326A, 385, 417, 446, 458, 499, 545, 547, 547A, 604, 616e, 719, 752, 848e, 848Ae, 435, and 435A.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 830A. Introduced by Bromm, 23; Cudaback, 36.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 830, Ninety-seventh Legislature, Second Session, 2002.

VISITORS

Visitors to the Chamber were the Delta Sigma Theta Sorority with the Lincoln Alumnae Chapter; 20 twelfth grade students and teachers from Central Christian High School, Omaha; and 45 fourth grade students and teachers from Yutan.

RECESS

At 11:58 a.m., on a motion by Senator Coordsen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senator Hartnett who was excused; and Senator Brown who was excused until she arrives.

GENERAL FILE

LEGISLATIVE BILL 825. The Landis pending motion, found on page 956, to bracket to April 18, 2002, was renewed.

Senator Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Foley moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Senator Landis moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Landis motion to bracket prevailed with 30 ayes, 13 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

SENATOR COORDSEN PRESIDING

LEGISLATIVE BILL 276. Title read. Considered.

The Standing Committee amendment, AM2457, found on page 726, was considered.

Senator Redfield offered the following amendment to the Standing Committee amendment:

AM3111

(Amendments to AM2457)

- 1 1. On page 3, line 19, strike "and".
- 2 2. On page 4, line 2, strike "credit or debit" and
- 3 insert "credit card, charge card, or debit"; in line 8 after
- 4 "(xiii)" insert "telecommunications"; and in line 12 after
- 5 "resources" insert "; and
- 6 (c) Telecommunications identifying information or access
- 7 device means a card, plate, code, account number, mobile
- 8 identification number, or other telecommunications service,
- 9 equipment, or instrument identifier or means of account access that

10 alone or in conjunction with other telecommunications identifying
11 information or another telecommunications access device may be used
12 to: (i) Obtain money, goods, services, or any other thing of
13 value; or (ii) initiate a transfer of funds other than a transfer
14 originated solely by a paper instrument".

SENATOR JANSSEN PRESIDING

The Redfield amendment was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Senator Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Senator Schimek withdrew her pending amendment, AM3025, found on page 851.

Senator Schimek renewed her pending amendment, AM3077, found on page 903.

Senator Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

The Schimek amendment was adopted with 25 ayes, 1 nay, 20 present and not voting, and 3 excused and not voting.

Senator Redfield moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Advanced to E & R for review with 46 ayes, 0 nays, 1 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 1073. Title read. Considered.

Senator Burling asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Thompson withdrew her pending amendment, AM2708, found on page 611.

Senator Thompson offered the following amendment:
AM3123

1 1. On page 3, line 15, after "permit" insert "or a
2 school permit"; and strike lines 17 through 28.

3 2. On page 4, strike lines 1 and 2.

The Thompson amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Senator Dw. Pedersen renewed his pending amendment, AM3039, found on page 884.

SPEAKER KRISTENSEN PRESIDING

Pending.

AMENDMENTS - Print in Journal

Senator Vrtiska filed the following amendment to LB 935:
AM3112

- 1 1. Strike original sections 9 and 10 and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 10-703.01, Reissue Revised Statutes
- 4 of Nebraska, is amended to read:
- 5 10-703.01. In all special elections called for voting on
- 6 the question of issuing bonds of the school district, the county
- 7 clerk or election commissioner or, if the school district lies in
- 8 more than one county, the county clerk or election commissioner in
- 9 the county having the greatest number of electors entitled to vote
- 10 on the question shall designate the polling places and appoint the
- 11 election officials, who need not be the regular election officials,
- 12 and otherwise conduct the election as provided under the Election
- 13 Act except as otherwise specifically provided in this section. No
- 14 special election shall be held under this section within thirty
- 15 days prior to the statewide primary or general election or sixty
- 16 days after the statewide primary or general election. The school
- 17 district shall designate the form of ballot and reimburse the
- 18 county clerk or election official for the expenses of conducting
- 19 the election as provided in sections 32-1201 to 32-1208. The
- 20 school district officers shall give notice of the election at least
- 21 twenty days prior to the election and cause the sample ballot to be
- 22 published in a newspaper of general circulation in the school
- 23 district one time not more than ten days nor less than three days
- 24 prior to the election, and no notice of the election shall be
- 1 required to be given by the county clerk or election commissioner.
- 2 The notice of election shall state where absentee ballots may be
- 3 obtained.
- 4 The ballots shall be counted by the county clerk or
- 5 election commissioner conducting the election and two disinterested
- 6 persons appointed by him or her. When the polls are closed, the
- 7 receiving board shall deliver the ballots to the county clerk or
- 8 election commissioner conducting the election who, with the two
- 9 disinterested persons appointed by him or her, shall proceed to

10 count the ballots.

11 Absentee ballots shall be furnished to the county clerk
12 or election commissioner and ready for distribution by the county
13 clerk or election commissioner conducting the election not less
14 than fifteen days prior to the election.

15 When a school district lies in more than one county, the
16 county clerk or election commissioner in any other county
17 containing part of such school district shall, upon request,
18 certify its registration books for those precincts in which the
19 school district is located to the county clerk or election
20 commissioner conducting the election and shall immediately forward
21 all requests for absentee ballots to the county clerk or election
22 commissioner charged with the issuing of such ballots. Not less
23 than five days prior to the election, the school district officers
24 shall certify to the county clerk or election commissioner
25 conducting the election a list of all registered voters of the
26 school district in any other county or counties qualified to vote
27 on the bond issue.

1 Absentee ballots cast at the election shall be counted by
2 the same board as counted other ballots at the election. When all
3 the ballots have been counted, the returns of such election shall
4 be turned over to the school board or board of education of the
5 district in which the election was held for the purpose of making a
6 canvass thereof.

7 The two disinterested persons appointed on the counting
8 board shall receive ~~four dollars and twenty-five cents per hour~~
9 wages at the minimum rate set in section 48-1203 for each hour of
10 service rendered.

11 Sec. 2. Section 29-1401, Revised Statutes Supplement,
12 2000, is amended to read:

13 29-1401. (1) The district courts are hereby vested with
14 power to call grand juries.

15 (2) A grand jury may be called and summoned in the manner
16 provided by law on such day of a regular term of the district court
17 in each year in each county of the state as the district court may
18 direct and at such other times and upon such notice as the district
19 court may deem necessary.

20 (3) District courts shall call a grand jury in each case
21 that a petition meets the requirements of ~~sections 29-1401.01 and~~
22 ~~29-1401.02~~ section 32-628, includes a recital as to the reason for
23 requesting the convening of the grand jury and a specific reference
24 to the statute or statutes which are alleged to have been violated,
25 and is signed not more than ninety days prior to the date of filing
26 under section 29-1401.02 by not less than ten percent of the
27 registered voters of the county who cast votes for the office of
1 Governor in such county at the most recent general election held
2 for such office.

3 (4) District courts shall call a grand jury in each case
4 upon certification by the county coroner or coroner's physician

5 that a person has died while being apprehended by or while in the
6 custody of a law enforcement officer or detention personnel. In
7 each case subject to this subsection:

8 (a) Law enforcement personnel from the jurisdiction in
9 which the death occurred shall immediately secure the scene,
10 preserve all evidence, and investigate the matter as in any other
11 homicide. The case shall be treated as an open, ongoing matter
12 until all evidence, reports, and other relevant material which has
13 been assembled are transferred to the special prosecutor appointed
14 pursuant to subdivision (b) of this subsection;

15 (b) Except as provided in subdivision (d) of this
16 subsection, as soon as practicable, the court shall appoint a
17 special prosecutor who has had at least five years experience in
18 criminal litigation, including felony litigation. The special
19 prosecutor shall select a team of three peace officers, trained to
20 investigate homicides, from jurisdictions outside the jurisdiction
21 where the death occurred. The team shall examine all evidence
22 concerning the cause of death and present the findings of its
23 investigation to the special prosecutor;

24 (c) A grand jury shall be impaneled within thirty days
25 after the certification by the county coroner or coroner's
26 physician, unless the court extends such time period upon the
27 showing of a compelling reason; and

1 (d) A special prosecutor need not be appointed in those
2 cases in which the death has been certified by a licensed
3 practicing physician to be from natural causes and that finding is
4 presented to a grand jury.

5 Sec. 3. Section 29-1401.02, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 29-1401.02. The procedure for calling a grand jury by
8 petition of the registered voters of the county shall be as
9 follows:

10 (1) The petitions shall be filed in the office of the
11 clerk of the district court, shall be ~~in the form provided by law~~
12 comply with the requirements in section 29-1401, and be filed
13 without a filing fee;

14 (2) Upon receipt of such petitions, the clerk of the
15 district court shall forthwith certify the petitions so filed to
16 the county clerk or election commissioner in the county ~~wherein~~ in
17 which the signers of such petitions are registered to vote and
18 shall request that the signatures on such petitions be validated
19 according to the list of registered voters;

20 (3) The county clerk or election commissioner shall,
21 within thirty days ~~from~~ after receipt of such petitions, determine
22 the number of valid signatures appearing on such petitions and
23 certify ~~his~~ the findings along with the total vote cast for
24 Governor at the most recent election for such office in such county
25 to the presiding judge of the district court in which ~~sueh~~ the
26 petitions were filed;

27 (4) The presiding judge of the district court shall, upon
 1 receipt of the certificate from the county clerk or election
 2 commissioner, examine the petitions and within fifteen days of
 3 after the receipt thereof shall determine: (a) Whether the
 4 requisite number of valid signatures appear on such petitions; and
 5 (b) whether the formal requirements as to the form of the petition
 6 have been satisfied;

7 (5) The determination of sufficiency of the petitions by
 8 the presiding judge shall be based solely upon the certification of
 9 valid signatures by the county clerk or election commissioner and
 10 upon the presiding judge's personal examination of the form of the
 11 petitions. No additional evidence shall be considered by the
 12 presiding judge in making ~~his~~ the determination of sufficiency and
 13 under no circumstances shall any petitioner be required to testify
 14 or otherwise present evidence relating to allegations contained in
 15 ~~such~~ the petitions;

16 (6) Upon a determination that the requisite number of
 17 valid signatures appeared on ~~such~~ the petitions and that the
 18 petitions otherwise were sufficient as to form, ~~it shall be~~
 19 ~~mandatory for~~ the presiding judge to shall call a grand jury
 20 forthwith;

21 (7) ~~In the event that~~ If the presiding judge of the
 22 district court fails to make a determination as to the sufficiency
 23 of ~~such~~ the petitions and fails to call a grand jury within fifteen
 24 days ~~from~~ after the date of delivery of ~~such~~ the petitions to the
 25 presiding judge, the clerk of the district court shall immediately
 26 call a grand jury pursuant to law, notwithstanding the fact that
 27 the presiding judge of the district court failed to determine

1 sufficiency of the petitions and did not call the grand jury; and

2 (8) ~~In the event that~~ If the presiding judge or clerk of
 3 the district court fails to call a grand jury, the petitioners may
 4 file an immediate request with the Chief Justice of the Supreme
 5 Court, or in his ~~or her~~ absence, with any judge thereof, and
 6 request that ~~such~~ the Chief Justice or judge review the petitions
 7 and certifications and call a grand jury. If the Chief Justice or
 8 judge of the Supreme Court determines sufficiency of the petitions
 9 according to law, ~~an order shall be issued by~~ the Chief Justice or
 10 judge to shall order the clerk of the district court to call a
 11 grand jury.

12 Sec. 4. Section 32-303, Reissue Revised Statutes of
 13 Nebraska, is amended to read:

14 32-303. In addition to his or her office, the election
 15 commissioner or county clerk ~~shall~~ may provide a place of
 16 registration in each incorporated city or village in the county and
 17 in each legislative district in cities of the metropolitan class.

18 The place of registration ~~shall~~ may be open not less than one day
 19 within the thirty days prior to the statewide primary election and
 20 the statewide general election and at such times and during such
 21 hours as the election commissioner or county clerk may direct. ~~In~~

22 lieu of this requirement, an An election commissioner or county
23 clerk may establish a permanent place of registration in each
24 incorporated city or village in the county or each legislative
25 district in a city of the metropolitan class by training registered
26 voters to act as deputy registrars. A private residence shall not
27 be used as a permanent place of registration except in incorporated
1 villages.

2 Sec. 6. Section 32-802, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 32-802. The notice of election for any election shall
5 state the date on which the election is to be held and the hours
6 the polls will be open and list all offices, candidates, and issues
7 that will appear on the ballots. The notice of election shall be
8 printed in English and in any other language required pursuant to
9 the Voting Rights Act Language Assistance Amendments of 1992. In
10 the case of a primary election, the notice of election shall list
11 all offices and candidates that are being forwarded to the general
12 election. The notice of election shall only state that amendments
13 or referendums will be voted upon and that the Secretary of State
14 will publish a true copy of the title and text of any amendments or
15 referendums once each week for three consecutive weeks preceding
16 the election. Such notice of election shall appear in at least one
17 newspaper designated by the election commissioner, county clerk,
18 city council, or village board no later than forty days prior to
19 the election. The election commissioner or county clerk shall, not
20 later than forty days prior to the election, (1) post in his or her
21 office the same notice of election published in the newspaper ~~not~~
22 ~~later than forty days prior to the election and shall and (2)~~
23 provide a copy of the notice to ~~all candidates and the~~ political
24 subdivisions appearing on the ballot. The election commissioner or
25 county clerk shall correct the ballot to reflect any corrections
26 received within ten days after mailing the notice as provided in
27 section 32-819. The notice of election shall be posted in lieu of
1 sample ballots until such time as sample ballots are printed. If
2 joint elections are held in conjunction with the statewide primary
3 or general election by a county, city, or village, only one notice
4 of election need be published and signed by the election
5 commissioner or county clerk.

6 Sec. 7. Section 32-819, Reissue Revised Statutes of
7 Nebraska, is amended to read:
8 32-819. (1) Whenever it appears by affidavit that an
9 error or omission has occurred in the name or description of a
10 candidate nominated for office or in the printing of the sample or
11 official ballots, the county or district judge sitting at chambers
12 may by order, upon the application of any registered voter, require
13 the election commissioner, county clerk, or city or village clerk
14 to correct such error or to show cause why such error or omission
15 should not be corrected.
16 (2) The election commissioner, county clerk, or city or

17 village clerk shall, ~~upon his or her own motion~~, correct without
 18 delay any patent error in the ballots which he or she may discover
 19 or which is brought to his or her attention and which can be
 20 corrected without interfering with the timely distribution of the
 21 ballots.

22 (3) The election commissioner, county clerk, or city or
 23 village clerk shall not be required to correct any error on the
 24 ballot after the thirty-fifth day prior to the election except as
 25 otherwise ordered by the court.

26 Sec. 10. Section 32-942, Reissue Revised Statutes of
 27 Nebraska, is amended to read:

1 32-942. Any registered voter of this state who is about
 2 to be absent from the county of his or her residence on the day of
 3 any election but who is present in the county after absentee
 4 ballots are available may appear in person before the election
 5 commissioner or county clerk and obtain his or her ballot. The
 6 ~~ballot shall be voted~~ registered voter shall vote in the office of
 7 the election commissioner or county clerk or ~~returned to him or her~~
 8 shall return the ballot to the office during regular business
 9 hours.

10 Sec. 18. Original sections 10-703.01, 29-1401.02,
 11 32-303, 32-552, 32-802, 32-819, 32-933, 32-941, 32-942, 32-943,
 12 32-946, 32-950, 32-954, 32-956, and 79-552, Reissue Revised
 13 Statutes of Nebraska, and sections 29-1401 and 32-1027, Revised
 14 Statutes Supplement, 2000, are repealed.

15 Sec. 19. The following sections are outright repealed:
 16 Sections 29-1401.01 and 32-1029, Reissue Revised Statutes of
 17 Nebraska."

18 2. Renumber the remaining sections accordingly.

Senator Bromm filed the following amendment to LB 488:
 AM3092

(Amendments to Standing Committee amendments, AM2603)

1 1. On page 6, line 24, before the period insert "
 2 except that the Director of Motor Vehicles may reconvene the task
 3 force at any time thereafter if he or she deems it necessary".
 4 2. On page 9, strike beginning with "(1)" in line 9
 5 through line 24 and insert "Failure by an insurance company subject
 6 to sections 2 to 5 of this act to comply with the requirements of
 7 such sections and the rules and regulations adopted and promulgated
 8 under such sections by the Director of Motor Vehicles shall be an
 9 unfair trade practice in the business of insurance subject to the
 10 Unfair Insurance Trade Practices Act".

Senator Smith filed the following amendment to LB 1073:
 AM3034

1 1. On page 2, line 6, strike "under" and show as
 2 stricken; in line 7 strike "eight" and insert "up to six"; and in
 3 line 13 strike "at least eight" and insert "six".

Senator Smith filed the following amendment to LB 1073:
AM3054

- 1 1. On page 4, after line 11 insert
- 2 "A person who is charged with a violation of such
- 3 subsection, who does not have in his or her possession a child
- 4 restraint system meeting the requirements of Federal Motor Vehicle
- 5 Safety Standard 213 as such standard existed on the effective date
- 6 of this act, and who subsequently purchases such a system prior to
- 7 his or her court appearance shall not, upon presentation of proof
- 8 of purchase of such a system, have any fine imposed."

GENERAL FILE

LEGISLATIVE BILL 1003. Senator Beutler withdrew his pending amendment, FA904, found on page 926.

Senator Beutler withdrew his remaining divided amendment, AM3107, found on page 923.

Senator Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

Senator Beutler withdrew his pending amendments, FA876 and FA877, found on page 845.

Senator Dierks withdrew his pending amendment, AM3044, found on page 867.

Senator Chambers withdrew his pending amendments, FA883, FA884, FA885, FA886, FA887, FA888, FA889, FA890, FA891, FA892, FA893, FA894, FA895, FA896, FA897, FA905, FA906, and FA907, found on pages 868, 869, 872, 926, and 927.

Senator Kremer withdrew his pending amendment, AM3038, found on page 869.

Senator Chambers offered the following amendment to the Standing Committee amendment:

FA908

Amend AM2691

Pages 9-10, strike section 9.

The Chambers amendment was adopted with 27 ayes, 2 nays, 17 present and not voting, and 3 excused and not voting.

Senator Beutler offered the following amendment to the Standing Committee amendment:

FA909

(Amendments to Standing Committee amendments, AM2691)

27 2. On page 2, strike lines 4 through 20 and insert

1 "(2) If there is reasonable cause to believe that any
 2 wildlife that is diseased, is needed for scientific study of
 3 disease, or is considered dangerous to human, wildlife, or
 4 livestock health, is present on any property, the commission or its
 5 designee shall make a reasonable attempt to gain access to the
 6 property by permission of the property owner, tenant, lessee,
 7 occupant, or person in control of the property. If such attempt is
 8 not successful or impracticable, the commission or its designee may
 9 enter the property to take wildlife that is diseased, needed for
 10 scientific study of disease, or dangerous to human, wildlife, or
 11 livestock health. Immediately subsequent to any entry on the
 12 property, the commission or its designee shall notify the property
 13 owner, tenant, lessee, occupant, or person in control of the
 14 property regarding the activities of the commission's designee on
 15 such property. The property owner shall retain all legal rights to
 16 recover damages from such entry, except that damages for trespass
 17 shall not be available."

Senator Beutler withdrew his amendment.

Senators Robak and Vrtiska asked unanimous consent to be excused. No objections. So ordered.

Senator Wickersham offered the following amendment to the Standing Committee amendment:

FA910

Amend AM2691

Strike Section 5

The Wickersham amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Senators Jones and Smith asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 1168. Title read. Considered.

The Standing Committee amendment, AM2595, found on page 532, was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Senators Dierks, Erdman, and Burling asked unanimous consent to be excused. No objections. So ordered.

Senators Price and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 1054. Title read. Considered.

The Standing Committee amendment, AM2620, found on page 569, was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 9 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 1073. Senator Aguilar renewed his pending amendment, AM3082, found on page 891.

Senator Aguilar moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Senator Aguilar requested a roll call vote on his amendment.

Voting in the affirmative, 23:

| | | | | |
|----------|------------|--------------|----------|----------|
| Aguilar | Bruning | Foley | Preister | Suttle |
| Beutler | Byars | Janssen | Price | Thompson |
| Bourne | Connealy | Jensen | Schimek | Wehrbein |
| Brashear | Cunningham | Maxwell | Schrock | |
| Brown | Engel | Pederson, D. | Stuhr | |

Voting in the negative, 7:

| | | | |
|----------|------------|--------|------------|
| Chambers | Cudaback | Landis | Wickersham |
| Coordsen | Kristensen | Raikes | |

Present and not voting, 10:

| | | | | |
|-------|---------|----------|----------|------------|
| Baker | Hudkins | Kruse | Quandahl | Synowiecki |
| Bromm | Kremer | McDonald | Redfield | Tyson |

Excused and not voting, 9:

| | | | | |
|---------|----------|---------------|-------|---------|
| Burling | Erdman | Jones | Robak | Vrtiska |
| Dierks | Hartnett | Pedersen, Dw. | Smith | |

The Aguilar amendment lost with 23 ayes, 7 nays, 10 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENTS - Print in Journal

Senator Schrock filed the following amendment to LB 1003:
AM3119

(Amendments to Standing Committee amendments, AM2691)

- 1 1. Insert the following new sections:
- 2 "Section 1. The Legislature finds that there are
- 3 significant issues relating to the laws of Nebraska governing the
- 4 management and use of Nebraska surface water and ground water. The
- 5 issues to be examined are: (1) A review of Laws 1996, LB 108, to
- 6 determine what, if any, changes are needed to adequately address
- 7 Nebraska's conjunctive use management issues; (2) an evaluation of
- 8 the utility of allowing temporary water transfers and, if deemed
- 9 useful, development of draft legislation and procedures for
- 10 authorizing and implementing a temporary water transfer law; (3) an
- 11 evaluation of the utility of authorizing additional types of
- 12 permanent water transfers and, if deemed useful, development of
- 13 draft legislation and procedures for authorizing and implementing
- 14 additional types of permanent water transfers; (4) a determination
- 15 as to the usefulness of water leasing or transfers and development
- 16 of a potential water banking system that would facilitate the
- 17 temporary or permanent transfer of water uses; and (5) a
- 18 determination as to what other ways, if any, inequities between
- 19 surface water users and ground water users need to be addressed and
- 20 potential actions the state could take to address any such
- 21 inequities. To address such issues, the Governor shall appoint a
- 22 Water Policy Task Force as provided in section 2 of this act.
- 23 Sec. 2. (1) The members of the Water Policy Task Force
 - 1 shall include: (a) Twenty irrigators, with at least one irrigator
 - 2 from each of the state's thirteen river basins, giving
 - 3 consideration to maintaining a balance between surface water users
 - 4 and ground water users. Three irrigators shall be selected from
 - 5 the Republican River Basin, two irrigators shall be selected from
 - 6 the North Platte River Basin, two irrigators shall be selected from
 - 7 the middle Platte River Basin, two irrigators shall be selected
 - 8 from the Loup River Basin, two irrigators shall be selected from
 - 9 the Elkhorn River Basin, two irrigators shall be selected from the
 - 10 Big Blue River Basin, one irrigator shall be selected from the
 - 11 South Platte River Basin, one irrigator shall be selected from the
 - 12 lower Platte River Basin, one irrigator shall be selected from the
 - 13 Little Blue River Basin, one irrigator shall be selected from the
 - 14 Nemaha River Basin, one irrigator shall be selected from the
 - 15 Niobrara River Basin, one irrigator shall be selected from the
 - 16 White Hat River Basin, and one irrigator shall be selected from the
 - 17 Missouri tributaries basin; (b) three representatives from

18 differing agricultural organizations; (c) three representatives
19 from differing environmental organizations; (d) two representatives
20 from differing recreational organizations; (e) three
21 representatives to represent the state at large; (f) five
22 representatives suggested for the Governor's consideration by the
23 Nebraska Association of Resources Districts; (g) four
24 representatives suggested for the Governor's consideration by the
25 Nebraska Power Association; (h) five representatives suggested for
26 the Governor's consideration by the League of Nebraska
27 Municipalities, with consideration given to maintaining a balance
1 between larger and smaller municipalities; and (i) such other
2 members as the Governor deems appropriate to provide the task force
3 with adequate and balanced representation. The Governor shall
4 notify the Legislature upon completion of the appointments.
5 (2) Additional members of the task force shall be: (a)
6 One representative from the Department of Natural Resources to
7 coordinate as appropriate with other state agencies; (b) one
8 representative from the Attorney General's office; (c) the
9 chairperson of the Natural Resources Committee of the Legislature;
10 and (d) the vice chairperson of the Natural Resources Committee of
11 the Legislature. Other members of the Natural Resources Committee
12 of the Legislature may participate as desired.

13 Sec. 3. On behalf of the Water Policy Task Force, the
14 Natural Resources Committee of the Legislature shall contract for
15 the services of a meeting facilitator and such other assistance as
16 the task force deems necessary within the limits of the funds
17 appropriated. Such contract shall have the approval of the
18 Executive Board of the Legislative Council. In making its
19 selection for facilitator, the Natural Resources Committee shall
20 consult with the Attorney General's office and the Department of
21 Natural Resources.

22 Sec. 4. The Water Policy Task Force shall select an
23 executive committee. The executive committee shall consist of
24 three representatives from irrigation interests; one representative
25 from an agricultural organization; one representative from an
26 environmental organization; one representative from a recreational
27 organization; one representative of the state at large; one
1 representative of natural resources districts; one representative
2 of the Nebraska Power Association; one representative of
3 municipalities; one representative of the Department of Natural
4 Resources; one representative of the Attorney General's office; and
5 the chairperson and vice chairperson of the Natural Resources
6 Committee of the Legislature. Each executive committee member
7 shall be responsible for representing the rest of his or her
8 interest group on the executive committee. The executive committee
9 shall be responsible for developing the operating rules of the task
10 force and for developing proposals and recommendations to be
11 considered by the entire task force. The executive committee shall
12 apply for a grant of a minimum of three hundred fifty thousand

13 dollars from the Nebraska Environmental Trust Fund prior to the
14 application deadline of September 9, 2002, for grants to be awarded
15 and funded in 2003.

16 Sec. 5. The Water Policy Task Force shall meet at least
17 four times each year to consider the proposals and recommendations
18 of the executive committee and any other additional times as the
19 executive committee determines to be necessary to accomplish the
20 objectives established in section 1 of this act.

21 Sec. 6. The Water Policy Task Force shall discuss the
22 issues described in section 1 of this act and such related issues
23 as it deems appropriate, shall identify options for resolution of
24 such issues, and shall make recommendations to the Legislature and
25 the Governor relating to any water policy changes the task force
26 deems desirable.

27 The task force shall complete its work within eighteen
1 months after the Governor notifies the Legislature that all members
2 of the task force have been appointed and a meeting facilitator has
3 been selected.

4 Sec. 7. The Water Policy Task Force Cash Fund is
5 created. The fund shall be administered by the Department of
6 Natural Resources and expended at the direction of the Water Policy
7 Task Force. The fund shall consist of funds appropriated by the
8 Legislature, money received as gifts, grants, and donations, and
9 transfers authorized under sections 2-1579 and 66-1519. Any money
10 in the fund available for investment shall be invested by the state
11 investment officer pursuant to the Nebraska Capital Expansion Act
12 and the Nebraska State Funds Investment Act.

13 Sec. 8. Section 2-1579, Revised Statutes Supplement,
14 2000, is amended to read:

15 2-1579. (1) Except as provided in subsection (2) of this
16 section, expenditures may be made from the Nebraska Soil and Water
17 Conservation Fund as grants to individual landowners of not to
18 exceed seventy-five percent of the actual cost of eligible projects
19 and practices for soil and water conservation or water quality
20 protection, with priority given to those projects and practices
21 providing the greatest number of public benefits.

22 (2) The department shall reserve at least two percent of
23 the funds credited to the fund for grants to landowners ordered by
24 a natural resources district pursuant to the Erosion and Sediment
25 Control Act to install permanent soil and water conservation
26 practices. Such funds shall be made available for ninety percent
27 of the actual cost of the required practices and shall be granted

1 on a first-come, first-served basis until exhausted. Applications
2 not served shall receive priority in ensuing fiscal years.

3 (3) The commission shall determine which specific
4 projects and practices are eligible for the funding assistance
5 authorized by this section and shall adopt, by reference or
6 otherwise, appropriate standards and specifications for carrying
7 out such projects and practices. A natural resources district

8 assisting the department in the administration of the program may,
9 with commission approval, further limit the types of projects and
10 practices eligible for funding assistance in that district.

11 (4) As a condition for receiving any cost-share funds
12 pursuant to this section, the landowner shall be required to enter
13 into an agreement that if a conservation practice is terminated or
14 a project is removed, altered, or modified so as to lessen its
15 effectiveness, without prior approval of the department or its
16 delegated agent, for a period of ten years after the date of
17 receiving payment, the landowner shall refund to the fund any
18 public funds used for the practice or project. When deemed
19 necessary by the department or its delegated agent, the landowner
20 may as a further condition for receiving such funds be required to
21 grant a right of access for the operation and maintenance of any
22 eligible project constructed with such assistance. Acceptance of
23 money from the fund shall not in any other manner be construed as
24 affecting land ownership rights unless the landowner voluntarily
25 surrenders such rights.

26 (5) To the extent feasible, the department and the
27 commission shall administer the fund so that federal funds
1 available within the state for the same general purposes are
2 supplemented and not replaced with state funds.

3 (6) Transfers may be made from funds appropriated to the
4 Nebraska Soil and Water Conservation Fund, Program 304, to the
5 Water Policy Task Force Cash Fund at the direction of the
6 Legislature. Within fifteen days after the effective date of this
7 act, the State Treasurer shall transfer two hundred fifty thousand
8 dollars from funds appropriated to the Nebraska Soil and Water
9 Conservation Fund to the Water Policy Task Force Cash Fund.

10 Sec. 27. Section 66-1519, Revised Statutes Supplement,
11 2001, is amended to read:

12 66-1519. There is hereby created the Petroleum Release
13 Remedial Action Cash Fund to be administered by the department.
14 Revenue from the following sources shall be remitted to the State
15 Treasurer for credit to the fund:

16 (1) The fees imposed by sections 66-1520 and 66-1521;

17 (2) Money paid under an agreement, stipulation,
18 cost-recovery award under section 66-1529.02, or settlement; and

19 (3) Money received by the department in the form of
20 gifts, grants, reimbursements, property liquidations, or
21 appropriations from any source intended to be used for the purposes
22 of the fund.

23 Money in the fund may only be spent for: (a)

24 Reimbursement for the costs of remedial action by a responsible
25 person or his or her designated representative and costs of
26 remedial action undertaken by the department in response to a
27 release first reported after July 17, 1983, and on or before June

1 30, 2005, including reimbursement for damages caused by the
2 department or a person acting at the department's direction while

3 investigating or inspecting or during remedial action on property
 4 other than property on which a release or suspected release has
 5 occurred; (b) payment of any amount due from a third-party claim;
 6 (c) fee collection expenses incurred by the State Fire Marshal; (d)
 7 direct expenses incurred by the department in carrying out the
 8 Petroleum Release Remedial Action Act; (e) other costs related to
 9 fixtures and tangible personal property as provided in section
 10 66-1529.01; (f) interest payments as allowed by section 66-1524;
 11 (g) expenses incurred by the technical advisory committee created
 12 in section 81-15,189 in carrying out its duties pursuant to section
 13 81-15,190; (h) claims approved by the State Claims Board authorized
 14 under section 66-1531; and (i) methyl tertiary butyl ether testing,
 15 to be conducted randomly at terminals within the state for up to
 16 two years ending June 30, 2003. The amount expended on the testing
 17 shall not exceed forty thousand dollars. The testing shall be
 18 conducted by the Department of Agriculture. The department may
 19 enter into contractual arrangements for such purpose. The results
 20 of the tests shall be made available to the Department of
 21 Environmental Quality.

22 Transfers may be made from the Petroleum Release Remedial
 23 Action Cash Fund to the Water Policy Task Force Cash Fund at the
 24 direction of the Legislature. Any money in the fund Petroleum
 25 Release Remedial Action Cash Fund available for investment shall be
 26 invested by the state investment officer pursuant to the Nebraska
 27 Capital Expansion Act and the Nebraska State Funds Investment Act.

1 Within fifteen days after the effective date of this act,
 2 the State Treasurer shall transfer one hundred fifty thousand
 3 dollars from the Petroleum Release Remedial Action Cash Fund to the
 4 Water Policy Task Force Cash Fund."

5 2. Renumber the remaining sections, correct internal
 6 references, and amend the repealer accordingly.

Senator Bromm filed the following amendment to LB 1211:
 AM3060

(Amendments to E & R amendments, AM7180)

- 1 1. Insert the following new sections:
- 2 "Sec. 8. Notwithstanding the provisions of section
- 3 86-808:
- 4 (1) A wireless carrier providing telecommunications
- 5 service in Nebraska shall file a registration form with and pay a
- 6 registration fee to the Public Service Commission. A wireless
- 7 carrier which provided such telecommunications service prior to
- 8 January 1, 2003, and which continues to provide such
- 9 telecommunications service on and after January 1, 2003, shall
- 10 register with the commission prior to April 1, 2003. Any wireless
- 11 carrier which begins to provide telecommunications service in
- 12 Nebraska on or after January 1, 2003, shall register with the
- 13 commission prior to providing such telecommunications service;
- 14 (2) The commission shall prescribe the registration form.

15 It shall include:

16 (a) The name, address, telephone number, and email

17 address of a contact person concerning the Nebraska

18 Telecommunications Universal Service Fund Act and related

19 surcharges, if applicable;

20 (b) The name, address, telephone number, and email

21 address of a contact person concerning the Telecommunications Relay

22 System Act and related surcharges, if applicable;

23 (c) The name, address, telephone number, and email

1 address of a contact person concerning sections 86-2201 to 86-2214

2 and related surcharges, if applicable; and

3 (d) The name, address, telephone number, and email

4 address of a contact person concerning consumer complaints and

5 inquiries;

6 (3) The wireless carrier shall submit a registration fee

7 with the registration form. The commission shall set the fee by

8 rule and regulation, but the fee shall not exceed fifty dollars;

9 (4) The wireless carrier shall keep the information

10 required by this section current and shall notify the commission of

11 any changes to such information within sixty days after the change.

12 The commission shall not assess a fee for any changes to

13 information made within the sixty-day period;

14 (5) The commission may administratively fine pursuant to

15 section 75-156 any wireless carrier which violates this section;

16 and

17 (6) For purposes of this section, wireless carrier means

18 any person offering mobile radio service, radio paging service, or

19 wireless telecommunications service for a fee in Nebraska

20 intrastate commerce.

21 Sec. 9. Section 75-134, Revised Statutes Supplement,

22 2000, is amended to read:

23 75-134. (1) A commission order entered after a hearing

24 shall be written and shall recite (a) a discussion of the facts of

25 a basic or underlying nature, (b) the ultimate facts, and (c) the

26 commission's reasoning or other authority relied upon by the

27 commission.

1 (2) Every order of the commission shall become effective

2 ten days after the date of the mailing of a copy of the order to

3 the parties of record except (a) when the commission prescribes a

4 later effective date, (b) as otherwise provided in section 75-121

5 or 75-139, (c) as otherwise provided for cease and desist orders

6 issued pursuant to section 75-133, or (d) for orders entered

7 pursuant to section 75-319 which shall be effective on the date of

8 entry.

9 (3) Except as otherwise provided in this section or for

10 rate orders provided for in section 75-139, if one of the parties

11 of record commences an appeal pursuant to section 75-137, the order

12 appealed shall be in abeyance until the Court of Appeals or Supreme

13 Court issues its mandate. Nothing in this section shall hold in

14 abeyance an order authorizing the issuance of a certificate or
15 permit, an order denying relief or authority, or an order entered
16 pursuant to section 75-319.

17 (4) If a party of record to a telecommunications order
18 commences an appeal in accordance with the Administrative Procedure
19 Act, the order appealed shall become effective on the date
20 prescribed in subsection (2) of this section and remain in effect
21 unless upon application (a) the commission or district court issues
22 an order staying the underlying commission order or (b) the
23 commission, district court, Court of Appeals, or Supreme Court
24 issues an order reversing or modifying the underlying commission
25 order. For purposes of this subsection, telecommunications order
26 means an order entered by the commission pursuant to the Intrastate
27 Pay-Per-Call Regulation Act, the Nebraska Telecommunications
1 Universal Service Fund Act, the Telecommunications Relay System
2 Act, subsection (2) of section 75-109, ~~or~~ sections 75-604 to
3 75-616, 86-801 to 86-811, 86-1001 to 86-1009, or 86-1201 to
4 86-1222, or section 8 of this act.

5 (5) The commission or district court may only issue a
6 stay pursuant to subsection (4) of this section if it finds that
7 (a) the applicant for the stay is likely to prevail when the matter
8 is finally decided, (b) without relief, the applicant will suffer
9 irreparable injury, and (c) the grant of relief to the applicant
10 will not substantially harm other parties to the proceedings. The
11 commission or district court may require the party requesting such
12 stay to give bond in such amount and conditioned as the commission
13 or court may direct. The grant or denial of a stay shall not be
14 considered to be a final order.

15 Sec. 10. Section 75-156, Revised Statutes Supplement,
16 2000, is amended to read:

17 75-156. (1) In addition to other penalties and relief
18 provided by law, the Public Service Commission may, upon a finding
19 that the violation is proven by clear and convincing evidence,
20 assess a civil penalty of up to ten thousand dollars per day
21 against any person, motor carrier, regulated motor carrier, common
22 carrier, or contract carrier for each violation of (a) any
23 provision of sections 75-301 to 75-390 administered by the
24 commission or section 75-126 as such section applies to any person
25 or carrier specified in sections 75-301 to 75-390, (b) a commission
26 order entered pursuant to the Intrastate Pay-Per-Call Regulation
27 Act, the Nebraska Telecommunications Universal Service Fund Act,
1 the Telecommunications Relay System Act, subsection (2) of section
2 75-109, or sections 75-604 to 75-616, 86-801 to 86-811, 86-1001 to
3 86-1009, or 86-1201 to 86-1222, (c) any term, condition, or
4 limitation of any certificate or permit issued by the commission
5 pursuant to sections 75-301 to 75-390, or (d) any rule, regulation,
6 or order of the commission issued under authority delegated to the
7 commission pursuant to sections 75-301 to 75-390. The civil
8 penalty assessed under this section shall not exceed two million

9 dollars per year for each violation. The amount of the civil
10 penalty assessed in each case shall be based on the severity of the
11 violation charged. The commission may compromise or mitigate any
12 penalty prior to hearing if all parties agree. In determining the
13 amount of the penalty, the commission shall consider the
14 appropriateness of the penalty in light of the gravity of the
15 violation and the good faith of the violator in attempting to
16 achieve compliance after notification of the violation is given.

17 (2) Upon notice and hearing in accordance with this
18 section and section 75-157, the commission may enter an order
19 assessing a civil penalty of up to one hundred dollars against any
20 person, firm, partnership, limited liability company, corporation,
21 cooperative, or association for failure to file an annual report as
22 required by section 75-116 and as prescribed by commission rules
23 and regulations or for failure to register as required by section 8
24 of this act and as prescribed by commission rules and regulations.
25 Each day during which the violation continues after the commission
26 has issued an order finding that a violation has occurred
27 constitutes a separate offense. Any party aggrieved by an order of
1 the commission under this section, except an order assessing a
2 civil penalty issued under subdivision (1)(b) of this section, has
3 the rights of appeal set forth in section 75-136.01. For an order
4 assessing a civil penalty issued under subdivision (1)(b) of this
5 section, any party aggrieved may appeal. The appeal shall be in
6 accordance with the Administrative Procedure Act.

7 (3) When any person or party is accused of any violation
8 listed in this section, the commission shall notify such person or
9 party in writing (a) setting forth the date, facts, and nature of
10 each act or omission upon which each charge of a violation is
11 based, (b) specifically identifying the particular statute,
12 certificate, permit, rule, regulation, or order purportedly
13 violated, (c) that a hearing will be held and the time, date, and
14 place of the hearing, (d) that in addition to the civil penalty,
15 the commission may enforce additional penalties and relief as
16 provided by law, and (e) that upon failure to pay any civil penalty
17 determined by the commission, the penalty may be collected by civil
18 action in the district court of Lancaster County.

19 Sec. 11. (1) One of the goals of the federal
20 Telecommunications Act of 1996, as such act existed on January 1,
21 2002, is to foster competition among telephone companies. Section
22 271 of the federal act (a) establishes specific incentives,
23 procedures, and requirements for regional Bell operating companies
24 to offer inter-LATA interexchange service and (b) requires the
25 Public Service Commission to monitor the competitive performance of
26 a regional Bell operating company and to consult with the Federal
27 Communications Commission regarding such activities.

1 (2) The Nebraska Competitive Telephone Marketplace Fund
2 is created. The Public Service Commission may accept, and the fund
3 shall consist of, any voluntary performance payments received from

4 a regional Bell operating company. The fund shall be used by the
5 commission for expenses related to the monitoring of compliance
6 with section 271 of the federal act. If money in the fund exceeds
7 one hundred thousand dollars, the commission shall remit such
8 excess money to the State Treasurer for credit to the Nebraska
9 Internet Enhancement Fund. Any money in the Nebraska Competitive
10 Telephone Marketplace Fund available for investment shall be
11 invested by the state investment officer pursuant to the Nebraska
12 Capital Expansion Act and the Nebraska State Funds Investment Act.

13 Sec. 12. Section 86-804, Revised Statutes Supplement,
14 2001, is amended to read:

15 86-804. The commission shall file with the Clerk of the
16 Legislature an annual report on or before September 30 of each year
17 on the status of the Nebraska telecommunications industry. The
18 report may be submitted in electronic format. The report shall
19 address: (1) The quality of telecommunications services being
20 provided to the citizens of Nebraska; (2) the availability of
21 diverse and affordable telecommunications services to all of the
22 people of Nebraska; (3) the level of telecommunications service
23 rates; (4) the Nebraska Telecommunications Universal Service Fund;
24 (5) the availability and location of 911 service and E-911 service
25 as required by section 86-1005; and (6) the availability and
26 location of wireless 911 service or enhanced wireless 911 service
27 as required by section 86-2205; and (7) the funding level of the
1 Nebraska Competitive Telephone Marketplace Fund and an accounting
2 of commission expenses related to its duties under section 11 of
3 this act. The report also shall address the question of the need
4 for further legislation to achieve the purposes of sections 86-801
5 to 86-811.

6 Sec. 13. Section 86-1405, Revised Statutes Supplement,
7 2001, is amended to read:

8 86-1405. (1) The Nebraska Telecommunications Universal
9 Service Fund is hereby created. The fund shall provide the
10 assistance necessary to make universal access to telecommunications
11 services available to all persons in the state consistent with the
12 policies set forth in the Nebraska Telecommunications Universal
13 Service Fund Act. Only eligible telecommunications companies
14 designated by the commission shall be eligible to receive support
15 to serve high-cost areas from the fund. A telecommunications
16 company that receives such support shall use that support only for
17 the provision, maintenance, and upgrading of facilities and
18 services for which the support is intended. Any such support
19 should be explicit and sufficient to achieve the purpose of the
20 act.

21 (2) Notwithstanding the provisions of section 86-808, ~~the~~
22 ~~commission (a) shall in addition to other provisions of the act,~~
23 ~~and to the extent not prohibited by federal law, the commission:~~
24 (a) Shall have authority and power to subject eligible
25 telecommunications companies to service quality, customer service,

26 and billing regulations. Such regulations shall apply only to the
 27 extent of any telecommunications services or offerings made by an
 1 eligible telecommunications company which are eligible for support
 2 by the fund;
 3 (b) Shall have authority and power to issue orders
 4 carrying out its responsibilities and to review the compliance of
 5 any eligible telecommunications company receiving support for
 6 continued compliance with any such orders or regulations adopted
 7 pursuant to the act;
 8 (c) ~~May~~ ~~and may~~ withhold all or a portion of the funds to
 9 be distributed from any telecommunications company failing to
 10 continue compliance with ~~its~~ the commission's orders or
 11 regulations;
 12 (d) ~~Shall~~ ~~;~~ (b) ~~shall consistent with the~~
 13 ~~Telecommunications Act of 1996,~~ require every telecommunications
 14 company to contribute to any universal service mechanism
 15 established by the commission pursuant to state law. To determine
 16 compliance, the commission may require an audit of any
 17 telecommunications company concerning the collection and remittance
 18 of a surcharge for universal service; ; and ~~(e) may~~
 19 (e) May administratively fine pursuant to section 75-156
 20 any person who violates the Nebraska Telecommunications Universal
 21 Service Fund Act.
 22 (3) Any money in the fund available for investment shall
 23 be invested by the state investment officer pursuant to the
 24 Nebraska Capital Expansion Act and the Nebraska State Funds
 25 Investment Act.
 26 Sec. 26. Section 86-2306, Revised Statutes Supplement,
 27 2001, is amended to read:
 1 86-2306. The Nebraska Internet Enhancement Fund is
 2 created. The fund shall be used to provide financial assistance to
 3 install and deliver broadband or other advanced telecommunications
 4 infrastructure and service throughout the state. It is the intent
 5 of the Legislature that two hundred fifty thousand dollars shall be
 6 appropriated to the fund to be used for startup costs and seed
 7 money for FY2001-02. The Public Service Commission may receive
 8 gifts, contributions, property, and equipment from public and
 9 private sources for purposes of the fund. The fund shall consist of
 10 money appropriated by the Legislature, any money transferred
 11 pursuant to section 11 of this act, and gifts, grants, or bequests
 12 from any source, including federal, state, public, and private
 13 sources. Money in the fund shall be distributed by the commission
 14 pursuant to section 86-2307. Any money in the fund available for
 15 investment shall be invested by the state investment officer
 16 pursuant to the Nebraska Capital Expansion Act and the Nebraska
 17 State Funds Investment Act.
 18 Sec. 27. Sections 8 to 10, 13, and 29 of this act become
 19 operative on September 1, 2002. The other sections of this act
 20 become operative on their effective date.

- 21 Sec. 29. Original sections 75-134 and 75-156, Revised
 22 Statutes Supplement, 2000, and section 86-1405, Revised Statutes
 23 Supplement, 2001, are repealed."
 24 2. On page 20, lines 24 and 25, strike "11 to 14, 16,
 25 and 17" and insert "17 to 20, 22, and 23".
 26 3. On page 26, line 2, strike "13" and insert "19".
 27 4. On page 34, line 7, strike the first "and"; in line 8
 1 after "2000" insert ", and sections 86-804 and 86-2306, Revised
 2 Statutes Supplement, 2001".
 3 5. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Add Cointroducers

Senators Preister, Jones, and Aguilar asked unanimous consent to have their names added as cointroducers to LB 276. No objections. So ordered.

Senator Preister asked unanimous consent to have his name added as cointroducer to LB 1073. No objections. So ordered.

VISITORS

Visitors to the Chamber were 29 Youth Leadership students from Kearney.

The Doctor of the Day was Dr. Jason Summa from Lincoln.

MOTION - Adjournment

Senator Cunningham moved to adjourn.

Senator Engel moved for a call of the house. The motion prevailed with 21 ayes, 8 nays, and 20 not voting.

Senator Engel requested a roll call vote on the motion to adjourn.

Voting in the affirmative, 21:

| | | | | |
|----------|------------|------------|--------------|-------|
| Aguilar | Coordsen | Jensen | McDonald | Tyson |
| Bourne | Cudaback | Kremer | Pederson, D. | |
| Brashear | Cunningham | Kristensen | Quandahl | |
| Brown | Engel | Kruse | Raikes | |
| Bruning | Foley | Maxwell | Schrock | |

Voting in the negative, 19:

| | | | | |
|---------|----------|----------|------------|------------|
| Baker | Chambers | Landis | Schimek | Thompson |
| Beutler | Connealy | Preister | Stuhr | Wehrbein |
| Bromm | Hudkins | Price | Suttle | Wickersham |
| Byars | Janssen | Redfield | Synowiecki | |

Excused and not voting, 9:

| | | | | |
|---------|----------|---------------|-------|---------|
| Burling | Erdman | Jones | Robak | Vrtiska |
| Dierks | Hartnett | Pedersen, Dw. | Smith | |

The motion to adjourn prevailed with 21 ayes, 19 nays, and 9 excused and not voting, and at 4:43 p.m., the Legislature adjourned until 9:00 a.m., Thursday, March 14, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

FORTIETH DAY - MARCH 14, 2002

LEGISLATIVE JOURNAL

**NINETY-SEVENTH LEGISLATURE
SECOND SESSION**

FORTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 14, 2002

PRAYER

The prayer was offered by Pastor Chuck Larson, Country Bible Church, Blair, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

The roll was called and all members were present except Senators Bromm, Coordsen, Erdman, Landis, Maxwell, Raikes, Robak, Wehrbein, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-ninth day was approved.

**SELECT COMMITTEE REPORTS
Enrollment and Review**

LEGISLATIVE BILL 407. Placed on Select File as amended.

E & R amendment to LB 407:

AM7176

- 1 1. In the Standing Committee amendments, AM2886:
- 2 a. Strike original section 62 and all amendments thereto
- 3 and insert the following new section:
- 4 "Sec. 63. Sections 1 to 3, 12, 13, 21 to 26, 29, 31 to
- 5 45, 48, 49, 53, 54, 59, 62, 65, and 66 of this act become operative
- 6 on July 1, 2002. The other sections of this act become operative
- 7 on their effective date.";
- 8 b. On page 3, lines 25 to 27, strike the new matter;
- 9 c. On page 4, line 1, strike the new matter; and in line
- 10 4 strike the new matter, reinstate the stricken matter, and after
- 11 the reinstated "(13)" insert "Participation means qualifying for

- 12 and making the required deposits to the retirement system during
 13 the course of a plan year;
 14 (14);
 15 d. On page 17, lines 21 and 26; page 18, lines 3 and 22;
 16 page 27, lines 7, 11, and 15; page 28, line 7; page 51, lines 15,
 17 20, and 24; page 52, line 16; page 81, lines 1, 5, and 9; page 82,
 18 line 1; page 96, lines 17, 21, and 26; and page 97, line 18, strike
 19 "trust", show as stricken, and insert "plan";
 20 e. On page 18, line 13; page 27, line 25; page 52, line
 21 7; page 81, line 19; and page 97, line 9, strike "political
 22 subdivisions" and insert "a political subdivision";
 23 f. On page 19, line 8; page 28, line 20; page 54, line
 24 6; page 82, line 14; and page 100, line 10, strike "457" and insert
 1 "457(b)";
 2 g. On page 19, line 11; page 28, line 23; page 54, line
 3 11; page 82, line 18; and page 100, line 13, after "service" insert
 4 "credit";
 5 h. On page 19, line 20, strike "15" and insert "16";
 6 i. On page 26, line 3, after "457(b)" insert "of the
 7 code";
 8 j. On page 32, lines 15 and 16, strike the new matter
 9 and insert "and sections 25, 30, 37, and 41 of this act";
 10 k. On page 44, line 16, strike "24" and insert "25";
 11 l. On page 45, line 11, strike "for", show as stricken,
 12 and insert "from";
 13 m. On page 46, line 8, strike "36" and insert "37";
 14 n. On page 49, line 13, strike "subdivisions" and insert
 15 "subdivision";
 16 o. On page 50, line 8, strike "or 403(b)"; and in line 9
 17 after "403(a)" insert "or 403(b)";
 18 p. On page 62, line 19, reinstate the stricken comma;
 19 and in line 23 reinstate the stricken "the";
 20 q. On page 65, line 17, strike "36" and insert "37";
 21 r. On page 67, line 16, reinstate the stricken "to";
 22 s. On page 70, line 20, after "Committee" insert "of the
 23 Legislature";
 24 t. On page 72, line 5, strike "defined" and insert
 25 "deferred";
 26 u. On page 74, line 18, strike "51" and insert "52";
 27 v. On page 75, line 8, strike "for", show as stricken,
 1 and insert "from";
 2 w. On page 77, line 8, after "method" insert an
 3 underscored comma;
 4 x. On page 79, line 21, strike "or 401(b)"; and in line
 5 22 after "403(a)" insert "or 403(b)";
 6 y. On page 85, lines 26 and 27, strike the new matter;
 7 z. On page 86, lines 1 and 2, strike the new matter; and
 8 in line 5 strike the new matter, reinstate the stricken matter, and
 9 after the reinstated "(12)" insert "Participation means qualifying

10 for and making the required deposits to the retirement system
 11 during the course of a plan year;
 12 (13)";
 13 aa. On page 95, line 10, strike "or 401(b)"; and in line
 14 11 after "403(a)" insert "or 403(b)";
 15 bb. On page 100, line 17, strike "59" and insert "60";
 16 and
 17 cc. On page 106, line 24, after the first comma insert
 18 "24-702,".
 19 2. On page 1, strike beginning with "section" in line 1
 20 through line 7 and insert "sections 23-2323.02, 72-1237,
 21 72-1239.01, 72-1249.02, 79-927, 79-933.01, 79-948, 79-966, 79-968,
 22 79-971, 79-973, 79-976, 79-977, 81-2031.03, 81-2031.04, 84-1312,
 23 84-1313, 84-1322, and 84-1331, Reissue Revised Statutes of
 24 Nebraska, sections 23-2308, 23-2320, 24-710.05, 24-710.06, 79-901,
 25 79-910, 79-916, 79-917, 79-933.02, 79-947, 79-960, 79-963, 79-967,
 26 81-2016, 84-1301, and 84-1307, Revised Statutes Supplement, 2000,
 27 and sections 23-2301, 23-2306, 23-2309.01, 23-2310.05, 23-2323.03,
 1 23-2331, 24-701.01, 24-702, 24-703, 79-902, 79-933.06, 79-934,
 2 79-958, 79-998, 81-2014.01, 81-2017, 84-1310.01, 84-1311.03, and
 3 84-1503, Revised Statutes Supplement, 2001; to change provisions
 4 relating to membership, participation, service, actuarial
 5 valuations, contributions, the Nebraska Investment Council,
 6 termination of employment, administrative fees, reemployment,
 7 compliance audits, rollover distributions and transfers, and funds;
 8 to create a fund; to eliminate and combine certain funds and
 9 accounts; to define and redefine terms; to provide powers and
 10 duties; to harmonize provisions; to provide operative dates; to
 11 repeal the original sections; to outright repeal sections 79-914,
 12 79-969, 79-970, and 79-972, Reissue Revised Statutes of Nebraska,
 13 and section 79-975, Revised Statutes Supplement, 2000; and to
 14 declare an emergency.".

LEGISLATIVE BILL 1021. Placed on Select File as amended.

E & R amendment to LB 1021:

AM7181

1 1. Insert the following new section:
 2 "Sec. 81. Section 71-6734, Revised Statutes Supplement,
 3 2000, is amended to read:
 4 71-6734. The department shall set fees for registration
 5 and renewal of registration as set forth in sections 71-6726 and
 6 71-6728 in an amount not to exceed twenty dollars, for testing as
 7 set forth in ~~subsections (4) and (5)~~ subsection (4) of section
 8 71-6725 in an amount not to exceed twenty dollars, and for
 9 competency assessment as set forth in subsection (3) of such
 10 section when conducted by the department in an amount not to exceed
 11 five dollars. The fees shall be used to carry out the purposes of
 12 the Medication Aide Act. The fees received pursuant to the act
 13 shall be remitted to the State Treasurer for credit to the

14 Department of Health and Human Services Regulation and Licensure
 15 Cash Fund. The fees are nonrefundable. Such fund shall be used by
 16 the department for the purpose of administering the act as provided
 17 in this section."

18 2. On page 1, line 15, before "and" insert "71-6725,
 19 71-6734,".

20 3. On page 2, line 5, after the first semicolon insert
 21 "to change requirements for certain medication aides;".

22 4. On page 3, line 11, strike "shall" and show as
 23 stricken.

24 5. On page 44, line 11, strike "competence" and insert
 1 "competency".

2 6. On page 71, line 12, after "submit" insert an
 3 underscored comma.

4 7. On page 88, line 28; page 90, line 1; page 93, lines
 5 3 and 11; page 103, line 21; page 121, line 7; and page 122, line
 6 3, strike "83" and all amendments thereto and insert "84".

7 8. On page 107, line 26, strike "Administrators", show
 8 as stricken, and insert "An administrator"; in line 27 strike
 9 "are", show as stricken, and insert "is"; and in line 28 strike
 10 "their", show as stricken, and insert "his or her".

11 9. On page 121, line 10, strike "subsection", show as
 12 stricken, and insert "section".

13 10. On page 125, line 8, before the first "and" insert
 14 "71-6734,".

15 11. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 470. Placed on Select File as amended.

(E & R amendment, AM7177, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 470A. Placed on Select File as amended.

E & R amendment to LB 470A:

AM7178

1 1. On page 1, line 3, strike "First Session, 2001" and

2 insert "Second Session, 2002".

LEGISLATIVE BILL 1211. Placed on Select File as amended.

(E & R amendment, AM7180, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 1172. Placed on Select File as amended.

E & R amendment to LB 1172:

AM7179

1 1. On page 1, strike beginning with "79-715" in line 1

2 through line 4 and insert "79-215, Revised Statutes Supplement,

3 2001; to authorize school districts to charge fees for

4 extracurricular activities as prescribed;"

LEGISLATIVE BILL 1089. Placed on Select File as amended.
E & R amendment to LB 1089:

AM7182

- 1 1. On page 1, line 4; and page 42, line 7, after
- 2 "8-234," insert "and" and strike "and 8-910,".
- 3 2. On page 1, strike beginning with the second comma in
- 4 line 5 through "2001" in line 6; and in lines 7 and 8, strike "to
- 5 change provisions relating to bank holding companies;"
- 6 3. On page 5, line 17, strike the new matter and
- 7 reinstate the stricken matter.
- 8 4. On page 7, line 15, strike the comma and show as
- 9 stricken.
- 10 5. On page 18, line 10, strike "machines", show as
- 11 stricken, and insert "machine's"; and in line 19 strike "it" and
- 12 insert "such section".
- 13 6. On page 29, line 2, after "branch" insert "trust
- 14 office".
- 15 7. On page 39, line 15, strike the comma and show as
- 16 stricken.
- 17 8. On page 42, strike beginning with "and" in line 8
- 18 through the last comma in line 9.
- 19 9. Renumber sections 9 to 14 as sections 8 to 13,
- 20 respectively.

LEGISLATIVE BILL 29. Placed on Select File.

LEGISLATIVE BILL 935. Placed on Select File as amended.
E & R amendment to LB 935:

AM7183

- 1 1. On page 1, line 1, after "sections" insert "32-552,";
- 2 in line 2 strike "and 32-956" and insert "32-956, and 79-552"; in
- 3 line 4 after the semicolon insert "to provide for review and
- 4 adjustment of boundaries of school board election districts;" ; in
- 5 line 6 after the last semicolon insert "and"; and in line 8 strike
- 6 beginning with the semicolon through "emergency".
- 7 2. On page 10, line 19, after "sections" insert
- 8 "32-552,"; and in line 20 strike "and 32-956" and insert "32-956,
- 9 and 79-552".

(Signed) Philip Erdman, Chairperson

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendments to LB 899:

FA911

Amend AM2951

Strike lines 2-3

FA912

Amend AM2951

Strike lines 6-7

FA913

Amend AM2951

Strike lines 4-5

MOTIONS - Print in Journal

Senator Chambers filed the following motion to LB 899:

Recommit to Natural Resources Committee.

Senator Chambers filed the following motion to LB 899:

Bracket.

Senator Chambers filed the following motion to LB 899:

Indefinitely postpone.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 14, 2002, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Croner, Joseph (Scott)

Outfitters and Guides Association, Nebraska

Dubas, Annette

Friends of the Constitution

Niemann, Nicholas K.

Chamber of Commerce & Industry, Nebraska

REPORTS

The following report was received by the Legislature:

Revenue, Nebraska Department of

Annual Report of the Employment and Investment Growth Act, Employment Expansion and Investment Incentive Act (including Enterprise Zone Act), Quality Jobs Act, Rural Economic Opportunities Act, and Invest Nebraska Act (LB 775, LB 1124, LB 829, LB 936, and LB 620)

GENERAL FILE

LEGISLATIVE BILL 873. Title read. Considered.

The Standing Committee amendment, AM2628, found on page 573, was considered.

Senator Chambers moved to bracket LB 873 until April 10, 2002.

Senator Chambers moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Chambers requested a roll call vote, in reverse order, on his motion to bracket.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 43:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Byars | Jensen | Preister | Stuhr |
| Baker | Connealy | Jones | Price | Suttle |
| Beutler | Cudaback | Kremer | Quandahl | Synowiecki |
| Bourne | Cunningham | Kristensen | Raikes | Thompson |
| Brashear | Dierks | Kruse | Redfield | Tyson |
| Bromm | Engel | Landis | Robak | Vrtiska |
| Brown | Foley | McDonald | Schimek | Wickersham |
| Bruning | Hudkins | Pedersen, Dw. | Schrock | |
| Burling | Janssen | Pederson, D. | Smith | |

Present and not voting, 1:

Hartnett

Excused and not voting, 4:

Coorsden Erdman Maxwell Wehrbein

The Chambers motion to bracket failed with 1 aye, 43 nays, 1 present and not voting, and 4 excused and not voting.

Senator Chambers requested a roll call vote on the Standing Committee amendment.

Voting in the affirmative, 44:

| | | | | |
|----------|------------|---------------|--------------|------------|
| Aguilar | Byars | Jensen | Pederson, D. | Smith |
| Baker | Connealy | Jones | Preister | Stuhr |
| Beutler | Cudaback | Kremer | Price | Suttle |
| Bourne | Cunningham | Kristensen | Quandahl | Synowiecki |
| Brashear | Dierks | Kruse | Raikes | Thompson |
| Bromm | Engel | Landis | Redfield | Tyson |
| Brown | Foley | Maxwell | Robak | Vrtiska |
| Bruning | Hudkins | McDonald | Schimek | Wickersham |
| Burling | Janssen | Pedersen, Dw. | Schrock | |

Voting in the negative, 0.

Present and not voting, 2:

Chambers Hartnett

Excused and not voting, 3:

Coordsen Erdman Wehrbein

The Standing Committee amendment was adopted with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 46:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Chambers | Jensen | Preister | Suttle |
| Baker | Connealy | Jones | Price | Synowiecki |
| Beutler | Cudaback | Kremer | Quandahl | Thompson |
| Bourne | Cunningham | Kristensen | Raikes | Tyson |
| Brashear | Dierks | Kruse | Redfield | Vrtiska |
| Bromm | Engel | Landis | Robak | Wickersham |
| Brown | Foley | Maxwell | Schimek | |
| Bruning | Hartnett | McDonald | Schrock | |
| Burling | Hudkins | Pedersen, Dw. | Smith | |
| Byars | Janssen | Pederson, D. | Stuhr | |

Voting in the negative, 0.

Excused and not voting, 3:

Coordsen Erdman Wehrbein

Advanced to E & R for review with 46 ayes, 0 nays, and 3 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 912. Title read. Considered.

The Standing Committee amendment, AM2389, found on page 362, was considered.

Senator Chambers moved to bracket LB 912 until April 10, 2002.

Senators Byars and Smith asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers requested a roll call vote on his motion to bracket.

The Chambers motion to bracket failed with 1 aye, 36 nays, 8 present and not voting, and 4 excused and not voting.

Senator Chambers requested a roll call vote on the Standing Committee amendment.

The Standing Committee amendment was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Senator Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers requested a roll call vote on the advancement of the bill.

Advanced to E & R for review with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Senator Tyson asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 932. Title read. Considered.

Senator McDonald asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Chambers moved to bracket LB 932 until April 10, 2002.

Senator Chambers requested a roll call vote on his motion to bracket.

The Chambers motion to bracket failed with 1 aye, 30 nays, 12 present and not voting, and 6 excused and not voting.

Senator Chambers requested a roll call vote, in reverse order, on the advancement of the bill.

Advanced to E & R for review with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Senator Aguilar asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 951. Title read. Considered.

Senator Chambers moved to bracket LB 951 until April 10, 2002.

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Senator Chambers requested a roll call vote on his motion to bracket.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 41:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Cudaback | Jones | Price | Synowiecki |
| Baker | Cunningham | Kremer | Quandahl | Thompson |
| Beutler | Dierks | Kristensen | Raikes | Vrtiska |
| Bourne | Engel | Kruse | Redfield | Wehrbein |
| Bromm | Foley | Landis | Robak | Wickersham |
| Brown | Hartnett | Maxwell | Schimek | |
| Burling | Hudkins | Pedersen, Dw. | Schrock | |
| Connealy | Janssen | Pederson, D. | Stuhr | |
| Coordsen | Jensen | Preister | Suttle | |

Excused and not voting, 7:

| | | | |
|----------|--------|----------|-------|
| Brashear | Byars | McDonald | Tyson |
| Bruning | Erdman | Smith | |

The Chambers motion to bracket failed with 1 aye, 41 nays, and 7 excused and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 42:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Coordsen | Jensen | Preister | Suttle |
| Baker | Cudaback | Jones | Price | Synowiecki |
| Beutler | Cunningham | Kremer | Quandahl | Thompson |
| Bourne | Dierks | Kristensen | Raikes | Vrtiska |
| Bromm | Engel | Kruse | Redfield | Wehrbein |
| Brown | Foley | Landis | Robak | Wickersham |
| Burling | Hartnett | Maxwell | Schimek | |
| Chambers | Hudkins | Pedersen, Dw. | Schrock | |
| Connealy | Janssen | Pederson, D. | Stuhr | |

Voting in the negative, 0.

Excused and not voting, 7:

| | | | |
|----------|--------|----------|-------|
| Brashear | Byars | McDonald | Tyson |
| Bruning | Erdman | Smith | |

Advanced to E & R for review with 42 ayes, 0 nays, and 7 excused and not voting.

The Chair declared the call raised.

Senator Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1018. Title read. Considered.

The Standing Committee amendment, AM2760, found on page 644, was considered.

Senator Chambers moved to bracket LB 1018 until April 10, 2002.

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Chambers requested a roll call vote on his motion to bracket.

The Chambers motion to bracket failed with 1 aye, 34 nays, 6 present and not voting, and 8 excused and not voting.

Senator Chambers requested a roll call vote on the Standing Committee amendment.

The Standing Committee amendment was adopted with 35 ayes, 0 nays, 6 present and not voting, and 8 excused and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Advanced to E & R for review with 37 ayes, 0 nays, 5 present and not voting, and 7 excused and not voting.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 872. Placed on General File.

LEGISLATIVE BILL 1115. Placed on General File as amended.
Standing Committee amendment to LB 1115:

AM2986

- 1 1. Strike the original sections and insert the following
 2 new sections:
 3 "Section 1. The Legislature finds and declares that drug
 4 use contributes to crime in Nebraska, costs millions of dollars in
 5 lost productivity, and contributes to the burden placed upon law
 6 enforcement, court, and correction systems in Nebraska.
 7 The Legislature also finds and declares that drug court
 8 programs are effective in reducing recidivism of criminal behavior
 9 of persons who participate in and complete drug court programs.
 10 The Legislature recognizes that a drug court program offers a
 11 person charged with certain offenses an alternative component of
 12 the traditional criminal justice or juvenile justice proceedings.
 13 Sec. 2. For purposes of sections 1 to 4 of this act,
 14 drug court program means a program supervised by a court, subject
 15 to any rules promulgated by the Supreme Court for procedures to be
 16 implemented in the administration of such program within the court
 17 system, that has special calendars or dockets designed to achieve a
 18 reduction in substance-abuse and recidivism of criminal behavior
 19 among nonviolent, substance abusing offenders by increasing their
 20 likelihood for successful rehabilitation through early, continuous,
 21 and intense judicially supervised treatment, mandatory periodic
 22 drug testing, case management, and the use of appropriate sanctions
 23 and other rehabilitation services.
 24 Sec. 3. In those jurisdictions where a drug court
 1 program has been or will be created, the drug court program's local
 2 governing body may enter into interlocal agreements with local and
 3 state agencies for implementation and management of the drug court
 4 program and may provide funds in advance of the rendition of drug
 5 court program services.
 6 Sec. 4. In a case involving criminal activity in which
 7 the defendant is participating in a court-ordered drug treatment
 8 program, a judge of any court of this state may:
 9 (1) Order drug testing for the defendant;
 10 (2) Impose jail time as a sanction for noncompliance of
 11 the drug treatment program; or
 12 (3) Impose any other condition deemed reasonably
 13 necessary to assure compliance with the drug treatment program."

LEGISLATIVE BILL 1268. Placed on General File as amended.
 Standing Committee amendment to LB 1268:

AM2976

- 1 1. Strike original section 34.
 2 2. On page 3, line 4; page 31, line 8; and page 38, line
 3 17, strike "42-380", show as stricken, and insert "42-381".
 4 3. On page 9, line 11; page 20, line 2; page 25, lines
 5 15 and 21; page 39, lines 12 and 25; page 27, line 18; page 36,
 6 line 8; page 41, line 7, strike "may", show as stricken, and insert
 7 "shall".
 8 4. On page 12, line 4, after "controls" insert an

- 9 underscored period; in lines 4 and 5 strike "and must be so
10 recognized.", show as stricken; and in lines 18 and 20 strike the
11 new matter.
- 12 5. On page 13, line 4, strike beginning with "obligee"
13 through "individual" and insert "individual obligee"; and in line
14 11 strike "must" and insert "shall" and before "copy" insert
15 "certified".
- 16 6. On page 14, line 16; page 24, line 7; page 25, line
17 1; page 38, line 1; and page 45, line 23, strike "must" and insert
18 "shall".
- 19 7. On page 15, line 2, after "credit" insert "amounts".
- 20 8. On page 7, line 26; page 15, line 24; and page 25,
21 line 1, strike "may" and insert "shall".
- 22 9. On page 17, line 12, strike "shall"; and in lines 13
23 and 17 reinstate "shall".
- 24 10. On page 20, line 9; page 22, lines 1 and 9; page 36,
1 lines 18, 19, and 28; page 37, lines 4, 6, and 7; page 38, line 4;
2 and page 42, line 6, strike "arrear" and insert "arrearages".
- 3 11. On page 23, reinstate "individual"; and strike
4 beginning with "who" in line 15 through "individual" in line 16.
- 5 12. On page 24, lines 15, 20, and 21; page 32, line 15;
6 page 35, line 12; and page 37, lines 12, 15, and 20, strike "must",
7 show as stricken, and insert "shall".
- 8 13. On page 28, line 16, strike "in" and insert "by" and
9 strike both commas and show as stricken.
- 10 14. On page 29, lines 3 and 4, strike beginning with
11 "obligee" through "individual" and insert "individual obligee".
- 12 15. On page 34, line 14, strike the new matter and
13 reinstate the stricken matter.
- 14 16. On page 35, line 15, before "copy" insert
15 "certified".
- 16 17. On page 36, line 22; and page 37, line 27, reinstate
17 "arrearages" and strike "arrear".
- 18 18. On page 40, line 10, reinstate "individual"; and
19 strike beginning with "who" in line 10 through "individual" in line
20 11.
- 21 19. On page 41, line 8, strike "may not", show as
22 stricken, and insert "cannot"; and strike beginning with the last
23 "and" in line 11 through "recognized" in line 12 and show as
24 stricken.
- 25 20. On page 42, line 27, strike "may not" and insert
26 "cannot".
- 27 21. On page 46, line 9, after "42-734.05" insert "
1 42-735, 42-737".
- 2 22. Renumber the remaining sections and correct internal
3 references accordingly.

LEGISLATIVE BILL 1278. Placed on General File as amended.
(Standing Committee amendment, AM3080, may be found in the Bill

Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 1303. Placed on General File as amended.

Standing Committee amendment to LB 1303:

AM3134

1 1. Strike the original sections and insert the following
2 new sections:

3 "Section 1. Section 29-3601, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 29-3601. The Legislature finds that pretrial diversion
6 offers persons charged with criminal offenses and minor traffic
7 violations an alternative to traditional criminal justice or
8 juvenile justice proceedings in that: (1) It permits participation
9 by the accused only on a voluntary basis; (2) the accused has
10 access to counsel prior to a decision to participate; (3) it occurs
11 prior to an adjudication but after arrest and a decision has been
12 made by the prosecutor that the offense will support criminal
13 charges; and (4) it results in dismissal of charges, or its
14 equivalent, if the individual successfully completes the diversion
15 process.

16 Sec. 2. Section 29-3602, Revised Statutes Supplement,
17 2000, is amended to read:

18 29-3602. The county attorney of any county may establish
19 a pretrial diversion program with the concurrence of the county
20 board. Any city attorney may establish a pretrial diversion
21 program with the concurrence of the governing body of the city.
22 Such programs shall be established pursuant to section 29-3603 and
23 sections 5 to 9 of this act.

24 Sec. 3. Section 29-3603, Reissue Revised Statutes of
1 Nebraska, is amended to read:

2 29-3603. A pretrial diversion plan for criminal offenses
3 shall include, but not be limited to:

4 (1) Formal eligibility guidelines established following
5 consultation with criminal justice officials and program
6 representatives. The guidelines shall be written and made
7 available and routinely disseminated to all interested parties;

8 (2) A maximum time limit for any defendant's
9 participation in a diversion program, beyond which no defendant
10 shall be required or permitted to participate. Such maximum term
11 shall be long enough to effect sufficient change in participants to
12 deter them from criminal activity, but not so long as to prejudice
13 the prosecution or defense of the case should the participant be
14 returned to the ordinary course of prosecution;

15 (3) The opportunity for eligible defendants to review,
16 with their counsel present, a copy of general diversion program
17 requirements including average program duration and possible
18 outcome, prior to making the decision to enter a diversion program;

19 (4) Dismissal of the diverted case upon completion of the

20 program;

21 (5) A provision that participants shall be able to
22 withdraw at any time before the program is completed and be
23 remanded to the court process without prejudice to them during the
24 ordinary course of prosecution;

25 (6) Enrollment shall not be conditioned on a plea of
26 guilty; and

27 (7) Defendants who are denied enrollment in a diversion

1 program shall be afforded an administrative review of the decision
2 and written reasons for denial.

3 Sec. 4. Section 29-3604, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 29-3604. No person charged with a violation of section
6 60-6,196 or 60-6,197 shall be eligible for pretrial diversion under
7 a program established pursuant to sections 29-3601 to 29-3603 and
8 sections 5 to 9 of this act.

9 Sec. 5. For purposes of sections 6 to 9 of this act:

10 (1) Department means the Department of Motor Vehicles;
11 and

12 (2) Minor traffic violation does not include leaving the
13 scene of an accident, sections 60-696 to 60-698, driving under the
14 influence of alcoholic liquor or drugs, sections 60-4,164,
15 60-6,196, and 60-6,211.01, reckless driving or willful reckless
16 driving, sections 60-6,213 and 60-6,214, participating in a speed
17 competition, section 60-6,195, operating a motor vehicle to avoid
18 arrest, section 28-905, refusing a breath or blood test, sections
19 60-4,164, 60-6,197, and 60-6,211.02, driving on a suspended or
20 revoked operator's license, sections 60-4,107 to 60-4,110, speeding
21 twenty or more miles per hour over the speed limit, operating a
22 motor vehicle without insurance or other financial responsibility
23 in violation of the Motor Vehicle Safety Responsibility Act,
24 operating a motor vehicle that is not registered, any injury
25 accident, or any violation which is classified as a misdemeanor or
26 a felony.

27 Sec. 6. (1) A pretrial diversion plan for minor traffic
1 violations shall consist of a driver's safety training program.

2 (2) A driver's safety training program shall:

3 (a) Provide a curriculum of driver's safety training, as
4 approved by the department, which is designed to educate persons
5 committing minor traffic violations and to deter future violations;
6 and

7 (b) Require payment of a fee approved by the department
8 which is a reasonable and appropriate cost of the presentation of
9 the program. A jurisdiction shall charge a uniform fee for
10 participation in a driver's safety training program regardless of
11 the traffic violation for which the applicant was cited. Fees
12 received by a jurisdiction offering a driver's safety training
13 program may be utilized by such jurisdiction to pay for the costs
14 of administering and operating such program, to promote driver

15 safety, and to pay for the costs of administering and operating
 16 other safety and educational programs within such jurisdiction.
 17 (3) The program administrator of each driver's safety
 18 training program shall keep a record of attendees and shall be
 19 responsible for determining eligibility. A report of attendees at
 20 all driver's safety training programs in the state shall be shared
 21 only with similar programs throughout the state. All procedures
 22 for sharing records of attendees among such programs shall conform
 23 with the rules and regulations adopted and promulgated by the
 24 department to assure that no individual takes the approved course
 25 more than once within any three-year period in Nebraska. Such
 26 record of attendees and any related records shall not be considered
 27 a public record as defined in section 84-712.01.

1 (4) The department shall approve the curriculum and fees
 2 of each program and shall adopt and promulgate rules and
 3 regulations governing such programs, including guidelines for fees,
 4 curriculum, and instructor certification.

5 Sec. 7. Any organization or governmental entity desiring
 6 to offer a driver's safety training program shall first obtain a
 7 certificate from the department, to be renewed annually. The
 8 certificate fee and the annual renewal fee shall each be fifty
 9 dollars. The fee collected by the department from the organization
 10 or governmental entity shall be remitted to the State Treasurer for
 11 credit to the Department of Motor Vehicles Cash Fund.

12 Sec. 8. Any driver holding a commercial driver's license
 13 issued pursuant to sections 60-4,138 to 60-4,172 shall not be
 14 eligible to participate in a program under sections 5 to 9 of this
 15 act.

16 Sec. 9. Sections 5 to 9 of this act shall not apply to
 17 programs of pretrial diversion for offenses other than minor
 18 traffic violations.

19 Sec. 10. This act becomes operative on January 1, 2003.

20 Sec. 11. Original sections 29-3601, 29-3603, and
 21 29-3604, Reissue Revised Statutes of Nebraska, and section 29-3602,
 22 Revised Statutes Supplement, 2000, are repealed."

LEGISLATIVE BILL 352. Indefinitely postponed.

LEGISLATIVE BILL 577. Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

Appropriations

LEGISLATIVE BILL 1310. Placed on General File as amended.

(Standing Committee amendment, AM3035, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 1309. Placed on General File as amended.
(Standing Committee amendment, AM3079, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Roger R. Wehrbein, Chairperson

MOTION - Print in Journal

Senator Chambers filed the following motion to LB 873:
Indefinitely postpone.

AMENDMENTS - Print in Journal

Senator Hartnett filed the following amendment to LB 729:
AM2968

(Amendments to Standing Committee amendments, AM2565)

- 1 1. Insert the following new section:
- 2 "Sec. 2. A county, which encompasses a city of the
- 3 metropolitan class or city of the primary class, shall not cede or
- 4 transfer extraterritorial jurisdiction over land to a city of the
- 5 first class or city of the second class if, on the date the county
- 6 receives a request pursuant to subsection (1) of section 1 of this
- 7 act, such land lies within the area extending three miles from the
- 8 extraterritorial jurisdiction boundaries of such city of the
- 9 metropolitan class or city of the primary class."
- 10 2. On page 1, line 13, strike "The" and insert "Unless
- 11 prohibited pursuant to section 2 of this act, the".
- 12 3. Renumber the remaining sections accordingly.

Senators Wickersham, Landis, Wehrbein, Hartnett, Dierks, Coordsen,
Janssen, and Raikes filed the following amendment to LB 946:
AM3136

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. For purposes of sections 1 to 5 of this act:
- 4 (1)(a) Economic incentive benefits include any sales tax
- 5 refund, any credit allowed against income tax, or income tax
- 6 withholding, or an amount withheld as follows:
- 7 (i) For the Employment and Investment Growth Act, any
- 8 sales tax refund obtained under subdivision (3)(a) or (3)(b) of
- 9 section 77-4105 and any income or sales tax credit used under
- 10 section 77-4106 or subdivision (1)(a) of section 77-4108;
- 11 (ii) For the Invest Nebraska Act, any credit used against
- 12 income tax withholding claimed under section 77-5531 and any credit
- 13 used against income tax under section 77-5531 or 77-5533; and
- 14 (iii) For the Quality Jobs Act, any withholding by a
- 15 company from its employees pursuant to subsection (6) of section
- 16 77-4927 and any credits used against income tax under section

17 77-4927.01;

18 (b) Economic incentive benefits do not include:

19 (i) Any income or sales tax credit earned, but not used,
20 under an economic incentive law;

21 (ii) Any sales tax refund obtained or credit used against
22 income tax or income tax withholding under an economic incentive
23 law, if such refund or credit used is less than five hundred
24 dollars; or

1 (iii) For the Quality Jobs Act, any wage benefit credit
2 allowed to an employee under subsection (6) of section 77-4927;

3 (2) Economic incentive law means the Employment and
4 Investment Growth Act, the Invest Nebraska Act, or the Quality Jobs
5 Act;

6 (3) Income tax includes any income tax liability imposed
7 on any individual, corporation, estate, trust, or other entity by
8 sections 77-2714 to 77-27,135;

9 (4) Sales tax includes any sales or use tax paid under
10 the Nebraska Revenue Act of 1967, the Local Option Revenue Act, or
11 sections 13-319 to 13-326; and

12 (5) Tax years beginning on or after January 1 means all
13 taxable years beginning on or deemed to begin on or after January 1
14 under the Internal Revenue Code of 1986, as amended.

15 Sec. 2. (1) There is hereby imposed on all taxpayers, in
16 addition to any other taxes, a surcharge of twenty percent of any
17 economic incentive benefit.

18 (2) The surcharge shall apply to:

19 (a) Any sales tax return or refund claim, filed on or
20 after February 25, 2002, which claims a refund for any purchase
21 made before January 1, 2006;

22 (b) Any income tax return filed on or after February 25,
23 2002, for any tax years beginning before January 1, 2006; and

24 (c) Any income tax withholding return filed on or after
25 February 25, 2002, for any tax years beginning before January 1,
26 2006.

27 (3) The surcharge imposed by this section is an excise

1 tax. No credit earned against the payment of any tax shall be
2 allowed as a credit against the surcharge imposed by this section.

3 Sec. 3. (1) The surcharge imposed by section 2 of this
4 act is due immediately upon the use of any economic incentive
5 benefit.

6 (2) The Department of Revenue shall approve a sales tax
7 refund in the same manner and in the same amount as if no surcharge
8 was imposed by section 2 of this act. The department shall offset
9 the amount of the surcharge against the amount of the refund and
10 the department shall issue a refund payment for the net amount.

11 (3) The Department of Revenue shall issue a statement of
12 the surcharge amount as soon as practicable after the processing of
13 a return in which credits are used against income tax liabilities
14 or income tax withholding or a return reporting wage benefit

15 credits withheld. The surcharge shall be considered to be paid in
16 a timely manner if the surcharge is paid on or before the
17 twenty-fifth day of the month immediately following the issuance of
18 the statement.

19 Sec. 4. (1) There is hereby allowed credits equal to the
20 surcharge imposed by section 2 of this act. Credits shall be
21 considered to have been earned under the same economic incentive
22 law, and for the same project under such economic incentive law,
23 for which a surcharge was imposed upon an economic incentive
24 benefit. If economic incentive benefits were used under more than
25 one economic incentive law or from more than one project, the
26 credits allowed under this section shall be apportioned in the same
27 manner as the economic incentive benefits used.

1 (2) Credits shall be used as follows:

2 (a) For the Employment and Investment Growth Act, any
3 credit earned for an economic incentive benefit (i) under an
4 agreement pursuant to subdivision (3)(a) of section 77-4104 may be
5 used as allowed in section 77-4106 against the sales tax or the
6 income tax or (ii) under an agreement pursuant to subdivision
7 (3)(b) of section 77-4104 may be used as allowed in section 77-4106
8 against the sales tax;

9 (b) For the Quality Jobs Act, any credit earned for an
10 economic incentive benefit (i) under section 77-4927 may be used as
11 allowed under section 77-4927 after the end of the entitlement
12 period or (ii) under section 77-4927.01 may be used as allowed
13 under section 77-4927.01; and

14 (c) For the Invest Nebraska Act, any credit earned for an
15 economic incentive benefit (i) under section 77-5531 may be used as
16 allowed under section 77-5531 or (ii) under section 77-5533 may be
17 used as allowed under section 77-5533.

18 (3) Notwithstanding any other provision of an economic
19 incentive law, the credits allowed under this section shall not
20 expire and may be carried forward until used. Credits allowed for
21 any project shall be used before any credits allowed for a
22 subsequent project are used.

23 (4) Credits allowed under this section are earned as of
24 the date the surcharge imposed by section 2 of this act is paid,
25 but such credits are not required to be used prior to any other
26 credits earned under the economic incentive law and for the same
27 project under such economic incentive law.

1 Sec. 5. For purposes of administering sections 1 to 5 of
2 this act:

3 (1) The surcharge imposed under section 2 of this act
4 shall be subject to the statutory provisions relating to the sales
5 tax, including interest, penalty, and deficiency provisions;

6 (2) If a surcharge imposed under section 2 of this act is
7 unpaid after the due date, the surcharge amount may be retained
8 from any subsequent refund payments until the unpaid surcharge
9 amount has been satisfied; and

10 (3) If any portion of a surcharge imposed under section 2
11 of this act is computed on a sales tax imposed by a political
12 subdivision, such portion of the surcharge shall be applied to the
13 amount of the refund to be collected from the political
14 subdivision.

15 Sec. 6. Since an emergency exists, this act takes effect
16 when passed and approved according to law.".

UNANIMOUS CONSENT - Member Excused

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 1094. Title read. Considered.

Senator Chambers moved to bracket LB 1094 until April 10, 2002.

Senators Vrtiska, Stuhr, and Janssen asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers requested a roll call vote on his motion to bracket.

The Chambers motion to bracket failed with 1 aye, 30 nays, 10 present and not voting, and 8 excused and not voting.

Senator Chambers requested a roll call vote, in reverse order, on the advancement of the bill.

Advanced to E & R for review with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 1148. Title read. Considered.

SENATOR CUDABACK PRESIDING

Senator Chambers moved to bracket LB 1148 until April 10, 2002.

Senator Chambers moved for a call of the house. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

Senator Chambers requested a roll call vote, in reverse order, on his motion to bracket.

Voting in the affirmative, 3:

Brown Chambers Wehrbein

Voting in the negative, 41:

| | | | | |
|----------|------------|---------------|--------------|------------|
| Aguilar | Cudaback | Jensen | Pederson, D. | Suttle |
| Baker | Cunningham | Jones | Preister | Synowiecki |
| Bourne | Dierks | Kremer | Price | Thompson |
| Brashear | Engel | Kristensen | Quandahl | Tyson |
| Bromm | Erdman | Kruse | Raikes | Wickersham |
| Burling | Foley | Landis | Redfield | |
| Byars | Hartnett | Maxwell | Schimek | |
| Connealy | Hudkins | McDonald | Schrock | |
| Coordsen | Janssen | Pedersen, Dw. | Smith | |

Excused and not voting, 5:

| | | | | |
|---------|---------|-------|-------|---------|
| Beutler | Bruning | Robak | Stuhr | Vrtiska |
|---------|---------|-------|-------|---------|

The Chambers motion to bracket failed with 3 ayes, 41 nays, and 5 excused and not voting.

Senator Chambers requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 43:

| | | | | |
|----------|------------|------------|---------------|------------|
| Aguilar | Coordsen | Janssen | Pedersen, Dw. | Smith |
| Baker | Cudaback | Jensen | Pederson, D. | Suttle |
| Bourne | Cunningham | Jones | Preister | Synowiecki |
| Brashear | Dierks | Kremer | Price | Thompson |
| Bromm | Engel | Kristensen | Quandahl | Tyson |
| Brown | Erdman | Kruse | Raikes | Wehrbein |
| Burling | Foley | Landis | Redfield | Wickersham |
| Byars | Hartnett | Maxwell | Schimek | |
| Connealy | Hudkins | McDonald | Schrock | |

Voting in the negative, 1:

Chambers

Excused and not voting, 5:

| | | | | |
|---------|---------|-------|-------|---------|
| Beutler | Bruning | Robak | Stuhr | Vrtiska |
|---------|---------|-------|-------|---------|

Advanced to E & R for review with 43 ayes, 1 nay, and 5 excused and not voting.

The Chair declared the call raised.

Senator Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 1073. Senator Smith renewed his pending amendment, AM3034, found on page 964.

Senators Dierks and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Bromm offered the following amendment to the Smith pending amendment:

FA914

Amend AM3034

by striking the new matter in lines 1 thru 16 of Page 2, reinstate the stricken matter, and strike Section 4 of the bill.

Senator Bromm moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Bromm requested a roll call vote on his amendment.

Voting in the affirmative, 24:

| | | | | |
|----------|------------|---------|------------|------------|
| Baker | Burling | Engel | Kristensen | Stuhr |
| Bourne | Chambers | Erdman | Quandahl | Tyson |
| Brashear | Coordsen | Janssen | Raikes | Vrtiska |
| Bromm | Cudaback | Jones | Redfield | Wickersham |
| Bruning | Cunningham | Kremer | Smith | |

Voting in the negative, 20:

| | | | | |
|----------|----------|---------------|----------|------------|
| Aguilar | Hartnett | Landis | Preister | Suttle |
| Byars | Hudkins | McDonald | Price | Synowiecki |
| Connealy | Jensen | Pedersen, Dw. | Schimek | Thompson |
| Foley | Kruse | Pederson, D. | Schrock | Wehrbein |

Present and not voting, 2:

| | |
|-------|---------|
| Brown | Maxwell |
|-------|---------|

Excused and not voting, 3:

| | | |
|---------|--------|-------|
| Beutler | Dierks | Robak |
|---------|--------|-------|

The Bromm amendment lost with 24 ayes, 20 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senators Janssen and Wickersham asked unanimous consent to be excused until they return. No objections. So ordered.

The Smith amendment, AM3034, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Pending.

SELECT COMMITTEE REPORT Enrollment and Review

LEGISLATIVE BILL 384. Placed on Select File as amended.
(E & R amendment, AM7184, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Philip Erdman, Chairperson

AMENDMENTS - Print in Journal

Senator Jensen filed the following amendment to LB 479:
AM3132

(Amendments to Standing Committee amendments, AM0763)

- 1 1. Strike amendments 2 and 3 and insert the following
- 2 new amendments:
- 3 "2. On page 3, strike lines 1 and 2 and insert
- 4 'department shall take physical custody of the subject pursuant to
- 5 such order within seventy-two hours after receiving such notice.
- 6 The department shall be responsible for the costs of the
- 7 maintenance and treatment of the subject as prescribed by such
- 8 order beginning seventy-two hours after receiving such notice or
- 9 upon taking physical custody of the subject, whichever is
- 10 earlier.'
- 11 3. On page 5, strike lines 5 and 6 and insert 'of such
- 12 order. The department shall take physical custody of the subject
- 13 pursuant to such order within seventy-two hours after receiving
- 14 such notice. The department shall be responsible for the costs of
- 15 the maintenance and treatment of the subject as prescribed by such
- 16 order beginning seventy-two hours after receiving such notice or
- 17 upon taking physical custody of the subject, whichever is
- 18 earlier.'".

Senator Smith filed the following amendment to LB 1073:
AM3148

- 1 1. Insert the following new section:
- 2 "Section 1. Section 60-682.01, Reissue Revised Statutes
- 3 of Nebraska, is amended to read:
- 4 60-682.01. (1) Any person who operates a vehicle in
- 5 violation of any maximum speed limit established for any highway or
- 6 freeway is guilty of a traffic infraction and upon conviction shall
- 7 be fined:
- 8 (a) Ten dollars for traveling one to five miles per hour

- 9 over the authorized speed limit;
 10 (b) Twenty-five dollars for six to ten miles per hour
 11 over the authorized speed limit;
 12 (c) Seventy-five dollars for traveling eleven to fifteen
 13 miles per hour over the authorized speed limit;
 14 (d) One hundred twenty-five dollars for traveling sixteen
 15 to twenty miles per hour over the authorized speed limit; and
 16 (e) Two hundred dollars for traveling twenty-one miles
 17 per hour or more over the authorized speed limit.
 18 (2) The fines prescribed in subsection (1) of this
 19 section shall be doubled if the violation occurs within a
 20 maintenance, repair, or construction zone established pursuant to
 21 section 60-6,188. For purposes of this subsection, maintenance,
 22 repair, or construction zone means (a) the portion of a highway
 23 identified by posted or moving signs as being under maintenance,
 24 repair, or construction or (b) the portion of a highway identified
 1 by maintenance, repair, or construction zone speed limit signs
 2 displayed pursuant to section 60-6,188. The maintenance, repair,
 3 or construction zone starts at the location of the first sign
 4 identifying the maintenance, repair, or construction zone and
 5 continues until a posted or moving sign indicates that the
 6 maintenance, repair, or construction zone has ended.
 7 (3) The fines prescribed in subsection (1) of this
 8 section shall be doubled if the violation occurs within a school
 9 crossing zone as defined in section 60-658.01.
 10 (4) The fines prescribed in subsection (1) of this
 11 section shall be doubled if the violation occurs with a child eight
 12 years of age or younger in the vehicle."
 13 2. On page 5, line 6, after "Original" insert "section
 14 60-682.01, Reissue Revised Statutes of Nebraska, and".
 15 3. Renumber the remaining sections accordingly.

Senator Raikes filed the following amendment to LB 1172:
 AM3147

- 1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 "Section 1. Sections 1 to 11 of this act shall be known
 4 and may be cited as the Public Elementary and Secondary Student Fee
 5 Authorization Act.
 6 Sec. 2. For purposes of the Public Elementary and
 7 Secondary Student Fee Authorization Act:
 8 (1) Extracurricular activities means student activities
 9 or organizations which are supervised or administered by the school
 10 district, which do not count toward graduation or advancement
 11 between grades, and in which participation is not otherwise
 12 required by the school district;
 13 (2) Governing body means a school board of any class of
 14 school district or an educational service unit board; and
 15 (3) Postsecondary education costs means tuition and other

16 fees associated with obtaining credit from a postsecondary
17 educational institution. For a course in which students receive
18 both high school and postsecondary education credit or a course
19 being taken as part of an approved accelerated or differentiated
20 curriculum program pursuant to sections 79-1106 to 79-1108.03, the
21 course shall be offered without charge for tuition, transportation,
22 books, or other fees, except tuition and other fees associated with
23 obtaining credits from a postsecondary educational institution.

24 Sec. 3. A governing body may require and collect fees or
1 other funds from or on behalf of students or require students to
2 provide specialized equipment or attire for any of the following
3 purposes:

4 (1) Participation in extracurricular activities;
5 (2) Admission fees and transportation charges for
6 spectators attending extracurricular activities;
7 (3) Postsecondary education costs;
8 (4) Transportation pursuant to sections 79-241, 79-605,
9 and 79-611;

10 (5) Copies of student files or records pursuant to
11 section 79-2,104;

12 (6) Reimbursement to the school district or educational
13 service unit for school district or educational service unit
14 property lost or damaged by the student;

15 (7) Before-and-after school or prekindergarten services
16 offered pursuant to section 79-1104;

17 (8) Summer school or night school; and

18 (9) Breakfast and lunch programs.

19 Sec. 4. A governing body may require students to furnish
20 personal or consumable items for specified courses and activities,
21 including, but not limited to, pencils, paper, pens, erasers, and
22 notebooks.

23 Sec. 5. A governing body may require students to furnish
24 and wear clothing meeting general written guidelines for specified
25 courses and activities if the written guidelines are reasonably
26 related to the course or activity.

27 Sec. 6. A governing body may require students to furnish
1 materials for course projects meeting written guidelines if (1)
2 upon completion, the project becomes the property of the student,
3 (2) the written guidelines are reasonably related to the course,
4 and (3) the governing body provides such materials for students who
5 qualify for fee waivers pursuant to the student fee waiver policy
6 adopted pursuant to section 9 of this act.

7 Sec. 7. A governing body may require students to furnish
8 musical instruments for participation in optional music courses if
9 the governing body provides for the use of a musical instrument
10 without charge for any student who qualifies for free or
11 reduced-price lunches under United States Department of Agriculture
12 child nutrition programs. Participation in a free-lunch program or
13 reduced-price lunch program is not required to qualify for free or

14 reduced-price lunches for purposes of this section. This section
15 does not require a governing body to provide for the use of a
16 particular type of musical instrument for any student.

17 Sec. 8. The Public Elementary and Secondary Student Fee
18 Authorization Act does not preclude operation of a school store in
19 which students may purchase food, beverages, and personal or
20 consumable items.

21 Sec. 9. Each governing body that requires fees pursuant
22 to the Public Elementary and Secondary Student Fee Authorization
23 Act shall establish a policy for waiving the fees for students who
24 qualify for free or reduced-price lunches under United States
25 Department of Agriculture child nutrition programs. Participation
26 in a free-lunch program or reduced-price lunch program is not
27 required to qualify for free or reduced-price lunches for purposes
1 of this section.

2 Each governing body that requires fees pursuant to the
3 act may establish a policy for waiving fees in other circumstances.

4 Sec. 10. On or before August 1, 2002, and annually each
5 year thereafter, each school board shall hold a public hearing at a
6 regular or special meeting of the board on a proposed student fee
7 policy, following a review of the amount of money collected from
8 students pursuant to, and the use of waivers provided in, the
9 student fee policy for the prior school year. The student fee
10 policy shall be adopted by a majority vote of the school board and
11 shall be published in the student handbook. The board shall
12 provide a copy of the student handbook to every student at no cost
13 to the student. The student fee policy shall include specific
14 details regarding:

15 (1) The general written guidelines for any clothing
16 required for specified courses and activities;

17 (2) Any personal or consumable items a student will be
18 required to furnish for specified courses and activities;

19 (3) Any materials required for course projects;

20 (4) Any specialized equipment or attire which a student
21 will be required to provide for any extracurricular activity;

22 (5) Any fees required from a student for participation in
23 any extracurricular activity;

24 (6) Any fees required for postsecondary education costs;

25 (7) Any fees required for transportation costs pursuant
26 to sections 79-241, 79-605, and 79-611;

27 (8) Any fees required for copies of student files or
1 records pursuant to section 79-2,104;

2 (9) Any fees required for participation in
3 before-and-after school or prekindergarten services offered
4 pursuant to section 79-1104;

5 (10) Any fees required for participation in summer school
6 or night school;

7 (11) Any fees for breakfast and lunch programs; and

8 (12) The waiver policy pursuant to section 9 of this act.

9 Sec. 11. Each school board shall establish a student fee
10 fund. For purposes of this section, student fee fund means a
11 separate school district fund not funded by tax revenue, into which
12 all money collected from students pursuant to subdivisions (1),
13 (3), and (8) of section 3 of this act shall be deposited and from
14 which money shall be expended for the purposes for which it was
15 collected from students.

16 Sec. 12. Section 79-715, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 79-715. (1) Every student and teacher in schools or
19 other educational institutions shall be required to wear
20 appropriate industrial-quality eye protective devices at all times
21 while participating in or observing the following courses of
22 instruction:

23 (a) Vocational, technical, industrial arts, chemical, or
24 chemical-physical, involving exposure to:

25 (i) Hot molten metals or other molten materials;

26 (ii) Milling, sawing, turning, shaping, cutting,

27 grinding, or stamping of any solid materials;

1 (iii) Heat treatment, tempering, or kiln firing of any
2 metal or other materials;

3 (iv) Gas or electric arc welding or other forms of
4 welding processes;

5 (v) Repair or servicing of any vehicle; or

6 (vi) Caustic or explosive materials; and

7 (b) Chemical, physical, or combined chemical-physical

8 laboratories involving caustic or explosive materials, hot liquids

9 or solids, injurious radiations, or other hazards not enumerated.

10 Such devices ~~may~~ shall be furnished by the school or
11 educational institution for all students, ~~teachers, and~~ and
12 ~~teachers, may be purchased and sold at cost to students and~~
13 ~~teachers, or may be made available for a moderate rental fee and~~
14 ~~shall be furnished for all~~ visitors to shops and laboratories of
15 such institutions.

16 (2) For purposes of this section, unless the context
17 otherwise requires, industrial-quality eye protective devices means
18 devices which meet the standard of the American National Standard
19 Practice for Occupational and Educational Eye and Face Protection,
20 Z 87.1(1979) as approved by the American National Standards
21 Institute, Inc.

22 (3) The Commissioner of Education shall prepare and
23 circulate to each public and private educational institution in
24 this state instructions and recommendations for implementing the
25 eye safety provisions of this section.

26 Sec. 13. If any section in this act or any part of any
27 section is declared invalid or unconstitutional, the declaration
1 shall not affect the validity or constitutionality of the remaining
2 portions.

3 Sec. 14. Original section 79-715, Reissue Revised

4 Statutes of Nebraska, is repealed.".

UNANIMOUS CONSENT - Add Cointroducer

Senator Schimek asked unanimous consent to have her name added as cointroducer to LB 276. No objections. So ordered.

VISITORS

Visitors to the Chamber were Gary Smith with the United States Department of State and Gunter Greismayr, Martin Kugler, and Ulrike Sima from Austria; Senator Kremer's daughter and granddaughter, Sheila and Karrah Miller, from Aurora and Michaela Fischer from York; 45 fourth grade students from York; Jody Worm from Taylor; and 44 students from Geneva Elementary School.

ADJOURNMENT

At 1:49 p.m., on a motion by Senator Coordsen, the Legislature adjourned until 9:00 a.m., Tuesday, March 19, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FIRST DAY - MARCH 19, 2002

LEGISLATIVE JOURNAL

**NINETY-SEVENTH LEGISLATURE
SECOND SESSION**

FORTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 19, 2002

PRAYER

The prayer was offered by Senator Byars.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Coordsen presiding.

The roll was called and all members were present except Senator Hartnett who was excused; and Senators Aguilar, Bromm, Brown, Burling, Cunningham, Dierks, Foley, Kristensen, Landis, McDonald, Raikes, Synowiecki, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fortieth day was approved.

**SELECT COMMITTEE REPORTS
Enrollment and Review**

Correctly Reengrossed

The following bills were correctly reengrossed: LBs 491 and 830.

**Enrollment and Review Change to LB 491
(Final Reading copy)**

The following changes, required to be reported for publication in the Journal, have been made:

ER9121

1. On page 1, line 2, ", and section 60-680, Revised Statutes Supplement, 2000" has been inserted after "Nebraska"; in line 3 "and the prohibition of the use of engine brakes" has been inserted after "contracts"; and in line 4 "section" has been struck and "sections" inserted.

Enrollment and Review Change to LB 830

The following changes, required to be reported for publication in the Journal, have been made:

ER9122

1. In the Bromm amendment, AM2903:

a. On page 17, lines 16 and 24; and page 18, lines 2, 8, 14, and 16, "shall be guilty of a Class III misdemeanor" has been inserted before the period;

b. On page 17, line 18, "and sections 8 to 12 of this act" has been inserted before the comma;

c. On page 18, line 16, "or" has been struck and shown as stricken; and in line 22 the comma has been struck and shown as stricken;

d. On page 20, line 12, "or" has been inserted after the last comma; and the matter beginning with "an" in line 15 through line 17 has been struck and "a retail value of more than ten thousand five hundred dollars increased by five hundred dollars every five years thereafter;" inserted; and

e. On page 40, line 24, the first "and" has been struck and a comma inserted and a comma has been inserted after "registration".

(Signed) Philip Erdman, Chairperson

STANDING COMMITTEE REPORTS**Revenue**

LEGISLATIVE BILL 905. Placed on General File as amended.

Standing Committee amendment to LB 905:

AM3154

1 1. Strike original section 14.

2 2. On page 10, line 1, strike "July 1, 2002" and insert

3 "January 1, 2003"; and in line 2 strike "July 1, 2002" and insert

4 "January 1, 2003".

LEGISLATIVE BILL 1085. Placed on General File as amended.

(Standing Committee amendment, AM3155, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) William R. Wickersham, Chairperson

MESSAGE FROM THE GOVERNOR

March 18, 2002

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills LB 21e, 58, 93, 112, 176, 188, 235, 235A, 251, 326, 326A, 385, 417, 446, 458, 499, 545, 547, 547A, 604, 616e, 719, 752, 848e, 848Ae, 435, and 435A were received in my office on March 13, 2002.

I signed the legislative bills listed above on March 18, 2002, and they were delivered to the Secretary of State.

Sincerely,
 (Signed) Mike Johanns
 Governor

UNANIMOUS CONSENT - Member Excused

Senator Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 830A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

ANNOUNCEMENT

The Chair announced that Saturday was Senator Brashear's birthday.

GENERAL FILE

LEGISLATIVE BILL 1073. Senator Smith renewed his pending amendment, AM3054, found on page 965.

Senator Smith requested a record vote on his amendment.

Voting in the affirmative, 10:

| | | | | |
|----------|----------|--------|----------|---------|
| Brashear | Cudaback | Engel | Quandahl | Tyson |
| Coordsen | Dierks | Jensen | Smith | Vrtiska |

Voting in the negative, 16:

| | | | |
|----------|---------|----------|----------|
| Baker | Hudkins | McDonald | Stuhr |
| Beutler | Janssen | Price | Suttle |
| Byars | Kremer | Robak | Thompson |
| Connealy | Landis | Schimek | Wehrbein |

Present and not voting, 14:

| | | | | |
|----------|------------|---------------|--------------|------------|
| Bourne | Cunningham | Kruse | Pederson, D. | Schrock |
| Brown | Erdman | Maxwell | Preister | Synowiecki |
| Chambers | Jones | Pedersen, Dw. | Redfield | |

Excused and not voting, 9:

| | | | | |
|---------|---------|----------|------------|------------|
| Aguilar | Bruning | Foley | Kristensen | Wickersham |
| Bromm | Burling | Hartnett | Raikes | |

The Smith amendment lost with 10 ayes, 16 nays, 14 present and not voting, and 9 excused and not voting.

Senator Dw. Pedersen renewed his pending amendment, AM3039, found on page 884 and considered on page 959.

Senator Dw. Pedersen withdrew his amendment.

Senator Smith offered the following amendment:

AM3158

- 1 1. Strike original section 4 and insert the following
- 2 new section:
- 3 "Sec. 3. This act becomes operative on may 1, 2003."
- 4 2. On page 2, lines 11 and 20, strike "effective" and
- 5 insert "operative".
- 6 3. Renumber the remaining section accordingly.

Senator Smith withdrew his amendment.

Senator Smith withdrew his pending amendment, AM3148, found on page 1003.

Senator Thompson offered the following amendment:

FA916

"Strike Section 4 of the bill"

The Thompson amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Senator Thompson moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Thompson requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 25:

| | | | | |
|----------|---------|---------------|---------|------------|
| Beutler | Hudkins | Maxwell | Raikes | Suttle |
| Bourne | Janssen | Pedersen, Dw. | Robak | Synowiecki |
| Brown | Jensen | Pederson, D. | Schimek | Thompson |
| Byars | Kruse | Preister | Schrock | Vrtiska |
| Connealy | Landis | Price | Stuhr | Wehrbein |

Voting in the negative, 16:

| | | | |
|----------|------------|----------|------------|
| Baker | Cudaback | Jones | Redfield |
| Brashear | Cunningham | Kremer | Smith |
| Chambers | Dierks | McDonald | Tyson |
| Coordsen | Erdman | Quandahl | Wickersham |

Present and not voting, 1:

Engel

Excused and not voting, 7:

| | | | |
|---------|---------|----------|------------|
| Aguilar | Bruning | Foley | Kristensen |
| Bromm | Burling | Hartnett | |

Advanced to E & R for review with 25 ayes, 16 nays, 1 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 1073A. Title read. Considered.

Senators Dierks, Dw. Pedersen, and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 16:

| | | | |
|----------|------------|----------|------------|
| Beutler | Janssen | Landis | Schimek |
| Chambers | Jensen | Preister | Schrock |
| Connealy | Kristensen | Price | Stuhr |
| Cudaback | Kruse | Raikes | Wickersham |

Voting in the negative, 21:

| | | | | |
|----------|------------|--------------|------------|---------|
| Baker | Cunningham | Maxwell | Smith | Vrtiska |
| Bourne | Engel | McDonald | Suttle | |
| Brashear | Erdman | Pederson, D. | Synowiecki | |
| Burling | Jones | Quandahl | Thompson | |
| Coordsen | Kremer | Redfield | Tyson | |

Present and not voting, 4:

| | | | |
|-------|-------|---------|-------|
| Brown | Byars | Hudkins | Robak |
|-------|-------|---------|-------|

Excused and not voting, 8:

| | | | |
|---------|---------|----------|---------------|
| Aguilar | Bruning | Foley | Pedersen, Dw. |
| Bromm | Dierks | Hartnett | Wehrbein |

Failed to advance to E & R for review with 16 ayes, 21 nays, 4 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

AMENDMENTS - Print in Journal

Senator Smith filed the following amendments to LB 1073:
AM3159

- 1 1. On page 4, line 5, strike "A", show as stricken, and
- 2 insert "Except as provided in subsection (3) of this section, a".
- 3 2. On page 5, after line 5, insert the following new
- 4 subsection:
- 5 "(3) Persons transporting two or more children from more
- 6 than one family in a single vehicle at the same time shall be
- 7 exempt from the requirements of subsection (1) of section 60-6,267
- 8 and shall be issued a warning citation for failing to provide a
- 9 child restraint system for more than one child in the same vehicle
- 10 at the same time, as required in such subsection.".

AM3178

- 1 1. On page 4, line 5, strike "A", show as stricken, and
- 2 insert "Except as provided in subsection (3) of this section, a".
- 3 2. On page 5, after line 5, insert the following new
- 4 subsection:
- 5 "(3) Persons transporting children in a motor vehicle
- 6 bearing license plates from a state other than Nebraska shall be
- 7 exempt from the requirements of subsection (1) of section 60-6,267
- 8 and shall be issued a warning citation for failing to provide a
- 9 child restraint system as required in such subsection.".

Senator Schimek filed the following amendment to LB 1054:
AM3167

- 1 1. Insert the following new section:

- 2 "Sec. 10. Section 32-231, Revised Statutes Supplement,
3 2000, is amended to read:
- 4 32-231. (1) Each judge and clerk of election appointed
5 pursuant to section 32-230 shall (a) be of good repute and
6 character and able to read and write the English language, (b)
7 reside in the precinct in which he or she is to serve unless
8 necessity demands that personnel be appointed from another
9 precinct, (c) be a registered voter, and (d) serve for a term of
10 two years or until judges and clerks of election are appointed for
11 the next primary election. No candidate at an election shall be
12 eligible to serve as a judge or clerk of election at the same
13 election other than a candidate for a delegate to a county, state,
14 or national political party convention.
- 15 (2) The county clerk may appoint district inspectors to
16 aid the county clerk in the performance of his or her duties and
17 supervise a group of precincts on election day. A district
18 inspector shall meet the requirements for judges and clerks of
19 election as provided in subsection (1) of this section, shall
20 oversee the procedures of a group of polling places, and shall act
21 as the personal agent and deputy of the county clerk. The district
22 inspector shall ensure that the Election Act is uniformly enforced
23 at the polling places assigned to him or her and perform tasks
24 assigned by the county clerk. The district inspector may perform
1 all of the duties required of a judge or clerk of election, ~~or a~~
2 ~~precinct inspector.~~"
- 3 2. On page 9, strike beginning with "as" in line 27
4 through "inspectors" in line 28.
- 5 3. On page 10, strike line 1 and insert "appoint other
6 persons".
- 7 4. On page 24, line 18, after the last comma insert
8 "32-231,".
- 9 5. Renumber the remaining sections and correct internal
10 references accordingly.

Senator Schimek filed the following amendment to LB 1073:
AM2940

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 28-101, Revised Statutes Supplement,
3 2000, is amended to read:
- 4 28-101. Sections 28-101 to 28-1348 and section 2 of this
5 act shall be known and may be cited as the Nebraska Criminal Code.
- 6 Sec. 2. (1) The purpose of this section is to help
7 prevent injuries to, and the deaths of, young children from the
8 effects of being left alone in a motor vehicle and to authorize a
9 fine to be imposed on a person for leaving a young child alone in a
10 motor vehicle.
- 11 (2) Any person who leaves a child six years of age or
12 younger unattended in a motor vehicle is guilty of an infraction.
- 13 The minimum fine for violation of this section is one hundred

14 dollars.

15 (3) For purposes of this section, unattended means the
16 person does not have the direct ability to care for or come to the
17 aid of the child.

18 (4) It is not a violation of this section if the child is
19 being supervised by a competent person of at least twelve years of
20 age.

21 (5) This section does not apply if the child is injured
22 or receives medical attention as a result of a violation of this
23 section.

24 (6) A violation of this section does not preclude
1 prosecution under section 28-707 or any other law."

2 2. On page 5, line 6, strike "60-6,267" and insert

3 "28-101, 60-6,267,".

4 3. Renumber the remaining sections accordingly.

Senator D. Pederson filed the following amendment to LB 1168:
AM3168

1 1. Insert the following new sections:

2 "Sec. 5. (1) No railroad company shall allow the
3 operation of any freight train or locomotive in over-the-road
4 movements in this state unless the freight train or locomotive has
5 a crew of at least two railroad company employees.

6 (2) For purposes of sections 5 to 7 of this act:

7 (a) Over-the-road movements means the transport of
8 locomotives attached to freight cars or other locomotives and does
9 not include hostler and helper movements or mechanical or
10 incidental movements; and

11 (b) Railroad company means any individual, partnership,
12 firm, limited liability company, corporation, company, society, or
13 association managing, maintaining, operating, or in possession of a
14 railroad in whole or in part within this state whether as owner or
15 contractor. The term also includes any form of nonhighway ground
16 transportation that runs on rails or electromagnetic guideways and
17 any entity providing such transportation.

18 Sec. 6. Section 5 of this act does not apply if the
19 United States Secretary of Transportation, through the Federal
20 Railroad Administration, prescribes a regulation or issues an order
21 covering the subject matter of the state requirement.

22 Sec. 7. Any railroad company that violates section 5 of
23 this act is subject to a first offense fine of not less than one
24 hundred dollars, a second offense fine of not less than two hundred
1 fifty dollars, and a third offense fine of five hundred dollars.

2 All fines shall apply to each freight train or locomotive operated
3 on each day of operation in this state, shall be enforced by the
4 Public Service Commission, and shall be remitted to the State
5 Treasurer for credit to the permanent school fund.

6 Sec. 8. If any section in this act or any part of any
7 section is declared invalid or unconstitutional, the declaration

8 shall not affect the validity or constitutionality of the remaining
9 portions, therefor, such portions shall be severable."
10 2. Renumber the remaining section accordingly.

SPEAKER KRISTENSEN PRESIDING

GENERAL FILE

LEGISLATIVE BILL 479. Title read. Considered.

The Standing Committee amendment, AM0763, found on page 933, First Session, 2001, was considered.

Senator Jensen renewed his pending amendment, AM3132, found on page 1003, to the Standing Committee amendment.

Senators Schimek and Suttle asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 303, 304, 305, 306, 307, 308, 309, 310, 311, and 312 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 303, 304, 305, 306, 307, 308, 309, 310, 311, and 312.

GENERAL FILE

LEGISLATIVE BILL 479. The Jensen pending amendment, AM3132, found on page 1003 and considered in this day's Journal, to the Standing Committee amendment, was renewed.

SENATOR CUDABACK PRESIDING

Senator Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Jensen moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

The Jensen amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Beutler offered the following amendment to the Standing Committee amendment:

FA915

Amend AM0763

Strike lines 1 through 3

Senator Beutler withdrew his amendment.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 1 nay, 16 present and not voting, and 7 excused and not voting.

Senator Hudkins moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Senator Hudkins requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 19:

| | | | | |
|------------|---------|---------------|---------|------------|
| Brashear | Foley | Kremer | Price | Synowiecki |
| Burling | Hudkins | Kruse | Robak | Thompson |
| Cunningham | Janssen | McDonald | Schimek | Tyson |
| Erdman | Jones | Pedersen, Dw. | Stuhr | |

Voting in the negative, 21:

| | | | | |
|---------|----------|--------------|----------|------------|
| Baker | Chambers | Landis | Redfield | Wickersham |
| Beutler | Connealy | Pederson, D. | Schrock | |
| Bourne | Coordsen | Preister | Smith | |
| Brown | Engel | Quandahl | Vrtiska | |
| Byars | Jensen | Raikes | Wehrbein | |

Present and not voting, 2:

Cudaback Maxwell

Excused and not voting, 7:

| | | | |
|---------|---------|------------|--------|
| Aguilar | Bruning | Hartnett | Suttle |
| Bromm | Dierks | Kristensen | |

Failed to advance to E & R for review with 19 ayes, 21 nays, 2 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

RESOLUTION

LEGISLATIVE RESOLUTION 316. Introduced by Burling, 33.

WHEREAS, the NAIA Division II National Championship match for 2002 saw a classic meeting of superior teams from Hastings College and Cornerstone (Michigan); and

WHEREAS, the Hastings College Lady Broncos after a superbly hard-fought contest emerged triumphant with an exciting 73 to 69 victory; and

WHEREAS, the skill, determination, tenacity, and teamwork exhibited by the Lady Broncos was emblematic of the finest traditions of Nebraska student athletics; and

WHEREAS, the Hastings community and the State of Nebraska can be proud of these students, their team, their coaches, and their school; and

WHEREAS, the Legislature should publicly recognize the talent, commitment, dedication, and accomplishments of these students and the support of the coaches and staff of Hastings College.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its heartiest congratulations to the members of the 2002 Hastings College Lady Broncos NAIA Division II National Championship Basketball Team and the coaches.

2. That a copy of this resolution be presented, on behalf of the team and Hastings College, to the Lady Broncos head coach, Tony Hobson.

Laid over.

AMENDMENTS - Print in Journal

Senator Landis filed the following amendment to LB 488:
AM3143

(Amendments to Standing Committee amendments, AM2603)

- 1 1. On page 5, line 9, after the period insert "The
- 2 Director of Motor Vehicles may contract with a designated agent for
- 3 the purpose of establishing and operating the motor vehicle
- 4 insurance data base and monitoring compliance with the financial
- 5 responsibility requirements of sections 2 to 5 of this act.".
- 6 2. On page 6, line 24, before the period insert ",
- 7 except that the Director of Motor Vehicles may reconvene the task
- 8 force at any time thereafter if he or she deems it necessary.".
- 9 3. On page 9, strike beginning with "(1)" in line 9
- 10 through line 24 and insert "Failure by an insurance company subject
- 11 to sections 2 to 5 of this act to comply with the requirements of
- 12 such sections and the rules and regulations adopted and promulgated
- 13 under such sections by the Director of Motor Vehicles shall be an
- 14 unfair trade practice in the business of insurance subject to the
- 15 Unfair Insurance Trade Practices Act.".

Senator Schimek filed the following amendment to LB 1086:
AM3166

- 1 1. Insert the following new section:
- 2 "Section 1. Any advertising or promotional materials

3 relating to programs administered by the Governor, Lieutenant
 4 Governor, Secretary of State, Attorney General, Auditor of Public
 5 Accounts, or State Treasurer may include references to the public
 6 office but shall not refer to the officeholder by name."
 7 2. Renumber the remaining sections accordingly.

Senator Kremer filed the following amendment to LB 777:
 AM3125

(Amendments to Standing Committee amendments, AM0742)

1 1. On page 2, line 13, strike "Published a", show as
 2 stricken, and insert "Provided"; in line 14 strike "in each region"
 3 and insert "by publication in a newspaper of general circulation in
 4 each county in that portion"; in line 19 strike "and natural
 5 resources district" and insert ", natural resources district, and
 6 public power district"; and in line 25 strike "thirty", show as
 7 stricken, and insert "sixty".
 8 2. On page 3, line 7, after "conclusions" insert ". If
 9 the commission submits the data to a state or federal fish and
 10 wildlife agency for peer review, the commission shall also submit
 11 the data to scientists or experts not affiliated with such an
 12 agency for review. For purposes of this section, state fish and
 13 wildlife agency does not include a postsecondary educational
 14 institution"; strike line 10 and insert "subsection, developed an
 15 outline of the potential impacts, requirements, or"; in line 12
 16 after "rights" insert "on behalf of themselves or others"; and in
 17 line 24 strike "and outline" and insert ", including an explanation
 18 of any changes or modifications the commission has made to its
 19 proposal as a result of the peer review, and the outline required
 20 under subdivision (b)(viii) of this subsection".

Senator Kremer filed the following amendment to LB 1003:
 AM3126

1 1. Insert the following new section:
 2 "Sec. 19. Section 37-806, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 37-806. (1) Any species of wildlife or wild plants
 5 determined to be an endangered species pursuant to the Endangered
 6 Species Act shall be an endangered species under the Nongame and
 7 Endangered Species Conservation Act, and any species of wildlife or
 8 wild plants determined to be a threatened species pursuant to the
 9 Endangered Species Act shall be a threatened species under the
 10 Nongame and Endangered Species Conservation Act. The commission
 11 may determine that any such threatened species is an endangered
 12 species throughout all or any portion of the range of such species
 13 within this state.
 14 (2) In addition to the species determined to be
 15 endangered or threatened pursuant to the Endangered Species Act,
 16 the commission shall by regulation determine whether any species of
 17 wildlife or wild plants normally occurring within this state is an

18 endangered or threatened species as a result of any of the
19 following factors:

20 (a) The present or threatened destruction, modification,
21 or curtailment of its habitat or range;

22 (b) Overutilization for commercial, sporting, scientific,
23 educational, or other purposes;

24 (c) Disease or predation;

1 (d) The inadequacy of existing regulatory mechanisms; or

2 (e) Other natural or manmade factors affecting its

3 continued existence within this state.

4 (3)(a) The commission shall make determinations required

5 by subsection (2) of this section on the basis of the best

6 scientific, commercial, and other data available to the commission.

7 (b) Except with respect to species of wildlife or wild

8 plants determined to be endangered or threatened species under

9 subsection (1) of this section, the commission may not add a

10 species to nor remove a species from any list published pursuant to

11 subsection (5) of this section unless the commission has first:

12 (a) ~~Published a~~ (i) Provided public notice of such

13 proposed action by publication in a newspaper of general

14 circulation in each county in that portion of the subject species'

15 range in which it is endangered or threatened;

16 (ii) Provided notice of such proposed action to and

17 allowed comment from the Governor and state agencies;

18 (iii) Provided notice of such proposed action to and

19 allowed comment from each county, natural resources district, and

20 public power district located in that portion of the subject

21 species' range in which it is endangered or threatened;

22 (b) (iv) Notified the Governor of any state sharing a

23 common border with this state, in which the subject species is

24 known to occur, that such action is being proposed; and

25 (e) (v) Allowed at least ~~thirty~~ sixty days following

26 publication for comment from the public and other interested

27 parties;

1 (vi) Held at least one public hearing on such proposed

2 action in each region of the subject species' range in which it is

3 endangered or threatened;

4 (vii) Submitted the scientific, commercial, and other

5 data which is the basis of the proposed action to scientists or

6 experts outside and independent of the commission for peer review

7 of the data and conclusions. If the commission submits the data to

8 a state or federal fish and wildlife agency for peer review, the

9 commission shall also submit the data to scientists or experts not

10 affiliated with such an agency for review. For purposes of this

11 section, state fish and wildlife agency does not include a

12 postsecondary educational institution; and

13 (viii) For species proposed to be added under this

14 subsection but not for species proposed to be removed under this

15 subsection, developed an outline of the potential impacts,

16 requirements, or regulations that may be placed on private
17 landowners, or other persons who hold state-recognized property
18 rights on behalf of themselves or others, as a result of the
19 listing of the species or the development of a proposed program for
20 the conservation of the species as required in subsection (1) of
21 section 37-807.

22 (c) When the commission is proposing to add or remove a
23 species under this subsection, public notice under subdivision
24 (3)(b)(i) of this section shall include, but not be limited to, (i)
25 the species proposed to be listed and a description of that portion
26 of its range in which the species is endangered or threatened, (ii)
27 a declaration that the commission submitted the data which is the
1 basis for the listing for peer review and developed an outline if
2 required under subdivision (b)(viii) of this subsection, and (iii)
3 a declaration of the availability of the peer review, including an
4 explanation of any changes or modifications the commission has made
5 to its proposal as a result of the peer review, and the outline
6 required under subdivision (b)(viii) of this subsection, if
7 applicable, for public examination.

8 (d) In cases when the commission determines that an
9 emergency situation exists involving the continued existence of
10 such species as a viable component of the wild fauna or flora of
11 the state, the commission may add species to such lists after
12 having first published a public notice that such an emergency
13 situation exists together with a summary of facts which support
14 such determination.

15 (4) In determining whether any species of wildlife or
16 wild plants is an endangered or threatened species, the commission
17 shall take into consideration those actions being carried out by
18 the federal government, by other states, by other agencies of this
19 state or political subdivisions thereof, or by any other person
20 which may affect the species under consideration.

21 (5) The commission shall issue regulations containing a
22 list of all species of wildlife and wild plants normally occurring
23 within this state which it determines, in accordance with
24 subsections (1) through (4) of this section, to be endangered or
25 threatened species and a list of all such species. Each list shall
26 refer to the species contained therein by scientific and common
27 name or names, if any, and shall specify with respect to each such
1 species over what portion of its range it is endangered or
2 threatened.

3 (6) Except with respect to species of wildlife or wild
4 plants determined to be endangered or threatened pursuant to the
5 Endangered Species Act, the commission shall, upon the petition of
6 an interested person, conduct a review of any listed or unlisted
7 species proposed to be removed from or added to the lists published
8 pursuant to subsection (5) of this section, but only if the
9 commission publishes a public notice that such person has presented
10 substantial evidence which warrants such a review.

11 (7) Whenever any species of wildlife or wild plants is
12 listed as a threatened species pursuant to subsection (5) of this
13 section, the commission shall issue such regulations as are
14 necessary to provide for the conservation of such species. The
15 commission may prohibit, with respect to any threatened species of
16 wildlife or wild plants, any act prohibited under subsection (8) or
17 (9) of this section.

18 (8) With respect to any endangered species of wildlife,
19 it shall be unlawful, except as provided in subsection (7) of this
20 section, for any person subject to the jurisdiction of this state
21 to:

22 (a) Export any such species from this state;

23 (b) Take any such species within this state;

24 (c) Possess, process, sell or offer for sale, deliver,

25 carry, transport, or ship, by any means whatsoever except as a
26 common or contract motor carrier under the jurisdiction of the

27 Public Service Commission or the Interstate Commerce Commission,
1 any such species; or

2 (d) Violate any regulation pertaining to the conservation

3 of such species or to any threatened species of wildlife listed

4 pursuant to this section and promulgated by the commission pursuant
5 to the Nongame and Endangered Species Conservation Act.

6 (9) With respect to any endangered species of wild

7 plants, it shall be unlawful, except as provided in subsection (7)

8 of this section, for any person subject to the jurisdiction of this
9 state to:

10 (a) Export any such species from this state;

11 (b) Possess, process, sell or offer for sale, deliver,

12 carry, transport, or ship, by any means whatsoever, any such
13 species; or

14 (c) Violate any regulation pertaining to such species or

15 to any threatened species of wild plants listed pursuant to this

16 section and promulgated by the commission pursuant to the act.

17 (10) Any endangered species of wildlife or wild plants

18 which enters this state from another state or from a point outside

19 the territorial limits of the United States and which is being

20 transported to a point within or beyond this state may be so

21 entered and transported without restriction in accordance with the

22 terms of any federal permit or permit issued under the laws or

23 regulations of another state.

24 (11) The commission may permit any act otherwise

25 prohibited by subsection (8) of this section for scientific

26 purposes or to enhance the propagation or survival of the affected
27 species.

1 (12) Any law, regulation, or ordinance of any political

2 subdivision of this state which applies with respect to the taking,

3 importation, exportation, possession, sale or offer for sale,

4 processing, delivery, carrying, transportation other than under the

5 jurisdiction of the Public Service Commission, or shipment of

6 species determined to be endangered or threatened species pursuant
7 to the Nongame and Endangered Species Conservation Act shall be
8 void to the extent that it may effectively (a) permit that which is
9 prohibited by the act or by any regulation which implements the act
10 or (b) prohibit that which is authorized pursuant to an exemption
11 or permit provided for in the act or in any regulation which
12 implements the act. The Nongame and Endangered Species
13 Conservation Act shall not otherwise be construed to void any law,
14 regulation, or ordinance of any political subdivision of this state
15 which is intended to conserve wildlife or wild plants."
16 2. Renumber the remaining sections and correct the
17 repealer accordingly.

Senator Brashear filed the following amendment to LB 496:
(Amendment, AM2567, may be found in the Bill Books. The amendment
has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Brashear filed the following amendment to LB 496:
(Amendment, AM2568, may be found in the Bill Books. The amendment
has been printed separately and is on file in the Bill Room - Room 1102.)

VISITORS

Visitors to the Chamber were 17 students and teacher from Ralston High School; Elton Mendenhall from Malcolm; 70 fifth-grade students from Fremont; 30 third- and fourth-grade students and teachers from Hooper and Nickerson; and twelfth-grade students and teacher of the government class from Eustis-Farnam.

RECESS

At 11:59 a.m., on a motion by Senator Redfield, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senator Hartnett who was excused; and Senators Bruning and Byars who were excused until they arrive.

SPEAKER KRISTENSEN PRESIDING

GENERAL FILE

LEGISLATIVE BILL 1310. Title read. Considered.

The Standing Committee amendment, AM3035, printed separately and referred to on page 996, was considered.

Senator Brashear requested a division of the question on the Standing Committee amendment.

The Chair sustained the division of the question.

The first Standing Committee amendment is as follows:
(Amendment, FA917, is on file in the Clerk's Office - Room 2018.)

The first Standing Committee amendment was adopted with 32 ayes, 1 nay, 14 present and not voting, and 2 excused and not voting.

The second Standing Committee amendment is as follows:
FA918

- 23 Sec. 21. (1) It is the intent of the Legislature, to the
24 extent permissible by law, to reduce General Fund appropriations
25 for the Public Service Commission. Because the commission is a
26 regulatory agency, the Legislature finds that persons regulated by
27 the commission should be responsible for the regulatory costs and
1 expenses of the commission, including a proportionate share of
2 administrative costs and expenses.
3 (2) To reduce dependence upon General Fund
4 appropriations, it is the intent of the Legislature that the
5 commission:
6 (a) Adopt a funding mechanism by January 1, 2006, which
7 may include fees and assessments, for each regulated area within
8 the commission's jurisdiction so that the proceeds collected defray
9 the commission's regulatory costs and expenses related to each
10 regulated area of jurisdiction; and
11 (b) Develop a procedure to annually review the funding
12 mechanism for each regulated area and adjust the funding mechanism,
13 as necessary, to defray the commission's regulatory costs and
14 expenses for each regulated area.
15 (3) The commission shall file a written report with the
16 Clerk of the Legislature on or before December 1 of each year
17 through 2005. The report shall include, for each regulated area
18 within the commission's jurisdiction, the commission's regulatory
19 costs and expenses, the funding mechanism, the amount of proceeds
20 collected, and any recommendations for legislation concerning the
21 funding mechanism.
22 Sec. 22. (1) The Public Service Commission has
23 regulatory authority over telecommunications companies as
24 prescribed in the Intrastate Pay-Per-Call Regulation Act, the
25 Nebraska Telecommunications Universal Service Fund Act, the
26 Telecommunications Relay System Act, the Telephone Consumer
27 Slamming Prevention Act, and sections 75-109, 75-604 to 75-617,
1 86-801 to 86-811, 86-1001 to 86-1009, 86-1201 to 86-1222, 86-2201

- 2 to 86-2214, and 86-2301 to 86-2307.
- 3 (2) In order to defray the costs and expenses of the
4 commission relating to the regulation of telecommunications
5 companies, the commission shall, prior to January 1, 2004, adopt
6 and promulgate rules and regulations to establish and implement a
7 fair and equitable funding mechanism for telecommunications
8 companies regulated by the commission, which funding mechanism may
9 include, but is not limited to, fees and assessments. The funding
10 mechanism shall be based on the commission's regulatory costs and
11 expenses relating to telecommunications companies, including
12 administrative costs and expenses, which may reasonably be
13 anticipated for the year in which such funding mechanism is
14 applicable. The commission shall annually review the funding
15 mechanism and adjust it, as necessary, to defray the commission's
16 regulatory costs and expenses relating to telecommunications
17 companies.
- 18 (3) The commission shall remit any proceeds collected
19 under a funding mechanism adopted pursuant to this section to the
20 State Treasurer for credit to the Telecommunications Regulation
21 Administration Cash Fund.
- 22 (4) The Telecommunications Regulation Administration Cash
23 Fund is created. The fund shall be used for the costs and expenses
24 of the commission relating to the regulation of telecommunications
25 companies as described in this section. Any money in the fund
26 available for investment shall be invested by the state investment
27 officer pursuant to the Nebraska Capital Expansion Act and the
1 Nebraska State Funds Investment Act.

Senator Cudaback asked unanimous consent to be excused until he returns.
No objections. So ordered.

Senator Dw. Pedersen moved the previous question. The question is, "Shall
the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21
not voting.

The second Standing Committee amendment lost with 9 ayes, 32 nays, 6
present and not voting, and 2 excused and not voting.

Senator Chambers offered the following amendment:

FA919

Amend FA917

Strike section 8.

SENATOR COORDSEN PRESIDING

Senator Bourne asked unanimous consent to be excused. No objections. So
ordered.

Senator Kristensen asked unanimous consent to be excused until he returns.

No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 18:

| | | | | |
|----------|----------|---------------|---------|------------|
| Aguilar | Connealy | Maxwell | Price | Synowiecki |
| Brown | Dierks | McDonald | Robak | Tyson |
| Byars | Janssen | Pedersen, Dw. | Schimek | |
| Chambers | Jensen | Preister | Suttle | |

Voting in the negative, 27:

| | | | | |
|----------|------------|--------------|----------|------------|
| Baker | Coordsen | Jones | Raikes | Vrtiska |
| Beutler | Cunningham | Kremer | Redfield | Wehrbein |
| Brashear | Engel | Kruse | Schrock | Wickersham |
| Bromm | Erdman | Landis | Smith | |
| Bruning | Foley | Pederson, D. | Stuhr | |
| Burling | Hudkins | Quandahl | Thompson | |

Excused and not voting, 4:

| | | | |
|--------|----------|----------|------------|
| Bourne | Cudaback | Hartnett | Kristensen |
|--------|----------|----------|------------|

The Chambers amendment lost with 18 ayes, 27 nays, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 687. Placed on Select File as amended.
(E & R amendment, AM7196, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 564. Placed on Select File as amended.
(E & R amendment, AM7188, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 460. Placed on Select File as amended.
E & R amendment to LB 460:

AM7185

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 "Section 1. Section 79-4,110, Revised Statutes
4 Supplement, 2000, is amended to read:

5 79-4,110. A Class I district of which fifty eight
6 percent or more of the district's valuation is affiliated with a
7 single Class II or III district shall not merge, dissolve, or
8 reorganize unless:

9 (1) ~~The All~~ Class II or III ~~district districts~~ with which
10 ~~fifty eight~~ percent or more of the Class I district's valuation is
11 affiliated ~~is are~~ also reorganizing in the same reorganization
12 plan, petition, or election and that plan, petition, or election
13 requires approval by either the school ~~board or such boards or~~
14 legal voters of such Class II or III ~~district districts~~;

15 (2) ~~Fifty percent or more of the The~~ Class I district's
16 valuation is being merged with ~~such the~~ Class II or III ~~district~~
17 ~~districts with which the property is affiliated~~;

18 (3) The Class I district has been participating in a
19 unified system for a minimum of seven school fiscal years and the
20 unified system includes at least one Class II or III district
21 reorganizing in the same reorganization plan or petition; or
22 (4) The school ~~board of the boards of all~~ Class II or III
23 ~~district districts~~ with which fifty eight percent or more of the
24 Class I district's valuation is affiliated ~~votes vote~~ to approve
1 the plan or petition.

2 Sec. 2. Section 79-1027, Revised Statutes Supplement,
3 2001, is amended to read:

4 79-1027. No district shall adopt a budget, which
5 includes ~~total requirements of contingency funds~~, total
6 requirements of depreciation funds, necessary employee benefit fund
7 cash reserves, and necessary general fund cash reserves, exceeding
8 the applicable allowable reserve percentages of total general fund
9 budget of expenditures as specified in the schedule set forth in
10 this section.

| 11 | Average daily | Allowable |
|----|--------------------|------------|
| 12 | membership of | reserve |
| 13 | district | percentage |
| 14 | 0 - 471 | 45 |
| 15 | 471.01 - 3,044 | 35 |
| 16 | 3,044.01 - 10,000 | 25 |
| 17 | 10,000.01 and over | 20 |

18 On or before February 1, the department shall determine
19 and certify each district's applicable allowable reserve
20 percentage.

21 Each district with combined necessary general fund cash
22 reserves, total requirements of depreciation funds, and necessary
23 employee benefit fund cash reserves, ~~and total requirements of~~
24 ~~contingency funds~~ less than the applicable allowable reserve

25 percentage specified in this section may, notwithstanding the
 26 district's applicable allowable growth percentage, increase its
 27 necessary general fund cash reserves by an amount which will
 1 increase its combined necessary general fund cash reserves, total
 2 requirements of depreciation funds, necessary employee benefit fund
 3 cash reserves, and total requirements of contingency funds by two
 4 percent of its total general fund budget of expenditures, except
 5 that (1) a district shall not increase such necessary general fund
 6 cash reserves when such increase will result in such that the total
 7 necessary general fund cash reserves, total requirements of
 8 depreciation funds, and necessary employee benefit fund cash
 9 reserves, and total requirements of contingency funds which exceed
 10 the do not exceed such applicable allowable reserve percentage,
 11 and (2) a district may increase such necessary general fund cash
 12 reserves in excess of such two percent limitation due to projected
 13 increases in federal funds.

14 Sec. 3. Sections 1, 3, 5, and 6 of this act become
 15 operative on their effective date. The other sections of this act
 16 become operative three calendar months after adjournment of this
 17 legislative session.

18 Sec. 4. Original section 79-1027, Revised Statutes
 19 Supplement, 2001, is repealed.

20 Sec. 5. Original section 79-4,110, Revised Statutes
 21 Supplement, 2000, is repealed.

22 Sec. 6. Since an emergency exists, this act takes effect
 23 when passed and approved according to law."

24 2. On page 1, strike beginning with "the" in line 1
 25 through line 7 and insert "schools; to amend section 79-4,110,
 26 Revised Statutes Supplement, 2000, and section 79-1027, Revised
 27 Statutes Supplement, 2001; to change provisions relating to
 1 reorganization of certain Class I districts as prescribed; to
 2 change provisions relating to applicable allowable reserve
 3 percentages pursuant to the Tax Equity and Educational
 4 Opportunities Support Act; to provide operative dates; to repeal
 5 the original sections; and to declare an emergency."

LEGISLATIVE BILL 1139. Placed on Select File as amended.

E & R amendment to LB 1139:

AM7186

1 1. On page 1, strike beginning with the second "to" in
 2 line 1 through line 2 and insert "to amend sections 44-1527,
 3 44-2127, 44-2845, 44-32,161, 44-4834, 44-4842, 44-4859, 44-5120,
 4 44-5260, 44-5261, 44-5601, 44-5603, 44-5814, 44-5815, and 44-6916,
 5 Reissue Revised Statutes of Nebraska, sections 44-787, 44-5223,
 6 44-5225, 44-5504, 44-6901, 44-6918, 44-7505, 44-7509, 44-7510,
 7 44-7511, 44-7513, and 44-7515, Revised Statutes Supplement, 2000,
 8 and section 44-5503, Revised Statutes Supplement, 2001; to adopt
 9 the Multiple Employer Welfare Arrangement Act; to provide
 10 penalties; to change provisions relating to investigations,

11 mergers, medical review panels, priority of claims, bonding
 12 requirements, securities, the Small Employer Health Insurance
 13 Availability Act, filing requirements, reinsurance, group health
 14 plans, and rates and forms; to require certification of coverage;
 15 to nullify an exclusion; to harmonize provisions; and to repeal the
 16 original sections."

17 2. On page 5, line 6; and page 8, line 9, after
 18 "benefit" insert "plan".

LEGISLATIVE BILL 276. Placed on Select File as amended.

E & R amendment to LB 276:

AM7190

- 1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 "Section 1. Section 28-101, Revised Statutes Supplement,
 4 2000, is amended to read:
 5 28-101. Sections 28-101 to 28-1348 and sections 4 to 6
 6 of this act shall be known and may be cited as the Nebraska
 7 Criminal Code.
 8 Sec. 2. Section 28-608, Reissue Revised Statutes of
 9 Nebraska, is amended to read:
 10 28-608. (1) A person commits the crime of criminal
 11 impersonation if he or she:
 12 (a) Assumes a false identity and does an act in his or
 13 her assumed character with intent to gain a pecuniary benefit for
 14 himself, herself, or another, or to deceive or harm another; or
 15 (b) Pretends to be a representative of some person or
 16 organization and does an act in his or her pretended capacity with
 17 the intent to gain a pecuniary benefit for himself, herself, or
 18 another; and to deceive or harm another; or
 19 (c) Carries on any profession, business, or any other
 20 occupation without a license, certificate, or other authorization
 21 required by law; or
 22 (d) Without the authorization or permission of another
 23 and with the intent to deceive or harm another:
 24 (i) Obtains or records personal identification documents
 25 or personal identifying information; and
 26 (ii) Accesses or attempts to access the financial
 27 resources of another through the use of a personal identification
 28 document or personal identifying information for the purpose of
 29 obtaining credit, money, goods, services, or any other thing of
 30 value.
 31 (2)(a) Criminal impersonation is a Class III felony if
 32 the credit, money, goods, services, or other thing of value that
 33 was gained or was attempted to be gained was one thousand five
 34 hundred dollars or more.
 35 (b) Criminal impersonation is a Class IV felony if the
 36 credit, money, goods, services, or other thing of value that was
 37 gained or was attempted to be gained was five hundred dollars or

- 14 more but less than one thousand five hundred dollars.
15 (c) Criminal impersonation is a Class I misdemeanor if
16 the credit, money, goods, services, or other thing of value that
17 was gained or was attempted to be gained was two hundred dollars or
18 more but less than five hundred dollars. Any second or subsequent
19 conviction under this subdivision is a Class IV felony.
20 (d) Criminal impersonation is a Class II misdemeanor if
21 no credit, money, goods, services, or other thing of value was
22 gained or was attempted to be gained, or if the credit, money,
23 goods, services, or other thing of value that was gained or was
24 attempted to be gained was less than two hundred dollars. Any
25 second conviction under this subdivision is a Class I misdemeanor,
26 and any third or subsequent conviction under this subdivision is a
27 Class IV felony.
1 (e) A person found guilty of violating this section may,
2 in addition to the penalties under this subsection, be ordered to
3 make restitution pursuant to sections 29-2280 to 29-2289.
4 (3) Criminal impersonation does not mean:
5 (a) The lawful obtaining of credit information in the
6 course of a bona fide consumer or commercial transaction;
7 (b) The lawful, good faith exercise of a security
8 interest or a right of setoff by a creditor or a financial
9 institution; or
10 (c) The lawful, good faith compliance by any person when
11 required by any warrant, levy, garnishment, attachment, court
12 order, or other judicial or administrative order, decree, or
13 directive.
14 (4) For purposes of this section:
15 (a) Personal identification document means a birth
16 certificate, motor vehicle operator's license, state identification
17 card, public, government, or private employment identification
18 card, social security card, visa work permit, firearm owner's
19 identification card, certificate issued under section 69-2404, or
20 passport or any document made or altered in a manner that it
21 purports to have been made on behalf of or issued to another person
22 or by the authority of a person who did not give that authority.
23 Personal identification document does not include a financial
24 transaction device as defined in section 28-618;
25 (b) Personal identifying information means any name or
26 number that may be used, alone or in conjunction with any other
27 information, to identify a specific person including a person's:
1 (i) Name; (ii) date of birth; (iii) address; (iv) motor vehicle
2 operator's license number or state identification card number as
3 assigned by the State of Nebraska or another state; (v) social
4 security number or visa work permit number; (vi) public, private,
5 or government employer, place of employment, or employment
6 identification number; (vii) maiden name of a person's mother;
7 (viii) number assigned to a person's credit card, charge card, or
8 debit card, whether issued by a financial institution, corporation,

9 or other business entity; (ix) number assigned to a person's
 10 depository account, savings account, or brokerage account; (x)
 11 personal identification number as defined in section 8-157.01; (xi)
 12 electronic identification number, address, or routing code used to
 13 access financial information; (xii) digital signature; (xiii)
 14 telecommunications identifying information or access device; (xiv)
 15 unique biometric data, such as fingerprint, voice print, retina or
 16 iris image, or other unique physical representation; and (xv) other
 17 number or information which can be used to access a person's
 18 financial resources; and
 19 (c) Telecommunications identifying information or access
 20 device means a card, plate, code, account number, mobile
 21 identification number, or other telecommunications service,
 22 equipment, or instrument identifier or means of account access that
 23 alone or in conjunction with other telecommunications identifying
 24 information or another telecommunications access device may be used
 25 to: (i) Obtain money, goods, services, or any other thing of
 26 value; or (ii) initiate a transfer of funds other than a transfer
 27 originated solely by a paper instrument. Criminal impersonation is
 1 a Class II misdemeanor.

2 Sec. 3. Section 28-620, Reissue Revised Statutes of
 3 Nebraska, is amended to read:

4 28-620. (1) A person commits the offense of unauthorized
 5 use of a financial transaction device if such person uses such
 6 device in an automated banking device, to imprint a sales form, or
 7 in any other manner:

8 (a) For the purpose of obtaining money, credit, property,
 9 or services or for making financial payment, with intent to
 10 defraud;

11 (b) With notice that the financial transaction device is
 12 expired, revoked, or canceled;

13 (c) With notice that the financial transaction device is
 14 forged, altered, or counterfeited; or

15 (d) When for any reason his or her use of the financial
 16 transaction device is unauthorized either by the issuer or by the
 17 account holder.

18 (2) For purposes of this section, notice shall mean
 19 either notice given in person or notice given in writing to the
 20 account holder, by registered or certified mail, return receipt
 21 requested, duly stamped and addressed to such account holder at his
 22 or her last address known to the issuer. Such notice shall be
 23 evidenced by a returned receipt signed by the account holder which
 24 shall be prima facie evidence that the notice was received.

25 (3) Any person committing the offense of unauthorized use
 26 of a financial transaction device shall be guilty of:

27 (a) A Class II misdemeanor if the total value of the
 1 money, credit, property, or services obtained or the financial
 2 payments made are less than ~~seventy-five~~ two hundred dollars within
 3 a six-month period from the date of the first unauthorized use;

4 (b) A Class I misdemeanor if the total value of the
5 money, credit, property, or services obtained or the financial
6 payments made are ~~seventy-five~~ two hundred dollars or more but less
7 than ~~three~~ five hundred dollars within a six-month period from the
8 date of the first unauthorized use;

9 (c) A Class IV felony if the total value of the money,
10 credit, property, or services obtained or the financial payments
11 made are ~~three~~ five hundred dollars or more but less than one
12 thousand five hundred dollars within a six-month period from the
13 date of the first unauthorized use; and

14 (d) A Class III felony if the total value of the money,
15 credit, property, or services obtained or the financial payments
16 made are one thousand five hundred dollars or more within a
17 six-month period from the date of the first unauthorized use.

18 (4) Any prosecution under this section may be conducted
19 in any county where the person committed the offense or any one of
20 a series of offenses to be aggregated.

21 (5) Once aggregated and filed, no separate prosecution
22 for an offense arising out of the same series of offenses
23 aggregated and filed shall be allowed in any county.

24 Sec. 4. For purposes of this section and sections 5 and
25 6 of this act:

26 (1) Merchant means an owner or operator of any retail
27 mercantile establishment or any agent, employee, lessee, consignee,
1 officer, director, franchisee, or independent contractor of such
2 owner or operator. Merchant also includes a person who receives
3 from an authorized user of a payment card, or someone the person
4 believes to be an authorized user, a payment card or information
5 from a payment card, or what the person believes to be a payment
6 card or information from a payment card, as the instrument for
7 obtaining, purchasing, or receiving goods, services, money, or
8 anything else of value from the person;

9 (2) Payment card means a credit card, charge card, or
10 debit card that is issued to an authorized card user and that
11 allows the user to obtain, purchase, or receive goods, services,
12 money, or anything else of value from a merchant;

13 (3) Person means an individual, firm, partnership,
14 association, corporation, limited liability company, or other
15 business entity;

16 (4) Reencoder means an electronic device that places
17 encoded information from the magnetic strip or stripe of a payment
18 card onto the magnetic strip or stripe of a different payment card;
19 and

20 (5) Scanning device means a scanner, a reader, or any
21 other electronic device that is used to access, read, scan, obtain,
22 memorize, or store, temporarily or permanently, information encoded
23 on the magnetic strip or stripe of a payment card.

24 Sec. 5. (1) A person that accepts a payment card for the
25 transaction of business shall print no more than the last five

26 digits of the payment card account number upon any receipt provided
 27 to the payment card holder.

1 (2) This section applies only to receipts that are
 2 electronically printed and does not apply to any transaction in
 3 which the only means of recording the payment card number is by
 4 handwriting or by an imprint or copy of the payment card.

5 (3) A violation of this section is a Class III
 6 misdemeanor for the first offense and a Class I misdemeanor for a
 7 second or subsequent offense.

8 (4)(a) This section becomes operative on January 1, 2004,
 9 with respect to any cash register or other machine or device that
 10 electronically prints receipts for payment card transactions and
 11 that is originally put into use on or after January 1, 2004.

12 (b) This section becomes operative on January 1, 2007,
 13 with respect to any cash register or other machine or device that
 14 electronically prints receipts for payment card transactions and
 15 that is originally put into use before January 1, 2004.

16 Sec. 6. (1) It is unlawful for a person to use:

17 (a) A scanning device to access, read, scan, obtain,
 18 memorize, or store, temporarily or permanently, information encoded
 19 on the magnetic strip or stripe of a payment card without the
 20 permission of the authorized user of the payment card and with the
 21 intent to defraud the authorized user, the issuer of the authorized
 22 user's payment card, or a merchant; or

23 (b) A reencoder to place information encoded on the
 24 magnetic strip or stripe of a payment card onto the magnetic strip
 25 or stripe of a different card without the permission of the
 26 authorized user of the card from which the information is being
 27 reencoded and with the intent to defraud the authorized user, the
 1 issuer of the authorized user's payment card, or a merchant.

2 (2) A violation of this section is a Class IV felony for
 3 the first offense and a Class IIIA felony for a second or
 4 subsequent offense.

5 Sec. 7. Original sections 28-608 and 28-620, Reissue
 6 Revised Statutes of Nebraska, and section 28-101, Revised Statutes
 7 Supplement, 2000, are repealed."

8 2. On page 1, line 2, strike "28-512" and insert
 9 "28-608"; and strike lines 4 through 9 and insert "change
 10 provisions and penalties relating to criminal impersonation and
 11 financial transaction devices; to provide for restitution; to
 12 prohibit the printing of payment card numbers and the use of
 13 scanning devices or reencoders as prescribed; to provide penalties;
 14 to harmonize provisions; and to repeal the original sections."

LEGISLATIVE BILL 1003. Placed on Select File as amended.
 (E & R amendment, AM7187, may be found in the Bill Books. The
 amendment has been printed separately and is on file in the Bill Room -
 Room 1102.)

LEGISLATIVE BILL 1168. Placed on Select File as amended.

E & R amendment to LB 1168:

AM7189

- 1 1. On page 2, line 13, strike the comma and strike "the
- 2 fatigue issue" and insert "worker fatigue issues".

LEGISLATIVE BILL 1054. Placed on Select File as amended.

E & R amendment to LB 1054:

AM7192

- 1 1. On page 1, line 2, after "32-241," insert "32-624,";
- 2 and in line 9 after the first comma insert "candidate filing
- 3 forms,".
- 4 2. On page 5, line 25; page 14, lines 8 and 15; and page
- 5 17, lines 15 and 19, strike "15" and insert "16".

LEGISLATIVE BILL 873. Placed on Select File as amended.

E & R amendment to LB 873:

AM7191

- 1 1. On page 1, line 3, strike "and"; and in line 4 after
- 2 "section" insert "; and to declare an emergency".

LEGISLATIVE BILL 912. Placed on Select File as amended.

E & R amendment to LB 912:

AM7195

- 1 1. On page 1, strike beginning with "farm" in line 1
- 2 through line 5 and insert "the Farm Mediation Act; to amend section
- 3 2-4816, Reissue Revised Statutes of Nebraska; to change the
- 4 termination date; and to repeal the original section.".

LEGISLATIVE BILL 932. Placed on Select File.

LEGISLATIVE BILL 951. Placed on Select File.

LEGISLATIVE BILL 1018. Placed on Select File as amended.

E & R amendment to LB 1018:

AM7193

- 1 1. On page 1, line 1, strike "section 23-906" and insert
- 2 "sections 23-906 and 23-1302"; and in line 3 after "budgets" insert
- 3 "and county clerk duties" and strike "section" and insert
- 4 "sections".

LEGISLATIVE BILL 1094. Placed on Select File as amended.

E & R amendment to LB 1094:

AM7194

- 1 1. On page 32, line 12, strike "said", show as stricken,
- 2 and insert "the".

LEGISLATIVE BILL 1148. Placed on Select File.

LEGISLATIVE BILL 830A. Placed on Select File.

(Signed) Philip Erdman, Chairperson

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 898. Placed on General File as amended.
(Standing Committee amendment, AM3171, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 1252. Placed on General File as amended.
Standing Committee amendment to LB 1252:
AM3172

- 1 1. Strike original sections 2 and 19 and insert the
- 2 following new section:
- 3 "Sec. 19. Since an emergency exists, this act takes
- 4 effect when passed and approved according to law."
- 5 2. On page 10, line 7, after "(40)" insert "Temporary
- 6 aid adjustment factor means 1.25 percent of the sum of the local
- 7 system's transportation allowance, the local system's special
- 8 receipts allowance, and the product of the local system's adjusted
- 9 formula students multiplied by the average formula cost per student
- 10 in the local system's cost grouping;
- 11 (41); in line 24 strike "(41)", show as stricken, and
- 12 insert "(42)"; and in line 28 strike "(42)", show as stricken, and
- 13 insert "(43)".
- 14 3. On page 11, line 7, strike "years" through "2004-05"
- 15 and insert "year 2002-03".
- 16 4. On page 12, strike beginning with "years" in line 11
- 17 through "(2)" in line 23 and insert "year 2002-03:
- 18 (1)".
- 19 5. On page 13, line 3, strike "(3)" and insert "(2)"; in
- 20 lines 4, 12, and 15 strike "(2)" and insert "(1)"; in line 7 strike
- 21 "ninety-five percent of"; in line 13 after "system's" insert
- 22 "preliminary"; and in line 16 after the underscored period insert
- 23 "Each local system's allocated income tax funds shall be calculated
- 24 by subtracting the difference of the temporary aid adjustment
- 1 factor minus the reduction in net option funding due to the
- 2 temporary aid adjustment factor from the preliminary allocated
- 3 income tax funds, except that a local system's allocated income tax
- 4 funds shall not be less than zero."
- 5 6. On page 20, lines 2 and 10, strike "years" through
- 6 "2004-05" and insert "year 2002-03"; and strike beginning with
- 7 "will" in line 11 through the last "plus" in line 13 and insert
- 8 "shall be calculated by subtracting the temporary aid adjustment
- 9 factor from the sum of the local system's transportation allowance,
- 10 the local system's special receipts allowance, and".
- 11 7. On page 21, line 1, strike "years" through "2004-05"
- 12 and insert "year 2002-03"; strike beginning with the comma in line
- 13 12 through "2004-05" in line 13; and in line 14 strike "eighty" and
- 14 insert "83.75".

- 15 8. On page 22, line 3, strike "State aid plus", show as
 16 stricken, and insert "The sum of state aid, receipts from other
 17 school districts related to annexation, and".
 18 9. On page 23, line 3, strike "years" through "2004-05"
 19 and insert "year 2002-03"; and in line 28 strike "years" through
 20 "and" and insert "year 2002-03".
 21 10. On page 24, line 1, strike "2004-05"; and in lines
 22 11 and 16 strike "eighty-five" and insert "88.75".
 23 11. On page 25, line 27, strike "years" through
 24 "2004-05" and insert "year 2002-03".
 25 12. On page 26, lines 4 and 5, strike "years" through
 26 "2004-05" and insert "year 2002-03"; in line 5 strike "means"
 27 through "of" and insert "shall be calculated by subtracting the
 1 temporary aid adjustment factor from;"; and in line 9 after
 2 "79-1007.01" insert ", except that a local system's net option
 3 funding shall not be less than zero".
 4 13. On page 27, lines 13 and 22; and page 30, line 24,
 5 strike "April 1," and show as stricken and after the stricken
 6 "1999" insert "May 1,".
 7 14. On page 28, line 15, strike "79-1026, 79-1027, and";
 8 in line 17 strike "such sections" and insert "section 79-1022 and
 9 section 17 of this act"; and in line 18 strike "April 1, 2002" and
 10 insert "May 1, 2002, using data sources as they existed on February
 11 1, 2002".
 12 15. On page 35, lines 8 and 18, strike "April" and
 13 insert "May"; and in line 13 strike "May" and insert "June".
 14 16. On page 36, line 20, strike "ninety-five" and insert
 15 "98.75".
 16 17. On page 37, line 8, strike "April" and insert "May";
 17 and in line 26 strike "April 19" and insert "May 21".
 18 18. On page 38, line 17, strike "May" and insert "June".
 19 19. Renumber the remaining sections, correct internal
 20 references, and amend the repealer accordingly.

(Signed) Ron Raikes, Chairperson

AMENDMENTS - Print in Journal

Senator Schimek filed the following amendment to LB 1309:
 AM3175

(Amendments to Standing Committee amendments, AM3079)

1 PURPOSE: To restore funding, to keep the prescription drug copay
 2 at the one-dollar level instead of the proposed two-dollar level.

3 AMENDMENT:

4 1. On page 52, line 3, strike "430,289,898" and insert
 5 "430,889,898"; in line 7 strike "743,232,558" and insert
 6 "744,132,558"; in line 8 strike "1,180,372,456" and insert
 7 "1,181,872,456"; in line 15 strike the new matter and insert
 8 "\$430,889,898"; and in line 16 strike the new matter and insert
 9 "\$744,132,558".

Senator Smith filed the following amendment to LB 1309:
AM3187

(Amendments to Standing Committee amendments, AM3079)

- 1 1. Strike section 131.
- 2 2. On page 66, line 26, strike "118,296,355" and insert
- 3 "118,116,576".
- 4 3. On page 67, line 4, strike "135,403,829" and insert
- 5 "135,224,050".
- 6 4. On page 149, line 10, strike "234,"; and in line 15
- 7 after "139" insert "to 142, 144".
- 8 5. Renumber the remaining sections accordingly.

Senator Chambers filed the following amendments to LB 488:
FA923

Amend AM2603

Page 2, line 24 strike "twenty-five" and insert "five".

FA924

Amend AM2603

Page 2, line 24 strike "twenty-five" and insert "ten".

FA925

Amend AM2603

Page 2, line 24 strike "twenty-five" and insert "fifteen".

FA926

Amend AM2603

Page 2, line 24 strike "twenty-five" and insert "twenty".

Senator Chambers filed the following amendment to LB 1003:

FA927

Amend AM3044

Add: "2. On page 2, line 6, after "authority" insert "only when in uniform or accompanied by an employee in uniform".

MOTIONS - Print in Journal

Senator Brashear filed the following motion to LB 946:
Bracket LB 946 until April 19, 2002.

Senator Brashear filed the following motion to LB 946:
Recommit LB 946 to the Revenue Committee.

Senator Brashear filed the following motion to LB 946:
Indefinitely postpone LB 946.

AMENDMENTS - Print in Journal

Senator Raikes filed the following amendment to LB 898:

AM3193

(Amendments to Standing Committee amendments, AM3171)

- 1 1. Strike sections 1, 14, 16, and 17.
- 2 2. On page 1, lines 22 and 23, strike the new matter and
- 3 insert "and sections 4 and 12 of this act".
- 4 3. On page 5, lines 21 and 22, strike the new matter.
- 5 4. On page 27, strike beginning with "and" in line 20
- 6 through "are" in line 21 and insert "is"; and in line 23 strike
- 7 "and section 17".
- 8 5. Renumber the remaining sections, correct internal
- 9 references, and amend the repealer accordingly.

Senator Tyson filed the following amendment to LB 1309:

AM3194

(Amendments to Standing Committee amendments, AM3079)

- 1 1. On page 79, lines 10 and 11, strike "427,727,796" and
- 2 insert "405,806,464"; and in line 23 strike "\$2,349,894" and insert
- 3 "\$2,231,790".
- 4 2. On page 80, line 17, strike "\$11,546,225" and insert
- 5 "\$10,965,923"; and in line 23 strike "\$313,625" and insert
- 6 "\$297,863" and strike "\$11,546,225" and insert "\$10,965,923".
- 7 3. On page 83, line 4, strike "\$23,504,351" and insert
- 8 "\$22,323,044".

Senator Brashear filed the following amendment to LB 1085:

FA932

Amend AM3155

On page 8, lines 6 through 8, strike "Gross receipts shall not mean gross income received from telephone directory advertising." and show as stricken.

Senator Preister filed the following amendment to LB 1309:

AM3189

(Amendments to Standing Committee amendments, AM3079)

- 1 1. Insert the following new section:
- 2 "Sec. 7. After the effective date of this act, no agency
- 3 may expend any funds appropriated by the Legislature for private
- 4 service contracts.".
- 5 2. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 1310. Senator Chambers offered the following amendment:

FA920

Amend FA917

Strike section 10.

Senators Engel, Brashear, Bruning, and Brown asked unanimous consent to be excused. No objections. So ordered.

Senator Maxwell asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER KRISTENSEN PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 9:

| | | | | |
|----------|---------|---------------|-------|---------|
| Baker | Dierks | Jensen | Price | Schimek |
| Chambers | Janssen | Pedersen, Dw. | Robak | |

Voting in the negative, 29:

| | | | | |
|----------|------------|--------------|------------|------------|
| Aguilar | Coordsen | Kristensen | Redfield | Thompson |
| Beutler | Cunningham | Kruse | Schrock | Tyson |
| Bromm | Erdman | Landis | Smith | Vrtiska |
| Burling | Foley | Pederson, D. | Stuhr | Wehrbein |
| Byars | Hudkins | Quandahl | Suttle | Wickersham |
| Connealy | Jones | Raikes | Synowiecki | |

Present and not voting, 3:

| | | |
|--------|----------|----------|
| Kremer | McDonald | Preister |
|--------|----------|----------|

Excused and not voting, 8:

| | | | |
|----------|---------|----------|----------|
| Bourne | Brown | Cudaback | Hartnett |
| Brashear | Bruning | Engel | Maxwell |

The Chambers amendment lost with 9 ayes, 29 nays, 3 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:

FA921

Amend FA917

Strike section 7.

Senators Schrock, Byars, D. Pederson, Hudkins, Smith, Maxwell, and McDonald asked unanimous consent to be excused. No objections. So ordered.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 317. Introduced by Engel, 17.

WHEREAS, the South Sioux City High School girls' basketball team is the champion of the 2002 Class B Nebraska Girls' State High School Basketball Tournament, repeating its championship successes of 1995, 1996, 1997, 1998, 2000, and 2001; and

WHEREAS, the 63-48 win over a talented Lincoln Pius X High School team in the final game capped the Lady Cardinals' Girls' Class B State Basketball Championship; and

WHEREAS, Head Coach Kelly Flynn guided the South Sioux City High School girls' basketball team to the No. 1 ranking in Nebraska; and

WHEREAS, throughout the year the South Sioux City Lady Cardinals have complemented their talents with the characteristics of sportswomanship, determination, and diligence; and

WHEREAS, the South Sioux City Lady Cardinals are positive role models for young athletes in the community and throughout the region; and

WHEREAS, such a team achievement is made possible not only by individual members' performance and coaching guidance but also through the support of teachers, administrators, and parents.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognizes and congratulates the South Sioux City Lady Cardinals basketball team and the coaches, parents, and supporters.

2. That a copy of this resolution be sent to the South Sioux City Lady Cardinals' basketball team.

Laid over.

VISITORS

Visitors to the Chamber were 39 students, teachers, and sponsors from Stoddard Elementary School, Beatrice.

The Doctor of the Day was Dr. Brad Palmer from Lincoln.

ADJOURNMENT

At 5:51 p.m., on a motion by Senator Coordsen, the Legislature adjourned until 9:00 a.m., Wednesday, March 20, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL
OF THE
STATE OF NEBRASKA

Volume 2

NINETY-SEVENTH LEGISLATURE
SECOND SESSION

2002

Convened January 9, 2002

Adjourned April 19, 2002

LINCOLN, NEBRASKA

Compiled

Under the Authority of the Legislature

by

PATRICK J. O'DONNELL, CLERK

FORTY-SECOND DAY - MARCH 20, 2002**LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE
SECOND SESSION****FORTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 20, 2002

PRAYER

The prayer was offered by Reverend Bob Neben, Faith United Methodist Church, Kearney, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Brown, Coordsen, Dierks, Jensen, Kristensen, Kruse, Landis, Maxwell, Dw. Pedersen, Price, Raikes, Tyson, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-first day was approved.

**SELECT COMMITTEE REPORT
Enrollment and Review**

LEGISLATIVE BILL 1073. Placed on Select File as amended.
E & R amendment to LB 1073:
AM7197

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 60-6,267, Revised Statutes
- 4 Supplement, 2000, is amended to read:
- 5 60-6,267. (1) Any person in Nebraska who drives any
- 6 motor vehicle which has or is required to have an occupant
- 7 protection system shall ensure that:
- 8 (a) All children ~~under the age of five and weighing less~~
- 9 ~~than forty pounds up to six years of age~~ being transported in such
- 10 vehicle use a child passenger restraint system of a type which

11 meets Federal Motor Vehicle Safety Standard 213 as developed by the
12 National Highway Traffic Safety Administration, as such standard
13 existed on the effective date of this act, as of July 10, 1990, and
14 which is correctly installed in such vehicle; and
15 (b) All children under the age of six years of age and
16 less than sixteen years of age and weighing forty or more pounds
17 being transported in such vehicle use an occupant protection
18 system.

19 This subsection shall apply to every motor vehicle which
20 is equipped with an occupant protection system or is required to be
21 equipped with restraint systems pursuant to Federal Motor Vehicle
22 Safety Standard 208, as such standard existed on the effective date
23 of this act, except taxicabs, mopeds, motorcycles, and any motor
24 vehicle designated by the manufacturer as a 1963 year model or
1 earlier which is not equipped with an occupant protection system.

2 (2) Whenever any licensed physician determines, through
3 accepted medical procedures, that use of a child passenger
4 restraint system by a particular child would be harmful by reason
5 of the child's weight, physical condition, or other medical reason,
6 the provisions of subsection (1) of this section shall be waived.
7 The driver of any vehicle transporting such a child shall carry on
8 his or her person or in the vehicle a signed written statement of
9 the physician identifying the child and stating the grounds for
10 such waiver.

11 (3) The drivers of authorized emergency vehicles shall
12 not be subject to the requirements of subsection (1) of this
13 section when operating such authorized emergency vehicles pursuant
14 to their employment.

15 (4) The Department of Motor Vehicles shall develop and
16 implement an ongoing statewide public information and education
17 program regarding the use of child passenger restraint systems and
18 occupant protection systems and the availability of distribution
19 and discount programs for child passenger restraint systems.

20 (5) All persons being transported in a motor vehicle
21 operated by a holder of a provisional operator's permit or a school
22 permit shall use such motor vehicle's occupant protection system.

23 Sec. 2. Section 60-6,268, Revised Statutes Supplement,
24 2000, is amended to read:

25 60-6,268. (1) A person violating any provision of
26 subsection (1) of section 60-6,267 shall, ~~for a first offense,~~ be
27 guilty of an infraction as defined in section 29-431 and shall be
1 fined twenty-five dollars for each violation. The failure to
2 provide a child restraint system for more than one child in the
3 same vehicle at the same time, as required in such subsection,
4 shall not be treated as a separate offense.

5 ~~For a first offense, a person who is charged with a~~
6 ~~violation of such subsection, who does not have in his or her~~
7 ~~possession a child restraint system meeting the requirements of~~
8 ~~Federal Motor Vehicle Safety Standard 213 as of August 26, 1983,~~

9 and who subsequently purchases or rents for a one-year period such
 10 a system prior to his or her court appearance shall not, upon
 11 presentation of proof of purchase or proof of rental for a one-year
 12 period of such a system, have any fine imposed and shall not have
 13 any points assessed against his or her driving record.

14 For a second or any subsequent offense, any person
 15 violating such subsection shall be guilty of an infraction.

16 (2) A person who has acquired the statement authorized by
 17 subsection (2) of section 60-6,267, but fails to show a peace
 18 officer such statement when requested to do so, shall be guilty of
 19 an infraction as defined in section 29-431 and shall be fined ten
 20 dollars for each offense. The failure to produce a statement for
 21 more than one child in the same vehicle at the same time shall not
 22 be treated as a separate offense.

23 (2) (3) Enforcement of subdivision (1)(b) and subsection
 24 (5) of section 60-6,267 shall be accomplished only as a secondary
 25 action when an operator of a motor vehicle has been cited or
 26 charged with a violation or some other offense.

27 Sec. 3. Original sections 60-6,267 and 60-6,268, Revised
 1 Statutes Supplement, 2000, are repealed."

- 2 2. On page 1, lines 4 and 5, strike "to create a fund;
- 3 to provide duties;"; in line 5 after the last semicolon insert
- 4 "and"; and in lines 6 and 7 strike "; and to declare an emergency".

(Signed) Philip Erdman, Chairperson

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 313, 314, and 315 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 313, 314, and 315.

GENERAL FILE

LEGISLATIVE BILL 1310. Senator Chambers renewed his pending amendment, FA921, found on page 1040.

Senator Chambers offered the following amendment to his pending amendment:

FA933

Amend FA917

Strike all provisions of FA921 and insert "Page 15, line 12 strike and show as stricken "only".

Senators Connealy, Janssen, Brashear, and McDonald asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER KRISTENSEN PRESIDING

Senator Chambers asked unanimous consent to replace his pending amendment, FA933, found in this day's Journal, with a substitute amendment. No objections. So ordered.

Senator Chambers withdrew his pending amendment, FA933, found in this day's Journal.

Senator Chambers withdrew his pending amendment, FA921, found on page 1040 and considered in this day's Journal.

Senator Chambers offered the following substitute amendment:

FA934

Amend FA917

On Pg. 15 Line 12 strike the word "only"

The Chambers amendment was adopted with 27 ayes, 2 nays, 17 present and not voting, and 3 excused and not voting.

Senator Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers offered the following amendment:

FA931

Page 17, line 4 strike "five" and insert "four".

Senator Chambers withdrew his amendment.

Senator Stuhr asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Baker offered the following amendment:

AM3212

(Amendments to FA917)

- 1 1. Insert the following new section:
- 2 "Sec. 8. Section 66-1521, Revised Statutes Supplement,
- 3 2000, is amended to read:
- 4 66-1521. (1) A petroleum release remedial action fee is
- 5 hereby imposed upon the refiner, importer, or supplier who first
- 6 sells, offers for sale, or uses petroleum within this state, except
- 7 that the fee shall not be imposed on petroleum that is exported or
- 8 packaged in individual containers of one hundred ten gallons or
- 9 less and intended for sale or use in this state. The amount of the
- 10 fee shall be nine-tenths of one cent per gallon on motor vehicle
- 11 fuels as defined in section 66-482 and three-tenths of one cent per
- 12 gallon on petroleum other than such motor vehicle fuels. The
- 13 amount of the fee shall be used first for payment of claims
- 14 approved by the State Claims Board pursuant to section 66-1531;

15 second, up to three million dollars of the fee per year shall be
16 used for reimbursement of owners and operators under the Petroleum
17 Release Remedial Action Act for investigations of releases ordered
18 pursuant to section 81-15,124; and third, the remainder of the fee
19 shall be used for any other purpose authorized by section 66-1519.
20 The fee shall be paid by all refiners, importers, and suppliers
21 subject to the fee by filing a monthly return on or before the
22 twenty-fifth day if filed electronically or the twentieth day if
23 not filed electronically of the calendar month following the
1 monthly period to which it relates. The pertinent provisions,
2 specifically including penalty provisions, of the motor fuel laws
3 as defined in section 66-712 shall apply to the administration and
4 collection of the fee. There shall be a refund allowed on any fee
5 paid on petroleum which was taxed and then exported. The fee paid
6 under this subsection shall not be eligible for the credit under
7 section 66-4,124.

8 (2) No refiner, importer, or supplier shall sell, offer
9 for sale, or use petroleum in this state without having first
10 obtained a petroleum release remedial action license. Application
11 for a license shall be made to the Motor Fuel Tax Enforcement and
12 Collection Division of the Department of Revenue upon a form
13 prepared and furnished by the division. If the applicant is an
14 individual, the application shall include the applicant's social
15 security number. Failure to obtain a license prior to such sale,
16 offer for sale, or use of petroleum shall be a Class IV
17 misdemeanor. The division may suspend or cancel the license of any
18 refiner, importer, or supplier who fails to pay the fee imposed by
19 subsection (1) of this section in the same manner as licenses are
20 suspended or canceled pursuant to section 66-720.

21 (3) The division shall adopt and promulgate rules and
22 regulations necessary to carry out this section.

23 (4) The division shall deduct and withhold from the
24 petroleum release remedial action fee collected pursuant to this
25 section an amount sufficient to reimburse the direct costs of
26 collecting and administering the petroleum release remedial action
27 fee. Such costs shall not exceed twenty-eight thousand dollars for
1 each fiscal year. The twenty-eight thousand dollars shall be
2 prorated, based on the number of months the fee is collected,
3 whenever the fee is collected for only a portion of a year. The
4 amount deducted and withheld for costs shall be deposited in the
5 Petroleum Release Remedial Action Collection Fund which is hereby
6 created. The Petroleum Release Remedial Action Collection Fund
7 shall be appropriated to the Department of Revenue. Any money in
8 the fund available for investment shall be invested by the state
9 investment officer pursuant to the Nebraska Capital Expansion Act
10 and the Nebraska State Funds Investment Act.

11 (5) The division shall collect the fee imposed by
12 subsection (1) of this section.

13 (6) For tax periods beginning January 1, 2002, and

- 14 thereafter, the return required by subsection (1) of this section
 15 shall be filed with the department by the twenty-fifth day of the
 16 calendar month following the monthly period to which it relates
 17 regardless of whether it is filed electronically.
- 18 (7)(a) Whenever the unobligated balance of the Petroleum
 19 Release Remedial Action Cash Fund reaches twenty million dollars or
 20 more, the Department of Environmental Quality shall notify the
 21 division, at which time the division shall suspend the collection
 22 of the fee. If the unobligated balance of the fund falls below ten
 23 million dollars, the department shall notify the division which
 24 shall again start the collection of the fee until the unobligated
 25 balance of the fund reaches twenty million dollars.
- 26 (b) Unobligated balance shall be the balance in the fund
 27 as of the last day of any month less the estimated cost of the
 1 remedial action plans of third-party-claim payments which have been
 2 approved by the Department of Environmental Quality for the
 3 applications for reimbursement pending before the department. Such
 4 estimated cost shall be determined by the department.
- 5 (c) The effective date of the notification shall be the
 6 first day of the next month following receipt of such notification
 7 by the division if the notification is received thirty days prior
 8 to the first day of the next month. If the notification is not
 9 received thirty days prior to the first day of the next month, the
 10 effective date of such notification shall be the first day of the
 11 following month."
- 12 2. On page 38, line 4, after "sections" insert
 13 "66-1521,".
- 14 3. Renumber the remaining sections accordingly.

Senator Aguilar asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Baker withdrew his amendment.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 32:

| | | | | |
|----------|----------|---------------|------------|------------|
| Beutler | Erdman | Kremer | Raikes | Thompson |
| Bourne | Foley | Kristensen | Redfield | Vrtiska |
| Burling | Hartnett | Maxwell | Robak | Wehrbein |
| Byars | Hudkins | Pedersen, Dw. | Schrock | Wickersham |
| Coordsen | Janssen | Pederson, D. | Smith | |
| Cudaback | Jensen | Preister | Suttle | |
| Engel | Jones | Price | Synowiecki | |

Voting in the negative, 5:

Baker Brown Chambers Schimek Tyson

Present and not voting, 6:

Bromm Cunningham Landis
 Bruning Kruse Quandahl

Excused and not voting, 6:

Aguilar Connealy McDonald
 Brashear Dierks Stuhr

Advanced to E & R for review with 32 ayes, 5 nays, 6 present and not voting, and 6 excused and not voting.

AMENDMENTS - Print in Journal

Senator Byars filed the following amendment to LB 1021:
 (Amendment, AM3131, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Erdman filed the following amendment to LB 814:
 AM3030

(Amendments to AM2991)

- 1 1. On page 2, strike beginning with "by" in line 11
- 2 through "body" in line 12 and insert "following a majority vote of
- 3 the registered voters of the municipality voting on the issue at a
- 4 primary or general election".
- 5 2. On page 3, line 5, strike "by" through "directors"
- 6 and insert "following a majority vote of the registered voters of
- 7 the natural resources district voting on the issue at a statewide
- 8 primary or general election primary or general election"; and
- 9 strike beginning with "by" in line 25 through "board" in line 26
- 10 and insert "following a majority vote of the registered voters of
- 11 the county voting on the issue at a statewide primary or general
- 12 election".

GENERAL FILE

LEGISLATIVE BILL 1309. Title read. Considered.

The Standing Committee amendment, AM3079, printed separately and referred to on page 997, was considered.

Pending.

VISITORS

Visitors to the Chamber were members and advisors of the Columbus Junior

City Council; 60 students and teachers from Grant Elementary School, Fremont; Charlie and Sharon Harris from Springfield; and fourth-grade students and sponsor from Fairview Elementary School, Bellevue.

RECESS

At 11:54 a.m., on a motion by Senator Redfield, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Kristensen presiding.

ROLL CALL

The roll was called and all members were present except Senators Dierks, Price, Quandahl, and Robak who were excused until they arrive.

RESOLUTION

LEGISLATIVE RESOLUTION 318. Introduced by Vrtiska, 1.

PURPOSE: The purpose of the study is to examine the prohibition of certain telephone solicitations. In particular, the study shall gather input from the telecommunications companies and members of the Public Service Commission and the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 1309. Senator Schimek renewed her pending amendment, AM3175, found on page 1037, to the Standing Committee amendment.

Senator Schimek withdrew her amendment.

Senator Smith renewed his pending amendment, AM3187, found on page 1038, to the Standing Committee amendment.

Senators Schimek and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Smith requested a record vote on his amendment.

Voting in the affirmative, 8:

| | | | |
|---------|----------|-------|------------|
| Baker | Byars | Kruse | Synowiecki |
| Burling | Hartnett | Smith | Tyson |

Voting in the negative, 24:

| | | | | |
|----------|------------|---------------|--------------|----------|
| Aguilar | Cunningham | Kristensen | Pederson, D. | Schimek |
| Beutler | Engel | Landis | Price | Stuhr |
| Bruning | Erdman | Maxwell | Quandahl | Vrtiska |
| Chambers | Foley | McDonald | Raikes | Wehrbein |
| Cudaback | Kremer | Pedersen, Dw. | Redfield | |

Present and not voting, 14:

| | | | | |
|----------|----------|---------|----------|------------|
| Bourne | Brown | Janssen | Preister | Thompson |
| Brashear | Connealy | Jensen | Schrock | Wickersham |
| Bromm | Hudkins | Jones | Suttle | |

Excused and not voting, 3:

| | | |
|----------|--------|-------|
| Coordsen | Dierks | Robak |
|----------|--------|-------|

The Smith amendment lost with 8 ayes, 24 nays, 14 present and not voting, and 3 excused and not voting.

Senator Tyson renewed his pending amendment, AM3194, found on page 1039, to the Standing Committee amendment.

Senators Aguilar, Dw. Pedersen, and McDonald asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Byars moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Senator Tyson moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Tyson requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 3:

Erdman Price Tyson

Voting in the negative, 35:

| | | | | |
|----------|----------|------------|--------------|------------|
| Beutler | Chambers | Janssen | Pederson, D. | Stuhr |
| Bourne | Connealy | Jensen | Preister | Suttle |
| Brashear | Cudaback | Kremer | Raikes | Synowiecki |
| Bromm | Engel | Kristensen | Redfield | Thompson |
| Brown | Foley | Kruse | Robak | Vrtiska |
| Bruning | Hartnett | Landis | Schimek | Wehrbein |
| Byars | Hudkins | Maxwell | Schrock | Wickersham |

Present and not voting, 7:

| | | | |
|---------|------------|----------|-------|
| Baker | Cunningham | Jones | Smith |
| Burling | Dierks | Quandahl | |

Excused and not voting, 4:

| | | | |
|---------|----------|----------|---------------|
| Aguilar | Coordsen | McDonald | Pedersen, Dw. |
|---------|----------|----------|---------------|

The Tyson amendment lost with 3 ayes, 35 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 898A. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2001, LB 543, section 44, as amended by section 49, Legislative Bill 1, Ninety-seventh Legislature, First Special Session, 2001; to appropriate funds to aid in carrying out the provisions of Legislative Bill 898, Ninety-seventh Legislature, Second Session, 2002; to change certain appropriations as prescribed; to repeal the original section; and to declare an emergency.

AMENDMENT - Print in Journal

Senator Bourne filed the following amendment to LB 1085:
AM3182

(Amendments to Standing Committee amendments, AM3155)

1. Strike sections 1 and 13 and insert the following new sections:

3 "Section 1. Section 77-2602, Revised Statutes
4 Supplement, 2001, is amended to read:
5 77-2602. (1) Every person engaged in distributing or
6 selling cigarettes at wholesale in this state shall pay to the Tax
7 Commissioner of this state a special privilege tax. This shall be
8 in addition to all other taxes. It shall be paid prior to or at
9 the time of the sale, gift, or delivery to the retail dealer in the
10 several amounts as follows: On each package of cigarettes
11 containing not more than twenty cigarettes, thirty-four cents per
12 package until July 1, 2002, fifty-four cents per package commencing
13 on July 1, 2002, and continuing until July 1, 2004, and thirty-four
14 cents per package commencing on July 1, 2004; and on packages
15 containing more than twenty cigarettes, the same tax as provided on
16 packages containing not more than twenty cigarettes for the first
17 twenty cigarettes in each package and a tax of one-twentieth of the
18 tax on the first twenty cigarettes on each cigarette in excess of
19 twenty cigarettes in each package. Commencing July 1, 1994, and
20 continuing until July 1, ~~2009~~ 2002, the State Treasurer shall place
21 the equivalent of twenty-one cents of such tax less three million
22 dollars each fiscal year of proceeds of such tax in the General
23 Fund. Commencing on July 1, 2002, and continuing until July 1,
1 2004, the State Treasurer shall place the equivalent of thirty-nine
2 cents of such tax less three million dollars each fiscal year of
3 proceeds of such tax in the General Fund. Commencing on July 1,
4 2004, and continuing until July 1, 2009, the State Treasurer shall
5 place the equivalent of twenty-one cents of such tax less three
6 million dollars each fiscal year of proceeds of such tax in the
7 General Fund. Commencing July 1, 2009, the State Treasurer shall
8 place the equivalent of twenty-one cents of such tax in the General
9 Fund. For purposes of this section, the equivalent of a specified
10 number of cents of the tax shall mean that portion of the proceeds
11 of the tax equal to the specified number divided by ~~thirty-four~~ the
12 tax rate per package. The State Treasurer shall distribute the
13 remaining proceeds of such tax in the following order:
14 (a) First, beginning July 1, 1980, the State Treasurer
15 shall place the equivalent of one cent of such tax in the Nebraska
16 Outdoor Recreation Development Cash Fund. For fiscal year
17 distributions occurring after FY1998-99, the distribution under
18 this subdivision shall not be less than the amount distributed
19 under this subdivision for FY1997-98. Any money needed to increase
20 the amount distributed under this subdivision to the FY1997-98
21 amount shall reduce the ~~twenty-one-cent~~ distribution to the General
22 Fund;
23 (b) Second, beginning July 1, 1993, the State Treasurer
24 shall place the equivalent of three cents of such tax in the
25 Department of Health and Human Services Finance and Support Cash
26 Fund to carry out sections 81-637 to 81-640. For fiscal year
27 distributions occurring after FY1998-99, the distribution under
1 this subdivision shall not be less than the amount distributed

2 under this subdivision for FY1997-98. Any money needed to increase
3 the amount distributed under this subdivision to the FY1997-98
4 amount shall reduce the ~~twenty-one-cent~~ distribution to the General
5 Fund;

6 (c) Third, beginning July 1, 2001, and continuing until
7 July 1, 2002, the State Treasurer shall place the equivalent of
8 five cents of such tax in the Building Renewal Allocation Fund.
9 Beginning on July 1, 2002, and continuing until July 1, 2004, the
10 State Treasurer shall place the equivalent of seven cents of such
11 tax in the Building Renewal Allocation Fund. Beginning on July 1,
12 2004, and continuing until all the purposes of the Deferred
13 Building Renewal Act have been fulfilled, the State Treasurer shall
14 place the equivalent of five cents of such tax in the Building
15 Renewal Allocation Fund. The Legislature shall appropriate each
16 fiscal year all sums inuring to the fund, plus interest earnings
17 for the Task Force for Building Renewal to be used to carry out its
18 duties and to fulfill the purposes of the Deferred Building Renewal
19 Act. Unexpended balances existing at the end of each fiscal year
20 shall be, and are hereby, reappropriated. For fiscal year
21 distributions occurring after FY1998-99, the distribution under
22 this subdivision shall not be less than five-sevenths of the amount
23 distributed under this subdivision for FY1997-98. Any money needed
24 to increase the amount distributed under this subdivision to
25 five-sevenths of the FY1997-98 amount shall reduce the
26 ~~twenty-one-cent~~ distribution to the General Fund;

27 (d) Fourth, the State Treasurer shall place the
1 difference between the equivalent of thirteen cents of such tax and
2 the sum of the amounts distributed pursuant to subdivisions (a)
3 through (c) and (f) through (h) of this subsection in a special
4 fund to be known as the Nebraska Capital Construction Fund;
5 (e) Fifth, beginning July 1, 1994, and continuing until
6 July 1, 2009, the State Treasurer shall place in the Municipal
7 Infrastructure Redevelopment Fund the sum of three million dollars
8 each fiscal year to carry out the Municipal Infrastructure
9 Redevelopment Fund Act. The Legislature shall appropriate the sum
10 of three million dollars each year for fiscal year 1994-95 through
11 fiscal year 2008-09;

12 (f) Sixth, beginning July 1, 2001, the State Treasurer
13 shall place the equivalent of two cents of such tax in the
14 Information Technology Infrastructure Fund;

15 (g) Seventh, beginning July 1, 2001, and continuing until
16 June 30, 2016, the State Treasurer shall place one million dollars
17 each fiscal year in the City of the Primary Class Development Fund.
18 If necessary, the State Treasurer shall reduce the distribution of
19 tax proceeds to the General Fund pursuant to this subsection by
20 such amount required to fulfill the one million dollars to be
21 distributed pursuant to this subdivision; and

22 (h) Eighth, beginning July 1, 2001, and continuing until
23 June 30, 2016, the State Treasurer shall place one million five

24 hundred thousand dollars each fiscal year in the City of the
 25 Metropolitan Class Development Fund. If necessary, the State
 26 Treasurer shall reduce the distribution of tax proceeds to the
 27 General Fund pursuant to this subsection by such amount required to
 1 fulfill the one million five hundred thousand dollars to be
 2 distributed pursuant to this subdivision.

3 (2) The Legislature hereby finds and determines that the
 4 projects funded from the Municipal Infrastructure Redevelopment
 5 Fund and the Building Renewal Allocation Fund are of critical
 6 importance to the State of Nebraska. It is the intent of the
 7 Legislature that the allocations and appropriations made by the
 8 Legislature to such funds or, in the case of allocations for the
 9 Municipal Infrastructure Redevelopment Fund, to the particular
 10 municipality's account not be reduced until all contracts and
 11 securities relating to the construction and financing of the
 12 projects or portions of the projects funded from such funds or
 13 accounts of such funds are completed or paid or, in the case of the
 14 Municipal Infrastructure Redevelopment Fund, the earlier of such
 15 date or July 1, 2009, and that until such time any reductions in
 16 the cigarette tax rate made by the Legislature shall be
 17 simultaneously accompanied by equivalent reductions in the amount
 18 dedicated to the General Fund from cigarette tax revenue. Any
 19 provision made by the Legislature for distribution of the proceeds
 20 of the cigarette tax for projects or programs other than those to
 21 (a) the General Fund, (b) the Nebraska Outdoor Recreation
 22 Development Cash Fund, (c) the Department of Health and Human
 23 Services Finance and Support Cash Fund, (d) the Municipal
 24 Infrastructure Redevelopment Fund, (e) the Building Renewal
 25 Allocation Fund, (f) the Information Technology Infrastructure
 26 Fund, (g) the City of the Primary Class Development Fund, and (h)
 27 the City of the Metropolitan Class Development Fund shall not be
 1 made a higher priority than or an equal priority to any of the
 2 programs or projects specified in subdivisions (a) through (h) of
 3 this subsection.

4 Sec. 13. Section 77-4008, Reissue Revised Statutes of
 5 Nebraska, is amended to read:

6 77-4008. (1) ~~Commencing on or after January 1, 1988, a A~~
 7 tax is hereby imposed upon the first owner of tobacco products to
 8 be sold in this state. The tax shall be ~~fifteen percent the~~
 9 specified percentage of (a) the purchase price of such tobacco
 10 products paid by the first owner or (b) the price at which a first
 11 owner who made, manufactured, or fabricated the tobacco product
 12 sells the items to others. Such tax shall be in addition to all
 13 other taxes.

14 (2) Whenever any person who is licensed under section
 15 77-4009 purchases tobacco products from another person licensed
 16 under section 77-4009, the seller shall be liable for the payment
 17 of the tax.

18 (3) For purposes of this section, specified percentage

19 means (a) fifteen percent until July 1, 2002, (b) twenty percent
 20 commencing on July 1, 2002, and continuing until July 1, 2004, and
 21 (c) fifteen percent commencing on July 1, 2004."

22 2. On page 9, line 3; page 13, line 19; page 17, line 7;
 23 and page 20, line 22, after "2002," insert "and until October 1,
 24 2004,".

25 3. On page 11, line 10; and page 20, line 3, after
 26 "2002," insert "and commencing October 1, 2004,".

27 4. On page 18, line 1, after "mean" insert "(1)"; in
 1 lines 2, 3, and 6 strike the new matter; and in line 6 before the
 2 period insert "and (2) commencing October 1, 2002, and until
 3 October 1, 2004, and in addition to sales referenced in subdivision
 4 (1) of this section, the provision of a service to any purchaser
 5 who is purchasing property or such service for the purpose of
 6 reselling it in the normal course of his or her business, either in
 7 the form or condition in which it is purchased or as an attachment
 8 to or integral part of other property or service".

GENERAL FILE

LEGISLATIVE BILL 1309. Senator Preister renewed his pending amendment, AM3189, found on page 1039, to the Standing Committee amendment.

SENATOR CUDABACK PRESIDING

Senators Dierks, Jensen, and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Preister withdrew his amendment.

Senator Chambers moved to recommit LB 1309 to the Appropriations Committee.

Senators Kremer and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER KRISTENSEN PRESIDING

Senator Chambers withdrew his motion to recommit.

Senator Byars asked unanimous consent to be excused. No objections. So ordered.

Senator Chambers offered the following amendment to the Standing Committee amendment:

FA935

Amend AM3079

On page 1, in line 1, after "sections" insert ", except section 105,".

Senator Chambers asked unanimous consent to replace his pending amendment, FA935, found in this day's Journal, with a substitute amendment. No objections. So ordered.

Senator Chambers withdrew his pending amendment, FA935, found in this day's Journal.

Senators Chambers and Wehrbein offered the following substitute amendment to the Standing Committee amendment:
AM3243

(Amendments to Standing Committee amendments, AM3079)

1 1. Insert the following new sections:

2 "Sec. 101. Laws 2001, LB 543, section 166, as amended by
3 section 102, Legislative Bill 1, Ninety-seventh Legislature, First
4 Special Session, 2001, is amended to read:

5 Sec. 166. AGENCY NO. 48 -- COORDINATING COMMISSION FOR
6 POSTSECONDARY EDUCATION

7 Program No. 499 - State Scholarship Award Program

| | | | |
|----|-------------------------|----------------------|----------------------|
| 8 | | FY2001-02 | FY2002-03 |
| 9 | GENERAL FUND | 1,241,023 | 1,230,598 |
| 10 | <u>GENERAL FUND</u> | <u>1,241,023</u> | <u>1,274,271</u> |
| 11 | FEDERAL FUND est. | 80,376 | 80,376 |
| 12 | <u>PROGRAM TOTAL</u> | <u>1,321,399</u> | <u>1,310,974</u> |
| 13 | <u>PROGRAM TOTAL</u> | <u>1,321,399</u> | <u>1,354,647</u> |

14 All funds appropriated to this program are for state aid
15 and shall only be used for such purpose. The Coordinating
16 Commission for Postsecondary Education may contract, at no cost,
17 with financial aid offices in Nebraska institutions of
18 postsecondary education to disburse the funds to students.

19 Sec. 102. Laws 2001, LB 543, section 167, as amended by
20 section 103, Legislative Bill 1, Ninety-seventh Legislature, First
21 Special Session, 2001, is amended to read:

22 Sec. 167. AGENCY NO. 48 -- COORDINATING COMMISSION FOR
23 POSTSECONDARY EDUCATION

1 Program No. 500 - Scholarship Assistance Program

| | | | |
|---|-------------------------|----------------------|----------------------|
| 2 | | FY2001-02 | FY2002-03 |
| 3 | GENERAL FUND | 2,044,988 | 2,034,563 |
| 4 | <u>PROGRAM TOTAL</u> | <u>2,044,988</u> | <u>2,034,563</u> |
| 5 | <u>GENERAL FUND</u> | <u>2,044,988</u> | <u>2,078,236</u> |
| 6 | <u>PROGRAM TOTAL</u> | <u>2,044,988</u> | <u>2,078,236</u> |

7 All funds appropriated to this program are for state aid
8 and shall only be used for such purpose. The Coordinating
9 Commission for Postsecondary Education may contract, at no cost,
10 with financial aid offices in Nebraska institutions of
11 postsecondary education to disburse the funds to students.

12 Sec. 103. Laws 2001, LB 543, section 169, as amended by
13 section 105, Legislative Bill 1, Ninety-seventh Legislature, First
14 Special Session, 2001, is amended to read:

15 Sec. 169. AGENCY NO. 48 -- COORDINATING COMMISSION FOR

16 POSTSECONDARY EDUCATION

| | | | |
|----|--|------------------|------------------|
| 17 | Program No. 650 - Postsecondary Education Award Programs | | |
| 18 | FY2001-02 | FY2002-03 | |
| 19 | <u>GENERAL FUND</u> | <u>2,859,050</u> | <u>2,824,203</u> |
| 20 | <u>PROGRAM TOTAL</u> | <u>2,859,050</u> | <u>2,824,203</u> |
| 21 | <u>GENERAL FUND</u> | <u>2,859,050</u> | <u>2,736,856</u> |
| 22 | <u>PROGRAM TOTAL</u> | <u>2,859,050</u> | <u>2,736,856</u> |

23 All funds appropriated to this program are for state aid
 24 and shall only be used for such purpose. The Coordinating
 25 Commission for Postsecondary Education may contract, at no cost,
 26 with financial aid offices in Nebraska institutions of
 27 postsecondary education to disburse the funds to students."

- 1 2. Renumber the remaining sections and correct the
- 2 repealer accordingly.

Senator Chambers moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Chambers-Wehrbein amendment was adopted with 28 ayes, 11 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENTS - Print in Journal

Senator Schrock filed the following amendment to LB 1003:
 AM3227

(Amendments to E & R amendments, AM7187)

- 1 1. Insert the following new sections:
- 2 "Section 1. The Legislature finds that there are
- 3 significant issues relating to the laws of Nebraska governing the
- 4 management and use of Nebraska surface water and ground water. The
- 5 issues to be examined are: (1) A review of Laws 1996, LB 108, to
- 6 determine what, if any, changes are needed to adequately address
- 7 Nebraska's conjunctive use management issues; (2) an evaluation of
- 8 the utility of allowing temporary water transfers and, if deemed
- 9 useful, development of draft legislation and procedures for
- 10 authorizing and implementing a temporary water transfer law; (3) an
- 11 evaluation of the utility of authorizing additional types of
- 12 permanent water transfers and, if deemed useful, development of
- 13 draft legislation and procedures for authorizing and implementing
- 14 additional types of permanent water transfers; (4) a determination
- 15 as to the usefulness of water leasing or transfers and development
- 16 of a potential water banking system that would facilitate the
- 17 temporary or permanent transfer of water uses; and (5) a
- 18 determination as to what other ways, if any, inequities between
- 19 surface water users and ground water users need to be addressed and

20 potential actions the state could take to address any such
21 inequities. To address such issues, the Governor shall appoint a
22 Water Policy Task Force as provided in section 2 of this act.
23 Sec. 2. (1) The members of the Water Policy Task Force
1 shall include: (a) Twenty irrigators, with at least one irrigator
2 from each of the state's thirteen river basins, giving
3 consideration to maintaining a balance between surface water users
4 and ground water users. Three irrigators shall be selected from
5 the Republican River Basin, two irrigators shall be selected from
6 the North Platte River Basin, two irrigators shall be selected from
7 the middle Platte River Basin, two irrigators shall be selected
8 from the Loup River Basin, two irrigators shall be selected from
9 the Elkhorn River Basin, two irrigators shall be selected from the
10 Big Blue River Basin, one irrigator shall be selected from the
11 South Platte River Basin, one irrigator shall be selected from the
12 lower Platte River Basin, one irrigator shall be selected from the
13 Little Blue River Basin, one irrigator shall be selected from the
14 Nemaha River Basin, one irrigator shall be selected from the
15 Niobrara River Basin, one irrigator shall be selected from the
16 White Hat River Basin, and one irrigator shall be selected from the
17 Missouri tributaries basin; (b) three representatives from
18 differing agricultural organizations; (c) three representatives
19 from differing environmental organizations; (d) two representatives
20 from differing recreational organizations; (e) three
21 representatives to represent the state at large; (f) five
22 representatives suggested for the Governor's consideration by the
23 Nebraska Association of Resources Districts; (g) four
24 representatives suggested for the Governor's consideration by the
25 Nebraska Power Association; (h) five representatives suggested for
26 the Governor's consideration by the League of Nebraska
27 Municipalities, with consideration given to maintaining a balance
1 between larger and smaller municipalities; and (i) such other
2 members as the Governor deems appropriate to provide the task force
3 with adequate and balanced representation. The Governor shall
4 notify the Legislature upon completion of the appointments.
5 (2) Additional members of the task force shall be: (a)
6 One representative from the Department of Natural Resources to
7 coordinate as appropriate with other state agencies; (b) one
8 representative from the Attorney General's office; (c) the
9 chairperson of the Natural Resources Committee of the Legislature;
10 and (d) the vice chairperson of the Natural Resources Committee of
11 the Legislature. Other members of the Natural Resources Committee
12 of the Legislature may participate as desired.
13 Sec. 3. On behalf of the Water Policy Task Force, the
14 Natural Resources Committee of the Legislature shall contract for
15 the services of a meeting facilitator and such other assistance as
16 the task force deems necessary within the limits of the funds
17 appropriated. Such contract shall have the approval of the
18 Executive Board of the Legislative Council. In making its

19 selection for facilitator, the Natural Resources Committee shall
20 consult with the Attorney General's office and the Department of
21 Natural Resources.

22 Sec. 4. The Water Policy Task Force shall select an
23 executive committee. The executive committee shall consist of
24 three representatives from irrigation interests; one representative
25 from an agricultural organization; one representative from an
26 environmental organization; one representative from a recreational
27 organization; one representative of the state at large; one
1 representative of natural resources districts; one representative
2 of the Nebraska Power Association; one representative of
3 municipalities; one representative of the Department of Natural
4 Resources; one representative of the Attorney General's office; and
5 the chairperson and vice chairperson of the Natural Resources
6 Committee of the Legislature. Each executive committee member
7 shall be responsible for representing the rest of his or her
8 interest group on the executive committee. The executive committee
9 shall be responsible for developing the operating rules of the task
10 force and for developing proposals and recommendations to be
11 considered by the entire task force. The executive committee shall
12 apply for a grant of a minimum of three hundred fifty thousand
13 dollars from the Nebraska Environmental Trust Fund prior to the
14 application deadline of September 9, 2002, for grants to be awarded
15 and funded in 2003.

16 Sec. 5. The Water Policy Task Force shall meet at least
17 four times each year to consider the proposals and recommendations
18 of the executive committee and any other additional times as the
19 executive committee determines to be necessary to accomplish the
20 objectives established in section 1 of this act.

21 Sec. 6. The Water Policy Task Force shall discuss the
22 issues described in section 1 of this act and such related issues
23 as it deems appropriate, shall identify options for resolution of
24 such issues, and shall make recommendations to the Legislature and
25 the Governor relating to any water policy changes the task force
26 deems desirable.

27 The task force shall complete its work within eighteen
1 months after the Governor notifies the Legislature that all members
2 of the task force have been appointed and a meeting facilitator has
3 been selected.

4 Sec. 7. The Water Policy Task Force Cash Fund is
5 created. The fund shall be administered by the Department of
6 Natural Resources and expended at the direction of the Water Policy
7 Task Force. The fund shall consist of funds appropriated by the
8 Legislature, money received as gifts, grants, and donations, and
9 transfers authorized under sections 2-1579 and 66-1519. Any money
10 in the fund available for investment shall be invested by the state
11 investment officer pursuant to the Nebraska Capital Expansion Act
12 and the Nebraska State Funds Investment Act.

13 Sec. 8. Section 2-1579, Revised Statutes Supplement,

14 2000, is amended to read:

15 2-1579. (1) Except as provided in subsection (2) of this
16 section, expenditures may be made from the Nebraska Soil and Water
17 Conservation Fund as grants to individual landowners of not to
18 exceed seventy-five percent of the actual cost of eligible projects
19 and practices for soil and water conservation or water quality
20 protection, with priority given to those projects and practices
21 providing the greatest number of public benefits.

22 (2) The department shall reserve at least two percent of
23 the funds credited to the fund for grants to landowners ordered by
24 a natural resources district pursuant to the Erosion and Sediment
25 Control Act to install permanent soil and water conservation
26 practices. Such funds shall be made available for ninety percent
27 of the actual cost of the required practices and shall be granted
1 on a first-come, first-served basis until exhausted. Applications
2 not served shall receive priority in ensuing fiscal years.

3 (3) The commission shall determine which specific
4 projects and practices are eligible for the funding assistance
5 authorized by this section and shall adopt, by reference or
6 otherwise, appropriate standards and specifications for carrying
7 out such projects and practices. A natural resources district
8 assisting the department in the administration of the program may,
9 with commission approval, further limit the types of projects and
10 practices eligible for funding assistance in that district.

11 (4) As a condition for receiving any cost-share funds
12 pursuant to this section, the landowner shall be required to enter
13 into an agreement that if a conservation practice is terminated or
14 a project is removed, altered, or modified so as to lessen its
15 effectiveness, without prior approval of the department or its
16 delegated agent, for a period of ten years after the date of
17 receiving payment, the landowner shall refund to the fund any
18 public funds used for the practice or project. When deemed
19 necessary by the department or its delegated agent, the landowner
20 may as a further condition for receiving such funds be required to
21 grant a right of access for the operation and maintenance of any
22 eligible project constructed with such assistance. Acceptance of
23 money from the fund shall not in any other manner be construed as
24 affecting land ownership rights unless the landowner voluntarily
25 surrenders such rights.

26 (5) To the extent feasible, the department and the
27 commission shall administer the fund so that federal funds
1 available within the state for the same general purposes are
2 supplemented and not replaced with state funds.

3 (6) Transfers may be made from funds appropriated to the
4 Nebraska Soil and Water Conservation Fund, Program 304, to the
5 Water Policy Task Force Cash Fund at the direction of the
6 Legislature. Within fifteen days after the effective date of this
7 act, the State Treasurer shall transfer two hundred fifty thousand
8 dollars from funds appropriated to the Nebraska Soil and Water

9 Conservation Fund to the Water Policy Task Force Cash Fund.

10 Sec. 35. Section 66-1519, Revised Statutes Supplement,

11 2001, is amended to read:

12 66-1519. There is hereby created the Petroleum Release

13 Remedial Action Cash Fund to be administered by the department.

14 Revenue from the following sources shall be remitted to the State

15 Treasurer for credit to the fund:

16 (1) The fees imposed by sections 66-1520 and 66-1521;

17 (2) Money paid under an agreement, stipulation,

18 cost-recovery award under section 66-1529.02, or settlement; and

19 (3) Money received by the department in the form of

20 gifts, grants, reimbursements, property liquidations, or

21 appropriations from any source intended to be used for the purposes

22 of the fund.

23 Money in the fund may only be spent for: (a)

24 Reimbursement for the costs of remedial action by a responsible

25 person or his or her designated representative and costs of

26 remedial action undertaken by the department in response to a

27 release first reported after July 17, 1983, and on or before June

1 30, 2005, including reimbursement for damages caused by the

2 department or a person acting at the department's direction while

3 investigating or inspecting or during remedial action on property

4 other than property on which a release or suspected release has

5 occurred; (b) payment of any amount due from a third-party claim;

6 (c) fee collection expenses incurred by the State Fire Marshal; (d)

7 direct expenses incurred by the department in carrying out the

8 Petroleum Release Remedial Action Act; (e) other costs related to

9 fixtures and tangible personal property as provided in section

10 66-1529.01; (f) interest payments as allowed by section 66-1524;

11 (g) expenses incurred by the technical advisory committee created

12 in section 81-15,189 in carrying out its duties pursuant to section

13 81-15,190; (h) claims approved by the State Claims Board authorized

14 under section 66-1531; and (i) methyl tertiary butyl ether testing,

15 to be conducted randomly at terminals within the state for up to

16 two years ending June 30, 2003. The amount expended on the testing

17 shall not exceed forty thousand dollars. The testing shall be

18 conducted by the Department of Agriculture. The department may

19 enter into contractual arrangements for such purpose. The results

20 of the tests shall be made available to the Department of

21 Environmental Quality.

22 Transfers may be made from the Petroleum Release Remedial

23 Action Cash Fund to the Water Policy Task Force Cash Fund at the

24 direction of the Legislature. Any money in the fund Petroleum

25 Release Remedial Action Cash Fund available for investment shall be

26 invested by the state investment officer pursuant to the Nebraska

27 Capital Expansion Act and the Nebraska State Funds Investment Act.

1 Within fifteen days after the effective date of this act,

2 the State Treasurer shall transfer one hundred fifty thousand

3 dollars from the Petroleum Release Remedial Action Cash Fund to the

4 Water Policy Task Force Cash Fund.

5 2. Renumber the remaining sections, correct internal
6 references, and amend the repealer accordingly.

Senator Brashear filed the following amendment to LB 1085:
(Amendment, AM3216, may be found in the Bill Books. The amendment
has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Beutler filed the following amendment to LB 1085:
FA937

Amend AM3155
Strike Section 12

Senator Beutler filed the following amendment to LB 1085:
FA938

Amend AM3155
Strike Section 1 and that portion of section 14 which provides an operative
for the cigarette tax

Senator D. Pederson filed the following amendment to LB 1085:
FA939

Amend AM3155
Strike sections 2 through 10

VISITORS

Visitors to the Chamber were Chuck Bunner from Sidney; Emily Buescher
from Deweese; 23 students, sponsors, and teachers from Omaha Christian
Academy; 20 seventh- and eighth-grade students and teacher from Deshler
Lutheran School; and Erin and Mikaela Caudill from Lincoln.

The Doctor of the Day was Dr. Ronald Craig from Lincoln.

ADJOURNMENT

At 6:56 p.m., on a motion by Senator Schimek, the Legislature adjourned
until 9:00 a.m., Thursday, March 21, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-THIRD DAY - MARCH 21, 2002**LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE
SECOND SESSION****FORTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 21, 2002

PRAYER

The prayer was offered by Senator Connealy.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Brashear, Engel, Landis, Maxwell, Dw. Pedersen, and Wickersham who were excused until they arrive.

SPEAKER KRISTENSEN PRESIDING**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-second day was approved.

GENERAL FILE

LEGISLATIVE BILL 1309. Senator Redfield offered the following amendment to the Standing Committee amendment:

AM3191

(Amendments to Standing Committee amendments, AM3079)

- 1 1. On page 79, lines 10 and 11, strike "427,727,796" and
- 2 insert "423,318,073"; and in line 23 strike "\$2,349,894" and insert
- 3 "\$2,325,543".
- 4 2. On page 80, line 17, strike "\$11,546,225" and insert
- 5 "\$11,426,575"; and in line 23 strike "\$313,625" and insert
- 6 "\$310,375" and strike "\$11,546,225" and insert "\$11,426,575".
- 7 3. On page 83, line 4, strike "\$23,504,351" and insert
- 8 "\$23,260,782".

Pending.

NOTICE OF COMMITTEE HEARING
Health and Human Services
Room 2102

Wednesday, April 3, 2002

1:15 PM

Debra K. Starr - Foster Care Review Board

Nichelle Ferreyra - Commission for the Blind and Visually Impaired

Dorothy Westin-Yockey - Commission for the Blind and Visually Impaired

(Signed) Jim Jensen, Chairperson

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 958. Placed on General File as amended.

(Standing Committee amendment, AM3100, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 1062. Placed on General File as amended.

(Standing Committee amendment, AM3220, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Jim Jensen, Chairperson

AMENDMENT - Print in Journal

Senators Jensen and Byars filed the following amendment to LB 1021:

(Amendment, AM3219, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

GENERAL FILE

LEGISLATIVE BILL 1309. The Redfield pending amendment, AM3191, found in this day's Journal, to the Standing Committee amendment, was renewed.

Senators Coordsen, Dw. Pedersen, and Aguilar asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Raikes moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Senator Redfield moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Senator Redfield requested a roll call vote on her amendment.

Voting in the affirmative, 17:

| | | | | |
|----------|--------|----------|------------|---------|
| Baker | Engel | Kremer | Redfield | Vrtiska |
| Bourne | Erdman | Preister | Smith | |
| Burling | Foley | Price | Synowiecki | |
| Coordsen | Jones | Quandahl | Tyson | |

Voting in the negative, 28:

| | | | | |
|----------|----------|------------|--------------|------------|
| Aguilar | Byars | Jensen | Pederson, D. | Suttle |
| Beutler | Chambers | Kristensen | Raikes | Thompson |
| Brashear | Connealy | Kruse | Robak | Wehrbein |
| Bromm | Cudaback | Landis | Schimek | Wickersham |
| Brown | Hudkins | Maxwell | Schrock | |
| Bruning | Janssen | McDonald | Stuhr | |

Present and not voting, 2:

Cunningham Dierks

Absent and not voting, 1:

Hartnett

Excused and not voting, 1:

Pedersen, Dw.

The Redfield amendment lost with 17 ayes, 28 nays, 2 present and not voting, 1 absent and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Wehrbein offered the following amendment to the Standing Committee amendment:

AM3206

(Amendments to Standing Committee amendments, AM3079)

1 PURPOSE: Eliminate funding for the Norfolk Regional Center.

2 AMENDMENT:

3 1. On page 138, strike line 26 and insert "GENERAL FUND

4 49,389,727 39,043,697"; and strike line 27 and insert "CASH FUND

5 3,904,289 3,797,623".

6 2. On page 139, strike line 1 and insert "FEDERAL FUND

7 est. 6,440,319 4,797,667"; strike line 2 and insert "PROGRAM

8 TOTAL 59,734,335 47,638,987"; and strike line 3 and insert "SALARY

9 LIMIT 36,097,020 28,555,352".

Senator Wehrbein withdrew his amendment.

SENATOR CUDABACK PRESIDING

Senator Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, AM3079, printed separately and referred to on page 997 and considered on page 1049, as amended, was renewed.

Senators Dierks and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 28 ayes, 10 nays, 8 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 28 ayes, 11 nays, 7 present and not voting, and 3 excused and not voting.

VISITORS

Visitors to the Chamber were pharmacy students from Creighton University and the University of Nebraska, Omaha; 13 fourth-grade students and sponsor from St. Paul Lutheran School, Beatrice; 50 fourth-grade students and teachers from Crete; and 46 students and teachers from Crete Elementary School.

RECESS

At 11:42 a.m., on a motion by Senator Coordsen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senators Brown, Dierks, Landis, Dw. Pedersen, Robak, Schimek, and Tyson who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 898. Title read. Considered.

The Standing Committee amendment, AM3171, printed separately and referred to on page 1036, was considered.

Senator Raikes renewed his pending amendment, AM3193, found on page 1038, to the Standing Committee amendment.

Senators Brashear and Bromm asked unanimous consent to be excused until they return. No objections. So ordered.

The Raikes amendment was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 31 ayes, 11 nays, 4 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 32 ayes, 12 nays, 2 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 898A. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendments to LB 488:

FA940

Amend AM2603

Page 4, line 24 strike "twenty-five" and insert "five".

FA941

Amend AM2603

Page 4, line 24 strike "twenty-five" and insert "ten".

FA942

Amend AM2603

Page 4, line 24 strike "twenty-five" and insert "fifteen".

FA943

Amend AM2603

Page 4, line 24 strike "twenty-five" and insert "twenty".

Senator Redfield filed the following amendment to LB 276:

AM3215

(Amendments to E & R amendments, AM7190)

- 1 1. Insert the following new section:
- 2 "Sec. 7. Section 84-712.05, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 84-712.05. The following records, unless publicly
- 5 disclosed in an open court, open administrative proceeding, or open
- 6 meeting or disclosed by a public entity pursuant to its duties, may
- 7 be withheld from the public by the lawful custodian of the records:
- 8 (1) Personal information in records regarding a student,
- 9 prospective student, or former student of any tax-supported
- 10 educational institution maintaining the records, other than routine

11 directory information;

12 (2) Medical records, other than records of births and
13 deaths and except as provided in subdivision (5) of this section,
14 in any form concerning any person, and also records of elections
15 filed under section 44-2821;

16 (3) Trade secrets, academic and scientific research work
17 which is in progress and unpublished, and other proprietary or
18 commercial information which if released would give advantage to
19 business competitors and serve no public purpose;

20 (4) Records which represent the work product of an
21 attorney and the public body involved which are related to
22 preparation for litigation, labor negotiations, or claims made by
23 or against the public body or which are confidential communications
1 as defined in section 27-503;

2 (5) Records developed or received by law enforcement
3 agencies and other public bodies charged with duties of
4 investigation or examination of persons, institutions, or
5 businesses, when the records constitute a part of the examination,
6 investigation, intelligence information, citizen complaints or
7 inquiries, informant identification, or strategic or tactical
8 information used in law enforcement training, except that this
9 subdivision shall not apply to records so developed or received
10 relating to the presence of and amount or concentration of alcohol
11 or drugs in any body fluid of any person;

12 (6) Appraisals or appraisal information and negotiation
13 records concerning the purchase or sale, by a public body, of any
14 interest in real or personal property, prior to completion of the
15 purchase or sale;

16 (7) Personal information in records regarding personnel
17 of public bodies other than salaries and routine directory
18 information;

19 (8) Information solely pertaining to protection of the
20 physical security of public property and persons on or within
21 public property, such as specific, unique vulnerability assessments
22 or specific, unique response plans, either of which is intended to
23 prevent or mitigate criminal acts the public disclosure of which
24 would create a substantial likelihood of endangering public safety
25 or property; computer or communications network schema, passwords,
26 and user identification names; guard schedules; or lock
27 combinations; or the

1 (9) The security standards, procedures, policies, plans,
2 specifications, diagrams, access lists, and other security-related
3 records of the Lottery Division of the Department of Revenue and
4 those persons or entities with which the division has entered into
5 contractual relationships. Nothing in this subdivision shall allow
6 the division to withhold from the public any information relating
7 to amounts paid persons or entities with which the division has
8 entered into contractual relationships, amounts of prizes paid, the
9 name of the prize winner, and the city, village, or county where

10 the prize winner resides;

11 ~~(9)~~ (10) With respect to public utilities and except as

12 provided in sections 43-512.06 and 70-101, personally identified

13 private citizen account payment information, credit information on

14 others supplied in confidence, and customer lists;

15 ~~(10)~~ (11) Records or portions of records kept by a

16 publicly funded library which, when examined with or without other

17 records, reveal the identity of any library patron using the

18 library's materials or services;

19 ~~(11)~~ (12) Correspondence, memoranda, and records of

20 telephone calls related to the performance of duties by a member of

21 the Legislature in whatever form. The lawful custodian of the

22 correspondence, memoranda, and records of telephone calls, upon

23 approval of the Executive Board of the Legislative Council, shall

24 release the correspondence, memoranda, and records of telephone

25 calls which are not designated as sensitive or confidential in

26 nature to any person performing an audit of the Legislature. A

27 member's correspondence, memoranda, and records of confidential

1 telephone calls related to the performance of his or her

2 legislative duties shall only be released to any other person with

3 the explicit approval of the member;

4 ~~(12)~~ (13) Records or portions of records kept by public

5 bodies which would reveal the location, character, or ownership of

6 any known archaeological, historical, or paleontological site in

7 Nebraska when necessary to protect the site from a reasonably held

8 fear of theft, vandalism, or trespass. This section shall not

9 apply to the release of information for the purpose of scholarly

10 research, examination by other public bodies for the protection of

11 the resource or by recognized tribes, the Unmarked Human Burial

12 Sites and Skeletal Remains Protection Act, or the federal Native

13 American Graves Protection and Repatriation Act;

14 ~~(13)~~ (14) Records or portions of records kept by public

15 bodies which maintain collections of archaeological, historical, or

16 paleontological significance which reveal the names and addresses

17 of donors of such articles of archaeological, historical, or

18 paleontological significance unless the donor approves disclosure,

19 except as the records or portions thereof may be needed to carry

20 out the purposes of the Unmarked Human Burial Sites and Skeletal

21 Remains Protection Act or the federal Native American Graves

22 Protection and Repatriation Act; ~~and~~

23 ~~(14)~~ (15) Job application materials submitted by

24 applicants, other than finalists, who have applied for employment

25 by any public body as defined in section 84-1409. For purposes of

26 this subdivision, job application materials means employment

27 applications, resumes, reference letters, and school transcripts,

1 and finalist means any applicant who is offered and who accepts an

2 interview by a public body or its agents, representatives, or

3 consultants for any public employment position; ~~and~~

4 (16) Social security numbers, credit card numbers and

5 expiration dates, and financial account numbers supplied to state
 6 and local governments by citizens."

7 2. On page 9, line 5, strike "and 28-620" and insert
 8 ",28-620, and 84-712.05".

9 3. Renumber the remaining section accordingly.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 1310. Placed on Select File as amended.
 (E & R amendment, AM7198, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Philip Erdman, Chairperson

GENERAL FILE

LEGISLATIVE BILL 947. Title read. Considered.

The Standing Committee amendment, AM2398, found on page 365, was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 905. Title read. Considered.

The Standing Committee amendment, AM3154, found on page 1010, was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 25 ayes, 6 nays, 16 present and not voting, and 2 excused and not voting.

Senator McDonald asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 946. Title read. Considered.

The Standing Committee amendment, AM2764, found on page 629, lost with 1 aye, 20 nays, 25 present and not voting, and 3 excused and not voting.

Senator Wickersham renewed the Wickersham et al. pending amendment, AM3136, found on page 997.

Senator Brashear renewed his pending motion, found on page 1038, to bracket LB 946 until April 19, 2002.

SENATOR COORDSEN PRESIDING

Senator Cudaback asked unanimous consent to be excused until he returns.
No objections. So ordered.

SPEAKER KRISTENSEN PRESIDING

Pending.

AMENDMENTS - Print in Journal

Senator Brashear filed the following amendment to LB 1085:
(Amendment, AM3241, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Brashear filed the following amendment to LB 1085:
(Amendment, AM3240, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Senators D. Pederson, Schrock, Kruse, Dw. Pedersen, Engel, and Byars filed the following amendment to LB 1085:
AM3199

(Amendments to Standing Committee amendments, AM3155)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 77-2701.02, Revised Statutes
- 4 Supplement, 2000, is amended to read:
- 5 77-2701.02. Pursuant to section 77-2715.01:
- 6 (1) Until July 1, 1998, ~~or April 15, 1998, whichever is~~
- 7 ~~later~~, the rate of the sales tax levied pursuant to section 77-2703
- 8 shall be five percent;
- 9 (2) Commencing July 1, 1998, ~~or April 15, 1998, whichever~~
- 10 ~~is later~~, and until July 1, 1999, the rate of the sales tax levied
- 11 pursuant to section 77-2703 shall be four and one-half percent; ~~and~~
- 12 (3) Commencing July 1, 1999, and until the operative date
- 13 of this section, the rate of the sales tax levied pursuant to
- 14 section 77-2703 shall be five percent;
- 15 (4) Commencing on the operative date of this section, and
- 16 until July 1, 2004, the rate of the sales tax levied pursuant to
- 17 section 77-2703 shall be five and one-half percent; and
- 18 (5) Commencing July 1, 2004, the rate of the sales tax
- 19 levied pursuant to section 77-2703 shall be five percent.
- 20 Sec. 2. This act becomes operative on July 1, 2002.
- 21 Sec. 3. Original section 77-2701.02, Revised Statutes
- 22 Supplement, 2000, is repealed."

VISITORS

Visitors to the Chamber were 6 eighth-grade students and sponsors from Harrison District 7; and Sandy Thomas and Alex Williams from Plattsmouth.

ADJOURNMENT

At 5:34 p.m., on a motion by Senator Jones, the Legislature adjourned until 9:00 a.m., Friday, March 22, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FOURTH DAY - MARCH 22, 2002**LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE
SECOND SESSION****FORTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, March 22, 2002

PRAYER

The prayer was offered by Pastor Amos Harris, Zion Evangelical Church, Scottsbluff, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Dierks, Landis, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-third day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 319. Introduced by Erdman, 47.

WHEREAS, Kyle Bowers of Sidney, Nebraska, earned the Boys Scouts' highest honor and rank of Eagle Scout and was awarded the Eagle Award on Sunday, March 17, 2001; and

WHEREAS, Kyle Bowers was recognized by the Boy Scouts for his years of hard work, service to community, and commitment to his scouting duties; and

WHEREAS, fewer than four percent of all boys who join the Boy Scouts attain the rank of Eagle Scout; and

WHEREAS, Kyle Bowers has achieved great success as an exemplary member of the scouting program and has represented his troop and community with excellence.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Kyle Bowers on his achievement of

the elite rank of Eagle Scout in the Boy Scouts and recognizes his outstanding community service efforts in Sidney.

2. That a copy of this resolution be sent to Kyle Bowers and his family.

Laid over.

REPORTS

The following report was received by the Legislature:

Revenue, Nebraska Department of

Re-certification of General Fund net receipts for fiscal year beginning July 1, 2001. Monthly receipt estimates derived from the annual net receipt estimate of the Nebraska Economic Forecasting Advisory Board produced February 22, 2002. (Prepared jointly by the Department of Revenue and Legislative Fiscal Analyst)

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 22, 2002, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Abboud, Andrew F.
Venetian Resort Hotel, The

Kelley, Michael A.
Tobacco Council, Inc., Smokeless

Routh, Robert J.
Committee to Amend LB 1089, The

SPEAKER KRISTENSEN PRESIDING

ANNOUNCEMENT

The Chair announced that Tuesday, March 19, was Senator Bromm's birthday.

GENERAL FILE

LEGISLATIVE BILL 946. The Brashear pending motion, found on page 1038 and considered on page 1072, to bracket until April 19, 2002, was renewed.

Senator Hudkins asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Quändahl moved the previous question. The question is, "Shall the

debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

Senator Brashear moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator Brashear requested a roll call vote on his motion to bracket.

Senator Chambers requested the roll call vote be taken in reverse order.

Voting in the affirmative, 25:

| | | | | |
|----------|------------|---------------|--------------|------------|
| Baker | Burling | Foley | Pederson, D. | Smith |
| Brashear | Byars | Jensen | Quandahl | Stuhr |
| Bromm | Cudaback | Kremer | Redfield | Suttle |
| Brown | Cunningham | Maxwell | Robak | Synowiecki |
| Bruning | Erdman | Pedersen, Dw. | Schrock | Tyson |

Voting in the negative, 15:

| | | | | |
|----------|----------|----------|----------|------------|
| Aguilar | Dierks | Kruse | Raikes | Vrtiska |
| Chambers | Hartnett | McDonald | Schimek | Wehrbein |
| Coordsen | Janssen | Price | Thompson | Wickersham |

Present and not voting, 7:

| | | | |
|---------|----------|------------|----------|
| Beutler | Connealy | Jones | Preister |
| Bourne | Engel | Kristensen | |

Excused and not voting, 2:

| | |
|---------|--------|
| Hudkins | Landis |
|---------|--------|

The Brashear motion to bracket prevailed with 25 ayes, 15 nays, 7 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

UNANIMOUS CONSENT - Member Excused

Senator Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 1085. Title read. Considered.

The Standing Committee amendment, AM3155, printed separately and referred to on page 1010, was considered.

Pending.

STANDING COMMITTEE REPORT
Transportation and Telecommunications

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Motor Vehicle Industry Licensing Board
Jess Hull

VOTE: Aye: Senators Jones, Baker, Robak, Dw. Pedersen, Byars, Hudkins, Brown, and Bromm. Nay: None. Absent: None.

(Signed) Curt Bromm, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1085. Senator Chambers moved to recommit to the Revenue Committee.

Senator Aguilar asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 320. Introduced by Bourne, 8.

PURPOSE: To examine methods of making state and local government more efficient and more cost effective. This study should include, but not be limited to, a comprehensive review of the number of local government subdivisions, efficiencies that may be gained by consolidation of counties or other government subdivisions, the number and size of each state agency, including a review of the number of people served by each agency, and the number of state-funded programs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 321. Introduced by Bourne, 8.

PURPOSE: To review the growth in Medicaid expenditures and to develop cost-containment solutions, including methods on how to maximize federal dollars to fund health care.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 322. Introduced by Bourne, 8.

PURPOSE: To review the expenditures of the Department of Correctional Services, including, but not limited to, an examination of how prisoner populations and rates of parole impact such expenditures.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 323. Introduced by Bourne, 8.

PURPOSE: To review state funds allocated as aid to local governments, including, but not limited to, the examination of programs adopted for the purpose of property tax relief to the constituency of such political subdivisions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 324. Introduced by Bourne, 8.

PURPOSE: To examine state aid to schools under the Tax Equity and Educational Opportunities Support Act as it relates to increased state spending versus local property tax relief. This study should include, but not be limited to, a review of the efficiencies that might be gained by consolidation, a review of the state aid formula, and a review of the number of administrators per school district versus the number of teachers in each district.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 325. Introduced by Bourne, 8.

PURPOSE: To examine the concept of zero-based budgeting for Nebraska state agency appropriations and to determine how this method could lead to a decrease in state-funded programs and a decrease in total state expenditures by ten percent or more.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE**LEGISLATIVE BILL 1236.** Title read. Considered.

The Standing Committee amendment, AM2946, printed separately and referred to on page 785, was considered.

Senator D. Pederson moved to bracket LB 1236 until April 19, 2002.

SENATOR JANSSEN PRESIDING

Senator Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Stuhr moved the previous question. The question is, "Shall the debate now close?"

Senator Stuhr moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The motion to cease debate prevailed with 26 ayes, 5 nays, and 18 not voting.

The D. Pederson motion to bracket failed with 10 ayes, 25 nays, 12 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

SENATOR COORDSEN PRESIDING

Senator Jones moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Standing Committee amendment was adopted with 31 ayes, 2 nays, 15 present and not voting, and 1 excused and not voting.

Senator D. Pederson withdrew his pending amendment, AM2939, printed separately and referred to on page 779.

Advanced to E & R for review with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

AMENDMENTS - Print in Journal

Senator Jensen filed the following amendment to LB 1085:
AM3259

(Amendments to Standing Committee amendments, AM3155)

- 1 1. Strike section 1 and all amendments thereto and
- 2 insert the following new sections:
- 3 "Section 1. Section 71-5714, Revised Statutes
- 4 Supplement, 2000, is amended to read:
- 5 71-5714. (1) The Tobacco Prevention and Control Cash
- 6 Fund is created. The fund shall be ~~appropriated by the Legislature~~
- 7 used for a comprehensive statewide tobacco-related public health
- 8 program, including, but not limited to: (a) ~~(+)~~ Community programs
- 9 to reduce tobacco use, (b) ~~(2)~~ chronic disease programs, (c) ~~(3)~~
- 10 school programs, (d) ~~(4)~~ statewide programs, (e) ~~(5)~~ enforcement,
- 11 (f) ~~(6)~~ counter marketing, (g) ~~(7)~~ cessation programs, (h) ~~(8)~~
- 12 surveillance and evaluation, (i) ~~(9)~~ administration, and (j) ~~(10)~~

13 the Teen Tobacco Education and Prevention Project.

14 (2) The fund shall include any appropriations by the

15 Legislature and money transferred to the fund pursuant to section

16 77-2602. The Legislature is not required to appropriate all
17 available revenue from the fund for such purpose in any given year.

18 The Health and Human Services Committee of the Legislature shall
19 make annual recommendations for appropriations from the fund.

20 (3) Any money in the fund available for investment shall

21 be invested by the state investment officer pursuant to the

22 Nebraska Capital Expansion Act and the Nebraska State Funds

23 Investment Act.

1 Sec. 2. Section 71-7610, Revised Statutes Supplement,

2 2000, is amended to read:

3 71-7610. The Children's Health Insurance Cash Fund is

4 created. The fund shall include any appropriations by the

5 Legislature and money transferred to the fund pursuant to section

6 77-2602. The fund shall be used for the state's matching share for

7 the children's health insurance program under Title XXI of the

8 federal Social Security Act and for expenses incurred in the

9 administration of such program. If the state's matching share for

10 program and administrative expenses are fully funded in any given

11 fiscal year, any additional money in the fund may be used for the

12 state's matching share for the medical assistance program under

13 sections 68-1018 to 68-1025 and for expenses incurred in the

14 administration of the program. Any money in the fund available for

15 investment shall be invested by the state investment officer

16 pursuant to the Nebraska Capital Expansion Act and the Nebraska

17 State Funds Investment Act.

18 Sec. 3. Section 77-2602, Revised Statutes Supplement,

19 2001, is amended to read:

20 77-2602. (1) Every person engaged in distributing or

21 selling cigarettes at wholesale in this state shall pay to the Tax

22 Commissioner of this state a special privilege tax. This shall be

23 in addition to all other taxes. It shall be paid prior to or at

24 the time of the sale, gift, or delivery to the retail dealer in the

25 several amounts as follows: On each package of cigarettes

26 containing not more than twenty cigarettes, ~~thirty-four~~ eighty-four

27 cents per package; and on packages containing more than twenty

1 cigarettes, the same tax as provided on packages containing not

2 more than twenty cigarettes for the first twenty cigarettes in each

3 package and a tax of one-twentieth of the tax on the first twenty

4 cigarettes on each cigarette in excess of twenty cigarettes in each

5 package. Commencing July 1, 1994, and continuing until July 1,

6 ~~2009~~ 2002, the State Treasurer shall place the equivalent of

7 twenty-one cents of such tax less three million dollars each fiscal

8 year of proceeds of such tax in the General Fund. Commencing on

9 July 1, 2002, and continuing until July 1, 2003, the State

10 Treasurer shall place the equivalent of sixty-nine cents of such

11 tax less three million dollars each fiscal year of proceeds of such

12 tax in the General Fund. Commencing on July 1, 2003, and
13 continuing until July 1, 2009, the State Treasurer shall place the
14 equivalent of sixty-nine cents of such tax less fifteen million
15 dollars each fiscal year of proceeds of such tax in the General
16 Fund. Commencing July 1, 2009, and continuing until July 1, 2016,
17 the State Treasurer shall place the equivalent of sixty-nine cents
18 of such tax less twelve million dollars each fiscal year of
19 proceeds of such tax in the General Fund. Commencing July 1, 2009
20 2016, the State Treasurer shall place the equivalent of twenty-one
21 seventy-one cents of such tax less twelve million dollars each
22 fiscal year of proceeds of such tax in the General Fund. For
23 purposes of this section, the equivalent of a specified number of
24 cents of the tax shall mean that portion of the proceeds of the tax
25 equal to the specified number divided by ~~thirty-four~~ eighty-four.
26 The State Treasurer shall distribute the remaining proceeds of such
27 tax in the following order:

- 1 (a) First, beginning July 1, 1980, the State Treasurer
2 shall place the equivalent of one cent of such tax in the Nebraska
3 Outdoor Recreation Development Cash Fund. For fiscal year
4 distributions occurring after FY1998-99, the distribution under
5 this subdivision shall not be less than the amount distributed
6 under this subdivision for FY1997-98. Any money needed to increase
7 the amount distributed under this subdivision to the FY1997-98
8 amount shall reduce the ~~twenty-one-cent~~ distribution to the General
9 Fund;
- 10 (b) Second, beginning July 1, 1993, the State Treasurer
11 shall place the equivalent of three cents of such tax in the
12 Department of Health and Human Services Finance and Support Cash
13 Fund to carry out sections 81-637 to 81-640. For fiscal year
14 distributions occurring after FY1998-99, the distribution under
15 this subdivision shall not be less than the amount distributed
16 under this subdivision for FY1997-98. Any money needed to increase
17 the amount distributed under this subdivision to the FY1997-98
18 amount shall reduce the ~~twenty-one-cent~~ distribution to the General
19 Fund;
- 20 (c) Third, beginning July 1, 2001, and continuing until
21 July 1, 2002, the State Treasurer shall place the equivalent of
22 five cents of such tax in the Building Renewal Allocation Fund.
23 Beginning on July 1, 2002, and continuing until July 1, 2016, the
24 State Treasurer shall place the equivalent of seven cents of such
25 tax in the Building Renewal Allocation Fund. Beginning on July 1,
26 2016, and continuing until all the purposes of the Deferred
27 Building Renewal Act have been fulfilled, the State Treasurer shall
1 place the equivalent of five cents of such tax in the Building
2 Renewal Allocation Fund. The Legislature shall appropriate each
3 fiscal year all sums inuring to the fund, plus interest earnings
4 for the Task Force for Building Renewal to be used to carry out its
5 duties and to fulfill the purposes of the Deferred Building Renewal
6 Act. Unexpended balances existing at the end of each fiscal year

7 shall be, and are hereby, reappropriated. For fiscal year
8 distributions occurring after FY1998-99, the distribution under
9 this subdivision shall not be less than five-sevenths of the amount
10 distributed under this subdivision for FY1997-98. Any money needed
11 to increase the amount distributed under this subdivision to
12 five-sevenths of the FY1997-98 amount shall reduce the
13 ~~twenty one cent~~ distribution to the General Fund;

14 (d) Fourth, the State Treasurer shall place the
15 difference between the equivalent of thirteen cents of such tax and
16 the sum of the amounts distributed pursuant to subdivisions (a)
17 through (c) and (f) through (h) of this subsection in a special
18 fund to be known as the Nebraska Capital Construction Fund;
19 (e) Fifth, beginning July 1, 1994, and continuing until
20 July 1, 2009, the State Treasurer shall place in the Municipal
21 Infrastructure Redevelopment Fund the sum of three million dollars
22 each fiscal year to carry out the Municipal Infrastructure
23 Redevelopment Fund Act. The Legislature shall appropriate the sum
24 of three million dollars each year for fiscal year 1994-95 through
25 fiscal year 2008-09;

26 (f) Sixth, beginning July 1, 2001, the State Treasurer
27 shall place the equivalent of two cents of such tax in the
1 Information Technology Infrastructure Fund;

2 (g) Seventh, beginning July 1, 2001, and continuing until
3 June 30, 2016, the State Treasurer shall place one million dollars
4 each fiscal year in the City of the Primary Class Development Fund.
5 If necessary, the State Treasurer shall reduce the distribution of
6 tax proceeds to the General Fund pursuant to this subsection by
7 such amount required to fulfill the one million dollars to be
8 distributed pursuant to this subdivision; ~~and~~

9 (h) Eighth, beginning July 1, 2001, and continuing until
10 June 30, 2016, the State Treasurer shall place one million five
11 hundred thousand dollars each fiscal year in the City of the
12 Metropolitan Class Development Fund. If necessary, the State
13 Treasurer shall reduce the distribution of tax proceeds to the
14 General Fund pursuant to this subsection by such amount required to
15 fulfill the one million five hundred thousand dollars to be
16 distributed pursuant to this subdivision;

17 (i) Ninth, beginning July 1, 2003, the State Treasurer
18 shall place the equivalent seven million dollars each fiscal year
19 in the Tobacco Prevention and Control Cash Fund. If necessary, the
20 State Treasurer shall reduce the distribution of tax proceeds to
21 the General Fund pursuant to this subsection by such amount
22 required to fulfill the seven million dollars to be distributed
23 pursuant to this subdivision; and

24 (j) Tenth, beginning July 1, 2003, the State Treasurer
25 shall place the equivalent five million dollars each fiscal year in
26 the Children's Health Insurance Cash Fund. If necessary, the State
27 Treasurer shall reduce the distribution of tax proceeds to the
1 General Fund pursuant to this subsection by such amount required to

2 fulfill the five million dollars to be distributed pursuant to this
 3 subdivision.

4 (2) The Legislature hereby finds and determines that the
 5 projects funded from the Municipal Infrastructure Redevelopment
 6 Fund and the Building Renewal Allocation Fund are of critical
 7 importance to the State of Nebraska. It is the intent of the
 8 Legislature that the allocations and appropriations made by the
 9 Legislature to such funds or, in the case of allocations for the
 10 Municipal Infrastructure Redevelopment Fund, to the particular
 11 municipality's account not be reduced until all contracts and
 12 securities relating to the construction and financing of the
 13 projects or portions of the projects funded from such funds or
 14 accounts of such funds are completed or paid or, in the case of the
 15 Municipal Infrastructure Redevelopment Fund, the earlier of such
 16 date or July 1, 2009, and that until such time any reductions in
 17 the cigarette tax rate made by the Legislature shall be
 18 simultaneously accompanied by equivalent reductions in the amount
 19 dedicated to the General Fund from cigarette tax revenue. Any
 20 provision made by the Legislature for distribution of the proceeds
 21 of the cigarette tax for projects or programs other than those to
 22 (a) the General Fund, (b) the Nebraska Outdoor Recreation
 23 Development Cash Fund, (c) the Department of Health and Human
 24 Services Finance and Support Cash Fund, (d) the Municipal
 25 Infrastructure Redevelopment Fund, (e) the Building Renewal
 26 Allocation Fund, (f) the Information Technology Infrastructure
 27 Fund, (g) the City of the Primary Class Development Fund, ~~and~~ (h)
 1 the City of the Metropolitan Class Development Fund, (i) the
 2 Tobacco Prevention and Control Cash Fund, and (j) the Children's
 3 Health Insurance Cash Fund shall not be made a higher priority than
 4 or an equal priority to any of the programs or projects specified
 5 in subdivisions (a) through ~~(h)~~ (j) of this subsection."
 6 2. Renumber the remaining sections accordingly and
 7 correct the operative date section and the repealer so that the
 8 sections added by this amendment become operative on July 1, 2002.

Senator Jensen filed the following amendment to LB 1085:
 AM3211

(Amendments to Standing Committee amendments, AM3155)

1 1. Insert the following new sections:
 2 "Section 1. (1) The Substance Abuse Treatment Fund is
 3 created. The fund shall consist of money allocated to the fund
 4 pursuant to sections 53-160 and 53-162, any money appropriated by
 5 the Legislature, and any gifts, bequests, or other contributions
 6 provided to the fund from any public or private entities.
 7 (2) The interest from the money allocated pursuant to
 8 sections 53-160 and 53-162, any money provided by the Legislature,
 9 and any other gifts, bequests, or other contributions provided to
 10 the fund shall be divided equally and distributed to the following
 11 substance abuse treatment programs: (a) The Nebraska Correctional

12 Treatment Center Program and (b) substance abuse treatment programs
13 funded by the Division of Mental Health, Substance Abuse, and
14 Addiction Services of the Department of Health and Human Services.
15 (3) Any money in the Substance Abuse Treatment Fund
16 available for investment shall be invested by the state investment
17 officer pursuant to the Nebraska Capital Expansion Act and the
18 Nebraska State Funds Investment Act.

19 Sec. 2. Section 53-160, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 53-160. (1) For the purpose of raising revenue, a tax is
22 imposed upon the privilege of engaging in business as a
23 manufacturer or a wholesaler at a rate of ~~twenty-three~~ thirty-seven

1 cent per gallon on all beer; ~~seventy-five~~ one dollar and
2 twenty-five cents per gallon for wine containing not more than
3 fourteen percent but not less than five-tenths of one percent of
4 alcohol by volume and ~~one dollar and thirty-five~~ two dollars and
5 twenty-five cents per gallon for wines and other dilute alcoholic
6 beverages containing more than fourteen percent of alcohol by
7 volume, except for wines produced in farm wineries; ~~five ten~~ cents
8 per gallon for wine produced in farm wineries; and ~~three dollars~~
9 four dollars and fifty-five cents per gallon on alcohol and spirits
10 manufactured and sold by such manufacturer or shipped for sale in
11 this state by such wholesaler in the course of such business. The
12 gallonage tax imposed by this subsection shall be imposed only on
13 alcoholic liquor upon which a federal excise tax is imposed.

14 (2) Manufacturers or wholesalers of alcoholic liquor
15 shall be exempt from the payment of the gallonage tax on such
16 alcoholic liquor upon satisfactory proof, including bills of lading
17 furnished to the commission by affidavit or otherwise as the
18 commission may require, that such alcoholic liquor was manufactured
19 in this state but shipped out of the state for sale and consumption
20 outside this state.

21 (3) Dry wines or fortified wines manufactured or shipped
22 into this state solely and exclusively for sacramental purposes and
23 uses shall not be subject to the gallonage tax.

24 (4) The gallonage tax shall not be imposed upon any
25 alcoholic liquor, whether manufactured in or shipped into this
26 state, when sold to a licensed nonbeverage user for use in the
27 manufacture of any of the following when such products are unfit
1 for beverage purposes: Patent and proprietary medicines and
2 medicinal, antiseptic, and toilet preparations; flavoring extracts,
3 syrups, food products, and confections or candy; scientific,
4 industrial, and chemical products, except denatured alcohol; or
5 products for scientific, chemical, experimental, or mechanical
6 purposes.

7 (5) The gallonage tax shall not be imposed upon the
8 privilege of engaging in any business in interstate commerce or
9 otherwise, which business may not, under the Constitution and
10 statutes of the United States, be made the subject of taxation by

11 this state.

12 (6) The gallonage tax shall be in addition to all other
13 occupation or privilege taxes imposed by this state or by any
14 municipal corporation or political subdivision thereof.

15 (7) The commission shall collect the gallonage tax and
16 shall account for and remit to the State Treasurer at least once
17 each week all money collected pursuant to this section. If any
18 alcoholic liquor manufactured in or shipped into this state is sold
19 to a licensed manufacturer or wholesaler of this state to be used
20 solely as an ingredient in the manufacture of any beverage for
21 human consumption, the tax imposed upon such manufacturer or
22 wholesaler shall be reduced by the amount of the taxes which have
23 been paid as to such alcoholic liquor so used under the Nebraska
24 Liquor Control Act.

25 (8) The State Treasurer shall credit the net proceeds of
26 all revenue arising under this section shall be credited to the
27 General Fund and the Substance Abuse Treatment Fund as follows:

1 1 (a) Beer -- twenty-three cents per gallon to the General
2 Fund and fourteen cents per gallon to the Substance Abuse Treatment
3 Fund;

4 (b) Wine produced at farm wineries -- five cents per
5 gallon to the General Fund and five cents per gallon to the
6 Substance Abuse Treatment Fund;

7 (c) Other wine containing not more than fourteen percent
8 but not less than five-tenths of one percent of alcohol by volume
9 -- seventy-five cents per gallon to the General Fund and fifty
10 cents per gallon to the Substance Abuse Treatment Fund;

11 (d) Other wine and dilute alcoholic beverages containing
12 more than fourteen percent of alcohol by volume -- one dollar and
13 thirty-five cents per gallon to the General Fund and ninety cents
14 per gallon to the Substance Abuse Treatment Fund; and

15 (e) Alcohol and spirits manufactured and sold by such
16 manufacturer or shipped for sale in this state by a wholesaler --
17 three dollars per gallon to the General Fund and one dollar and
18 fifty-five cents per gallon to the Substance Abuse Treatment Fund.

19 Sec. 3. Section 53-162, Revised Statutes Supplement,
20 2001, is amended to read:

21 53-162. For the purpose of raising revenue, a tax is
22 imposed upon persons holding a shipping license issued pursuant to
23 subsection (4) of section 53-123.15 who ship alcoholic liquor to
24 individuals pursuant to section 53-192 and for which the required
25 taxes in the state of purchase or this state have not been paid.
26 The tax, if due, shall be paid by the holder of the shipping
27 license issued pursuant to subsection (4) of section 53-123.15.

1 The amount of the tax shall be imposed as provided in section
2 53-160. The tax shall be collected by the commission, except that
3 the tax shall not be due until December 31 of the year in which the
4 purchase was made. The tax shall be delinquent if unpaid within
5 twenty-five days after December 31. The revenue from the tax shall

6 be credited to the General Fund and the Substance Abuse Treatment
 7 Fund pursuant to subsection (8) of section 53-160. The commission
 8 shall adopt and promulgate rules and regulations to carry out this
 9 section."
 10 2. Renumber the remaining sections accordingly and
 11 correct the operative date section and the repealer so that the
 12 sections added by this amendment become operative on July 1, 2002.

Senator Kruse filed the following amendment to LB 1085:
 AM3254

(Amendments to Standing Committee amendments, AM3155)

1 1. Insert the following new sections:
 2 "Section 1. (1) The Substance Abuse Treatment Fund is
 3 created. The fund shall consist of money allocated to the fund
 4 pursuant to sections 53-160 and 53-162, any money appropriated by
 5 the Legislature, and any gifts, bequests, or other contributions
 6 provided to the fund from any public or private entities.
 7 (2) The interest from the money allocated pursuant to
 8 sections 53-160 and 53-162, any money provided by the Legislature,
 9 and any other gifts, bequests, or other contributions provided to
 10 the fund shall be divided equally and distributed to the following
 11 substance abuse treatment programs: (a) The Nebraska Correctional
 12 Treatment Center Program and (b) substance abuse treatment programs
 13 funded by the Division of Mental Health, Substance Abuse, and
 14 Addiction Services of the Department of Health and Human Services.
 15 (3) Any money in the Substance Abuse Treatment Fund
 16 available for investment shall be invested by the state investment
 17 officer pursuant to the Nebraska Capital Expansion Act and the
 18 Nebraska State Funds Investment Act.
 19 Sec. 2. Section 53-160, Reissue Revised Statutes of
 20 Nebraska, is amended to read:
 21 53-160. (1) For the purpose of raising revenue, a tax is
 22 imposed upon the privilege of engaging in business as a
 23 manufacturer or a wholesaler at a rate of ~~twenty-three~~ fifty cents
 1 per gallon on all beer; ~~seventy-five~~ one dollar and fifty cents per
 2 gallon for wine containing not more than fourteen percent but not
 3 less than five-tenths of one percent of alcohol by volume and ~~one~~
 4 dollar and thirty-five ~~two dollars and seventy cents~~ per gallon for
 5 wines and other dilute alcoholic beverages containing more than
 6 fourteen percent of alcohol by volume, except for wines produced in
 7 farm wineries; ~~five~~ ten cents per gallon for wine produced in farm
 8 wineries; and ~~three~~ dollars six dollars per gallon on alcohol and
 9 spirits manufactured and sold by such manufacturer or shipped for
 10 sale in this state by such wholesaler in the course of such
 11 business. The gallonage tax imposed by this subsection shall be
 12 imposed only on alcoholic liquor upon which a federal excise tax is
 13 imposed.
 14 (2) Manufacturers or wholesalers of alcoholic liquor
 15 shall be exempt from the payment of the gallonage tax on such

16 alcoholic liquor upon satisfactory proof, including bills of lading
17 furnished to the commission by affidavit or otherwise as the
18 commission may require, that such alcoholic liquor was manufactured
19 in this state but shipped out of the state for sale and consumption
20 outside this state.

21 (3) Dry wines or fortified wines manufactured or shipped
22 into this state solely and exclusively for sacramental purposes and
23 uses shall not be subject to the gallonage tax.

24 (4) The gallonage tax shall not be imposed upon any
25 alcoholic liquor, whether manufactured in or shipped into this
26 state, when sold to a licensed nonbeverage user for use in the
27 manufacture of any of the following when such products are unfit
1 for beverage purposes: Patent and proprietary medicines and
2 medicinal, antiseptic, and toilet preparations; flavoring extracts,
3 syrups, food products, and confections or candy; scientific,
4 industrial, and chemical products, except denatured alcohol; or
5 products for scientific, chemical, experimental, or mechanical
6 purposes.

7 (5) The gallonage tax shall not be imposed upon the
8 privilege of engaging in any business in interstate commerce or
9 otherwise, which business may not, under the Constitution and
10 statutes of the United States, be made the subject of taxation by
11 this state.

12 (6) The gallonage tax shall be in addition to all other
13 occupation or privilege taxes imposed by this state or by any
14 municipal corporation or political subdivision thereof.

15 (7) The commission shall collect the gallonage tax and
16 shall account for and remit to the State Treasurer at least once
17 each week all money collected pursuant to this section. If any
18 alcoholic liquor manufactured in or shipped into this state is sold
19 to a licensed manufacturer or wholesaler of this state to be used
20 solely as an ingredient in the manufacture of any beverage for
21 human consumption, the tax imposed upon such manufacturer or
22 wholesaler shall be reduced by the amount of the taxes which have
23 been paid as to such alcoholic liquor so used under the Nebraska
24 Liquor Control Act.

25 (8) The State Treasurer shall credit the net proceeds of
26 all revenue arising under this section shall be credited to the
27 General Fund and the Substance Abuse Treatment Fund as follows:

1 (a) Beer -- thirty-six cents per gallon to the General
2 Fund and fourteen cents per gallon to the Substance Abuse Treatment
3 Fund;

4 (b) Wine produced at farm wineries -- five cents per
5 gallon to the General Fund and five cents per gallon to the
6 Substance Abuse Treatment Fund;

7 (c) Other wine containing not more than fourteen percent
8 but not less than five-tenths of one percent of alcohol by volume
9 -- one dollar per gallon to the General Fund and fifty cents per
10 gallon to the Substance Abuse Treatment Fund;

11 (d) Other wine and dilute alcoholic beverages containing
 12 more than fourteen percent of alcohol by volume -- one dollar and
 13 eighty cents per gallon to the General Fund and ninety cents per
 14 gallon to the Substance Abuse Treatment Fund; and

15 (e) Alcohol and spirits manufactured and sold by such
 16 manufacturer or shipped for sale in this state by a wholesaler --
 17 four dollars and forty-five cents per gallon to the General Fund
 18 and one dollar and fifty-five cents per gallon to the Substance
 19 Abuse Treatment Fund.

20 Sec. 3. Section 53-162, Revised Statutes Supplement,
 21 2001, is amended to read:

22 53-162. For the purpose of raising revenue, a tax is
 23 imposed upon persons holding a shipping license issued pursuant to
 24 subsection (4) of section 53-123.15 who ship alcoholic liquor to
 25 individuals pursuant to section 53-192 and for which the required
 26 taxes in the state of purchase or this state have not been paid.

27 The tax, if due, shall be paid by the holder of the shipping
 1 license issued pursuant to subsection (4) of section 53-123.15.
 2 The amount of the tax shall be imposed as provided in section
 3 53-160. The tax shall be collected by the commission, except that
 4 the tax shall not be due until December 31 of the year in which the
 5 purchase was made. The tax shall be delinquent if unpaid within
 6 twenty-five days after December 31. The revenue from the tax shall
 7 be credited to the General Fund and the Substance Abuse Treatment
 8 Fund pursuant to subsection (8) of section 53-160. The commission
 9 shall adopt and promulgate rules and regulations to carry out this
 10 section."

11 2. Renumber the remaining sections accordingly and
 12 correct the operative date section and the repealer so that the
 13 sections added by this amendment become operative on July 1, 2002.

Senator Kruse filed the following amendment to LB 1085:
 AM3252

(Amendments to Standing Committee amendments, AM3155)

1 1. Insert the following new section:
 2 "Section 1. Section 53-160, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 53-160. (1) For the purpose of raising revenue, a tax is
 5 imposed upon the privilege of engaging in business as a
 6 manufacturer or a wholesaler at a rate of ~~twenty three~~ fifty cents
 7 per gallon on all beer; ~~seventy five one dollar and fifty~~ cents per
 8 gallon for wine containing not more than fourteen percent but not
 9 less than five-tenths of one percent of alcohol by volume and ~~one~~
 10 ~~dollar and thirty five~~ two dollars and seventy cents per gallon for
 11 wines and other dilute alcoholic beverages containing more than
 12 fourteen percent of alcohol by volume, except for wines produced in
 13 farm wineries; ~~five ten~~ cents per gallon for wine produced in farm
 14 wineries; and ~~three dollars~~ six dollars per gallon on alcohol and
 15 spirits manufactured and sold by such manufacturer or shipped for

16 sale in this state by such wholesaler in the course of such
17 business. The gallonage tax imposed by this subsection shall be
18 imposed only on alcoholic liquor upon which a federal excise tax is
19 imposed.

20 (2) Manufacturers or wholesalers of alcoholic liquor
21 shall be exempt from the payment of the gallonage tax on such
22 alcoholic liquor upon satisfactory proof, including bills of lading
23 furnished to the commission by affidavit or otherwise as the
1 commission may require, that such alcoholic liquor was manufactured
2 in this state but shipped out of the state for sale and consumption
3 outside this state.

4 (3) Dry wines or fortified wines manufactured or shipped
5 into this state solely and exclusively for sacramental purposes and
6 uses shall not be subject to the gallonage tax.

7 (4) The gallonage tax shall not be imposed upon any
8 alcoholic liquor, whether manufactured in or shipped into this
9 state, when sold to a licensed nonbeverage user for use in the
10 manufacture of any of the following when such products are unfit
11 for beverage purposes: Patent and proprietary medicines and
12 medicinal, antiseptic, and toilet preparations; flavoring extracts,
13 syrups, food products, and confections or candy; scientific,
14 industrial, and chemical products, except denatured alcohol; or
15 products for scientific, chemical, experimental, or mechanical
16 purposes.

17 (5) The gallonage tax shall not be imposed upon the
18 privilege of engaging in any business in interstate commerce or
19 otherwise, which business may not, under the Constitution and
20 statutes of the United States, be made the subject of taxation by
21 this state.

22 (6) The gallonage tax shall be in addition to all other
23 occupation or privilege taxes imposed by this state or by any
24 municipal corporation or political subdivision thereof.

25 (7) The commission shall collect the gallonage tax and
26 shall account for and remit to the State Treasurer at least once
27 each week all money collected pursuant to this section. If any
1 alcoholic liquor manufactured in or shipped into this state is sold
2 to a licensed manufacturer or wholesaler of this state to be used
3 solely as an ingredient in the manufacture of any beverage for
4 human consumption, the tax imposed upon such manufacturer or
5 wholesaler shall be reduced by the amount of the taxes which have
6 been paid as to such alcoholic liquor so used under the Nebraska
7 Liquor Control Act.

8 (8) The State Treasurer shall credit the net proceeds of
9 all revenue arising under this section shall be credited to the
10 General Fund."

11 2. Renumber the remaining sections accordingly and
12 correct the operative date section and the repealer so that the
13 section added by this amendment becomes operative on July 1, 2002.

Senator Hartnett filed the following amendment to LB 1085:
AM3276

(Amendments to Standing Committee amendments, AM3155)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 77-2701.02, Revised Statutes
- 4 Supplement, 2000, is amended to read:
- 5 77-2701.02. Pursuant to section 77-2715.01:
- 6 (1) Until July 1, 1998, ~~or April 15, 1998, whichever is~~
- 7 ~~later~~, the rate of the sales tax levied pursuant to section 77-2703
- 8 shall be five percent;
- 9 (2) Commencing July 1, 1998, ~~or April 15, 1998, whichever~~
- 10 ~~is later~~, and until July 1, 1999, the rate of the sales tax levied
- 11 pursuant to section 77-2703 shall be four and one-half percent; ~~and~~
- 12 (3) Commencing July 1, 1999, and until the operative date
- 13 of this section, the rate of the sales tax levied pursuant to
- 14 section 77-2703 shall be five percent;
- 15 (4) Commencing on the operative date of this section, and
- 16 until July 1, 2004, the rate of the sales tax levied pursuant to
- 17 section 77-2703 shall be five and one-half percent; and
- 18 (5) Commencing July 1, 2004, the rate of the sales tax
- 19 levied pursuant to section 77-2703 shall be five percent.
- 20 Sec. 2. Section 77-2715.02, Revised Statutes Supplement,
- 21 2000, is amended to read:
- 22 77-2715.02. (1) Whenever the primary rate is changed by
- 23 the Legislature under section 77-2715.01, the Tax Commissioner
- 1 shall update the rate schedules required in subsection (2) of this
- 2 section to reflect the new primary rate and shall publish such
- 3 updated schedules.
- 4 (2) The following rate schedules are hereby established
- 5 for the Nebraska individual income tax and shall be in the
- 6 following form:
- 7 (a) The income amounts for columns A and E shall be:
- 8 (i) \$0, \$2,400, \$17,000, and \$26,500, for single returns;
- 9 (ii) \$0, \$4,000, \$30,000, and \$46,750, for married filing
- 10 joint returns;
- 11 (iii) \$0, \$3,800, \$24,000, and \$35,000, for
- 12 head-of-household returns;
- 13 (iv) \$0, \$2,000, \$15,000, and \$23,375, for married filing
- 14 separate returns; and
- 15 (v) \$0, \$500, \$4,700, and \$15,150, for estates and
- 16 trusts;
- 17 (b) The amount in column C shall be the total amount of
- 18 the tax imposed on income less than the amount in column A;
- 19 (c) The amount in column D shall be the rate on the
- 20 income in excess of the amount in column E;
- 21 (d) ~~The~~ For taxable years beginning or deemed to begin
- 22 before January 1, 2002, and on or after January 1, 2004, under the
- 23 Internal Revenue Code of 1986, as amended, the primary rate set by

24 the Legislature shall be multiplied by the following factors to
 25 compute the tax rates for column D. The factors for the brackets,
 26 from lowest to highest bracket, shall be .6784, .9432, 1.3541, and
 27 1.8054;

1 (e) For taxable years beginning or deemed to begin on or
 2 after January 1, 2002, and before January 1, 2004, under the
 3 Internal Revenue Code of 1986, as amended, the primary rate set by
 4 the Legislature shall be multiplied by the following factors to
 5 compute the tax rates for column D. The factors for the brackets,
 6 from lowest to highest bracket, shall be .708, .986, 1.415, and
 7 1.89;

8 (f) The amounts for column C shall be rounded to the
 9 nearest dollar, and the amounts in column D shall be rounded to
 10 hundredths of one percent; and

11 ~~(f)~~ (g) One rate schedule shall be established for each
 12 federal filing status.

13 (3) The tax rate schedules shall use the format set forth
 14 in this subsection.

| | | | | | |
|----|----------------|---------|-----|------|-------------|
| 15 | A | B | C | D | E |
| 16 | Taxable income | but not | pay | plus | of the |
| 17 | over | over | | | amount over |

18 (4) The tax rate applied to other federal taxes included
 19 in the computation of the Nebraska individual income tax shall be
 20 eight times the primary rate.

21 (5) The Tax Commissioner shall prepare, from the rate
 22 schedules, tax tables which can be used by a majority of the
 23 taxpayers to determine their Nebraska tax liability. The design of
 24 the tax tables shall be determined by the Tax Commissioner. The
 25 size of the tax table brackets may change as the level of income
 26 changes. The difference in tax between two tax table brackets
 27 shall not exceed fifteen dollars. The Tax Commissioner may build
 1 the personal exemption credit and standard deduction amounts into
 2 the tax tables.

3 (6) The Tax Commissioner may require by rule and
 4 regulation that all taxpayers shall use the tax tables if their
 5 income is less than the maximum income included in the tax tables.

6 Sec. 3. Economic incentive benefits provided under the
 7 Employment and Investment Growth Act, the Invest Nebraska Act, and
 8 the Quality Jobs Act may not be used against the sales and use tax
 9 or income tax to the extent the tax rates were increased by this
 10 legislative bill.

11 Sec. 4. Sections 1 and 5 of this act become operative on
 12 July 1, 2002. The other sections of this act become operative on
 13 their effective date.

14 Sec. 5. Original section 77-2701.02, Revised Statutes
 15 Supplement, 2000, is repealed.

16 Sec. 6. Original section 77-2715.02, Revised Statutes
 17 Supplement, 2000, is repealed.

18 Sec. 7. Since an emergency exists, this act takes effect

19 when passed and approved according to law."

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 1206. Placed on General File as amended.
(Standing Committee amendment, AM3173, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Ron Raikes, Chairperson

UNANIMOUS CONSENT - Member Excused

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 1303. Title read. Considered.

The Standing Committee amendment, AM3134, found on page 994, was considered.

Senator Beutler offered the following amendment to the Standing Committee amendment:

FA944

Amend AM3134

Substitute a period for the comma on line 14, page 4 and strike all language after the comma

Strike lines 15 and 16 on page 4

Senator Beutler withdrew his amendment.

The Standing Committee amendment was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 729. Title read. Considered.

The Standing Committee amendment, AM2565, found on page 546, was considered.

Senator Hartnett renewed his pending amendment, AM2968, found on page 997, to the Standing Committee amendment.

The Hartnett amendment was adopted with 26 ayes, 0 nays, 21 present and

not voting, and 2 excused and not voting.

Senator Erdman offered the following amendment to the Standing Committee amendment:

AM3273

(Amendments to Standing Committee amendments, AM2565)

1 1. Insert the following new sections:

2 "Sec. 4. Section 17-301, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 17-301. (1) Whenever any city of the first class
5 decreases in population until it has a population of less than five
6 thousand inhabitants and more than eight but not less than four
7 thousand five hundred inhabitants, as ascertained and officially
8 promulgated by the federal decennial census, enumeration, and
9 return taken by the United States, by the State of Nebraska, or by
10 the authority of the mayor and city council of any such city, the
11 mayor of any such city shall certify such fact to the Secretary of
12 State.

13 (2) Whenever any city of the first class decreases in
14 population until it has a population of less than four thousand
15 five hundred inhabitants but more than eight hundred inhabitants as
16 ascertained and officially promulgated by the federal decennial
17 census, the mayor of any such city shall certify such fact to the
18 Secretary of State.

19 (3) Whenever the Secretary of State receives a
20 certification pursuant to subsection (1) of this section from the
21 same city after two consecutive federal decennial censuses, he or
22 she of the State of Nebraska who, upon the filing of such a
23 certificate, shall by proclamation so declare and shall declare
1 such city to have become a city of the second class, except as
2 provided in section 17-305. Thereafter

3 (4) Whenever the Secretary of State receives a
4 certification pursuant to subsection (2) of this section, he or she
5 shall declare such city to have become a city of the second class
6 as provided in section 17-305.

7 (5) Beginning on the date upon which a city becomes a
8 city of the second class pursuant to section 17-305, such city
9 shall be governed by the provisions of the statutes of the State of
10 Nebraska applicable to cities of the second class. Upon such
11 proclamation being made by the Secretary of State, every officer of
12 such city shall, within thirty days thereafter, qualify and give
13 bond as provided by the statutes of the State of Nebraska in cases
14 of cities of the second class. In any city which may hereafter
15 become a city of the second class, having been a city of the first
16 class, any council member whose term extends by reason of his or
17 her prior election under the provisions governing cities of the
18 first class through another year or years shall continue to hold
19 his or her office as council member from the ward in which he or
20 she is a resident as if elected for the same term under the

21 statutes of the State of Nebraska governing cities of the second
22 class.

23 Sec. 5. Section 17-302, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 17-302. The government of ~~such~~ a city shall continue, as
26 organized at the date of ~~such proclamation~~ the declaration of the
27 Secretary of State under section 17-301, until the reorganization
1 of the same under section ~~17-301~~ 17-305.

2 Sec. 6. Section 17-303, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 17-303. The mayor and council shall, within ~~thirty~~
5 ninety days after ~~such proclamation~~ the declaration of the
6 Secretary of State under section 17-301, divide the city into not
7 less than two nor more than six wards, as may be provided by
8 ordinance of the mayor and city council thereof. Such wards shall
9 contain, as nearly as practicable, an equal area and an equal
10 number of legal voters. Such division and boundaries of ~~said~~ such
11 wards, so to be defined by ordinance, shall take effect on the
12 first day of the first succeeding municipal year following the next
13 general city election after such reorganization. Any council
14 member whose term continues, by reason of his or her prior election
15 under the statutes governing cities of the first class, through
16 another year or years beyond the date of the reorganization as a
17 city of the second class shall continue to hold his or her office
18 as council member from the ward in which he or she is a resident as
19 if elected for the same term under the statutes governing cities of
20 the second class.

21 Sec. 7. Section 17-305, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 17-305. (1) Upon the expiration of one year after the
24 date of the declaration of the Secretary of State under section
25 17-301, the city shall be, as of that date, incorporated as a city
26 of the second class. All ordinances, bylaws, acts, regulations,
27 obligations, rules, and proclamations existing and in force in or
1 with respect to any such city at the time of ~~its incorporation as a~~
2 city of the second class the declaration of the Secretary of State
3 under section 17-301 shall be and remain in full force and effect
4 after such incorporation as a city of the second class until
5 ~~repealed or modified by such city within one year from the date of~~
6 the proclamation by the Secretary of State that such city is for a
7 period of one year and may be enacted, altered, or amended during
8 such period in a manner consistent with the statutes governing
9 cities of the first class, except that any such acts, alterations,
10 or amendments shall not be effective beyond the date upon which the
11 city is incorporated as a city of the second class. ~~a city of the~~
12 ~~second class.~~

13 (2) Notwithstanding the provisions of subsection (1) of
14 this section, a city shall amend, repeal, or modify all ordinances,
15 bylaws, acts, regulations, obligations, rules, and proclamations

16 which are existing and in force in or with respect to such city at
17 the time of the declaration of the Secretary of State under section
18 17-301 and which are inconsistent with the statutes governing
19 cities of the second class in a manner which is in conformance and
20 consistent with the statutes governing cities of the second class
21 to take effect upon the effective date of the city's incorporation
22 as a city of the second class.

23 Sec. 8. Sections 17-301 to 17-305 apply to cities of the
24 first class whose population has decreased to less than five
25 thousand inhabitants but more than eight hundred inhabitants
26 according to the federal decennial census in the year 2000 and in
27 each subsequent federal decennial census."

- 1 2. Renumber the remaining sections and correct the
- 2 repealer and internal references accordingly.

The Erdman amendment was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

AMENDMENT - Print in Journal

Senator Kristensen filed the following amendment to **LB 876**:
(Amendment, AM3183, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

VISITORS

Visitors to the Chamber were 21 third- and fourth-grade students and teachers from Saunders County District 11, Fremont; 40 fifth-grade students and teachers from Northside Elementary School, Fremont; 20 fourth-grade students and teacher from St. John Lutheran School, Seward; 50 fourth-grade students and teacher from North Park Elementary School, Columbus; and residents from the Christian Heritage Children's Home, Lincoln.

ADJOURNMENT

At 2:18 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Monday, March 25, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FIFTH DAY - MARCH 25, 2002**LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE
SECOND SESSION****FORTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, March 25, 2002

PRAYER

The prayer was offered by Senator Vrtiska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:05 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Aguilar, Brown, Byars, Chambers, Coordsen, Engel, Kristensen, Kruse, Landis, Maxwell, Dw. Pedersen, Raikes, and Synowiecki who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fourth day was approved.

SELECT FILE

LEGISLATIVE BILL 830A. Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 1085. Senator Beutler requested a division of the question on the Standing Committee amendment, AM3155, printed separately and referred to on page 1010 and considered on page 1077.

The Chair sustained the division of the question.

The first Standing Committee amendment is as follows:
FA947

12 Sec. 11. Section 77-2716, Revised Statutes Supplement,

13 2000, is amended to read:

14 77-2716. (1) The following adjustments to federal

15 adjusted gross income or, for corporations and fiduciaries, federal
16 taxable income shall be made for interest or dividends received:

17 (a) There shall be subtracted interest or dividends
18 received by the owner of obligations of the United States and its
19 territories and possessions or of any authority, commission, or
20 instrumentality of the United States to the extent includable in
21 gross income for federal income tax purposes but exempt from state
22 income taxes under the laws of the United States;

23 (b) There shall be subtracted that portion of the total
24 dividends and other income received from a regulated investment
25 company which is attributable to obligations described in
26 subdivision (a) of this subsection as reported to the recipient by
27 the regulated investment company;

1 (c) There shall be added interest or dividends received
2 by the owner of obligations of the District of Columbia, other
3 states of the United States, or their political subdivisions,
4 authorities, commissions, or instrumentalities to the extent
5 excluded in the computation of gross income for federal income tax
6 purposes except that such interest or dividends shall not be added
7 if received by a corporation which is a regulated investment
8 company;

9 (d) There shall be added that portion of the total
10 dividends and other income received from a regulated investment
11 company which is attributable to obligations described in
12 subdivision (c) of this subsection and excluded for federal income
13 tax purposes as reported to the recipient by the regulated
14 investment company; and

15 (e)(i) Any amount subtracted under this subsection shall
16 be reduced by any interest on indebtedness incurred to carry the
17 obligations or securities described in this subsection or the
18 investment in the regulated investment company and by any expenses
19 incurred in the production of interest or dividend income described
20 in this subsection to the extent that such expenses, including
21 amortizable bond premiums, are deductible in determining federal
22 taxable income.

23 (ii) Any amount added under this subsection shall be
24 reduced by any expenses incurred in the production of such income
25 to the extent disallowed in the computation of federal taxable
26 income.

27 (2) There shall be allowed a net operating loss derived
1 from or connected with Nebraska sources computed under rules and
2 regulations adopted and promulgated by the Tax Commissioner
3 consistent, to the extent possible under the Nebraska Revenue Act
4 of 1967, with the laws of the United States. For a resident
5 individual, estate, or trust, the net operating loss computed on
6 the federal income tax return shall be adjusted by the
7 modifications contained in this section. For a nonresident
8 individual, estate, or trust or for a partial-year resident
9 individual, the net operating loss computed on the federal return

10 shall be adjusted by the modifications contained in this section
11 and any carryovers or carrybacks shall be limited to the portion of
12 the loss derived from or connected with Nebraska sources.

13 (3) There shall be subtracted from federal adjusted gross
14 income for all taxable years beginning on or after January 1, 1987,
15 the amount of any state income tax refund to the extent such refund
16 was deducted under the Internal Revenue Code, was not allowed in
17 the computation of the tax due under the Nebraska Revenue Act of
18 1967, and is included in federal adjusted gross income.

19 (4) Federal adjusted gross income, or, for a fiduciary,
20 federal taxable income shall be modified to exclude the portion of
21 the income or loss received from a small business corporation with
22 an election in effect under subchapter S of the Internal Revenue
23 Code or from a limited liability company organized pursuant to the
24 Limited Liability Company Act that is not derived from or connected
25 with Nebraska sources as determined in section 77-2734.01.

26 (5) There shall be subtracted from federal adjusted gross
27 income or, for corporations and fiduciaries, federal taxable income
1 dividends received or deemed to be received from corporations which
2 are not subject to the Internal Revenue Code.

3 (6) There shall be subtracted from federal taxable income
4 a portion of the income earned by a corporation subject to the
5 Internal Revenue Code of 1986 that is actually taxed by a foreign
6 country or one of its political subdivisions at a rate in excess of
7 the maximum federal tax rate for corporations. The taxpayer may
8 make the computation for each foreign country or for groups of
9 foreign countries. The portion of the taxes that may be deducted
10 shall be computed in the following manner:

11 (a) The amount of federal taxable income from operations
12 within a foreign taxing jurisdiction shall be reduced by the amount
13 of taxes actually paid to the foreign jurisdiction that are not
14 deductible solely because the foreign tax credit was elected on the
15 federal income tax return;

16 (b) The amount of after-tax income shall be divided by
17 one minus the maximum tax rate for corporations in the Internal
18 Revenue Code; and

19 (c) The result of the calculation in subdivision (b) of
20 this subsection shall be subtracted from the amount of federal
21 taxable income used in subdivision (a) of this subsection. The
22 result of such calculation, if greater than zero, shall be
23 subtracted from federal taxable income.

24 (7) Federal adjusted gross income shall be modified to
25 exclude any amount repaid by the taxpayer for which a reduction in
26 federal tax is allowed under section 1341(a)(5) of the Internal
27 Revenue Code.

1 (8)(a) There shall be subtracted from federal adjusted
2 gross income an amount equal to the difference between the amount
3 qualified for calculation of a deduction as provided in section
4 162(l) of the Internal Revenue Code and the amount actually allowed

5 pursuant to section 162(l)(1) of the Internal Revenue Code.

6 (b) For an individual who itemized deductions on his or
7 her federal return, the maximum amount subtracted under subdivision
8 (8)(a) of this section shall be seven and one-half percent of
9 federal adjusted gross income.

10 (9)(a) Federal adjusted gross income or, for corporations
11 and fiduciaries, federal taxable income shall be reduced, to the
12 extent included, by income from interest, earnings, and state
13 contributions received from the Nebraska educational savings plan
14 trust created in sections 85-1801 to 85-1814.

15 (b) Federal adjusted gross income or, for corporations
16 and fiduciaries, federal taxable income shall be reduced, to the
17 extent not deducted for federal income tax purposes, by the amount
18 of any gift, grant, or donation made to the Nebraska educational
19 savings plan trust for deposit in the endowment fund of the trust.

20 (c) Federal adjusted gross income or, for corporations
21 and fiduciaries, federal taxable income shall be reduced by any
22 contributions as a participant in the Nebraska educational savings
23 plan trust, not to exceed five hundred dollars per married filing
24 separate return or one thousand dollars for any other return.

25 (d) Federal adjusted gross income or, for corporations
26 and fiduciaries, federal taxable income shall be increased by the
27 amount resulting from the cancellation of a participation agreement
1 refunded to the taxpayer as a participant in the Nebraska
2 educational savings plan trust to the extent previously deducted as
3 a contribution to the trust.

4 (10) For income tax returns filed after September 10,
5 2001, federal adjusted gross income or, for corporations and
6 fiduciaries, federal taxable income shall be increased by
7 eighty-five percent of any amount of bonus depreciation received
8 under the federal Job Creation and Worker Assistance Act of 2002
9 for assets placed in service after September 10, 2001, and before
10 September 11, 2004.

11 (a) For a partnership, limited liability company,
12 cooperative, including any cooperative exempt from income taxes
13 under section 521 of the Internal Revenue Code of 1986, as amended,
14 subchapter S corporation, or joint venture, the increase shall be
15 distributed to the partners, members, shareholders, patrons, or
16 beneficiaries in the same manner as income is distributed for use
17 against their income tax liabilities.

18 (b) For a corporation with a unitary business having
19 activity both inside and outside the state, the increase shall be
20 apportioned to Nebraska in the same manner as income is apportioned
21 to the state by section 77-2734.05.

22 (c) The amount of bonus depreciation added to federal
23 adjusted gross income or, for corporations and fiduciaries, federal
24 taxable income by this subsection shall not be subtracted in a
25 later tax year.

The first Standing Committee amendment was adopted with 29 ayes, 1 nay, 11 present and not voting, and 8 excused and not voting.

The second Standing Committee amendment is as follows:

FA948

26 Sec. 12. Section 77-3442, Revised Statutes Supplement,
27 2001, is amended to read:

1 77-3442. (1) Property tax levies for the support of

2 local governments for fiscal years beginning on or after July 1,

3 1998, shall be limited to the amounts set forth in this section

4 except as provided in section 77-3444.

5 (2)(a) Except as provided in subdivision (2)(b) of this

6 section, school districts and multiple-district school systems may

7 levy a maximum levy of (i) one dollar and ten cents per one hundred

8 dollars of taxable valuation of property subject to the levy until

9 fiscal year 2001-02 and (ii) one dollar per one hundred dollars of

10 taxable valuation of property subject to the levy for fiscal year

11 2001-02 and all subsequent fiscal years. Excluded from this

12 limitation are amounts levied to pay for sums agreed to be paid by

13 a school district to certificated employees in exchange for a

14 voluntary termination of employment and amounts levied to pay for

15 special building funds and sinking funds established for projects

16 commenced prior to April 1, 1996, for construction, expansion, or

17 alteration of school district buildings. For purposes of this

18 subsection, commenced means any action taken by the school board on

19 the record which commits the board to expend district funds in

20 planning, constructing, or carrying out the project.

21 (b) Federal aid school districts may exceed the maximum

22 levy prescribed by subdivision (2)(a) of this section only to the

23 extent necessary to qualify to receive federal aid pursuant to

24 Title VIII of Public Law 103-382, as such title existed on

25 September 1, 2001. For purposes of this subdivision, federal aid

26 school district means any school district which receives ten

27 percent or more of the revenue for its general fund budget from

1 federal government sources pursuant to Title VIII of Public Law

2 103-382, as such title existed on September 1, 2001.

3 (c) Beginning with school fiscal year 2002-03 through

4 school fiscal year 2005-06, school districts and multiple-district

5 school systems may, upon a three-fourths majority vote of the

6 school board, exceed the maximum levy prescribed by subdivision

7 (2)(a) of this section in an amount equal to the net difference

8 between the amount of state aid that would have been provided under

9 the Tax Equity and Educational Opportunities Support Act without

10 the changes made by Legislative Bill 898, Ninety-seventh

11 Legislature, Second Session, 2002, for the ensuing school fiscal

12 year for the school district or multiple-district school system and

13 the amount provided under the act as amended by Legislative Bill

14 898, Ninety-seventh Legislature, Second Session, 2002.

15 (3) Community colleges may levy a maximum levy on each

16 one hundred dollars of taxable property subject to the levy of (a)
17 eight cents for fiscal year 1998-99 and fiscal year 1999-2000 and
18 (b) seven cents for fiscal year 2000-01 and each fiscal year
19 thereafter.

20 (4) Natural resources districts may levy a maximum levy
21 of four and one-half cents per one hundred dollars of taxable
22 valuation of property subject to the levy.

23 (5) Educational service units may levy a maximum levy of
24 one and one-half cents per one hundred dollars of taxable valuation
25 of property subject to the levy.

26 (6)(a) Incorporated cities and villages which are not
27 within the boundaries of a municipal county may levy a maximum levy
1 of forty-five cents per one hundred dollars of taxable valuation of
2 property subject to the levy plus an additional five cents per one
3 hundred dollars of taxable valuation to provide financing for the
4 municipality's share of revenue required under an agreement or
5 agreements executed pursuant to the Interlocal Cooperation Act or
6 the Joint Public Agency Act. The maximum levy shall include
7 amounts levied to pay for sums to support a library pursuant to
8 section 51-201, museum pursuant to section 51-501, visiting
9 community nurse, home health nurse, or home health agency pursuant
10 to section 71-1637, or statue, memorial, or monument pursuant to
11 section 80-202.

12 (b) Incorporated cities and villages which are within the
13 boundaries of a municipal county may levy a maximum levy of ninety
14 cents per one hundred dollars of taxable valuation of property
15 subject to the levy. The maximum levy shall include amounts paid
16 to a municipal county for county services, amounts levied to pay
17 for sums to support a library pursuant to section 51-201, a museum
18 pursuant to section 51-501, a visiting community nurse, home health
19 nurse, or home health agency pursuant to section 71-1637, or a
20 statue, memorial, or monument pursuant to section 80-202.

21 (7) Sanitary and improvement districts which have been in
22 existence for more than five years may levy a maximum levy of forty
23 cents per one hundred dollars of taxable valuation of property
24 subject to the levy, and sanitary and improvement districts which
25 have been in existence for five years or less shall not have a
26 maximum levy. Unconsolidated sanitary and improvement districts
27 which have been in existence for more than five years and are
1 located in a municipal county may levy a maximum of eighty-five
2 cents per hundred dollars of taxable valuation of property subject
3 to the levy.

4 (8) Counties may levy or authorize a maximum levy of
5 fifty cents per one hundred dollars of taxable valuation of
6 property subject to the levy, except that five cents per one
7 hundred dollars of taxable valuation of property subject to the
8 levy may only be levied to provide financing for the county's share
9 of revenue required under an agreement or agreements executed
10 pursuant to the Interlocal Cooperation Act or the Joint Public

11 Agency Act. The maximum levy shall include amounts levied to pay
12 for sums to support a library pursuant to section 51-201 or museum
13 pursuant to section 51-501. The county may allocate up to fifteen
14 cents of its authority to other political subdivisions subject to
15 allocation of property tax authority under subsection (1) of
16 section 77-3443 and not specifically covered in this section to
17 levy taxes as authorized by law which do not collectively exceed
18 fifteen cents per one hundred dollars of taxable valuation on any
19 parcel or item of taxable property. The county may allocate to one
20 or more other political subdivisions subject to allocation of
21 property tax authority by the county under subsection (1) of
22 section 77-3443 some or all of the county's five cents per one
23 hundred dollars of valuation authorized for support of an agreement
24 or agreements to be levied by the political subdivision for the
25 purpose of supporting that political subdivision's share of revenue
26 required under an agreement or agreements executed pursuant to the
27 Interlocal Cooperation Act or the Joint Public Agency Act. If an

1 allocation by a county would cause another county to exceed its
2 levy authority under this section, the second county may exceed the
3 levy authority in order to levy the amount allocated.

4 (9) Municipal counties may levy or authorize a maximum
5 levy of one dollar per one hundred dollars of taxable valuation of
6 property subject to the levy. The municipal county may allocate
7 levy authority to any political subdivision or entity subject to
8 allocation under section 77-3443.

9 (10) Property tax levies for judgments obtained against a
10 political subdivision which require or obligate a political
11 subdivision to pay such judgment, to the extent such judgment is
12 not paid by liability insurance coverage of a political
13 subdivision, for preexisting lease-purchase contracts approved
14 prior to July 1, 1998, for bonded indebtedness approved according
15 to law and secured by a levy on property, and for payments by a
16 public airport to retire interest-free loans from the Department of
17 Aeronautics in lieu of bonded indebtedness at a lower cost to the
18 public airport are not included in the levy limits established by
19 this section.

20 (11) The limitations on tax levies provided in this
21 section are to include all other general or special levies provided
22 by law. Notwithstanding other provisions of law, the only
23 exceptions to the limits in this section are those provided by or
24 authorized by sections 77-3442 to 77-3444.

25 (12) Tax levies in excess of the limitations in this
26 section shall be considered unauthorized levies under section
27 77-1606 unless approved under section 77-3444.

1 (13) For purposes of sections 77-3442 to 77-3444,
2 political subdivision means a political subdivision of this state
3 and a county agricultural society.

17 Sec. 14. Sections 1, 13, and 15 of this act become
18 operative on July 1, 2002. Sections 11, 12, 14, 16, and 18 of this

19 act become operative on their effective date. The other sections
20 of this act become operative on October 1, 2002.
21 Sec. 15. Original section 77-4008, Reissue Revised
22 Statutes of Nebraska, and section 77-2602, Revised Statutes
23 Supplement, 2001, are repealed.
24 Sec. 16. Original sections 77-3442 and 77-2716, Revised
25 Statutes Supplement, 2000, are repealed.
26 Sec. 17. Original sections 77-2702.16, 77-2702.17,
27 77-2704.11, 77-2704.26, and 77-2704.27, Reissue Revised Statutes of
1 Nebraska, and sections 77-2702.07, 77-2702.13, 77-2702.14, and
2 77-2703, Revised Statutes Supplement, 2000, are repealed.
3 Sec. 18. Since an emergency exists, this act takes
4 effect when passed and approved according to law."

Senator Beutler withdrew his pending amendment, FA937, found on page 1063.

The second Standing Committee amendment was adopted with 28 ayes, 8 nays, 11 present and not voting, and 2 excused and not voting.

The third Standing Committee amendment is as follows:
FA945

1 1. Strike the original sections and insert the following
2 new sections:
3 "Section 1. Section 77-2602, Revised Statutes
4 Supplement, 2001, is amended to read:
5 77-2602. (1) Every person engaged in distributing or
6 selling cigarettes at wholesale in this state shall pay to the Tax
7 Commissioner of this state a special privilege tax. This shall be
8 in addition to all other taxes. It shall be paid prior to or at
9 the time of the sale, gift, or delivery to the retail dealer in the
10 several amounts as follows: On each package of cigarettes
11 containing not more than twenty cigarettes, ~~thirty-four~~ fifty-four
12 cents per package; and on packages containing more than twenty
13 cigarettes, the same tax as provided on packages containing not
14 more than twenty cigarettes for the first twenty cigarettes in each
15 package and a tax of one-twentieth of the tax on the first twenty
16 cigarettes on each cigarette in excess of twenty cigarettes in each
17 package. Commencing July 1, 1994, and continuing until July 1,
18 ~~2009~~ 2002, the State Treasurer shall place the equivalent of
19 twenty-one cents of such tax less three million dollars each fiscal
20 year of proceeds of such tax in the General Fund. Commencing on
21 July 1, 2002, and continuing until July 1, 2016, the State
22 Treasurer shall place the equivalent of thirty-nine cents of such
23 tax less three million dollars each fiscal year of proceeds of such
24 tax in the General Fund. Commencing July 1, 2009 2016, the State
1 Treasurer shall place the equivalent of ~~twenty-one~~ forty-one cents
2 of such tax in the General Fund. For purposes of this section, the
3 equivalent of a specified number of cents of the tax shall mean

4 that portion of the proceeds of the tax equal to the specified
5 number divided by ~~thirty-four~~ fifty-four. The State Treasurer
6 shall distribute the remaining proceeds of such tax in the
7 following order:

8 (a) First, beginning July 1, 1980, the State Treasurer
9 shall place the equivalent of one cent of such tax in the Nebraska
10 Outdoor Recreation Development Cash Fund. For fiscal year
11 distributions occurring after FY1998-99, the distribution under
12 this subdivision shall not be less than the amount distributed
13 under this subdivision for FY1997-98. Any money needed to increase
14 the amount distributed under this subdivision to the FY1997-98
15 amount shall reduce the ~~twenty-one-cent~~ distribution to the General
16 Fund;

17 (b) Second, beginning July 1, 1993, the State Treasurer
18 shall place the equivalent of three cents of such tax in the
19 Department of Health and Human Services Finance and Support Cash
20 Fund to carry out sections 81-637 to 81-640. For fiscal year
21 distributions occurring after FY1998-99, the distribution under
22 this subdivision shall not be less than the amount distributed
23 under this subdivision for FY1997-98. Any money needed to increase
24 the amount distributed under this subdivision to the FY1997-98
25 amount shall reduce the ~~twenty-one-cent~~ distribution to the General
26 Fund;

27 (c) Third, beginning July 1, 2001, and continuing until
28 July 1, 2002, the State Treasurer shall place the equivalent of
29 five cents of such tax in the Building Renewal Allocation Fund,
30 Beginning on July 1, 2002, and continuing until July 1, 2016, the
31 State Treasurer shall place the equivalent of seven cents of such
32 tax in the Building Renewal Allocation Fund. Beginning on July 1,
33 2016, and continuing until all the purposes of the Deferred
34 Building Renewal Act have been fulfilled, the State Treasurer shall
35 place the equivalent of five cents of such tax in the Building
36 Renewal Allocation Fund. The Legislature shall appropriate each
37 fiscal year all sums inuring to the fund, plus interest earnings
38 for the Task Force for Building Renewal to be used to carry out its
39 duties and to fulfill the purposes of the Deferred Building Renewal
40 Act. Unexpended balances existing at the end of each fiscal year
41 shall be, and are hereby, reappropriated. For fiscal year
42 distributions occurring after FY1998-99, the distribution under
43 this subdivision shall not be less than five-sevenths of the amount
44 distributed under this subdivision for FY1997-98. Any money needed
45 to increase the amount distributed under this subdivision to
46 five-sevenths of the FY1997-98 amount shall reduce the
47 ~~twenty-one-cent~~ distribution to the General Fund;

48 (d) Fourth, the State Treasurer shall place the
49 difference between the equivalent of thirteen cents of such tax and
50 the sum of the amounts distributed pursuant to subdivisions (a)
51 through (c) and (f) through (h) of this subsection in a special
52 fund to be known as the Nebraska Capital Construction Fund;

26 (e) Fifth, beginning July 1, 1994, and continuing until
27 July 1, 2009, the State Treasurer shall place in the Municipal
1 Infrastructure Redevelopment Fund the sum of three million dollars
2 each fiscal year to carry out the Municipal Infrastructure
3 Redevelopment Fund Act. The Legislature shall appropriate the sum
4 of three million dollars each year for fiscal year 1994-95 through
5 fiscal year 2008-09;

6 (f) Sixth, beginning July 1, 2001, the State Treasurer
7 shall place the equivalent of two cents of such tax in the
8 Information Technology Infrastructure Fund;

9 (g) Seventh, beginning July 1, 2001, and continuing until
10 June 30, 2016, the State Treasurer shall place one million dollars
11 each fiscal year in the City of the Primary Class Development Fund.
12 If necessary, the State Treasurer shall reduce the distribution of
13 tax proceeds to the General Fund pursuant to this subsection by
14 such amount required to fulfill the one million dollars to be
15 distributed pursuant to this subdivision; and

16 (h) Eighth, beginning July 1, 2001, and continuing until
17 June 30, 2016, the State Treasurer shall place one million five
18 hundred thousand dollars each fiscal year in the City of the
19 Metropolitan Class Development Fund. If necessary, the State
20 Treasurer shall reduce the distribution of tax proceeds to the
21 General Fund pursuant to this subsection by such amount required to
22 fulfill the one million five hundred thousand dollars to be
23 distributed pursuant to this subdivision.

24 (2) The Legislature hereby finds and determines that the
25 projects funded from the Municipal Infrastructure Redevelopment
26 Fund and the Building Renewal Allocation Fund are of critical
27 importance to the State of Nebraska. It is the intent of the
1 Legislature that the allocations and appropriations made by the
2 Legislature to such funds or, in the case of allocations for the
3 Municipal Infrastructure Redevelopment Fund, to the particular
4 municipality's account not be reduced until all contracts and
5 securities relating to the construction and financing of the
6 projects or portions of the projects funded from such funds or
7 accounts of such funds are completed or paid or, in the case of the
8 Municipal Infrastructure Redevelopment Fund, the earlier of such
9 date or July 1, 2009, and that until such time any reductions in
10 the cigarette tax rate made by the Legislature shall be
11 simultaneously accompanied by equivalent reductions in the amount
12 dedicated to the General Fund from cigarette tax revenue. Any
13 provision made by the Legislature for distribution of the proceeds
14 of the cigarette tax for projects or programs other than those to
15 (a) the General Fund, (b) the Nebraska Outdoor Recreation
16 Development Cash Fund, (c) the Department of Health and Human
17 Services Finance and Support Cash Fund, (d) the Municipal
18 Infrastructure Redevelopment Fund, (e) the Building Renewal
19 Allocation Fund, (f) the Information Technology Infrastructure
20 Fund, (g) the City of the Primary Class Development Fund, and (h)

21 the City of the Metropolitan Class Development Fund shall not be
 22 made a higher priority than or an equal priority to any of the
 23 programs or projects specified in subdivisions (a) through (h) of
 24 this subsection.

4 Sec. 13. Section 77-4008, Reissue Revised Statutes of
 5 Nebraska, is amended to read:
 6 77-4008. (1) Commencing on or after January 1, 1988, a
 7 tax is hereby imposed upon the first owner of tobacco products to
 8 be sold in this state. The tax shall be ~~fifteen~~ twenty percent of
 9 (a) the purchase price of such tobacco products paid by the first
 10 owner or (b) the price at which a first owner who made,
 11 manufactured, or fabricated the tobacco product sells the items to
 12 others. Such tax shall be in addition to all other taxes.
 13 (2) Whenever any person who is licensed under section
 14 77-4009 purchases tobacco products from another person licensed
 15 under section 77-4009, the seller shall be liable for the payment
 16 of the tax.

Senator Landis moved to bracket LB 1085 until March 26, 2002.

Senator Landis withdrew his motion to bracket.

Senator Beutler withdrew his pending amendment, FA938, found on page 1063.

Senator Jensen renewed his pending amendment, AM3259, found on page 1081, to the third Standing Committee amendment.

SPEAKER KRISTENSEN PRESIDING

Senators Brashear and Maxwell asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

SELECT COMMITTEE REPORTS **Enrollment and Review**

LEGISLATIVE BILL 1309. Placed on Select File as amended.

E & R amendment to LB 1309:

AM7202

- 1 1. In the Chambers amendment, AM3243, renumber sections
- 2 101 and 102 as sections 100 and 101, respectively.
- 3 2. In the Standing Committee amendments, AM3079:
- 4 a. On page 16, line 24, strike "3,123,224" and insert
- 5 "3,123,770";
- 6 b. On page 43, line 24, and page 44, line 5, strike
- 7 "Center at Kearney" and insert "Center-Kearney";
- 8 c. On page 45, line 27, strike "108,610,157" and insert

- 9 "108,610,061";
 10 d. On page 80, line 3, strike "appropriations" and
 11 insert "appropriation";
 12 e. On page 109, lines 20 and 21, strike "Byrne Grants"
 13 and insert "federal Byrne Act grants"; and
 14 f. On page 149, line 7, after the last comma insert
 15 "166, 167,"; in line 8 after the first comma insert "169,"; in line
 16 14 strike "101, 104, 106 to"; and in line 16 after "163" insert a
 17 comma.
 18 3. On page 1, strike beginning with "LB" in line 1
 19 through line 16, and insert "LB 244A, section 1; Laws 2001, LB
 20 329A, section 1; Laws 2001, LB 335A, section 1; Laws 2001, LB 468A,
 21 section 2; Laws 2001, LB 542, sections 38, 40, 43, and 51; Laws
 22 2001, LB 543, sections 8, 9, 10, 11, 12, 13, 14, 15, 16, 20, 21,
 23 24, 25, 26, 29, 31, 33, 37, 38, 39, 40, 44, 48, 49, 53, 57, 59, 68,
 24 69, 70, 71, 72, 73, 75, 80, 81, 83, 95, 96, 97, 102, 103, 105, 109,
 1 110, 118, 123, 124, 125, 127, 128, 130, 131, 136, 137, 142, 143,
 2 144, 145, 146, 147, 149, 150, 151, 154, 159, 161, 162, 163, 166,
 3 167, 168, 169, 170, 171, 172, 177, 189, 190, 191, 192, 193, 198,
 4 199, 200, 202, 207, 209, 213, 214, 215, 216, 217, 219, 220, 221,
 5 223, 227, 228, 230, 231, 232, 233, 234, 235, 236, 237, 241, 242,
 6 244, 247, 252, 255, 258, 259, 261, 262, and 268; Laws 2001, LB
 7 640A, sections 1, 2, and 3; and Laws 2001, LB 659A, section 1; as
 8 amended by sections 9, 11, 12, 13, 16, 17, 19, 22, 25 to 33, 36 to
 9 43, 45 to 51, 53, 54, 56 to 65, 67, 69 to 76, 78 to 114, 116 to
 10 118, 120, 123, 124, 126 to 133, 135 to 137, 139 to 146, 148 to 161,
 11 and 163, respectively, Legislative Bill 1, Ninety-seventh
 12 Legislature, First Special Session, 2001; Laws 2001, LB 432A,
 13 section 2; Laws 2001, LB 539, section 9; Laws 2001, LB 542,
 14 sections 11, 29, 33, and 59; and Laws 2001, LB 543, sections 41,
 15 60, 86, 90, 98, 99, 101, 112, 134, 135, 152, 176, 186, 238, and
 16 250; Laws 2001, LB 668A, section 1; and section 18, Legislative
 17 Bill 1, Ninety-seventh Legislature, First Special Session, 2001";.
 18 4. On page 2, strike lines 1 through 13.

LEGISLATIVE BILL 898. Placed on Select File as amended.

(E & R amendment, AM7199, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 898A. Placed on Select File as amended.

E & R amendment to LB 898A:

AM7200

- 1 1. On page 2, line 3, after the comma insert "2001,".

(Signed) Philip Erdman, Chairperson

AMENDMENT - Print in Journal

Senator Redfield filed the following amendment to LB 276:
AM3275

(Amendments to E & R amendments, AM7190)

- 1 1. Insert the following new section:
- 2 "Sec. 7. Section 84-712.05, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 84-712.05. The following records, unless publicly
- 5 disclosed in an open court, open administrative proceeding, or open
- 6 meeting or disclosed by a public entity pursuant to its duties, may
- 7 be withheld from the public by the lawful custodian of the records:
- 8 (1) Personal information in records regarding a student,
- 9 prospective student, or former student of any tax-supported
- 10 educational institution maintaining the records, other than routine
- 11 directory information;
- 12 (2) Medical records, other than records of births and
- 13 deaths and except as provided in subdivision (5) of this section,
- 14 in any form concerning any person, and also records of elections
- 15 filed under section 44-2821;
- 16 (3) Trade secrets, academic and scientific research work
- 17 which is in progress and unpublished, and other proprietary or
- 18 commercial information which if released would give advantage to
- 19 business competitors and serve no public purpose;
- 20 (4) Records which represent the work product of an
- 21 attorney and the public body involved which are related to
- 22 preparation for litigation, labor negotiations, or claims made by
- 23 or against the public body or which are confidential communications
- 1 as defined in section 27-503;
- 2 (5) Records developed or received by law enforcement
- 3 agencies and other public bodies charged with duties of
- 4 investigation or examination of persons, institutions, or
- 5 businesses, when the records constitute a part of the examination,
- 6 investigation, intelligence information, citizen complaints or
- 7 inquiries, informant identification, or strategic or tactical
- 8 information used in law enforcement training, except that this
- 9 subdivision shall not apply to records so developed or received
- 10 relating to the presence of and amount or concentration of alcohol
- 11 or drugs in any body fluid of any person;
- 12 (6) Appraisals or appraisal information and negotiation
- 13 records concerning the purchase or sale, by a public body, of any
- 14 interest in real or personal property, prior to completion of the
- 15 purchase or sale;
- 16 (7) Personal information in records regarding personnel
- 17 of public bodies other than salaries and routine directory
- 18 information;
- 19 (8) Information solely pertaining to protection of the
- 20 physical security of public property and persons on or within
- 21 public property, such as specific, unique vulnerability assessments

22 or specific, unique response plans, either of which is intended to
23 prevent or mitigate criminal acts the public disclosure of which
24 would create a substantial likelihood of endangering public safety
25 or property; computer or communications network schema, passwords,
26 and user identification names; guard schedules; or lock
27 combinations; or the

1 (9) The security standards, procedures, policies, plans,
2 specifications, diagrams, access lists, and other security-related
3 records of the Lottery Division of the Department of Revenue and
4 those persons or entities with which the division has entered into
5 contractual relationships. Nothing in this subdivision shall allow
6 the division to withhold from the public any information relating
7 to amounts paid persons or entities with which the division has
8 entered into contractual relationships, amounts of prizes paid, the
9 name of the prize winner, and the city, village, or county where
10 the prize winner resides;

11 ~~(9)~~ (10) With respect to public utilities and except as
12 provided in sections 43-512.06 and 70-101, personally identified
13 private citizen account payment information, credit information on
14 others supplied in confidence, and customer lists;

15 ~~(10)~~ (11) Records or portions of records kept by a
16 publicly funded library which, when examined with or without other
17 records, reveal the identity of any library patron using the
18 library's materials or services;

19 ~~(11)~~ (12) Correspondence, memoranda, and records of
20 telephone calls related to the performance of duties by a member of
21 the Legislature in whatever form. The lawful custodian of the
22 correspondence, memoranda, and records of telephone calls, upon
23 approval of the Executive Board of the Legislative Council, shall
24 release the correspondence, memoranda, and records of telephone
25 calls which are not designated as sensitive or confidential in
26 nature to any person performing an audit of the Legislature. A
27 member's correspondence, memoranda, and records of confidential

1 telephone calls related to the performance of his or her
2 legislative duties shall only be released to any other person with
3 the explicit approval of the member;

4 ~~(12)~~ (13) Records or portions of records kept by public
5 bodies which would reveal the location, character, or ownership of
6 any known archaeological, historical, or paleontological site in
7 Nebraska when necessary to protect the site from a reasonably held
8 fear of theft, vandalism, or trespass. This section shall not
9 apply to the release of information for the purpose of scholarly
10 research, examination by other public bodies for the protection of
11 the resource or by recognized tribes, the Unmarked Human Burial
12 Sites and Skeletal Remains Protection Act, or the federal Native
13 American Graves Protection and Repatriation Act;

14 ~~(13)~~ (14) Records or portions of records kept by public
15 bodies which maintain collections of archaeological, historical, or
16 paleontological significance which reveal the names and addresses

17 of donors of such articles of archaeological, historical, or
 18 paleontological significance unless the donor approves disclosure,
 19 except as the records or portions thereof may be needed to carry
 20 out the purposes of the Unmarked Human Burial Sites and Skeletal
 21 Remains Protection Act or the federal Native American Graves
 22 Protection and Repatriation Act; ~~and~~
 23 ~~(14)~~ (15) Job application materials submitted by
 24 applicants, other than finalists, who have applied for employment
 25 by any public body as defined in section 84-1409. For purposes of
 26 this subdivision, job application materials means employment
 27 applications, resumes, reference letters, and school transcripts,
 1 and finalist means any applicant who is offered and who accepts an
 2 interview by a public body or its agents, representatives, or
 3 consultants for any public employment position; ~~and~~
 4 (16) Social security numbers; credit card, charge card,
 5 or debit card numbers and expiration dates; and financial account
 6 numbers supplied to state and local governments by citizens.".
 7 2. On page 9, line 5, strike "and 28-620" and insert
 8 ",28-620, and 84-712.05".
 9 3. Renumber the remaining section accordingly.

MOTION - Print in Journal

Senator Wickersham filed the following motion to LB 946:
 Unbracket LB 946 pursuant to Rule 6, Section 3(e).

RESOLUTIONS

LEGISLATIVE RESOLUTION 326. Introduced by Schimek, 27; Jensen,
 20; Wehrbein, 2.

PURPOSE: The purpose of this study is to examine how to provide legislative oversight of federal funds which will be allocated to the State of Nebraska to prepare for possible acts of terrorism, including, but not limited to, chemical and biological terrorism, nuclear terrorism, ecoterrorism, cyberterrorism, bombings, and any other threat to public safety. The study will also examine the Legislature's role in providing oversight into the programs which are implemented as a result of these federal funds.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee comprised of members from the Appropriations Committee of the Legislature, the Government, Military and Veterans Affairs Committee of the Legislature, and the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 327. Introduced by Redfield, 12.

WHEREAS, three schools from legislative district 12 participated in the Math Counts Competition with thirty-two other Omaha area schools; and

WHEREAS, the three schools won first, second, and third place in the competition; and

WHEREAS, first place went to Mary Our Queen School with participants: Jason Kincaid, Mary Chapman, Jacob Moore, Ryan Fisicaro, Malachy Sullivan, Sam Weitkemper, Nick Hall, Tom Frederick, Tim Prost, Kyle Reeder, and coach Mary Kay Esser; and

WHEREAS, second place went to Westside Middle School with participants: Jake Meyer, Drew Wilson, Brad Ashley, Eric Lauson, and coach Janet Koski; and

WHEREAS, third place went to Ralston Middle School with participants: John Benes, Justin Sadowski, Bobby Jacobberger, Zack Johnson, Sam Morgan, Josh Campbell, Travis Cordes, Jess Jackson, Michael Gahan, and coach Kirk Troutman.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its congratulations to Mary Our Queen School for first place, Westside Middle School for second place, and Ralston Middle School for third place in the Math Counts Competition.

2. That a copy of this resolution be given to each of Mary Our Queen School, Westside Middle School, and Ralston Middle School.

Laid over.

VISITORS

Visitors to the Chamber were 25 eighth-grade students from Christ the King School, Omaha; 8 twelfth-grade students and teacher from Cody-Kilgore; members of the Sidney Chamber of Commerce; and members of the Nebraska Pork Producers from across the state.

RECESS

At 11:53 a.m., on a motion by Senator Redfield, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senator McDonald who was excused until she arrives.

GENERAL FILE

LEGISLATIVE BILL 1085. Senator Jensen withdrew his pending amendment, AM3259, found on page 1081 and considered on page 1109.

Senator Jensen offered the following amendment to the third Standing Committee amendment:

AM3304

(Amendments to FA945)

1 1. Strike section 1 and all amendments thereto and
 2 insert the following new section:
 3 "Section 1. Section 77-2602, Revised Statutes
 4 Supplement, 2001, is amended to read:
 5 77-2602. (1) Every person engaged in distributing or
 6 selling cigarettes at wholesale in this state shall pay to the Tax
 7 Commissioner of this state a special privilege tax. This shall be
 8 in addition to all other taxes. It shall be paid prior to or at
 9 the time of the sale, gift, or delivery to the retail dealer in the
 10 several amounts as follows: On each package of cigarettes
 11 containing not more than twenty cigarettes, ~~thirty-four~~ sixty-four
 12 cents per package; and on packages containing more than twenty
 13 cigarettes, the same tax as provided on packages containing not
 14 more than twenty cigarettes for the first twenty cigarettes in each
 15 package and a tax of one-twentieth of the tax on the first twenty
 16 cigarettes on each cigarette in excess of twenty cigarettes in each
 17 package. Commencing July 1, 1994, and continuing until July 1,
 18 ~~2009~~ 2002, the State Treasurer shall place the equivalent of
 19 twenty-one cents of such tax less three million dollars each fiscal
 20 year of proceeds of such tax in the General Fund. Commencing July
 21 1, 2002, and continuing until July 1, 2004, the State Treasurer
 22 shall place the equivalent of twenty-eight cents of such tax in the
 23 Cash Reserve Fund and the equivalent of twenty-one cents of such
 1 tax less three million dollars each fiscal year of proceeds of such
 2 tax in the General Fund. Commencing July 1, 2004, and continuing
 3 until July 1, 2009, the State Treasurer shall place the equivalent
 4 of twenty-one cents of such tax less three million dollars each
 5 fiscal year of proceeds of such tax in the General Fund.
 6 Commencing July 1, 2009, the State Treasurer shall place the
 7 equivalent of twenty-one cents of such tax in the General Fund.
 8 For purposes of this section, the equivalent of a specified number
 9 of cents of the tax shall mean that portion of the proceeds of the
 10 tax equal to the specified number divided by ~~thirty-four~~
 11 sixty-four. The State Treasurer shall distribute the remaining
 12 proceeds of such tax in the following order:
 13 (a) First, beginning July 1, 1980, the State Treasurer
 14 shall place the equivalent of one cent of such tax in the Nebraska
 15 Outdoor Recreation Development Cash Fund. For fiscal year
 16 distributions occurring after FY1998-99, the distribution under
 17 this subdivision shall not be less than the amount distributed

18 under this subdivision for FY1997-98. Any money needed to increase
19 the amount distributed under this subdivision to the FY1997-98
20 amount shall reduce the ~~twenty-one-cent~~ distribution to the General
21 Fund;

22 (b) Second, beginning July 1, 1993, the State Treasurer
23 shall place the equivalent of three cents of such tax in the
24 Department of Health and Human Services Finance and Support Cash
25 Fund to carry out sections 81-637 to 81-640. For fiscal year
26 distributions occurring after FY1998-99, the distribution under
27 this subdivision shall not be less than the amount distributed

1 under this subdivision for FY1997-98. Any money needed to increase
2 the amount distributed under this subdivision to the FY1997-98
3 amount shall reduce the ~~twenty-one-cent~~ distribution to the General
4 Fund;

5 (c) Third, beginning July 1, 2001, and continuing until
6 July 1, 2002, the State Treasurer shall place the equivalent of
7 five cents of such tax in the Building Renewal Allocation Fund.
8 Beginning July 1, 2002, and continuing until July 1, 2016, the
9 State Treasurer shall place the equivalent of seven cents of such
10 tax in the Building Renewal Allocation Fund. Beginning July 1,
11 2016, and continuing until all the purposes of the Deferred
12 Building Renewal Act have been fulfilled, the State Treasurer shall
13 place the equivalent of five cents of such tax in the Building
14 Renewal Allocation Fund. The Legislature shall appropriate each
15 fiscal year all sums inuring to the fund, plus interest earnings
16 for the Task Force for Building Renewal to be used to carry out its
17 duties and to fulfill the purposes of the Deferred Building Renewal
18 Act. Unexpended balances existing at the end of each fiscal year
19 shall be, and are hereby, reappropriated. For fiscal year
20 distributions occurring after FY1998-99, the distribution under
21 this subdivision shall not be less than five-sevenths of the amount
22 distributed under this subdivision for FY1997-98. Any money needed
23 to increase the amount distributed under this subdivision to
24 five-sevenths of the FY1997-98 amount shall reduce the
25 ~~twenty-one-cent~~ distribution to the General Fund;

26 (d) Fourth, the State Treasurer shall place the
27 difference between the equivalent of thirteen cents of such tax and

1 the sum of the amounts distributed pursuant to subdivisions (a)
2 through (c) and (f) through (h) of this subsection in a special
3 fund to be known as the Nebraska Capital Construction Fund;

4 (e) Fifth, beginning July 1, 1994, and continuing until
5 July 1, 2009, the State Treasurer shall place in the Municipal
6 Infrastructure Redevelopment Fund the sum of three million dollars
7 each fiscal year to carry out the Municipal Infrastructure
8 Redevelopment Fund Act. The Legislature shall appropriate the sum
9 of three million dollars each year for fiscal year 1994-95 through
10 fiscal year 2008-09;

11 (f) Sixth, beginning July 1, 2001, the State Treasurer
12 shall place the equivalent of two cents of such tax in the

13 Information Technology Infrastructure Fund;
14 (g) Seventh, beginning July 1, 2001, and continuing until
15 June 30, 2016, the State Treasurer shall place one million dollars
16 each fiscal year in the City of the Primary Class Development Fund.
17 If necessary, the State Treasurer shall reduce the distribution of
18 tax proceeds to the General Fund pursuant to this subsection by
19 such amount required to fulfill the one million dollars to be
20 distributed pursuant to this subdivision; ~~and~~
21 (h) Eighth, beginning July 1, 2001, and continuing until
22 June 30, 2016, the State Treasurer shall place one million five
23 hundred thousand dollars each fiscal year in the City of the
24 Metropolitan Class Development Fund. If necessary, the State
25 Treasurer shall reduce the distribution of tax proceeds to the
26 General Fund pursuant to this subsection by such amount required to
27 fulfill the one million five hundred thousand dollars to be
1 distributed pursuant to this subdivision; ~~and~~
2 (i) Ninth, beginning July 1, 2004, and continuing until
3 June 30, 2016, the State Treasurer shall place the equivalent of
4 twenty-eight cents of such tax each fiscal year in the Nebraska
5 Health Care Cash Fund. Beginning July 1, 2016, the State Treasurer
6 shall place the equivalent of thirty cents of such tax each fiscal
7 year in the Nebraska Health Care Cash Fund.
8 (2) The Legislature hereby finds and determines that the
9 projects funded from the Municipal Infrastructure Redevelopment
10 Fund and the Building Renewal Allocation Fund are of critical
11 importance to the State of Nebraska. It is the intent of the
12 Legislature that the allocations and appropriations made by the
13 Legislature to such funds or, in the case of allocations for the
14 Municipal Infrastructure Redevelopment Fund, to the particular
15 municipality's account not be reduced until all contracts and
16 securities relating to the construction and financing of the
17 projects or portions of the projects funded from such funds or
18 accounts of such funds are completed or paid or, in the case of the
19 Municipal Infrastructure Redevelopment Fund, the earlier of such
20 date or July 1, 2009, and that until such time any reductions in
21 the cigarette tax rate made by the Legislature shall be
22 simultaneously accompanied by equivalent reductions in the amount
23 dedicated to the General Fund from cigarette tax revenue. Any
24 provision made by the Legislature for distribution of the proceeds
25 of the cigarette tax for projects or programs other than those to
26 (a) the General Fund, (b) the Nebraska Outdoor Recreation
27 Development Cash Fund, (c) the Department of Health and Human
1 Services Finance and Support Cash Fund, (d) the Municipal
2 Infrastructure Redevelopment Fund, (e) the Building Renewal
3 Allocation Fund, (f) the Information Technology Infrastructure
4 Fund, (g) the City of the Primary Class Development Fund, ~~and~~ (h)
5 the City of the Metropolitan Class Development Fund, ~~and~~ (i) the
6 Nebraska Health Care Cash Fund shall not be made a higher priority
7 than or an equal priority to any of the programs or projects

8 specified in subdivisions (a) through ~~(h)~~ (i) of this subsection."

9 2. Renumber the remaining sections accordingly and
10 correct the operative date section and the repealer so that the
11 section added by this amendment becomes operative on July 1, 2002.

SPEAKER KRISTENSEN PRESIDING

Senator Jensen moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Senator Jensen requested a roll call vote on his amendment.

Voting in the affirmative, 28:

| | | | | |
|---------|----------|--------------|----------|----------|
| Aguilar | Connealy | Kremer | Price | Suttle |
| Beutler | Dierks | Kruse | Raikes | Thompson |
| Brown | Foley | Landis | Redfield | Vrtiska |
| Bruning | Hudkins | Maxwell | Schimek | Wehrbein |
| Burling | Jensen | Pederson, D. | Schrock | |
| Byars | Jones | Preister | Stuhr | |

Voting in the negative, 18:

| | | | | |
|----------|------------|---------------|------------|------------|
| Bourne | Cudaback | Hartnett | Quandahl | Tyson |
| Brashear | Cunningham | Janssen | Robak | Wickersham |
| Bromm | Engel | Kristensen | Smith | |
| Coordsen | Erdman | Pedersen, Dw. | Synowiecki | |

Present and not voting, 2:

Baker Chambers

Excused and not voting, 1:

McDonald

The Jensen amendment was adopted with 28 ayes, 18 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Chambers moved to reconsider the vote on the Jensen amendment, AM3304.

Senator Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

SENATOR COORDSEN PRESIDING

Senator Chambers requested a roll call vote, in reverse order, on his motion to reconsider.

Voting in the affirmative, 20:

| | | | | |
|----------|------------|----------|---------------|------------|
| Baker | Chambers | Engel | Kremer | Robak |
| Bourne | Coordsen | Erdman | Kristensen | Synowiecki |
| Brashear | Cudaback | Hartnett | Pedersen, Dw. | Tyson |
| Bromm | Cunningham | Janssen | Pederson, D. | Wickersham |

Voting in the negative, 24:

| | | | | |
|---------|----------|----------|---------|----------|
| Aguilar | Byars | Jones | Raikes | Suttle |
| Beutler | Connealy | Kruse | Schimek | Thompson |
| Brown | Foley | Preister | Schrock | Vrtiska |
| Bruning | Hudkins | Price | Smith | Wehrbein |
| Burling | Jensen | Quandahl | Stuhr | |

Present and not voting, 3:

| | | |
|--------|---------|----------|
| Dierks | Maxwell | Redfield |
|--------|---------|----------|

Excused and not voting, 2:

| | |
|--------|----------|
| Landis | McDonald |
|--------|----------|

The Chambers motion to reconsider failed with 20 ayes, 24 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 947. Placed on Select File as amended.

E & R amendment to LB 947:

AM7203

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. (1) For mobile telecommunications service
- 4 provided and billed to a customer by a home service provider for
- 5 any billing period ending on or after August 1, 2002;
- 6 (a) Notwithstanding any other provision of law or any
- 7 local ordinance or resolution, such mobile telecommunications
- 8 service is deemed to be provided by the customer's home service

9 provider;

10 (b) All taxable charges for such mobile
11 telecommunications service shall be subject to tax by the state or
12 other taxing jurisdiction in this state whose territorial limits
13 encompass the customer's place of primary use regardless of where
14 the mobile telecommunications service originates, terminates, or
15 passes through; and

16 (c) No taxes, charges, or fees may be imposed on a
17 customer with a place of primary use outside this state.

18 (2) In accordance with the federal Mobile
19 Telecommunications Sourcing Act, as such act existed on the
20 effective date of this act, the Tax Commissioner may, but shall not
21 be required to:

22 (a) Provide or contract for a tax assignment data base
23 based upon standards identified in 4 U.S.C. 119, as such section
24 existed on the effective date of this act, with the following

1 conditions:

2 (i) If such data base is provided, a home service
3 provider shall be held harmless for any tax that otherwise would
4 result from any errors or omissions attributable to reliance on
5 such data base; or
6 (ii) If such data base is not provided, a home service
7 provider may rely on an enhanced zip code for identifying the
8 proper taxing jurisdictions and shall be held harmless for any tax
9 that otherwise would result from any errors or omissions
10 attributable to reliance on such enhanced zip code if the home
11 service provider identified the taxing jurisdiction through the
12 exercise of due diligence and complied with any procedures that may
13 be adopted by the Tax Commissioner. Any such procedure shall be in
14 accordance with 4 U.S.C. 120, as such section existed on the
15 effective date of this act; and

16 (b) Adopt procedures for correcting errors in the
17 assignment of primary use that are consistent with 4 U.S.C. 121, as
18 such section existed on the effective date of this act.

19 (3) If charges for mobile telecommunications service that
20 are not subject to tax are aggregated with and not separately
21 stated on the bill from charges that are subject to tax, the total
22 charge to the customer shall be subject to taxation unless the home
23 service provider can reasonably separate charges not subject to
24 taxation using the records of the home service provider that are
25 kept in the regular course of business.

26 (4) For purposes of this section:

1 (a) Customer means an individual, business, organization,
2 or other person contracting to receive mobile telecommunications
3 service from a home service provider. Customer does not include a
4 reseller of mobile telecommunications service or a serving carrier
5 under an arrangement to serve the customer outside the home service
6 provider's service area;

1 (b) Home service provider means a telecommunications

- 7 company as defined in section 86-1403 that has contracted with a
8 customer to provide mobile telecommunications service;
- 9 (c) Mobile telecommunications service means a wireless
10 communication service carried on between mobile stations or
11 receivers and land stations, and by mobile stations communicating
12 among themselves, and includes: (i) Both one-way and two-way
13 wireless communications services; (ii) a mobile service which
14 provides a regularly interacting group of base, mobile, portable,
15 and associated control and relay stations, whether on an
16 individual, cooperative, or multiple basis for private one-way or
17 two-way land mobile radio communications by eligible users over
18 designated areas of operation; and (iii) any personal
19 communications service;
- 20 (d) Place of primary use means the street address
21 representative of where the customer's use of mobile
22 telecommunications service primarily occurs. The place of primary
23 use must be the residential street address or the primary business
24 street address of the customer and must be within the service area
25 of the home service provider; and
- 26 (e) Tax means the sales taxes levied under sections
27 13-319, 77-2703, and 77-27,142, the surcharges levied under the
1 Nebraska Telecommunications Universal Service Fund Act, the
2 Telecommunications Relay System Act, and sections 86-2201 to
3 86-2214, and any other tax levied against the customer based on the
4 amount charged to the customer. Tax does not mean an income tax,
5 property tax, franchise tax, or any other tax levied on the home
6 service provider that is not based on the amount charged to the
7 customer.
- 8 Sec. 2. Section 13-326, Revised Statutes Supplement,
9 2000, is amended to read:
- 10 13-326. (1) All relevant provisions of the Nebraska
11 Revenue Act of 1967, as amended, not inconsistent with sections
12 13-319, 13-324, and 13-325, shall govern transactions, proceedings,
13 and activities pursuant to any sales and use tax imposed by a
14 county.
- 15 (2) For the purposes of the sales and use tax imposed by
16 a county, all retail sales, rentals, and leases, as defined and
17 described in the Nebraska Revenue Act of 1967, are summarized:
- 18 (a) At the place where title, possession, or segregation
19 takes place, with the exception of sales or leases or rentals for
20 more than one year of motor vehicles, trailers, semitrailers, and
21 motorboats, if a purchaser takes possession of tangible personal
22 property within a county which has enacted a tax under section
23 13-319, regardless of the business location of the Nebraska
24 retailer;
- 25 (b) At the point of delivery of utility services and
26 community antenna television services or where such services are
27 provided, with the exception that (a) Nebraska intrastate message
1 toll telephone and telegraph services, other than mobile

2 telecommunications service as described in section 1 of this act,
3 which are consummated in the county where the customer is normally
4 billed for such services and (b) such mobile telecommunications
5 service that originates and terminates in the same state shall be
6 consummated in the county where the customer has a place of primary
7 use;

8 (c) At the physical location of individual vending
9 machines; and

10 (d) At the place designated on the application for
11 registration for motor vehicles, trailers, semitrailers, and
12 motorboats sold or leased or rented for more than one year.

13 Sec. 3. Section 77-2701, Revised Statutes Supplement,
14 2001, is amended to read:

15 77-2701. Sections 77-2701 to 77-27,135.01 and 77-27,222
16 and section 1 of this act shall be known and may be cited as the
17 Nebraska Revenue Act of 1967.

18 Sec. 4. Section 77-2702.07, Revised Statutes Supplement,
19 2000, is amended to read:

20 77-2702.07. (1) Gross receipts shall mean the total
21 amount of the sale or lease or rental price, as the case may be, of
22 the retail sales of retailers valued in money whether received in
23 money or otherwise, without any deduction on account of any of the
24 following:

25 (a) The cost of property sold. In accordance with rules
26 and regulations adopted and promulgated by the Tax Commissioner, a
27 deduction may be taken if the retailer has purchased property for
1 some purpose other than resale, has reimbursed his or her vendor
2 for tax which the vendor is required to pay to the state or has
3 paid the use tax with respect to the property, and has resold the
4 property prior to making any use of the property other than
5 retention, demonstration, or display while holding it for sale in
6 the regular course of business. If such a deduction is taken by
7 the retailer, no refund or credit will be allowed to his or her
8 vendor with respect to the sale of the property;

9 (b) The cost of the materials used, labor or service
10 costs, interest paid, losses, or any other expense;

11 (c) The cost of transportation of the property;

12 (d) The amount of any excise or property tax levied
13 against the property except as otherwise provided in the Nebraska
14 Revenue Act of 1967; or

15 (e) The amount charged for warranties, guarantees, or
16 maintenance agreements.

17 (2) Gross receipts of every person engaged as a public
18 utility specified in this subsection or as a community antenna
19 television service operator or any person involved in connecting
20 and installing services defined in subdivision (2)(a), (b), or (d)
21 of this section shall mean:

22 (a) In the furnishing of telephone communication service,
23 other than mobile telecommunications service as described in

24 section 1 of this act, the gross income received from furnishing
25 local exchange telephone service and intrastate message toll
26 telephone service. In the furnishing of mobile telecommunications
27 service as described in section 1 of this act, the gross income
1 received from furnishing mobile telecommunications service that
2 originates and terminates in the same state to a customer with a
3 place of primary use in Nebraska. Gross receipts shall not mean
4 (i) the gross income, including division of revenue, settlements,
5 or carrier access charges received on or after January 1, 1984,
6 from the sale of a telephone communication service to a
7 communication service provider for purposes of furnishing telephone
8 communication service or (ii) the gross income attributable to
9 services rendered using a prepaid telephone calling arrangement.
10 For purposes of this subdivision, a prepaid telephone calling
11 arrangement shall mean the right to exclusively purchase
12 telecommunications service that are paid for in advance that
13 enables the origination of calls using an access number or
14 authorization code, whether manually or electronically dialed;
15 (b) In the furnishing of telegraph service, the gross
16 income received from the furnishing of intrastate telegraph
17 services;
18 (c) In the furnishing of gas, electricity, sewer, and
19 water service except water used for irrigation of agricultural
20 lands and manufacturing purposes, the gross income received from
21 the furnishing of such services upon billings or statements
22 rendered to consumers for such utility services; and
23 (d) In the furnishing of community antenna television
24 service, the gross income received from the furnishing of such
25 community antenna television service as regulated under sections
26 18-2201 to 18-2205 or 23-383 to 23-388.
27 Gross receipts shall also mean gross income received from
1 the provision, installation, construction, servicing, or removal of
2 property used in conjunction with the furnishing, installing, or
3 connecting of any public utility services specified in subdivision
4 (2)(a) or (b) of this section or community antenna television
5 service specified in subdivision (2)(d) of this section. Gross
6 receipts shall not mean gross income received from telephone
7 directory advertising.
8 (3) Gross receipts of every person engaged in selling,
9 leasing, or otherwise providing intellectual or entertainment
10 property shall mean:
11 (a) In the furnishing of computer software, the gross
12 income received, including the charges for coding, punching, or
13 otherwise producing computer software and the charges for the
14 tapes, disks, punched cards, or other properties furnished by the
15 seller. Gross receipts shall not mean the amount charged for
16 training customers in the use of computer software if such amount
17 is separately stated and such separate statement is not used as a
18 means of avoiding imposition of the tax upon the actual sales price

19 of the computer software; and

20 (b) In the furnishing of videotapes, movie film,
21 satellite programming, satellite programming service, and satellite
22 television signal descrambling or decoding devices, the gross
23 income received from the license, franchise, or other method
24 establishing the charge except the gross income received from
25 videotape and film rentals, satellite programming, and satellite
26 programming service when the sales tax or the admission tax is
27 charged under the Nebraska Revenue Act of 1967 and except as
1 provided in section 77-2704.39.

2 (4) Gross receipts shall not include any of the
3 following:

4 (a) Cash discounts allowed and taken on sales;

5 (b)(i) Before January 1, 1997, the amount of any rebate
6 granted by a motor vehicle manufacturer or dealer at the time of
7 sale of the motor vehicle, which rebate functions as a discount
8 from the sales price of the motor vehicle; and

9 (ii) On and after January 1, 1997, the amount of any
10 rebate granted by a motor vehicle or motorboat manufacturer or
11 dealer at the time of sale of the motor vehicle or motorboat, which
12 rebate functions as a discount from the sales price of the motor
13 vehicle or motorboat;

14 (c) Sales price of property returned by customers when
15 the full sales price is refunded either in cash or credit;

16 (d) The amount charged for finance charges, carrying
17 charges, service charges, or interest from credit extended on sales
18 of property under contracts providing for deferred payments of the
19 purchase price if such charges are not used as a means of avoiding
20 imposition of the tax upon the actual sales price of the property;

21 (e) The value of property taken by a seller in trade as
22 all or a part of the consideration for a sale of property of any
23 kind or nature;

24 (f)(i) Before January 1, 1997, the value of a motor
25 vehicle taken by any person in trade as all or a part of the
26 consideration for a sale of another motor vehicle; and

27 (ii) On and after January 1, 1997, the value of a motor
1 vehicle or motorboat taken by any person in trade as all or a part
2 of the consideration for a sale of another motor vehicle or
3 motorboat;

4 (g) Receipts from conditional sale contracts, installment
5 sale contracts, rentals, and leases executed in writing prior to
6 June 1, 1967, and with delivery of the property prior to June 1,
7 1967, if such conditional sale contracts, installment sale
8 contracts, rentals, or leases are for a fixed price and are not
9 subject to negotiation or alteration; or

10 (h) Except as provided in subsection (2) of this section,
11 the amount charged for labor or services rendered in installing or
12 applying the property sold if such amount is separately stated and
13 such separate statement is not used as a means of avoiding

14 imposition of the tax upon the actual sales price of the property.

15 Sec. 5. Section 77-27,147, Reissue Revised Statutes of

16 Nebraska, is amended to read:

17 77-27,147. All relevant provisions of the Nebraska

18 Revenue Act of 1967, as amended from time to time, and not

19 inconsistent with the Local Option Revenue Act, shall govern

20 transactions, proceedings, and activities pursuant to any tax

21 imposed under the Local Option Revenue Act.

22 For the purposes of the Local Option Revenue Act, all

23 retail sales, rentals, and leases, as defined and described in the

24 Nebraska Revenue Act of 1967, are consummated:

25 (1) At the place where title, possession, or segregation

26 takes place, with the exception of sales or leases or rentals for

27 more than one year of motor vehicles, trailers, semitrailers, and

1 commencing January 1, 1997, motorboats, if a purchaser takes

2 possession of tangible personal property within a municipality

3 which has enacted a tax under the Local Option Revenue Act,

4 regardless of the business location of the Nebraska retailer;

5 (2) At the point of delivery of utility services and

6 community antenna television services or where such services are

7 provided, with the exception that (a) Nebraska intrastate message

8 toll telephone and telegraph services, other than mobile

9 telecommunications service as described in section 1 of this act,

10 shall be consummated in the municipality where the customer is

11 normally billed for such service and (b) such mobile

12 telecommunications service that originates and terminates in the

13 same state shall be consummated in the municipality where the

14 customer has a place of primary use;

15 (3) At the physical location of individual vending

16 machines; and

17 (4) At the place designated on the application for

18 registration for motor vehicles, trailers, semitrailers, and

19 commencing January 1, 1997, motorboats sold or leased or rented for

20 more than one year.

21 Sec. 6. Original section 77-27,147, Reissue Revised

22 Statutes of Nebraska, sections 13-326 and 77-2702.07, Revised

23 Statutes Supplement, 2000, and section 77-2701, Revised Statutes

24 Supplement, 2001, are repealed."

LEGISLATIVE BILL 905. Placed on Select File as amended.

E & R amendment to LB 905:

AM7201

1 1. On page 1, line 6, after the semicolon insert "and";

2 and in line 7 strike beginning with the semicolon through

3 "emergency".

4 2. On page 4, line 11, strike "or transfer".

5 3. On page 5, line 5, strike ".....".

LEGISLATIVE BILL 1236. Placed on Select File as amended.
E & R amendment to LB 1236:
AM7204

- 1 1. In the Standing Committee amendments, AM2946:
- 2 a. On page 3, line 5, strike "for the Institute for" and
- 3 insert "of the University of Nebraska Institute of"; and in lines
- 4 10 and 22 strike the comma and show as stricken;
- 5 b. On page 4, line 26, strike the comma;
- 6 c. On page 5, line 23, after "act" insert an underscored
- 7 comma;
- 8 d. Renumber sections 19 and 20 as sections 20 and 19,
- 9 respectively.
- 10 2. On page 1, strike lines 2 through 12 and insert
- 11 "sections 2-101, 2-220 to 2-220.02, 2-220.04, 2-1204, 2-1208.01,
- 12 51-601, 51-603, 51-604, 77-2704.16, 81-1108.30, and 83-136, Reissue
- 13 Revised Statutes of Nebraska, section 2-219, Revised Statutes
- 14 Supplement, 2000, and section 53-124.14, Revised Statutes
- 15 Supplement, 2001; to rename the board; to provide intent; to change
- 16 provisions relating to membership; to provide and eliminate powers
- 17 and duties; to create a foundation; to change and eliminate
- 18 provisions relating to officers, funds, and bonds; to harmonize
- 19 provisions; to provide an operative date; to repeal the original
- 20 sections; and to outright repeal sections 2-102, 2-115, 2-116,
- 21 2-118, and 2-125 to 2-128, Reissue Revised Statutes of Nebraska,
- 22 and section 2-117, Revised Statutes Supplement, 2001."

LEGISLATIVE BILL 1303. Placed on Select File.

LEGISLATIVE BILL 729. Placed on Select File as amended.
(E & R amendment, AM7205, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Correctly Engrossed

The following bill was correctly engrossed: LB 830A.

(Signed) Philip Erdman, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 328. Introduced by Transportation and Telecommunications Committee: Bromm, 23, Chairperson; Baker, 44; Byars, 30; Hudkins, 21; Jones, 43.

PURPOSE: The Public Service Commission currently is funded by a mix of sources of money from General Fund appropriations as well as fees from regulated industries that come through cash funds.

This study will investigate the elimination of General Fund

appropriations, making the agency entirely cash funded from fees collected from the entities regulated by the commission.

Study topics include, but are not limited to, the following areas:

(1) The trends and public policy considerations surrounding the concept of the regulator being funded by the regulated instead of the general public who have a stake in such regulation;

(2) Issues surrounding the implementation of a stable funding stream from collecting fees from regulated entities and the legal issues surrounding both the use of cash funds and fees for paying salaries of commissioners and the fee structure being set by the commission; and

(3) Any other topics the committee deems necessary to effectively carry out this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENTS - Print in Journal

Senators Beutler and Schimek filed the following amendment to LR 6CA:
AM3288

- 1 1. Strike original sections 1 and 2 and insert the
2 following new sections:
3 "Section 1. At the general election in November 2002 the
4 following proposed amendment to the Constitution of Nebraska shall
5 be submitted to the electors of the State of Nebraska for approval
6 or rejection:
7 To amend Article III, section 24:
8 III-24 "(1) Except as provided in this section, the
9 Legislature shall not authorize any game of chance or any lottery
10 or gift enterprise when the consideration for a chance to
11 participate involves the payment of money for the purchase of
12 property, services, or a chance or admission ticket or requires an
13 expenditure of substantial effort or time.
14 (2) The Legislature may authorize and regulate a state
15 lottery pursuant to subsection (3) of this section and other
16 lotteries, raffles, and gift enterprises which are intended solely
17 as business promotions or the proceeds of which are to be used
18 solely for charitable or community betterment purposes without
19 profit to the promoter of such lotteries, raffles, or gift
20 enterprises.
21 (3) The Legislature may establish a lottery to be

22 operated and regulated by the State of Nebraska. The proceeds of
23 the lottery shall be appropriated by the Legislature for the costs
24 of establishing and maintaining the lottery and for other purposes
1 as directed by the Legislature. No lottery game shall be conducted
2 as part of the lottery unless the type of game has been approved by
3 a majority of the members of the Legislature.

4 (4) Nothing in this section shall be construed to
5 prohibit (a) the enactment of laws providing for the licensing and
6 regulation of wagering on the results of horseraces, wherever run,
7 either within or outside of the state, by the parimutuel method,
8 when such wagering is conducted by licensees within a licensed
9 racetrack enclosure or (b) the enactment of laws providing for the
10 licensing and regulation of bingo games conducted by nonprofit
11 associations which have been in existence for a period of five
12 years immediately preceding the application for license, except
13 that bingo games cannot be conducted by agents or lessees of such
14 associations on a percentage basis.

15 (5) For purposes of this section:

16 (a) Gaming means any game of chance played with cards,
17 dice, equipment, or a machine for money, credit, or any
18 representative of value if the game is not included within the
19 definition of Class I or Class II gaming under the federal Indian
20 Gaming Regulatory Act as of January 1, 2002; and

21 (b) Interdiction gaming zone means an area of the state
22 that lies within two miles of an adjoining state which allows
23 gaming, except that (i) no such zone may contain lands within the
24 limits of a federally recognized Indian tribe's Indian reservation
25 in Nebraska recognized as of October 1988, or real property in Knox
26 County and Boyd County held by the Secretary of the Interior in
27 trust for the benefit of the Ponca Tribe, and (ii) if an adjoining
1 state no longer has gaming conducted in its jurisdiction for ten
2 years, the interdiction gaming zone or gaming in such portion of
3 the zone that adjoins such state shall be discontinued.

4 (6) Except if an agreement is reached under subsection

5 (7) of this section, nothing in the statutes or Constitution of
6 Nebraska shall be construed to prohibit or restrict gaming operated
7 by a federally recognized Indian tribe in Nebraska on lands within
8 the limits of the tribe's Indian reservation recognized as of
9 October 1988, or on real property in Knox County and Boyd County
10 held by the Secretary of the Interior in trust for the benefit of
11 the Ponca Tribe, and over which the tribe has jurisdiction when
12 such gaming is conducted in accordance with federal law.

13 (7) Nothing in the Constitution of Nebraska shall be
14 construed to prohibit or restrict gaming as authorized in this
15 section in an interdiction gaming zone created by the Legislature
16 pursuant to this subsection. The Legislature may make laws
17 creating one interdiction gaming zone and authorizing up to five
18 gaming facilities within the zone. The Legislature shall require
19 that the issue of establishing a gaming facility must be submitted

20 to the registered voters of the county in which the facility will
 21 be located and receive the approval of a majority of those voting
 22 on the issue prior to authorizing any such facility within such
 23 county. The Legislature may provide for regulation and taxation of
 24 gaming activities in the interdiction gaming zone. Any such gaming
 25 activities shall be operated by the State of Nebraska or one or
 26 more federally recognized Indian tribes in Nebraska. The
 27 Legislature may grant one or more federally recognized Indian
 1 tribes in Nebraska the authority to conduct gaming activities in
 2 one or more facilities within the interdiction gaming zone if the
 3 tribe or tribes agree not to conduct gaming activities on the
 4 reservation land of the tribe or tribes in Nebraska or upon land in
 5 Knox County or Boyd County held by the Secretary of the Interior in
 6 trust for the benefit of the Ponca Tribe."

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

10 "A constitutional amendment to define gaming, to
 11 authorize creation of an interdiction gaming zone, and to
 12 permit gaming on Indian lands and in the interdiction
 13 gaming zone.
 14 For
 15 Against".

Senator Schrock filed the following amendment to LR 6CA:
 AM3294

1 1. On page 2, line 17, after "enclosure" insert "and the
 2 enactment of laws providing for the licensing and regulation of the
 3 operation of slot machines within any licensed racetrack enclosure
 4 which was in operation on January 1, 2002, if the issue of
 5 authorizing the slot machines is submitted to the registered voters
 6 of the county in which the enclosure is located and receives the
 7 approval of a majority of those voting on the issue prior to
 8 authorizing the slot machines within such enclosure".
 9 2. On page 3, line 6, after "amendment" insert "to
 10 authorize slot machines within licensed racetrack enclosures and".

Senator Bromm filed the following amendment to LB 1211:
 AM3265

(Amendments to E & R amendments, AM7180)

1 1. On page 25, lines 19, 21, 23, and 25, after "by"
 2 insert "the Governor in consultation with".
 3 2. On page 27, line 27, after "agreement" insert "for a
 4 statewide seamless wireless communication system".
 5 3. On page 33, lines 2 and 3, strike "Criminal Justice
 6 Advisory Committee", show as stricken, and insert "Nebraska
 7 Commission on Law Enforcement and Criminal Justice".

GENERAL FILE

LEGISLATIVE BILL 1085. The third Standing Committee amendment, FA945, found on page 1106, as amended, was renewed.

Senator Chambers requested a roll call vote on the third Standing Committee amendment, as amended.

The third Standing Committee amendment, as amended, lost with 24 ayes, 17 nays, 6 present and not voting, and 2 excused and not voting.

Pending.

SPEAKER KRISTENSEN PRESIDING

LEGISLATIVE BILL 649. Title read. Considered.

Senators Brashear and Bruning asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Senator Chambers requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 47:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Coordsen | Jensen | Preister | Suttle |
| Baker | Cudaback | Jones | Price | Synowiecki |
| Beutler | Cunningham | Kremer | Quandahl | Thompson |
| Bourne | Dierks | Kristensen | Raikes | Tyson |
| Bromm | Engel | Kruse | Redfield | Vrtiska |
| Brown | Erdman | Landis | Robak | Wehrbein |
| Burling | Foley | Maxwell | Schimek | Wickersham |
| Byars | Hartnett | McDonald | Schrock | |
| Chambers | Hudkins | Pedersen, Dw. | Smith | |
| Connealy | Janssen | Pederson, D. | Stuhr | |

Voting in the negative, 0.

Excused and not voting, 2:

Brashear Bruning

Advanced to E & R for review with 47 ayes, 0 nays, and 2 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 178. Title read. Considered.

The Standing Committee amendment, AM0847, found on page 1002, First Session, 2001, lost with 1 aye, 31 nays, 15 present and not voting, and 2 excused and not voting.

Senator D. Pederson asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

Advanced to E & R for review with 45 ayes, 0 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Brown asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 970. Title read. Considered.

SENATOR COORDSEN PRESIDING

Senators Kristensen and Bourne asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 977. Title read. Considered.

SPEAKER KRISTENSEN PRESIDING

Senators Coordsen and Stuhr asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 28 ayes, 1 nay, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 1071. Title read. Considered.

Senators Smith and Aguilar asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment, AM2512, found on page 525, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Senator Janssen asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 684. Title read. Considered.

Advanced to E & R for review with 34 ayes, 0 nays, 6 present and not voting, and 9 excused and not voting.

AMENDMENTS - Print in Journal

Senator Jensen filed the following amendment to LB 1085:
AM3210

(Amendments to Standing Committee amendments, AM3155)

- 1 1. Insert the following new section:
- 2 "Section 1. Section 53-160, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 53-160. (1) For the purpose of raising revenue, a tax is
- 5 imposed upon the privilege of engaging in business as a
- 6 manufacturer or a wholesaler at a rate of ~~twenty-three~~ thirty-seven
- 7 cents per gallon on all beer; ~~seventy-five~~ one dollar and
- 8 twenty-five cents per gallon for wine containing not more than
- 9 fourteen percent but not less than five-tenths of one percent of
- 10 alcohol by volume and ~~one dollar and thirty-five~~ two dollars and
- 11 twenty-five cents per gallon for wines and other dilute alcoholic
- 12 beverages containing more than fourteen percent of alcohol by
- 13 volume, except for wines produced in farm wineries; ~~five ten~~ cents
- 14 per gallon for wine produced in farm wineries; and ~~three dollars~~
- 15 four dollars and fifty-five cents per gallon on alcohol and spirits
- 16 manufactured and sold by such manufacturer or shipped for sale in
- 17 this state by such wholesaler in the course of such business. The
- 18 gallonage tax imposed by this subsection shall be imposed only on
- 19 alcoholic liquor upon which a federal excise tax is imposed.
- 20 (2) Manufacturers or wholesalers of alcoholic liquor
- 21 shall be exempt from the payment of the gallonage tax on such
- 22 alcoholic liquor upon satisfactory proof, including bills of lading
- 23 furnished to the commission by affidavit or otherwise as the
- 1 commission may require, that such alcoholic liquor was manufactured
- 2 in this state but shipped out of the state for sale and consumption
- 3 outside this state.
- 4 (3) Dry wines or fortified wines manufactured or shipped
- 5 into this state solely and exclusively for sacramental purposes and
- 6 uses shall not be subject to the gallonage tax.
- 7 (4) The gallonage tax shall not be imposed upon any
- 8 alcoholic liquor, whether manufactured in or shipped into this
- 9 state, when sold to a licensed nonbeverage user for use in the
- 10 manufacture of any of the following when such products are unfit

11 for beverage purposes: Patent and proprietary medicines and
 12 medicinal, antiseptic, and toilet preparations; flavoring extracts,
 13 syrups, food products, and confections or candy; scientific,
 14 industrial, and chemical products, except denatured alcohol; or
 15 products for scientific, chemical, experimental, or mechanical
 16 purposes.

17 (5) The gallonage tax shall not be imposed upon the
 18 privilege of engaging in any business in interstate commerce or
 19 otherwise, which business may not, under the Constitution and
 20 statutes of the United States, be made the subject of taxation by
 21 this state.

22 (6) The gallonage tax shall be in addition to all other
 23 occupation or privilege taxes imposed by this state or by any
 24 municipal corporation or political subdivision thereof.

25 (7) The commission shall collect the gallonage tax and
 26 shall account for and remit to the State Treasurer at least once
 27 each week all money collected pursuant to this section. If any
 1 alcoholic liquor manufactured in or shipped into this state is sold
 2 to a licensed manufacturer or wholesaler of this state to be used
 3 solely as an ingredient in the manufacture of any beverage for
 4 human consumption, the tax imposed upon such manufacturer or
 5 wholesaler shall be reduced by the amount of the taxes which have
 6 been paid as to such alcoholic liquor so used under the Nebraska
 7 Liquor Control Act.

8 (8) The State Treasurer shall credit the net proceeds of
 9 all revenue arising under this section shall be credited to the
 10 General Fund."

11 2. Renumber the remaining sections accordingly and
 12 correct the operative date section and the repealer so that the
 13 section added by this amendment becomes operative on July 1, 2002.

Senator Brashear filed the following amendment to LB 1085:
 (Amendment, AM3308, may be found in the Bill Books. The amendment
 has been printed separately and is on file in the Bill Room - Room 1102.)

MOTION - Print in Journal

Senator Landis filed the following motion to LB 1085:
 Reconsider the vote of FA945 to LB 1085.

AMENDMENTS - Print in Journal

Senator Hartnett filed the following amendment to LB 1085:
 AM3314

(Amendments to Standing Committee amendments, AM3155)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 77-2701.01, Reissue Revised Statutes
- 4 of Nebraska, is amended to read:

5 77-2701.01. Pursuant to section 77-2715.01, for all
6 taxable years beginning or deemed to begin on or after January 1,
7 1990, under the Internal Revenue Code of 1986, as amended, the rate
8 of the income tax levied pursuant to section 77-2715 shall be three
9 and forty-three hundredths percent. Pursuant to section
10 77-2715.01, for all taxable years beginning or deemed to begin on
11 or after January 1, 1991, and before January 1, 2002, and on or
12 after January 1, 2004, under the Internal Revenue Code of 1986, as
13 amended, the rate of the income tax levied pursuant to section
14 77-2715 shall be three and seventy-hundredths percent. Pursuant to
15 section 77-2715.01, for all taxable years beginning or deemed to
16 begin on or after January 1, 2002, and before January 1, 2004,
17 under the Internal Revenue Code of 1986, as amended, the rate of
18 the income tax levied pursuant to section 77-2715 shall be three
19 and eighty-two hundredths percent.

20 Sec. 2. Section 77-2701.02, Revised Statutes Supplement,
21 2000, is amended to read:

22 77-2701.02. Pursuant to section 77-2715.01:

23 (1) Until July 1, 1998, ~~or April 15, 1998, whichever is~~

1 later, the rate of the sales tax levied pursuant to section 77-2703
2 shall be five percent;

3 (2) Commencing July 1, 1998, ~~or April 15, 1998, whichever~~
4 is later, and until July 1, 1999, the rate of the sales tax levied
5 pursuant to section 77-2703 shall be four and one-half percent; and

6 (3) Commencing July 1, 1999, and until the operative date
7 of this section, the rate of the sales tax levied pursuant to
8 section 77-2703 shall be five percent;

9 (4) Commencing on the operative date of this section, and
10 until July 1, 2004, the rate of the sales tax levied pursuant to
11 section 77-2703 shall be five percent on sales of motor vehicles,
12 trailers, and semitrailers as defined in section 60-301 and five
13 and one-quarter percent on all other transactions; and

14 (5) Commencing July 1, 2004, the rate of the sales tax
15 levied pursuant to section 77-2703 shall be five percent.

16 Sec. 3. Economic incentive benefits provided under the
17 Employment and Investment Growth Act, the Invest Nebraska Act, and
18 the Quality Jobs Act may not be used against the sales and use tax
19 or income tax to the extent the tax rates were increased by this
20 legislative bill.

21 Sec. 4. Sections 2 and 5 of this act become operative on
22 July 1, 2002. The other sections of this act become operative on
23 their effective date.

24 Sec. 5. Original section 77-2701.02, Revised Statutes
25 Supplement, 2000, is repealed.

26 Sec. 6. Original section 77-2701.01, Reissue Revised
27 Statutes of Nebraska, is repealed.

1 Sec. 7. Since an emergency exists, this act takes effect
2 when passed and approved according to law."

Senators Quandahl, Hartnett, and Landis filed the following amendment to LB 384:

(Amendment, AM3283, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

UNANIMOUS CONSENT - Add Cointroducer

Senator Erdman asked unanimous consent to have his name added as cointroducer to LR 321, LR 323, and LR 325. No objections. So ordered.

VISITORS

The Doctor of the Day was Dr. Scott Wilson from Lincoln.

ADJOURNMENT

At 5:19 p.m., on a motion by Senator Byars, the Legislature adjourned until 9:00 a.m., Tuesday, March 26, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SIXTH DAY - MARCH 26, 2002**LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE
SECOND SESSION****FORTY-SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 26, 2002

PRAYER

The prayer was offered by Father Sam Boman, Holy Trinity Episcopal Church, Lincoln, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

The roll was called and all members were present except Senators Brashear, Bromm, Brown, Cunningham, Foley, Hartnett, Maxwell, McDonald, Schrock, Synowiecki, Tyson, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fifth day was approved.

MOTION - Approve Appointment

Senator Jones moved the adoption of the report of the Transportation and Telecommunications Committee for the following appointment found on page 1078: Motor Vehicle Industry Licensing Board - Jess Hull.

Voting in the affirmative, 26:

| | | | | |
|---------|----------|--------------|----------|----------|
| Aguilar | Connealy | Janssen | Price | Thompson |
| Baker | Cudaback | Jones | Quandahl | Vrtiska |
| Bourne | Dierks | Kremer | Raikes | |
| Bruning | Engel | Kristensen | Redfield | |
| Burling | Erdman | Kruse | Smith | |
| Byars | Hudkins | Pederson, D. | Suttle | |

Voting in the negative, 0.

Present and not voting, 11:

| | | | |
|----------|---------------|----------|----------|
| Beutler | Jensen | Preister | Stuhr |
| Chambers | Landis | Robak | Wehrbein |
| Coordsen | Pedersen, Dw. | Schimek | |

Excused and not voting, 12:

| | | | |
|----------|------------|----------|------------|
| Brashear | Cunningham | Maxwell | Synowiecki |
| Bromm | Foley | McDonald | Tyson |
| Brown | Hartnett | Schrock | Wickersham |

The appointment was confirmed with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

UNANIMOUS CONSENT - Members Excused

Senators Dierks and Bruning asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 1040. Title read. Considered.

The Standing Committee amendment, AM2938, found on page 787, was considered.

Senator Brashear offered the following amendment to the Standing Committee amendment:

FA949

Amend AM2938

Add the following new amendment:

"On page 2, strike lines 9 through 28. Strike all language on pages 3 and 4. On page 5, strike lines 1 through 3 and lines 25 through 28. On page 6, strike lines 8 through 28. Strike all language on page 7. On page 8, strike lines 1 through 15."

Senator Maxwell asked unanimous consent to be excused until he returns. No objections. So ordered.

The Brashear amendment was adopted with 25 ayes, 10 nays, 11 present and not voting, and 3 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

NOTICE OF COMMITTEE HEARING
General Affairs
Room 1510

Tuesday, April 9, 2002
Bill Whitmer - State Electrical Board

8:30 AM

(Signed) Ray Janssen, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 329. Introduced by Schimek, 27; Synowiecki, 7; Connealy, 16; Preister, 5; Aguilar, 35.

PURPOSE: Although a child's origin or immigration status does not prevent access to Nebraska elementary and secondary schools, immigration status may prevent a Nebraska high school graduate who was born outside of the United States from obtaining a college education at a public institution. The purpose of this resolution is to accomplish the following:

(1) Review Nebraska laws that prevent undocumented immigrants from qualifying for resident tuition;

(2) Identify practices by public and private colleges and universities in Nebraska regarding the education of undocumented immigrants with special attention to scholarships and other financial assistance that may be available;

(3) Gather information on tuition rates for both resident and nonresident state students at private and public colleges and universities in Nebraska;

(4) Gather information on the number of Hispanic students in Nebraska's secondary schools and estimates of how many may be undocumented immigrants;

(5) Project estimates of how many undocumented students may be foregoing a college education because of the requirement that they pay nonresident tuition;

(6) Gather information regarding the admission application process or other impediments to undocumented students who want to attend a Nebraska college or university at the resident rates;

(7) Review federal legislation and laws dealing with resident tuition for undocumented immigrants;

(8) Review other states' legislation and laws dealing with tuition for undocumented immigrants; and

(9) Study court decisions regarding this particular aspect of immigration law.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative

Council or Legislature.

Referred to the Executive Board.

AMENDMENT - Print in Journal

Senator Bruning filed the following amendment to LB 407:
AM3200

(Amendments to Standing Committee amendments, AM2886)

- 1 1. On page 30, line 19, after "assets" insert "of state
- 2 funds".
- 3 2. On page 31, line 6, after "systems" insert "and state
- 4 funds".
- 5 3. On page 36, line 8, strike "thirty-two" and show as
- 6 stricken.
- 7 4. On page 44, line 26, after "employees" insert ", as
- 8 senior school employee was defined in section 79-902 prior to the
- 9 operative date of this section".
- 10 5. On page 63, lines 9 through 11, reinstate the
- 11 stricken matter.
- 12 6. On page 69, line 4, strike beginning with "various"
- 13 through the last comma, show as stricken, and insert "School
- 14 Retirement Fund"; in line 7 after "the" insert "School Retirement
- 15 Fund" and reinstate the stricken "or the"; strike beginning with
- 16 "The" in line 19 through the period in line 23 and show the old
- 17 matter as stricken; and in line 24 after "the" insert "School
- 18 Retirement Fund" and reinstate the stricken "or in the".
- 19 7. On page 70, line 15, after "funds" insert an
- 20 underscored period and strike "or" through the period and show the
- 21 old matter as stricken.

GENERAL FILE

LEGISLATIVE BILL 1085. Senator Landis renewed his pending motion, found on page 1133, to reconsider the vote of FA945.

Pending.

MOTION - Recess

Senator Chambers moved to recess until 1:30 p.m.

Senator Chambers requested a record vote on his motion to recess.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 30:

| | | | | |
|----------|------------|------------|---------------|----------|
| Aguilar | Cunningham | Jones | Pedersen, Dw. | Smith |
| Baker | Engel | Kremer | Pederson, D. | Stuhr |
| Brashear | Erdman | Kristensen | Preister | Suttle |
| Bromm | Foley | Kruse | Price | Thompson |
| Byars | Hudkins | Landis | Quandahl | Tyson |
| Connealy | Jensen | McDonald | Redfield | Vrtiska |

Present and not voting, 16:

| | | | |
|---------|----------|---------|------------|
| Beutler | Burling | Janssen | Schrock |
| Bourne | Coordsen | Raikes | Synowiecki |
| Brown | Cudaback | Robak | Wehrbein |
| Bruning | Hartnett | Schimek | Wickersham |

Excused and not voting, 2:

| | |
|--------|---------|
| Dierks | Maxwell |
|--------|---------|

The Chambers motion to recess failed with 1 aye, 30 nays, 16 present and not voting, and 2 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 1085. The Landis pending motion, found on page 1133 and considered in this day's Journal, to reconsider the vote of FA945, was renewed.

Senators Burling and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Landis moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Senator Chambers requested a roll call vote on the Landis motion to reconsider.

Voting in the affirmative, 28:

| | | | | |
|---------|----------|--------------|----------|------------|
| Aguilar | Connealy | Kruse | Raikes | Thompson |
| Baker | Foley | Landis | Redfield | Vrtiska |
| Beutler | Hudkins | McDonald | Schimek | Wehrbein |
| Brown | Jensen | Pederson, D. | Schrock | Wickersham |
| Bruning | Jones | Preister | Stuhr | |
| Byars | Kremer | Price | Suttle | |

Voting in the negative, 18:

| | | | | |
|----------|------------|------------|---------------|------------|
| Bourne | Coordsen | Hartnett | Pedersen, Dw. | Synowiecki |
| Brashear | Cunningham | Janssen | Quandahl | Tyson |
| Bromm | Engel | Kristensen | Robak | |
| Chambers | Erdman | Maxwell | Smith | |

Excused and not voting, 3:

| | | |
|---------|----------|--------|
| Burling | Cudaback | Dierks |
|---------|----------|--------|

The Landis motion to reconsider prevailed with 28 ayes, 18 nays, and 3 excused and not voting.

The Chair declared the call raised.

The third Standing Committee amendment, FA945, found on page 1106 and considered on page 1130, as amended, was reconsidered.

Senators Jensen and Wickersham offered the following amendment to the third Standing Committee amendment:
AM3325

(Amendments to FA945)

1 1. Strike section 1 and all amendments thereto and
 2 insert the following new section:
 3 "Section 1. Section 77-2602, Revised Statutes
 4 Supplement, 2001, is amended to read:
 5 77-2602. (1) Every person engaged in distributing or
 6 selling cigarettes at wholesale in this state shall pay to the Tax
 7 Commissioner of this state a special privilege tax. This shall be
 8 in addition to all other taxes. It shall be paid prior to or at
 9 the time of the sale, gift, or delivery to the retail dealer in the
 10 several amounts as follows: On each package of cigarettes
 11 containing not more than twenty cigarettes, ~~thirty-four~~ sixty-four
 12 cents per package; and on packages containing more than twenty
 13 cigarettes, the same tax as provided on packages containing not
 14 more than twenty cigarettes for the first twenty cigarettes in each
 15 package and a tax of one-twentieth of the tax on the first twenty
 16 cigarettes on each cigarette in excess of twenty cigarettes in each
 17 package. Commencing July 1, 1994, and continuing until July 1,
 18 ~~2009~~ 2002, the State Treasurer shall place the equivalent of
 19 twenty-one cents of such tax less three million dollars each fiscal
 20 year of proceeds of such tax in the General Fund. Commencing July
 21 1, 2002, and continuing until July 1, 2004, the State Treasurer
 22 shall place the equivalent of thirteen cents of such tax in the
 23 Cash Reserve Fund and the equivalent of thirty-six cents of such
 1 tax less three million dollars each fiscal year of proceeds of such
 2 tax in the General Fund. Commencing July 1, 2004, and continuing
 3 until July 1, 2009, the State Treasurer shall place the equivalent

4 of twenty-one cents of such tax less three million dollars each
5 fiscal year of proceeds of such tax in the General Fund.
6 Commencing July 1, 2009, the State Treasurer shall place the
7 equivalent of twenty-one cents of such tax in the General Fund.
8 For purposes of this section, the equivalent of a specified number
9 of cents of the tax shall mean that portion of the proceeds of the
10 tax equal to the specified number divided by ~~thirty-four~~
11 sixty-four. The State Treasurer shall distribute the remaining
12 proceeds of such tax in the following order:
13 (a) First, beginning July 1, 1980, the State Treasurer
14 shall place the equivalent of one cent of such tax in the Nebraska
15 Outdoor Recreation Development Cash Fund. For fiscal year
16 distributions occurring after FY1998-99, the distribution under
17 this subdivision shall not be less than the amount distributed
18 under this subdivision for FY1997-98. Any money needed to increase
19 the amount distributed under this subdivision to the FY1997-98
20 amount shall reduce the ~~twenty-one-cent~~ distribution to the General
21 Fund;
22 (b) Second, beginning July 1, 1993, the State Treasurer
23 shall place the equivalent of three cents of such tax in the
24 Department of Health and Human Services Finance and Support Cash
25 Fund to carry out sections 81-637 to 81-640. For fiscal year
26 distributions occurring after FY1998-99, the distribution under
27 this subdivision shall not be less than the amount distributed
1 under this subdivision for FY1997-98. Any money needed to increase
2 the amount distributed under this subdivision to the FY1997-98
3 amount shall reduce the ~~twenty-one-cent~~ distribution to the General
4 Fund;
5 (c) Third, beginning July 1, 2001, and continuing until
6 July 1, 2002, the State Treasurer shall place the equivalent of
7 five cents of such tax in the Building Renewal Allocation Fund.
8 Beginning July 1, 2002, and continuing until July 1, 2016, the
9 State Treasurer shall place the equivalent of seven cents of such
10 tax in the Building Renewal Allocation Fund. Beginning July 1,
11 2016, and continuing until all the purposes of the Deferred
12 Building Renewal Act have been fulfilled, the State Treasurer shall
13 place the equivalent of five cents of such tax in the Building
14 Renewal Allocation Fund. The Legislature shall appropriate each
15 fiscal year all sums inuring to the fund, plus interest earnings
16 for the Task Force for Building Renewal to be used to carry out its
17 duties and to fulfill the purposes of the Deferred Building Renewal
18 Act. Unexpended balances existing at the end of each fiscal year
19 shall be, and are hereby, reappropriated. For fiscal year
20 distributions occurring after FY1998-99, the distribution under
21 this subdivision shall not be less than five-sevenths of the amount
22 distributed under this subdivision for FY1997-98. Any money needed
23 to increase the amount distributed under this subdivision to
24 five-sevenths of the FY1997-98 amount shall reduce the
25 ~~twenty-one-cent~~ distribution to the General Fund;

26 (d) Fourth, until July 1, 2002, the State Treasurer shall
27 place the difference between the equivalent of thirteen cents of
1 such tax and the sum of the amounts distributed pursuant to
2 subdivisions (a) through (c) and (f) through (h) of this subsection
3 in a special fund to be known as the Nebraska Capital Construction
4 Fund. Beginning on July 1, 2002, and continuing until July 1,
5 2016, the State Treasurer shall place the equivalent of forty-three
6 cents of such tax and the sum of the amounts distributed pursuant
7 to subdivisions (a) through (c) and (f) through (i) of this
8 subsection in a special fund to be known as the Nebraska Capital
9 Construction Fund;

10 (e) Fifth, beginning July 1, 1994, and continuing until
11 July 1, 2009, the State Treasurer shall place in the Municipal
12 Infrastructure Redevelopment Fund the sum of three million dollars
13 each fiscal year to carry out the Municipal Infrastructure
14 Redevelopment Fund Act. The Legislature shall appropriate the sum
15 of three million dollars each year for fiscal year 1994-95 through
16 fiscal year 2008-09;

17 (f) Sixth, beginning July 1, 2001, the State Treasurer
18 shall place the equivalent of two cents of such tax in the
19 Information Technology Infrastructure Fund;

20 (g) Seventh, beginning July 1, 2001, and continuing until
21 June 30, 2016, the State Treasurer shall place one million dollars
22 each fiscal year in the City of the Primary Class Development Fund.
23 If necessary, the State Treasurer shall reduce the distribution of
24 tax proceeds to the General Fund pursuant to this subsection by
25 such amount required to fulfill the one million dollars to be
26 distributed pursuant to this subdivision; ~~and~~

27 (h) Eighth, beginning July 1, 2001, and continuing until
1 June 30, 2016, the State Treasurer shall place one million five
2 hundred thousand dollars each fiscal year in the City of the
3 Metropolitan Class Development Fund. If necessary, the State
4 Treasurer shall reduce the distribution of tax proceeds to the
5 General Fund pursuant to this subsection by such amount required to
6 fulfill the one million five hundred thousand dollars to be
7 distributed pursuant to this subdivision; and

8 (i) Ninth, beginning July 1, 2004, and continuing until
9 June 30, 2016, the State Treasurer shall place the equivalent of
10 twenty-eight cents of such tax each fiscal year in the Nebraska
11 Health Care Cash Fund. Beginning July 1, 2016, the State Treasurer
12 shall place the equivalent of thirty cents of such tax each fiscal
13 year in the Nebraska Health Care Cash Fund.

14 (2) The Legislature hereby finds and determines that the
15 projects funded from the Municipal Infrastructure Redevelopment
16 Fund and the Building Renewal Allocation Fund are of critical
17 importance to the State of Nebraska. It is the intent of the
18 Legislature that the allocations and appropriations made by the
19 Legislature to such funds or, in the case of allocations for the
20 Municipal Infrastructure Redevelopment Fund, to the particular

21 municipality's account not be reduced until all contracts and
 22 securities relating to the construction and financing of the
 23 projects or portions of the projects funded from such funds or
 24 accounts of such funds are completed or paid or, in the case of the
 25 Municipal Infrastructure Redevelopment Fund, the earlier of such
 26 date or July 1, 2009, and that until such time any reductions in
 27 the cigarette tax rate made by the Legislature shall be
 1 simultaneously accompanied by equivalent reductions in the amount
 2 dedicated to the General Fund from cigarette tax revenue. Any
 3 provision made by the Legislature for distribution of the proceeds
 4 of the cigarette tax for projects or programs other than those to
 5 (a) the General Fund, (b) the Nebraska Outdoor Recreation
 6 Development Cash Fund, (c) the Department of Health and Human
 7 Services Finance and Support Cash Fund, (d) the Municipal
 8 Infrastructure Redevelopment Fund, (e) the Building Renewal
 9 Allocation Fund, (f) the Information Technology Infrastructure
 10 Fund, (g) the City of the Primary Class Development Fund, ~~and~~ (h)
 11 the City of the Metropolitan Class Development Fund, and (i) the
 12 Nebraska Health Care Cash Fund shall not be made a higher priority
 13 than or an equal priority to any of the programs or projects
 14 specified in subdivisions (a) through ~~(h)~~ (i) of this subsection."
 15 2. Renumber the remaining sections accordingly and
 16 correct the operative date section and the repealer so that the
 17 section added by this amendment becomes operative on July 1, 2002.

Senators Coordsen and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

SENATOR DIERKS PRESIDING

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

Senator Jensen moved for a call of the house. The motion prevailed with 34 ayes, 1 nay, and 14 not voting.

Senator Jensen requested a roll call vote, in reverse order, on the Jensen-Wickersham amendment.

Voting in the affirmative, 28:

| | | | | |
|---------|----------|--------------|----------|------------|
| Aguilar | Connealy | Kruse | Raikes | Thompson |
| Beutler | Foley | Landis | Redfield | Vrtiska |
| Bromm | Hudkins | McDonald | Schimek | Wehrbein |
| Bruning | Jensen | Pederson, D. | Schrock | Wickersham |
| Burling | Jones | Preister | Stuhr | |
| Byars | Kremer | Price | Suttle | |

Voting in the negative, 15:

| | | | | |
|----------|------------|----------|---------------|------------|
| Baker | Cudaback | Erdman | Kristensen | Smith |
| Bourne | Cunningham | Hartnett | Pedersen, Dw. | Synowiecki |
| Brashear | Engel | Janssen | Quandahl | Tyson |

Present and not voting, 4:

| | | | |
|-------|----------|--------|---------|
| Brown | Chambers | Dierks | Maxwell |
|-------|----------|--------|---------|

Excused and not voting, 2:

| | |
|----------|-------|
| Coorsden | Robak |
|----------|-------|

The Jensen-Wickersham amendment was adopted with 28 ayes, 15 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers moved to reconsider the vote on the Jensen-Wickersham amendment, AM3325.

Senators Brashear, Maxwell, Bruning, Aguilar, and Foley asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

AMENDMENT - Print in Journal

Senator Wickersham filed the following amendment to LB 407:
AM3218

(Amendments to Standing Committee amendments, AM2886)

- 1 1. Insert the following new section:
- 2 "Sec. 19. Section 72-1246, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 72-1246. The state investment officer shall invest in
- 5 investments of the nature which individuals of prudence,
- 6 discretion, and intelligence acquire or retain in dealing with the
- 7 property of another, and if the state investment officer has
- 8 special skills or is named on the basis of representations of
- 9 special skills or expertise, he or she is under a duty to use such
- 10 skills, subject to the direction of the Nebraska Investment
- 11 Council."
- 12 2. On page 106, line 27, after "Sections" insert
- 13 "72-1247,".
- 14 3. Correct the operative date section so that the
- 15 section added by this amendment becomes operative on July 1, 2002.
- 16 4. Renumber the remaining sections and correct the
- 17 repealer and internal references accordingly.

VISITORS

Visitors to the Chamber were 85 eighth-grade students and teachers from Mary Our Queen School, Omaha; John Lemon from Omaha; 16 fourth- and eighth-grade students and teacher from R-7 School, Holdrege; 20 fourth-grade students and teacher from Weeping Water; 21 fourth- and fifth-grade students and teachers from St. Joseph School, Beatrice; and 60 members of the Diocesan Council of Catholic Women from across the state.

RECESS

At 11:58 a.m., on a motion by Speaker Kristensen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senators Bruning, Connealy, Coordsen, Cunningham, Dierks, Engel, and Robak who were excused until they arrive.

SPEAKER KRISTENSEN PRESIDING**RESOLUTION**

LEGISLATIVE RESOLUTION 330. Introduced by Vrtiska, 1.

PURPOSE: The purpose of the study is to examine the results LB 1100 which passed in 1998 is having regarding public building deferred maintenance, repair, renovation, capital improvement projects, and depreciation charges, including an analysis of section 81-188.02.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Building Maintenance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 1085. The Chambers pending motion, found on

page 1146, to reconsider the vote on the Jensen-Wickersham amendment, AM3325, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Senator Chambers requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 18:

| | | | | |
|----------|------------|------------|---------------|----------|
| Beutler | Chambers | Engel | Pedersen, Dw. | Thompson |
| Bourne | Coordsen | Erdman | Quandahl | Tyson |
| Brashear | Cudaback | Janssen | Smith | |
| Bromm | Cunningham | Kristensen | Synowiecki | |

Voting in the negative, 28:

| | | | | |
|----------|----------|--------------|----------|------------|
| Aguilar | Dierks | Kremer | Price | Suttle |
| Baker | Foley | Kruse | Raikes | Vrtiska |
| Brown | Hartnett | Landis | Redfield | Wehrbein |
| Bruning | Hudkins | McDonald | Schimek | Wickersham |
| Byars | Jensen | Pederson, D. | Schrock | |
| Connealy | Jones | Preister | Stuhr | |

Present and not voting, 2:

| | |
|---------|---------|
| Burling | Maxwell |
|---------|---------|

Excused and not voting, 1:

Robak

The Chambers motion to reconsider failed with 18 ayes, 28 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Chambers renewed his pending motion, found on page 1078, to recommit LB 1085 to the Revenue Committee.

SENATOR CUDABACK PRESIDING

Senators Kristensen, Brashear, Wickersham, Janssen, Quandahl, and Aguilar asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

AMENDMENTS - Print in Journal

Senator Suttle filed the following amendment to LB 1206:
 (Amendment, AM3318, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Suttle filed the following amendment to LB 1206:
 (Amendment, AM3319, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Wehrbein filed the following amendment to LB 1309:
 AM3315

(Amendments to Standing Committee amendments, AM3079)

1 1. Insert the following new section:
 2 "Sec. 117. Laws 2001, LB 543, section 203, as amended by
 3 section 121, Legislative Bill 1, Ninety-seventh Legislature, First
 4 Special Session, 2001, is amended to read:
 5 Sec. 203. AGENCY NO. 65 -- DEPARTMENT OF ADMINISTRATIVE
 6 SERVICES
 7 Program No. 591 - Tort Claims
 8

| | | |
|------------------|-----------|-----------|
| | FY2001-02 | FY2002-03 |
| 9 GENERAL FUND | 192,000 | 190,000 |
| 10 CASH FUND | 50,000 | 50,000 |
| 11 PROGRAM TOTAL | 242,000 | 240,000 |
| 12 SALARY LIMIT | -0- | -0- |

13 (1) The following amounts are hereby transferred to the
 14 Tort Claims Fund from the respective agency fund balances:
 15 (a) \$255 from the Department of Motor Vehicles;
 16 (b) \$64,443 from the Department of Roads;
 17 (c) \$7,589 from the Game and Parks Commission; and
 18 (d) \$500 from the Nebraska Brand Committee.
 19 Such sums shall be transferred to the risk management and
 20 state claims division no later than August 1, 2001, or in four
 21 nearly equal payments on August 1, October 1, January 1, and April
 22 1, at the discretion of the Risk Manager.

23 (2) The following amounts are hereby transferred to the
 1 Tort Claims Fund from the respective agency fund balances:
 2 (a) ~~\$255~~ \$5,243 from the Department of Motor Vehicles;
 3 (b) ~~\$64,443~~ \$39,911 from the Department of Roads; and
 4 (c) ~~\$7,589~~ \$84,955 from the Game and Parks Commission, ;
 5 and
 6 ~~(d) \$500 from the Nebraska Brand Committee.~~
 7 Such sums shall be transferred to the risk management and
 8 state claims division no later than August 1, 2002, or in four
 9 nearly equal payments on August 1, October 1, January 1, and April
 10 1, at the discretion of the Risk Manager.
 11 ~~It is the intent of the Legislature that the transfers~~
 12 ~~specified in this section for FY2002-03 be adjusted by the~~
 13 ~~Ninety-seventh Legislature, Second Session, 2002, in accordance~~

- 14 ~~with information available after July 1, 2001.~~
- 15 2. On page 30, line 20, strike the new matter and
- 16 reinstate the stricken matter; in line 22 after the period insert
- 17 "There is included in the amount provided as state aid for
- 18 FY2001-02 \$36,498 General Funds for the unpaid school breakfast
- 19 claims from FY2000-01."; and in line 24 strike "\$436,302" and
- 20 insert "\$472,800".
- 21 3. On page 137, lines 10 and 11, strike each occurrence
- 22 of "37,730,000" and insert "37,880,000"; and in lines 13 and 16
- 23 strike "\$37,730,000" and insert "\$37,880,000".
- 24 4. On page 149, line 9, after the first comma insert
- 25 "203,"; and in line 15 after the second comma insert "121,".
- 26 5. In the E & R amendment, AM7202, on page 2, line 4,
- 27 after the third comma insert "203,"; and in line 10 after the
- 1 second comma insert "121,".
- 2 6. Renumber the remaining sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 331. Introduced by Schrock, 38.

PURPOSE: To review state common carrier laws and rules and regulations, including, but not limited to, an examination of allowable truck sizes, lengths, axles, weights, and fees, in comparison with neighboring states, for the purpose of increasing common carrier efficiency and commerce.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 332. Introduced by Suttle, 10.

PURPOSE: The purpose of this study is to examine LB 396 (2001) which would enact the Advanced Practice Registered Nurse Act and the issues surrounding the scope of practice, licensing, and regulation of nurse practitioners, clinical nurse practitioners, certified registered nurse anesthetists, and certified nurse midwives. This study shall work with all the parties having an interest in LB 396, proponents and opponents, to determine if a workable plan can be developed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 333. Introduced by Suttle, 10.

PURPOSE: The purpose of this study is to determine which health care fields have shortages of professionals to provide health care. The study shall include a review of how the shortage affects health care in Nebraska and shall address ways in which the shortage could be alleviated.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 334. Introduced by Smith, 48.

PURPOSE: To study issues relating to unsolicited electronic mail. LB 26 was introduced during the 2001 legislative session to prohibit acts relating to unsolicited electronic mail and advertising. The study should include issues relating to LB 26, the possibility of an opt-out system similar to that used by other types of direct marketing, and related activities in other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

EASE

The Legislature was at ease from 3:59 p.m. until 4:42 p.m.

UNANIMOUS CONSENT - Members Excused

Senators Smith and D. Pederson asked unanimous consent to be excused until they return. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 335. Introduced by Schimek, 27.

PURPOSE: The purpose of this study is to examine the consolidation of government, especially the consolidation of political subdivisions. This study will explore criteria which may be used to determine whether these political subdivisions are a necessary and efficient form of government. The study will also examine the number of political subdivisions in Nebraska in comparison with other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 336. Introduced by Schimek, 27.

PURPOSE: The purpose of this study is to examine the implementation of a unified statewide voter registration system. Nebraska's current voter registration system allows the Secretary of State to receive data from counties but does not allow the counties to receive information from the Secretary of State. Also, the leading election reform bills in Congress call for statewide registration systems, and Nebraska's system will need to be reviewed if federal legislation is passed. The study will examine the benefits, costs, and other issues of implementing such a statewide system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 1085. Senator Chambers withdrew his pending motion, found on page 1078 and considered in this day's Journal, to recommit to the Revenue Committee.

The fourth Standing Committee amendment is as follows:

FA946

25 Sec. 2. Section 77-2702.07, Revised Statutes Supplement,
26 2000, is amended to read:

27 77-2702.07. (1) Gross receipts shall mean the total

1 amount of the sale or lease or rental price, as the case may be, of
2 the retail sales of retailers valued in money whether received in
3 money or otherwise, without any deduction on account of any of the
4 following:

5 (a) The cost of property sold. In accordance with rules
6 and regulations adopted and promulgated by the Tax Commissioner, a
7 deduction may be taken if the retailer has purchased property for
8 some purpose other than resale, has reimbursed his or her vendor
9 for tax which the vendor is required to pay to the state or has
10 paid the use tax with respect to the property, and has resold the
11 property prior to making any use of the property other than
12 retention, demonstration, or display while holding it for sale in
13 the regular course of business. If such a deduction is taken by
14 the retailer, no refund or credit will be allowed to his or her
15 vendor with respect to the sale of the property;

16 (b) The cost of the materials used, labor or service
17 costs, interest paid, losses, or any other expense;

18 (c) The cost of transportation of the property;

19 (d) The amount of any excise or property tax levied
20 against the property except as otherwise provided in the Nebraska
21 Revenue Act of 1967; or

22 (e) The amount charged for warranties, guarantees, or
23 maintenance agreements.

24 (2) Gross receipts of every person engaged as a public
25 utility specified in this subsection or as a community antenna
26 television service operator or any person involved in connecting
27 and installing services defined in subdivision (2)(a), (b), or (d)

1 of this section shall mean:

2 (a) In the furnishing of telephone communication service,
3 the gross income received from furnishing local exchange telephone
4 service and intrastate message toll telephone service. Gross
5 receipts shall not mean (i) the gross income, including division of
6 revenue, settlements, or carrier access charges received on or
7 after January 1, 1984, from the sale of a telephone communication
8 service to a communication service provider for purposes of
9 furnishing telephone communication service or (ii) the gross income
10 attributable to services rendered using a prepaid telephone calling
11 arrangement. For purposes of this subdivision, a prepaid telephone

12 calling arrangement shall mean the right to exclusively purchase
13 telecommunications services that are paid for in advance that
14 enables the origination of calls using an access number or
15 authorization code, whether manually or electronically dialed;

16 (b) In the furnishing of telegraph service, the gross
17 income received from the furnishing of intrastate telegraph
18 services;

19 (c) In the furnishing of gas, electricity, sewer, and
20 water service except water used for irrigation of agricultural
21 lands and manufacturing purposes, the gross income received from
22 the furnishing of such services upon billings or statements
23 rendered to consumers for such utility services; and

24 (d) In the furnishing of community antenna television
25 service, the gross income received from the furnishing of such
26 community antenna television service as regulated under sections
27 18-2201 to 18-2205 or 23-383 to 23-388.

1 Gross receipts shall also mean gross income received from
2 the provision, installation, construction, servicing, or removal of
3 property used in conjunction with the furnishing, installing, or
4 connecting of any public utility services specified in subdivision
5 (2)(a) or (b) of this section or community antenna television
6 service specified in subdivision (2)(d) of this section. Gross
7 receipts shall not mean gross income received from telephone
8 directory advertising.

9 (3) Gross receipts of every person engaged in selling,
10 leasing, or otherwise providing intellectual or entertainment
11 property shall mean:

12 (a) In the furnishing of computer software, the gross
13 income received, including the charges for coding, punching, or
14 otherwise producing computer software and the charges for the
15 tapes, disks, punched cards, or other properties furnished by the
16 seller. Gross receipts shall not mean the amount charged for
17 training customers in the use of computer software if such amount
18 is separately stated and such separate statement is not used as a
19 means of avoiding imposition of the tax upon the actual sales price
20 of the computer software; and

21 (b) In the furnishing of videotapes, movie film,
22 satellite programming, satellite programming service, and satellite
23 television signal descrambling or decoding devices, the gross
24 income received from the license, franchise, or other method
25 establishing the charge except the gross income received from
26 videotape and film rentals, satellite programming, and satellite
27 programming service when the sales tax or the admission tax is
1 charged under the Nebraska Revenue Act of 1967 and except as
2 provided in section 77-2704.39.

3 (4) Commencing October 1, 2002, gross receipts for
4 providing a service shall mean:

5 (a) The gross income received for cleaning of garments,
6 carpets, draperies, or other personal effects;

- 7 (b) The gross income received for building cleaning and
8 maintenance, pest control, security, lawn, and landscaping
9 services;
- 10 (c) The gross income received for motor vehicle parking
11 and other motor vehicle services, including motor vehicle washing,
12 waxing, towing, and painting;
- 13 (d) The gross income received for the following personal
14 services that are customarily delivered or purchased at a
15 commercial establishment: Barbering and cosmetology services;
16 massage, tanning, and weight reduction services; escort and dating
17 services; tattoo services; pet grooming and horse boarding and
18 training, other than for racehorses; fishing and hunting guide
19 services; lessons for personal instruction, such as golf, tennis,
20 flying, and flower arrangement, except for fine arts lessons;
21 limousine services with a driver; and photography studio services;
22 and
- 23 (e) The gross income received for installing, applying,
24 and repairing tangible personal property, except for repairs to
25 motor vehicles.
- 26 (5) Gross receipts shall not include any of the
27 following:
- 1 (a) Cash discounts allowed and taken on sales;
 - 2 (b)(i) Before January 1, 1997, the amount of any rebate
3 granted by a motor vehicle manufacturer or dealer at the time of
4 sale of the motor vehicle, which rebate functions as a discount
5 from the sales price of the motor vehicle; and
 - 6 (ii) On and after January 1, 1997, the amount of any
7 rebate granted by a motor vehicle or motorboat manufacturer or
8 dealer at the time of sale of the motor vehicle or motorboat, which
9 rebate functions as a discount from the sales price of the motor
10 vehicle or motorboat;
 - 11 (c) Sales price of property or services returned by
12 customers when the full sales price is refunded either in cash or
13 credit;
 - 14 (d) The amount charged for finance charges, carrying
15 charges, service charges, or interest from credit extended on sales
16 of property or services under contracts providing for deferred
17 payments of the purchase price if such charges are not used as a
18 means of avoiding imposition of the tax upon the actual sales price
19 of the property or services;
 - 20 (e) The value of property taken by a seller in trade as
21 all or a part of the consideration for a sale of property of any
22 kind or nature;
 - 23 (f)(i) Before January 1, 1997, the value of a motor
24 vehicle taken by any person in trade as all or a part of the
25 consideration for a sale of another motor vehicle; and
 - 26 (ii) On and after January 1, 1997, the value of a motor
27 vehicle or motorboat taken by any person in trade as all or a part
1 of the consideration for a sale of another motor vehicle or

2 motorboat;

3 (g) Receipts from conditional sale contracts, installment
4 sale contracts, rentals, and leases executed in writing prior to
5 June 1, 1967, and with delivery of the property prior to June 1,
6 1967, if such conditional sale contracts, installment sale
7 contracts, rentals, or leases are for a fixed price and are not
8 subject to negotiation or alteration; or

9 (h) Except as provided in subsection (2) of this section,
10 until October 1, 2002, the amount charged for labor or services
11 rendered in installing or applying the property sold if such amount
12 is separately stated and such separate statement is not used as a
13 means of avoiding imposition of the tax upon the actual sales price
14 of the property.

15 Sec. 3. Section 77-2702.13, Revised Statutes Supplement,
16 2000, is amended to read:

17 77-2702.13. (1) Retail sale or sale at retail shall
18 mean:

19 (a) A sale of property for any purpose other than for
20 resale in the regular course of business;

21 (b) A sale of property to an advertising agency which
22 purchases the property as an agent for a disclosed or undisclosed
23 principal. The advertising agency is and remains liable for the
24 sales and use tax on the purchase the same as if the principal had
25 made the purchase directly;

26 (c) The delivery in this state of property by an owner or
27 former owner thereof or by a factor or agent of such owner, former
1 owner, or factor, if the delivery is to a customer or person for
2 redelivery to a consumer, pursuant to a retail sale made by a
3 retailer not engaged in business in this state. The person making
4 the delivery in such cases shall include the delivery person's
5 selling price of the property in his or her gross receipts;

6 (d) The sale of admissions which shall mean the right or
7 privilege to have access to or to use a place or location. When an
8 admission to an activity is combined with the solicitation of a
9 contribution, the portion or the amount charged representing the
10 fair market price of the admission shall be considered a retail
11 sale subject to the tax imposed by section 77-2703. The
12 organization conducting the activity shall determine the amount
13 properly attributable to the purchase of the privilege, benefit, or
14 other consideration in advance, and such amount shall be clearly
15 indicated on any ticket, receipt, or other evidence issued in
16 connection with the payment. Admissions shall not include (i) fees
17 charged by elementary or secondary schools, public or private, (ii)
18 fees charged by school districts, student organizations, or
19 parent-teacher associations pursuant to an agreement with the
20 proper school authorities in an elementary or secondary school,
21 public or private, during the regular school day or at an approved
22 function of any such school, or (iii) fees charged by ballot
23 question committees, candidate committees, independent committees,

- 24 and political party committees as defined in the Nebraska Political
25 Accountability and Disclosure Act;
- 26 (e) A sale of live plants incorporated into real estate
27 except when such incorporation is incidental to the transfer of an
1 improvement upon real estate or the real estate;
- 2 (f) A sale of any property annexed to real estate by a
3 person electing to be taxed as a retailer pursuant to subdivision
4 (1) of section 77-2702.05 except when such annexation is incidental
5 to the transfer of an improvement upon real estate or the real
6 estate; **and**
- 7 (g) The sale of prepaid telephone calling arrangements
8 and the recharge of prepaid telephone calling arrangements. If the
9 sale or recharge of a prepaid telephone calling arrangement does
10 not take place at the vendor's place of business, the sale or
11 recharge shall be conclusively determined to take place at the
12 customer's shipping address or, if there is no item shipped, at the
13 customer's billing address. For purposes of this subdivision, a
14 prepaid telephone calling arrangement shall mean the right to
15 exclusively purchase telecommunications services that are paid for
16 in advance that enables the origination of calls using an access
17 number or authorization code, whether manually or electronically
18 dialed; **and**
- 19 (h) Commencing October 1, 2002, providing a service
20 listed in subsection (4) of section 77-2702.07.
- 21 (2) Retail sale or sale at retail shall not mean:
- 22 (a) The sale of:
- 23 (i) Property which will enter into and become an
24 ingredient or component part of property manufactured, processed,
25 or fabricated for ultimate sale at retail; **or**
- 26 (ii) A service listed in subsection (4) of section
27 77-2702.07 which will become an ingredient or component part of a
1 service listed in subsection (4) of section 77-2702.07 for ultimate
2 sale at retail; or
- 3 (iii) Refractory materials, lime, synthetic slag, mill
4 rolls, and guides for use in manufacturing of steel or cement;
- 5 (b) The sale of:
- 6 (i) Any form of animal life of a kind the products of
7 which ordinarily constitute food for human consumption. Animal
8 life shall include live poultry or livestock on the hoof when sales
9 are made by the grower, producer, feeder, or any person engaged in
10 the business of bartering, buying, or selling live poultry or
11 livestock on the hoof;
- 12 (ii) Seeds and annual plants, the products of which
13 ordinarily constitute food for human consumption and which seeds
14 and annual plants are sold to commercial producers of such
15 products, and seed legumes, seed grasses, and seed grains when sold
16 to be used exclusively for agricultural purposes;
- 17 (iii) Agricultural chemicals, adjuvants, surfactants,
18 bonding agents, clays, oils, and any other additives or

19 compatibility agents for use in commercial agriculture and applied
20 to land or crops and sold in any tax period that has not been
21 closed by the applicable statute of limitations. Agricultural
22 chemicals shall not mean chemicals, adjuvants, surfactants, bonding
23 agents, clays, oils, and any other additives or compatibility
24 agents applied to harvested grains stored in commercial elevators;
25 or
26 (iv) Oxygen for use in aquaculture as defined in section
27 2-3804.01;

1 (c) The sale of:

- 2 (i) Nonreturnable containers when sold without contents
3 to persons who place contents in the container and sell the
4 contents together with the container;
- 5 (ii) Containers when sold with contents if the sales
6 price of the contents is not required to be included in the measure
7 of the taxes imposed by the Nebraska Revenue Act of 1967; and
- 8 (iii) Returnable containers when sold with contents in
9 connection with a retail sale of the contents or when resold for
10 refilling.

11 The term returnable containers shall mean containers of a
12 kind customarily returned by the buyer of the contents for reuse.
13 All other containers are nonreturnable containers;

14 (d) The sale of property the transfer of which to the
15 consumer constitutes an occasional sale or the transfer of which to
16 the consumer is made by way of an occasional sale;

17 (e) The sale of property the sale, purchase, or use of
18 which has been taxed to that taxpayer in another state, territory,
19 or possession of the United States of America when such other
20 state, territory, or possession grants a reciprocal exclusion or an
21 exemption to similar transactions in this state;

22 (f) The purchase in this state or the purchase outside
23 this state, with title passing in this state, of materials and
24 replacement parts used as or used directly in the repair and
25 maintenance or manufacture of railroad rolling stock, whether owned
26 by a railroad or by any person, whether a common or contract
27 carrier or otherwise, motor vehicles, watercraft, or aircraft

1 engaged as common or contract carriers or the purchase in such
2 manner of motor vehicles, watercraft, or aircraft to be used as
3 common or contract carriers. All purchasers seeking to take
4 advantage of the exemption shall apply to the Tax Commissioner for
5 a common or contract carrier exemption. All common or contract
6 carrier exemption certificates shall expire on October 31, 1986,
7 and on October 31 every three years thereafter. All persons
8 seeking to continue to take advantage of the common or contract
9 carrier exemption shall apply for a new certificate at the
10 expiration of the prior certificate. The Tax Commissioner shall
11 notify such exemption certificate holders at least sixty days prior
12 to the expiration date of such certificate that their certificate
13 will expire and be null and void as of such date;

14 (g) The sale of railroad rolling stock whether purchased
15 by a railroad or by any other person; or

16 (h) The sale of property annexed to real estate.

17 Sec. 4. Section 77-2702.14, Revised Statutes Supplement,
18 2000, is amended to read:

19 77-2702.14. (1) Retailer shall mean:

20 (a) Any seller engaged in the business of making sales
21 subject to tax under section 77-2703 or in the business of making
22 sales subject to tax under section 77-2703 at auction of property
23 owned by the person or others. Retailer shall mean, in the case of
24 sales at auction when the person collecting the proceeds of the
25 auction is not the auctioneer or an agent or employee of the
26 auctioneer, the person collecting the proceeds of the auction,
27 other than the owner of the property, together with his or her
1 principal, if any, and retailer shall not include the auctioneer in
2 such case;

3 (b) Every person who has elected to be considered a
4 retailer pursuant to subdivision (1) of section 77-2702.05; and

5 (c) Every person operating, organizing, or promoting a
6 flea market, craft show, fair, or similar event; and

7 (d) Commencing October 1, 2002, every person engaged in
8 the business of providing a service listed in subsection (4) of
9 section 77-2702.07.

10 (2) Retailer shall not mean:

11 (a) Any person who leases or rents films when an
12 admission tax is charged under the Nebraska Revenue Act of 1967 or
13 railroad rolling stock interchanged pursuant to the provisions of
14 the federal Interstate Commerce Act;

15 (b) Any person engaged in the business of furnishing
16 rooms in a facility licensed under the Health Care Facility
17 Licensure Act in which rooms, lodgings, or accommodations are
18 regularly furnished for a consideration or a facility operated by
19 an educational institution established under Chapter 79 or Chapter
20 85 in which rooms are regularly used to house students for a
21 consideration for periods in excess of thirty days; or

22 (c) Any person making sales at a flea market, craft show,
23 fair, or similar event who does not have a sales tax permit and who
24 has arranged to pay sales taxes collected to the person operating,
25 organizing, or promoting such event.

26 Sec. 5. Section 77-2702.16, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 77-2702.16. Sale for resale shall mean a sale of
2 property or provision of a service to any purchaser who is
3 purchasing such property or service for the purpose of reselling it
4 in the normal course of his or her business, either in the form or
5 condition in which it is purchased or as an attachment to or
6 integral part of other property or service. A sale for resale
7 shall include a sale of property to a contractor or repairperson
8 electing to be taxed as a retailer under subdivision (1) of section

9 77-2702.05, to a contractor or repairperson being taxed as the
10 consumer of property and electing a tax-free inventory under
11 subdivision (3) of section 77-2702.05, or to a purchaser for the
12 sole purpose of that purchaser renting or leasing such property to
13 another person, with rent or lease payments set at a fair market
14 value, or film rentals for use in a place where an admission is
15 charged that is subject to taxation under the Nebraska Revenue Act
16 of 1967 but not if incidental to the renting or leasing of real
17 estate.

18 Sec. 6. Section 77-2702.17, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 77-2702.17. (1) Sales price shall mean the total amount
21 for which property is sold valued in money whether paid in money or
22 otherwise, without any deduction on account of:

23 (a) The cost of the property sold;

24 (b) The cost of material used, labor or service cost,
25 interest paid, losses, or any other expenses;

26 (c) The cost of transportation of the property. The
27 total amount for which property is sold shall include any services
1 which are a part of the sale and any amount for which credit is
2 given to the purchaser by the seller;

3 (d) The cost of computer software contained on the
4 property; or

5 (e) The cost of any license, franchise, or lease for the
6 use of computer software or entertainment properties such as
7 videotapes or movie films.

8 (2) Sales price shall not mean any of the following:

9 (a) Cash discounts allowed and taken on sales;

10 (b) The amount of any rebate granted by a motor vehicle
11 or motorboat manufacturer or dealer at the time of sale of the
12 motor vehicle or motorboat, which rebate functions as a discount
13 from the sales price of the motor vehicle or motorboat;

14 (c) The amount refunded for property returned by
15 customers when all or part of the amount charged therefor is
16 refunded either in cash or credit;

17 (d) The amount charged for finance charges, carrying
18 charges, service charges, or interest from credit extended on sales
19 of property under contracts providing for deferred payments of the
20 purchase price if such charges are not used as a means of avoiding
21 imposition of the tax upon the actual sales price of the property;

22 (e) The value of property taken by a seller in trade as
23 all or a part of the consideration for a sale of property of any
24 kind or nature;

25 (f) The value of a motor vehicle or motorboat taken by
26 any person in trade as all or part of the consideration for a sale
27 of another motor vehicle or motorboat;

1 (g) The amount charged for labor or services rendered in
2 annexing property to real estate; or

3 (h) ~~The~~ Until October 1, 2002, the amount charged for

4 labor or services rendered in installing or applying the property
5 sold if such amount is separately stated and such separate
6 statement is not used as a means of avoiding imposition of the tax
7 upon the actual sales price of the property.

8 Sec. 7. Section 77-2703, Revised Statutes Supplement,
9 2000, is amended to read:

10 77-2703. (1) There is hereby imposed a tax at the rate
11 provided in section 77-2701.02 upon the gross receipts from all
12 sales of tangible personal property sold at retail in this state,
13 the gross receipts of every person engaged as a public utility, as
14 a community antenna television service operator or any person
15 involved in the connecting and installing of the services defined
16 in subdivision (2)(a), (b), or (d) of section 77-2702.07, or as a
17 retailer of intellectual or entertainment properties referred to in
18 subsection (3) of section 77-2702.07, the gross receipts from the
19 sale of admissions in this state, ~~and~~ the gross receipts from the
20 sale of warranties, guarantees, service agreements, or maintenance
21 agreements when the items covered are subject to tax under this
22 section, and commencing October 1, 2002, the gross receipts from
23 providing a service listed in subsection (4) of section 77-2702.07.
24 For purposes of this section, the provision of services shall be
25 deemed to be in this state, for services provided to real estate if
26 the real estate is located in this state, for services provided to
27 personal property if the personal property is located in this state
1 and the service is rendered to property for use in this state,
2 and for personal services if the establishment where the service is
3 provided is in this state. When there is a sale, the tax shall be
4 imposed at the rate in effect at the time the gross receipts are
5 realized under the accounting basis used by the retailer to
6 maintain his or her books and records.

7 (a) The tax imposed by this section shall be collected by
8 the retailer from the consumer. It shall constitute a part of the
9 purchase price and until collected shall be a debt from the
10 consumer to the retailer and shall be recoverable at law in the
11 same manner as other debts. The tax required to be collected by
12 the retailer from the consumer constitutes a debt owed by the
13 retailer to this state.

14 (b) It is unlawful for any retailer to advertise, hold
15 out, or state to the public or to any customer, directly or
16 indirectly, that the tax or part thereof will be assumed or
17 absorbed by the retailer, that it will not be added to the selling,
18 renting, or leasing price of the property sold, rented, or leased,
19 or that, if added, it or any part thereof will be refunded. The
20 provisions of this subdivision shall not apply to a public utility.

21 (c) The tax required to be collected by the retailer from
22 the purchaser, unless otherwise provided by statute or by rule and
23 regulation of the Tax Commissioner, shall be displayed separately
24 from the list price, the price advertised in the premises, the
25 marked price, or other price on the sales check or other proof of

26 sales, rentals, or leases.

27 (d) For the purpose of more efficiently securing the
1 payment, collection, and accounting for the sales tax and for the
2 convenience of the retailer in collecting the sales tax, it shall
3 be the duty of the Tax Commissioner to adopt and promulgate
4 appropriate rules and regulations prescribing a schedule or
5 schedules of the amounts to be collected from the consumer or user
6 to effectuate the computation and collection of the tax imposed by
7 the Nebraska Revenue Act of 1967. Such schedule or schedules shall
8 provide that the tax shall be collected from the consumer or user
9 uniformly on sales according to brackets based on sales prices of
10 the item or items, except that the Tax Commissioner may authorize
11 computation and collection of the tax uniformly on a straight
12 percentage basis in lieu of brackets in situations involving
13 machine or computer billing.

14 (e) The use of tokens or stamps for the purpose of
15 collecting or enforcing the collection of the taxes imposed in the
16 Nebraska Revenue Act of 1967 or for any other purpose in connection
17 with such taxes is prohibited.

18 (f) For the purpose of the proper administration of the
19 provisions of the Nebraska Revenue Act of 1967 and to prevent
20 evasion of the retail sales tax, it shall be presumed that all
21 gross receipts are subject to the tax until the contrary is
22 established. The burden of proving that a sale of property is not
23 a sale at retail is upon the person who makes the sale unless he or
24 she takes, in good faith, from the purchaser (i) a resale
25 certificate to the effect that the property is purchased for the
26 purpose of reselling, leasing, or renting it, (ii) an exemption
27 certificate pursuant to subsection (7) of section 77-2705, or (iii)

1 a direct payment permit pursuant to sections 77-2705.01 to
2 77-2705.03. Receipt of a resale certificate, exemption
3 certificate, or direct payment permit, taken in good faith, shall
4 be conclusive proof for the seller that the sale was made for
5 resale or was exempt or that the tax will be paid directly to the
6 state.

7 (g) In the rental or lease of automobiles, trucks,
8 trailers, semitrailers, and truck-tractors as defined in section
9 60-301, the tax shall be collected by the lessor on the rental or
10 lease price, except as otherwise provided within this section:

11 (i) From all vehicles registered for operation upon the
12 highways of this state which are rented or leased for periods of
13 one year or more; or

14 (ii) From all vehicles delivered by the lessor within
15 this state which are rented or leased for periods of less than one
16 year.

17 (h) In the rental or lease of automobiles, trucks,
18 trailers, semitrailers, and truck-tractors as defined in section
19 60-301, for periods of one year or more, the lessor may elect not
20 to collect and remit the sales tax on the gross receipts and

21 instead pay a sales tax on the cost of such vehicle. If such
22 election is made, it shall be made pursuant to the following
23 conditions:

24 (i) Notice of the desire to make such election shall be
25 filed with the Tax Commissioner and shall not become effective
26 until the Tax Commissioner is satisfied that the taxpayer has
27 complied with all conditions of this subsection and all rules and

1 regulations of the Tax Commissioner;

2 (ii) Such election when made shall continue in force and
3 effect for a period of not less than two years and thereafter until
4 such time as the lessor elects to terminate the election;

5 (iii) When such election is made, it shall apply to all
6 vehicles of the lessor rented or leased for periods of one year or
7 more except vehicles to be leased to common or contract carriers
8 who provide to the lessor a valid common or contract carrier
9 exemption certificate. If the lessor rents or leases other
10 vehicles for periods of less than one year, such lessor shall
11 maintain his or her books and records and his or her accounting
12 procedure as the Tax Commissioner prescribes; and
13 (iv) The Tax Commissioner by rule and regulation shall
14 prescribe the contents and form of the notice of election, a
15 procedure for the determination of the tax base of vehicles which
16 are under an existing lease at the time such election becomes
17 effective, the method and manner for terminating such election, and
18 such other rules and regulations as may be necessary for the proper
19 administration of this subdivision.

20 (i) The tax imposed by this section on the sales of motor
21 vehicles, trailers, and semitrailers as defined in section 60-301
22 shall be the liability of the purchaser and, with the exception of
23 motor vehicles, trailers, and semitrailers registered pursuant to
24 section 60-305.09, the tax shall be collected by the county
25 treasurer or designated county official as provided in section
26 60-302 at the time the purchaser makes application for the
27 registration of the motor vehicle, trailer, or semitrailer for
1 operation upon the highways of this state. The tax imposed by this
2 section on motor vehicles, trailers, and semitrailers registered
3 pursuant to section 60-305.09 shall be collected by the Department
4 of Motor Vehicles at the time the purchaser makes application for
5 the registration of the motor vehicle, trailer, or semitrailer for
6 operation upon the highways of this state. At the time of the sale
7 of any motor vehicle, trailer, or semitrailer, the seller shall (i)
8 state on the sales invoice the dollar amount of the tax imposed
9 under this section and (ii) furnish to the purchaser a certified
10 statement of the transaction, in such form as the Tax Commissioner
11 prescribes, setting forth as a minimum the total sales price, the
12 allowance for any trade-in, and the difference between the two.
13 The sales tax due shall be computed on the difference between the
14 total sales price and the allowance for any trade-in as disclosed
15 by such certified statement. Any seller who willfully understates

16 the amount upon which the sales tax is due shall be subject to a
17 penalty of one thousand dollars. A copy of such certified
18 statement shall also be furnished to the Tax Commissioner. Any
19 seller who fails or refuses to furnish such certified statement
20 shall be guilty of a misdemeanor and shall, upon conviction
21 thereof, be punished by a fine of not less than twenty-five dollars
22 nor more than one hundred dollars. If the seller fails to state on
23 the sales invoice the dollar amount of the tax due, the purchaser
24 shall have the right and authority to rescind any agreement for
25 purchase and to declare the purchase null and void. If the
26 purchaser retains such motor vehicle, trailer, or semitrailer in
27 this state and does not register it for operation on the highways
1 of this state within thirty days of the purchase thereof, the tax
2 imposed by this section shall immediately thereafter be paid by the
3 purchaser to the county treasurer, the designated county official,
4 or the Department of Motor Vehicles. If the tax is not paid on or
5 before the thirtieth day after its purchase, the county treasurer,
6 designated county official, or Department of Motor Vehicles shall
7 also collect from the purchaser interest from the thirtieth day
8 through the date of payment and sales tax penalties as provided in
9 the Nebraska Revenue Act of 1967. The county treasurer, designated
10 county official, or Department of Motor Vehicles shall report and
11 remit the tax so collected to the Tax Commissioner by the fifteenth
12 day of the following month. The county treasurer or designated
13 county official shall deduct and withhold for the use of the county
14 general fund, from all amounts required to be collected under this
15 subsection, the collection fee permitted to be deducted by any
16 retailer collecting the sales tax. The Department of Motor
17 Vehicles shall deduct, withhold, and deposit in the Motor Carrier
18 Division Cash Fund the collection fee permitted to be deducted by
19 any retailer collecting the sales tax. The collection fee shall be
20 forfeited if the county treasurer, designated county official, or
21 Department of Motor Vehicles violates any rule or regulation
22 pertaining to the collection of the use tax.

23 (j)(i) The tax imposed by this section on the sale of a
24 motorboat as defined in section 37-1204 shall be the liability of
25 the purchaser. The tax shall be collected by the county treasurer
26 or designated county official at the time the purchaser makes
27 application for the registration of the motorboat. At the time of
1 the sale of a motorboat, the seller shall (A) state on the sales
2 invoice the dollar amount of the tax imposed under this section and
3 (B) furnish to the purchaser a certified statement of the
4 transaction, in such form as the Tax Commissioner prescribes,
5 setting forth as a minimum the total sales price, the allowance for
6 any trade-in, and the difference between the two. The sales tax
7 due shall be computed on the difference between the total sales
8 price and the allowance for any trade-in as disclosed by such
9 certified statement. Any seller who willfully understates the
10 amount upon which the sales tax is due shall be subject to a

11 penalty of one thousand dollars. A copy of such certified
12 statement shall also be furnished to the Tax Commissioner. Any
13 seller who fails or refuses to furnish such certified statement
14 shall be guilty of a misdemeanor and shall, upon conviction
15 thereof, be punished by a fine of not less than twenty-five dollars
16 nor more than one hundred dollars. If the seller fails to state on
17 the sales invoice the dollar amount of the tax due, the purchaser
18 shall have the right and authority to rescind any agreement for
19 purchase and to declare the purchase null and void. If the
20 purchaser retains such motorboat in this state and does not
21 register it within thirty days of the purchase thereof, the tax
22 imposed by this section shall immediately thereafter be paid by the
23 purchaser to the county treasurer or designated county official.
24 If the tax is not paid on or before the thirtieth day after its
25 purchase, the county treasurer or designated county official shall
26 also collect from the purchaser interest from the thirtieth day
27 through the date of payment and sales tax penalties as provided in
1 the Nebraska Revenue Act of 1967. The county treasurer or
2 designated county official shall report and remit the tax so
3 collected to the Tax Commissioner by the fifteenth day of the
4 following month. The county treasurer or designated county
5 official shall deduct and withhold for the use of the county
6 general fund, from all amounts required to be collected under this
7 subsection, the collection fee permitted to be deducted by any
8 retailer collecting the sales tax. The collection fee shall be
9 forfeited if the county treasurer or designated county official
10 violates any rule or regulation pertaining to the collection of the
11 use tax.

12 (ii) In the rental or lease of motorboats, the tax shall
13 be collected by the lessor on the rental or lease price, except as
14 otherwise provided within this section:

15 (A) From all motorboats registered for operation within
16 this state which are rented or leased for periods of one year or
17 more; or

18 (B) From all motorboats delivered by the lessor within
19 this state which are rented or leased for periods of less than one
20 year.

21 (iii) Subdivisions (1)(j)(i) and (ii) of this section
22 become operative January 1, 1997.

23 (k) The Tax Commissioner shall adopt and promulgate
24 necessary rules and regulations for determining the amount subject
25 to the taxes imposed by this section so as to insure that the full
26 amount of any applicable tax is paid in cases in which a sale is
27 made of which a part is subject to the taxes imposed by this
1 section and a part of which is not so subject and a separate
2 accounting is not practical or economical.

3 (2) A use tax is hereby imposed on the storage, use, or
4 other consumption in this state of property purchased, leased, or
5 rented from any retailer and on any transaction the gross receipts

6 of which are subject to tax under subsection (1) of this section on
7 or after June 1, 1967, for storage, use, or other consumption in
8 this state at the rate set as provided in subsection (1) of this
9 section on the sales price of the property or, in the case of
10 leases or rentals, of the lease or rental prices.

11 (a) Every person storing, using, or otherwise consuming
12 in this state property purchased from a retailer or leased or
13 rented from another person for such purpose shall be liable for the
14 use tax at the rate in effect when his or her liability for the use
15 tax becomes certain under the accounting basis used to maintain his
16 or her books and records. His or her liability shall not be
17 extinguished until the use tax has been paid to this state, except
18 that a receipt from a retailer engaged in business in this state or
19 from a retailer who is authorized by the Tax Commissioner, under
20 such rules and regulations as he or she may prescribe, to collect
21 the sales tax and who is, for the purposes of the Nebraska Revenue
22 Act of 1967 relating to the sales tax, regarded as a retailer
23 engaged in business in this state, which receipt is given to the
24 purchaser pursuant to subdivision (b) of this subsection, shall be
25 sufficient to relieve the purchaser from further liability for the
26 tax to which the receipt refers.

27 (b) Every retailer engaged in business in this state and
1 selling, leasing, or renting property for storage, use, or other
2 consumption in this state shall, at the time of making any sale,
3 collect any tax which may be due from the purchaser and shall give
4 to the purchaser, upon request, a receipt therefor in the manner
5 and form prescribed by the Tax Commissioner.

6 (c) The Tax Commissioner, in order to facilitate the
7 proper administration of the use tax, may designate such person or
8 persons as he or she may deem necessary to be use tax collectors
9 and delegate to such persons such authority as is necessary to
10 collect any use tax which is due and payable to the State of
11 Nebraska. The Tax Commissioner may require of all persons so
12 designated a surety bond in favor of the State of Nebraska to
13 insure against any misappropriation of state funds so collected.
14 The Tax Commissioner may require any tax official, city, county, or
15 state, to collect the use tax on behalf of the state. All persons
16 designated to or required to collect the use tax shall account for
17 such collections in the manner prescribed by the Tax Commissioner.
18 Nothing in this subdivision shall be so construed as to prevent the
19 Tax Commissioner or his or her employees from collecting any use
20 taxes due and payable to the State of Nebraska.

21 (d) All persons designated to collect the use tax and all
22 persons required to collect the use tax shall forward the total of
23 such collections to the Tax Commissioner at such time and in such
24 manner as the Tax Commissioner may prescribe. Such collectors of
25 the use tax shall deduct and withhold from the amount of taxes
26 collected two and one-half percent of the first three thousand
27 dollars remitted each month and one-half of one percent of all

1 amounts in excess of three thousand dollars remitted each month as
2 reimbursement for the cost of collecting the tax, except that for
3 each month from October 1, 1991, to September 30, 1992, such
4 collectors shall deduct and withhold from the amount of taxes
5 collected three percent of the first five thousand dollars remitted
6 each month and one percent of all amounts in excess of five
7 thousand dollars remitted each month as reimbursement for the cost
8 of collecting the tax and for each month from April 1, 1993, to
9 March 31, 1994, such collectors shall deduct and withhold from the
10 amount of taxes collected three-quarters of one percent of the
11 first two thousand dollars remitted each month and one-quarter of
12 one percent of all amounts in excess of two thousand dollars
13 remitted each month as reimbursement for the cost of collecting the
14 tax. Any such deduction shall be forfeited to the State of
15 Nebraska if such collector violates any rule, regulation, or
16 directive of the Tax Commissioner.

17 (e) For the purpose of the proper administration of the
18 Nebraska Revenue Act of 1967 and to prevent evasion of the use tax,
19 it shall be presumed that property sold, leased, or rented by any
20 person for delivery in this state is sold, leased, or rented for
21 storage, use, or other consumption in this state until the contrary
22 is established. The burden of proving the contrary is upon the
23 person who purchases, leases, or rents the property.
24 (f) It shall be further presumed, in the absence of
25 evidence to the contrary, that property shipped or brought to this
26 state by the purchaser after June 1, 1967, was purchased from a
27 retailer on or after that date for storage, use, or other
1 consumption in this state.

2 (g)(i) Except as provided in subdivisions (g)(ii) through
3 (g)(v) of this subsection, when a person purchases property in
4 another state, the Commonwealth of Puerto Rico, any territory or
5 possession of the United States, or any foreign country with the
6 intent of using such property in such other state, commonwealth,
7 territory, possession, or country and such property is actually
8 used in the other state, commonwealth, territory, possession, or
9 country for its intended purpose, the property shall not be subject
10 to tax in this state.

11 (ii) Subdivision (g)(i) of this subsection shall only
12 apply to a motor vehicle, trailer, or semitrailer as defined in
13 section 60-301 when it is licensed for operation on the highways of
14 the other state, commonwealth, territory, possession, or country
15 prior to being brought into this state. Licensed for operation on
16 the highways does not include any temporary registration,
17 licensing, or in transit procedure that allows nonresidents to
18 operate the motor vehicle, trailer, or semitrailer on the highways
19 of the other state, commonwealth, territory, possession, or country
20 for a limited time with the intent to remove the motor vehicle from
21 the other state, commonwealth, territory, possession, or country.

22 (iii) Subdivision (g)(i) of this subsection shall not

23 apply to an aircraft which is brought into this state within one
 24 year of purchase and (A) is regularly based within this state or
 25 (B) more than one-half of the aircraft's operating hours are within
 26 this state.

27 For purposes of subdivision (g)(iii) of this subsection,
 1 operation of the aircraft for the purpose of maintenance, repair,
 2 or fabrication with subsequent removal from this state upon
 3 completion of such maintenance, repair, or fabrication shall not be
 4 considered operating hours.

5 (iv)(A) Subdivision (g)(i) of this subsection shall only
 6 apply to a motorboat as defined in section 37-1204 when it is
 7 registered for operation in the other state, commonwealth,
 8 territory, possession, or country prior to being brought into this
 9 state.

10 (B) Subdivision (g)(iv)(A) of this subsection becomes
 11 operative January 1, 1997.

12 (v) Subdivision (g)(i) of this subsection shall not apply
 13 to any property that is manufactured, processed, or fabricated in
 14 another state and that is not used for its intended purpose in the
 15 other state after its manufacture, processing, or fabrication.

16 Sec. 8. Section 77-2704.11, Reissue Revised Statutes of
 17 Nebraska, is amended to read:

18 77-2704.11. Sales and use taxes shall not be imposed on
 19 the gross receipts from the sale, lease, or rental of, ~~and the~~
 20 storage, use, or other consumption in this state of, ~~or the~~
 21 installation, application, or repair of property which is shipped
 22 to a point outside this state, when the contract of sale or service
 23 is expressly or impliedly contingent upon delivery by the retailer
 24 to such point by means of facilities operated by the retailer,
 25 delivery by the retailer to a carrier for shipment to a consignee
 26 at such point, delivery by the retailer to the customer at airport
 27 facilities for immediate transport outside this state, delivery by
 1 the retailer to the United States post office for delivery outside
 2 this state, or delivery by the retailer to a customs broker or
 3 forwarding agent for shipment outside this state. Such exemption
 4 shall include the amount charged for fabrication, installation,
 5 application, or repair of property furnished by the customer which
 6 is fabricated, installed, applied, or repaired in this state and
 7 then shipped by the retailer performing the fabrication,
 8 installation, application, or repair to a point outside of this
 9 state. This shall also include the gross receipts from sales of
 10 property to a common or contract carrier shipped by the seller via
 11 the purchasing carrier under a bill of lading, whether the freight
 12 is paid in advance or the shipment is made freight charges collect,
 13 to a point outside this state and the property is actually
 14 transported to the out-of-state destination for use by the carrier
 15 in the conduct of its business as a common or contract carrier.

16 Sec. 9. Section 77-2704.26, Reissue Revised Statutes of
 17 Nebraska, is amended to read:

18 77-2704.26. Sales and use taxes shall not be imposed on
 19 the gross receipts from the sale, lease, or rental of and the
 20 storage, use, or other consumption in this state of an aircraft
 21 delivered in this state to an individual who is a resident of
 22 another state or any other person who has a business location in
 23 another state when the aircraft is not to be registered or based in
 24 this state and it will not remain in this state more than ten days.
 25 Sales and use taxes shall not be imposed on the gross receipts from
 26 a service listed in subsection (4) of section 77-2702.07 that is
 27 rendered to an aircraft brought into this state by an individual

1 who is a resident of another state or any other person who has a
 2 business location in another state when the aircraft is not to be
 3 registered or based in this state and it will not remain in this
 4 state more than ten days after the service is completed.

5 Sec. 10. Section 77-2704.27, Reissue Revised Statutes of
 6 Nebraska, is amended to read:

7 77-2704.27. Sales and use taxes shall not be imposed on
 8 the gross receipts from the sale, lease, or rental of, the service
 9 to, and the storage, use, or other consumption in this state of
 10 railroad rolling stock whether owned by a railroad or by any other
 11 person.

Senator Wickersham offered the following amendment to the fourth
 Standing Committee amendment:
 (Amendment, AM3323, may be found in the Bill Books. The amendment
 has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Landis moved the previous question. The question is, "Shall the
 debate now close?" The motion prevailed with 27 ayes, 9 nays, and 13 not
 voting.

Senator Schrock requested a record vote on the Wickersham amendment.

Voting in the affirmative, 27:

| | | | | |
|----------|----------|------------|---------------|------------|
| Aguilar | Connealy | Janssen | Pedersen, Dw. | Vrtiska |
| Beutler | Coordsen | Jones | Pederson, D. | Wehrbein |
| Brashear | Cudaback | Kristensen | Preister | Wickersham |
| Bromm | Engel | Kruse | Raikes | |
| Byars | Hartnett | Landis | Schimek | |
| Chambers | Hudkins | Maxwell | Schrock | |

Voting in the negative, 18:

| | | | | |
|------------|--------|----------|----------|----------|
| Baker | Dierks | Kremer | Redfield | Thompson |
| Brown | Erdman | McDonald | Robak | Tyson |
| Bruning | Foley | Price | Stuhr | |
| Cunningham | Jensen | Quandahl | Suttle | |

Present and not voting, 3:

Bourne Burling Synowiecki

Excused and not voting, 1:

Smith

The Wickersham amendment was adopted with 27 ayes, 18 nays, 3 present and not voting, and 1 excused and not voting.

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Senator Wickersham moved for a call of the house. The motion prevailed with 43 ayes, 0 nays, and 6 not voting.

Senator Wickersham requested a roll call vote on the fourth Standing Committee amendment, as amended.

Voting in the affirmative, 29:

| | | | | |
|----------|----------|------------|---------------|------------|
| Aguilar | Chambers | Janssen | Pedersen, Dw. | Schrock |
| Beutler | Connealy | Jones | Pederson, D. | Synowiecki |
| Bourne | Coordsen | Kristensen | Preister | Vrtiska |
| Brashear | Cudaback | Kruse | Price | Wehrbein |
| Bromm | Engel | Landis | Raikes | Wickersham |
| Byars | Hartnett | Maxwell | Schimek | |

Voting in the negative, 19:

| | | | | |
|---------|------------|----------|----------|----------|
| Baker | Cunningham | Hudkins | Quandahl | Suttle |
| Brown | Dierks | Jensen | Redfield | Thompson |
| Bruning | Erdman | Kremer | Robak | Tyson |
| Burling | Foley | McDonald | Stuhr | |

Excused and not voting, 1:

Smith

The fourth Standing Committee amendment, as amended, was adopted with 29 ayes, 19 nays, and 1 excused and not voting.

The Chair declared the call raised.

The third Standing Committee amendment, FA945, found on page 1106, considered on page 1130, and reconsidered in this day's Journal, as amended, was renewed.

The third Standing Committee amendment, as amended, lost with 16 ayes, 27 nays, 5 present and not voting, and 1 excused and not voting.

Senator Bourne withdrew his pending amendment, AM3182, found on page 1052.

Senator Hartnett withdrew his pending amendments, AM3276 and AM3314, found on pages 1092 and 1133.

Advanced to E & R for review with 26 ayes, 18 nays, 4 present and not voting, and 1 excused and not voting.

AMENDMENTS - Print in Journal

Senator Landis filed the following amendment to LB 1139:
AM3287

- 1 1. In the Standing Committee amendments, AM2460:
- 2 a. Strike section 53 and renumber the remaining section
- 3 accordingly;
- 4 b. On page 6, lines 16 and 17 and 19 and 20, strike the
- 5 new matter; in line 16 after "Act" insert "42 U.S.C. 1395 ss, as
- 6 such section existed on January 1, 2002"; in line 19 strike "5501
- 7 et seq.", show as stricken, and insert "chapter 55, as such chapter
- 8 existed on January 1, 2002"; and
- 9 c. On page 38, line 20; and page 41, line 26, strike
- 10 beginning with the underscored "the" through "act" and insert
- 11 "January 1, 2002".
- 12 2. On page 9, line 12, strike "may" and insert "shall
- 13 review the financial statement and shall"; and strike beginning
- 14 with "On" in line 15 through the period in line 19 and insert "On
- 15 an annual basis, a statement from a qualified actuary that the
- 16 rates charged and reserves, both (a) incurred and (b) incurred but
- 17 not reported, regarding sufficiency to pay claims and associated
- 18 expenses for the health benefit plan shall be obtained and given to
- 19 the director".

Senators Kristensen and Bromm filed the following amendment to LB 1105:
(Amendment, AM3050, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Janssen filed the following amendment to LB 407:
AM3201

(Amendments to Standing Committee amendments, AM2886)

- 1 1. On page 104, line 11, strike the new matter and
- 2 insert "at the request of the Nebraska Retirement Systems
- 3 Committee, to be completed not more than every four years but not
- 4 less than every ten years".

Senator Bromm filed the following amendment to LB 1105:
AM3340

(Amendments to Standing Committee amendments, AM2916)

- 1 1. Insert the following new section:
- 2 "Sec. 16. Section 60-1417.01, Revised Statutes
- 3 Supplement, 2000, is amended to read:
- 4 60-1417.01. (1)(a) Each auction dealer shall establish
- 5 and retain at the primary place of business a record of the
- 6 following information for each motor vehicle or trailer coming into
- 7 his or her possession as an auction dealer: (i) The name of the
- 8 most recent owner, other than the auction dealer; (ii) the name of
- 9 the buyer; (iii) the vehicle identification number; (iv) the
- 10 odometer reading on the date on which the auction dealer took
- 11 possession of the motor vehicle; and (v) a bill of sale or other
- 12 transaction document signed by the seller or the seller's agent and
- 13 the buyer or the buyer's agent.
- 14 (b) The dealer shall maintain the information in a manner
- 15 that permits systematic retrieval for five years following the date
- 16 of sale of each vehicle or trailer. The information may be
- 17 maintained in a tangible medium or stored in an electronic or other
- 18 medium that is retrievable in perceivable form.
- 19 (2) Any prospective seller of a used motor vehicle or
- 20 trailer at auction shall complete a buyer's information form
- 21 provided by the auction dealer and approved by the board.
- 22 (2) The form shall include (a) the make, (b) the model,
- 23 (c) the year, (d) the actual mileage if known, except for trailers,
- 1 (e) the vehicle identification number, (f) the name and address of
- 2 the present owner of the vehicle or trailer, (g) the name and
- 3 address of the previous owner, (h) the name and address of the
- 4 person offering the vehicle for sale if such person is an employee
- 5 or agent of the present owner, (i) the name and address of the
- 6 person who has physical possession of the certificate of title, (j)
- 7 a statement as to whether the title is available for inspection and
- 8 transfer immediately upon the sale of the motor vehicle or trailer,
- 9 and (k) whether the unit is subject to any kind of ride-and-drive
- 10 provisions and can or cannot be rejected and returned for refund
- 11 within a specific period.
- 12 (3) The buyer's information form shall be signed by the
- 13 seller or the seller's agent and the auction dealer. One copy of
- 14 the form shall be retained by the seller, and one copy of the form
- 15 shall be retained and maintained as a record by the auction dealer
- 16 for a period of two years from the date offered for sale.
- 17 (4) (c) The auction dealer shall be responsible for
- 18 insuring that the information required in subdivisions (2)(a)
- 19 through (e), (j), and (k) (1)(a)(i), (iii), and (iv) of this
- 20 section and the name of the state of origin of the current title is
- 21 available to all prospective purchasers buyers at the time a
- 22 vehicle or trailer is offered for sale at auction and shall give
- 23 the bill of sale or other transaction document required in
- 24 subdivision (1)(a)(v) of this section to the buyer purchasing the

25 vehicle or trailer at auction.

- 26 ~~(5)~~ (2) When any dealer, except an auction dealer selling
 27 at auction, sells any unit on consignment, he or she shall take
 1 title to such unit in his or her own name, except that any dealer
 2 or other person, other than the owner of a used mobile home,
 3 selling a used mobile home shall not be required to take title but
 4 shall complete a buyer's information form approved by the board.
 5 ~~(6)~~ The seller of the used mobile home shall be responsible for
 6 insuring that a copy of the form is delivered to the buyer prior to
 7 closing the sale of the used mobile home. The form shall include
 8 the (a) name and address of the record owner of the mobile home,
 9 (b) model, (c) year, and (d) serial number."
 10 2. On page 28, line 10, strike "and 60-311.23" and
 11 insert "60-311.23, and 60-1417.01".
 12 3. Renumber the remaining sections accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 649. Placed on Select File as amended.
 E & R amendment to LB 649:
 AM7206

- 1 1. Strike the original sections and insert the following
 2 new sections:
 3 "Section 1. Section 19-2402, Revised Statutes
 4 Supplement, 2001, is amended to read:
 5 19-2402. (1) Whenever the ~~mayor and city~~ council of any
 6 city of the first or second class; or the ~~chairperson and~~ board of
 7 trustees of a village in Nebraska, shall ~~deem~~ deems it necessary
 8 and advisable to extend municipal water service or municipal
 9 sanitary sewer service to territory beyond the existing systems,
 10 such municipal officials may, by ordinance, create a district or
 11 districts to be known as sanitary sewer extension districts or
 12 water extension districts; ~~as the case may be~~, for such purposes,
 13 and such district or districts may include properties within the
 14 corporate limits of the municipality and the extraterritorial
 15 zoning jurisdiction as established pursuant to section 16-902 or
 16 17-1002.
 17 (2) The owners of lots and lands abutting upon a street,
 18 avenue, or alley, or part thereof, may petition the council or
 19 board to create a sanitary sewer extension district or a water
 20 extension district. The petition shall be signed by owners
 21 representing at least two-thirds of the front footage abutting upon
 22 the street, avenue, or alley, or part thereof, within the proposed
 23 district, which will become subject to an assessment for the cost
 24 of the improvement.
 1 (3) If creation of the district is not initiated by
 2 petition, a vote of at least three-fourths of all the members of
 3 the council or board shall be required to adopt the ordinance

4 creating the district.

5 (4) Such ordinance shall state the size and kind of sewer
6 mains or water mains proposed to be constructed in such district
7 and shall designate the location and terminal points thereof. Such
8 ordinance shall also refer to the plans and specifications for such
9 utility extensions which shall have been made and filed with the
10 municipal clerk by the municipal engineer prior to the introduction
11 of the ordinance, and the city or village engineer at the time of
12 filing such plans and specifications shall make and file an
13 estimate of the total cost of the proposed utility extension. The
14 ordinance shall also state the outer boundaries of the district or
15 districts in which it is proposed to make special assessments.

16 (5) Upon creation of an extension district, whether by
17 vote of the governing body or by petition, the council or board
18 shall order the sewer extension main or water extension main laid
19 and, to the extent of special benefit, assess the cost thereof
20 against the property which abuts upon the street, avenue, or alley,
21 or part thereof, which is located in the district. When such
22 extension of the utility service involved is completed, the
23 municipality shall compel all proper connections therewith of
24 occupied properties in such utility district, and may provide a
25 penalty for failure to comply with regulations of the municipality
26 pertaining to such utility districts.

27 Sec. 2. Section 19-2403, Reissue Revised Statutes of
1 Nebraska, is amended to read:

2 19-2403. (1) When the extension of the sewer or water
3 service involved in an extension district created pursuant to
4 section 19-2402 is completed, the municipality shall compel all
5 proper connections of occupied properties in the district with the
6 extension and may provide a penalty for failure to comply with
7 regulations of the municipality pertaining to the district.

8 (2) In case any property owner ~~shall neglect or fail~~
9 ~~neglects or fails~~, for ten days, after notice, either by personal
10 service or by publication in some newspaper published and of
11 general circulation in the municipality, to comply with municipal
12 regulations pertaining to municipal water service or municipal
13 sanitary service extensions or to make connections of his or her
14 property with such utility service, the ~~mayor and city council or~~
15 ~~chairman and board of trustees, as the case may be, shall have~~
16 ~~power to may~~ cause the same to be done, and assess the cost thereof
17 against the property, and collect the same in the manner provided
18 for the collection of general municipal taxes. ~~Unless the owners~~
19 ~~of lots and lands abutting upon any street, avenue, or alley, or~~
20 ~~part thereof, within said extension district, representing not less~~
21 ~~than two-thirds of the front footage abutting upon said street,~~
22 ~~avenue, or alley, or part thereof, which will become subject to an~~
23 ~~assessment for the cost of the improvement, shall petition the~~
24 ~~municipality to lay a sewer extension main or water extension main~~
25 ~~or both therein, and assess the cost thereof to the abutting lands~~

26 and lots, such improvement shall not be made until not less than
 27 three-fourths of all of the members of the mayor and council, or
 1 chairman and board of trustees, as the case may be, by vote, assent
 2 to the making of the same; whereupon, upon such petition or by such
 3 vote by the governing body, the said governing body shall order
 4 such sewer extension main or water extension main laid and, to the
 5 extent of special benefit, assess the cost thereof against the
 6 property abutting upon such street, avenue, or alley or part
 7 thereof, and which is located within the utility district within
 8 which such sewer extension main or water extension main has been so
 9 placed.

10 Sec. 3. Original section 19-2403, Reissue Revised
 11 Statutes of Nebraska, and section 19-2402, Revised Statutes
 12 Supplement, 2001, are repealed."

13 2. On page 1, lines 1 and 2, strike "sections 19-2402
 14 and" and insert "section"; and in line 3 after "Nebraska" insert ",
 15 and section 19-2402, Revised Statutes Supplement, 2001".

LEGISLATIVE BILL 178. Placed on Select File as amended.

E & R amendment to LB 178:

AM7209

1 1. Because of the amendment of section 60-302 by Laws
 2 2001, LB 191:
 3 a. Strike original section 2 and insert the following
 4 new section:
 5 "Sec. 2. Section 60-302, Revised Statutes Supplement,
 6 2001, is amended to read:
 7 60-302. (1) No motor vehicle, trailer, semitrailer, or
 8 cabin trailer, unless otherwise expressly provided, shall be
 9 operated or parked on the highways of this state unless the vehicle
 10 is registered in accordance with Chapter 60, article 3. There
 11 shall be a rebuttable presumption that any vehicle stored and kept
 12 more than thirty days in the state is being operated or parked on
 13 the highways of this state and shall be registered in accordance
 14 with Chapter 60, article 3, from the date of title of the motor
 15 vehicle or, if no transfer in ownership of the motor vehicle has
 16 occurred, from the expiration of the last registration period for
 17 which the motor vehicle was registered. Every owner of a vehicle
 18 required to be registered shall make application for registration
 19 to the county treasurer of the county in which the vehicle has
 20 situs as defined in section 60-3001. The application shall be a
 21 copy of a certificate of title or, in the case of a renewal of a
 22 registration, the application shall be the previous registration
 23 period's certificate. A salvage certificate of title as defined in
 24 section 60-129 and a nontransferable certificate of title provided
 1 for in section 60-131 shall not be valid for registration purposes.
 2 (2) An application for registration of a motor vehicle
 3 shall be accompanied by proof of financial responsibility or
 4 evidence of insurance covering the motor vehicle. Proof of

5 financial responsibility shall be evidenced by a copy of proof of
6 financial responsibility filed pursuant to subdivision (2), (3), or
7 (4) of section 60-528 bearing the seal of the Department of Motor
8 Vehicles. Evidence of insurance shall give the effective dates of
9 the automobile liability policy, which dates shall be evidence that
10 the coverage is in effect on and following the date of
11 registration, and shall designate, by explicit description or by
12 appropriate reference, all motor vehicles covered. Evidence of
13 insurance in the form of a certificate of insurance for fleet
14 vehicles may include, as an appropriate reference, a designation
15 that the insurance coverage is applicable to all vehicles owned by
16 the named insured, or wording of similar effect, in lieu of an
17 explicit description.

18 (3) Any nonresident owner who desires to register a
19 vehicle or vehicles in this state shall register in the county
20 where the vehicle is domiciled or where the owner conducts a bona
21 fide business.

22 (4) Each new application shall contain, in addition to
23 other information as may be required by the department, the name
24 and post office address of the applicant and a description of the
25 vehicle, including the color, the manufacturer, the identification
26 number, and the weight of the vehicle required by Chapter 60,
27 article 3. With the application the applicant shall pay the proper
1 registration fee as provided in sections 60-305.08 to 60-339 and
2 shall state whether the vehicle is propelled by alternative fuel as
3 defined in section 66-686 and, if alternative fuel, the type of
4 fuel. The form shall also contain a notice that bulk fuel
5 purchasers may be subject to federal excise tax liability. The
6 department shall prescribe a form, containing the notice, for
7 supplying the information for vehicles to be registered. The
8 county treasurer shall include the form in each mailing made
9 pursuant to section 60-3003. The county treasurer or his or her
10 agent shall notify the Motor Fuel Tax Enforcement and Collection
11 Division of the Department of Revenue whenever a vehicle powered by
12 an alternative fuel as defined in section 66-686 is registered.
13 The notification shall include the name and address of the
14 registrant, the date of registration, the type of motor vehicle
15 registered, and the type of alternative fuel used to propel the
16 vehicle as indicated on the registration application.

17 (5) The county treasurer or his or her agent shall
18 collect, in addition to the registration fees, one dollar and fifty
19 cents for each certificate issued and shall remit one dollar and
20 fifty cents of each additional fee collected to the State Treasurer
21 for credit to the Department of Motor Vehicles Cash Fund.

22 (6) The county treasurer or his or her agent shall
23 collect, in addition to other registration fees, fifty cents for
24 each certificate issued and shall remit the fee to the State
25 Treasurer for credit to the Nebraska Emergency Medical System
26 Operations Fund.

- 27 (7) The county treasurer or his or her agent shall
 1 collect, in addition to other registration fees, one dollar and
 2 fifty cents for each certificate issued and shall remit the fee to
 3 the State Treasurer for credit to the State Recreation Road Fund.
- 4 (8) If a citation is issued to an owner or operator of a
 5 vehicle for a violation of this section and the owner properly
 6 registers and licenses the vehicle not in compliance and pays all
 7 taxes and fees due and the owner or operator provides proof of such
 8 registration to the prosecuting attorney within ten days after the
 9 issuance of the citation, no prosecution for the offense cited
 10 shall occur.
- 11 (9) If a county board consolidates services under the
 12 office of a designated county official other than the county
 13 treasurer pursuant to section 23-186, the powers and duties of the
 14 county treasurer relating to registration under sections 60-301 to
 15 60-347 and section 1 of this act shall be performed by the
 16 designated county official.
- 17 (10) A county treasurer or county official or his or her
 18 agent may accept credit cards, charge cards, or debit cards as a
 19 means of payment for registration pursuant to section 13-609.";
- 20 b. On page 1, line 3; and page 20, line 2, strike "and
 21 sections 60-302, 60-1901," and insert "sections 60-1901"; and
 22 c. On page 1, line 4; and page 20, line 3, after "2000"
 23 insert ", and section 60-302, Revised Statutes Supplement, 2001".
- 24 2. On page 1, line 5, after "decals" insert "and motor
 25 vehicle registration".
- 26 3. On page 3, line 2, strike the second "or" and insert
 27 "of".
- 1 4. On page 16, line 3, strike the new matter.

LEGISLATIVE BILL 970. Placed on Select File.

LEGISLATIVE BILL 977. Placed on Select File as amended.

E & R amendment to LB 977:

AM7207

- 1 1. On page 2, line 15, after the comma insert "the".

LEGISLATIVE BILL 1071. Placed on Select File as amended.

E & R amendment to LB 1071:

AM7208

- 1 1. On page 1, line 5, strike "residency" and insert
 2 "resident agents".
- 3 2. On page 3, line 28, after "individual" insert "or
 4 business entity".

LEGISLATIVE BILL 684. Placed on Select File.

(Signed) Philip Erdman, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 337. Introduced by Dierks, 40.

PURPOSE: On June 25, 2001, the U.S. Supreme Court ruled in USDA v. United Foods that mandatory assessments under the federal Mushroom Promotion, Research, and Consumer Information Act of 1990, 7 U.S.C. 6101-6112, violated first amendment protections of certain mushroom producers. Similar first amendment challenges to other federal commodity promotion programs are currently being litigated in other federal court venues. The purpose of this study is to examine the implications of USDA v. United Foods for similar state commodity promotion programs funded largely through checkoff assessments against producers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 338. Introduced by Dierks, 40.

PURPOSE: The purpose of this study is to examine the need for, and feasibility of, statutory and other mechanisms to protect the financial interests of producers, livestock marketing agencies, and lenders in livestock sales transactions and the interests of producers and investors in livestock feeding ventures.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 339. Introduced by Dierks, 40.

PURPOSE: The purpose of this study is to examine anticipated revenue to and expenditures from the Ethanol Production Incentive Cash Fund through the termination of the ethanol production incentive programs pursuant to section 66-1344. The study shall include a listing and description of new ethanol facilities for which the Department of Revenue has entered

agreements to provide ethanol production credits pursuant to section 66-1344.01, the likely amount of ethanol production capacity at each facility if built, and an assessment for each facility with respect to the likelihood that the facility will be able to qualify for credits pursuant to the requirements of section 66-1344. In addition, the study shall examine alternatives for funding the ethanol production incentive credits.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 1310. E & R amendment, AM7198, printed separately and referred to on page 1072, was adopted.

Senator Baker reoffered his amendment, AM3212, found on page 1046.

Senator Baker withdrew his amendment.

Senator Wehrbein offered the following amendment:
AM3299

(Amendments to E & R amendments, AM7198)

- 1 1. On page 3, line 5, strike "seven" and insert "two";
- 2 in line 6 strike "eighty" and insert "ninety-two"; in line 7 strike
- 3 "within fifteen days after July" and insert "on or before
- 4 November".
- 5 2. On page 19, line 1, after "million" insert "five
- 6 hundred thousand"; and in line 3 strike "July" and insert
- 7 "November".

The Wehrbein amendment was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to E & R for engrossment.

AMENDMENTS - Print in Journal

Senator Baker filed the following amendment to LB 905:
AM3298

- 1 1. On page 2, lines 18 and 21, strike "minus one million
- 2 dollars" and insert "minus (a) one million dollars until January 1,
- 3 2004, (b) one million five hundred thousand dollars commencing

4 January 1, 2004, and until January 1, 2006, (c) two million dollars
 5 commencing January 1, 2006, and until January 1, 2009, (d) three
 6 million five hundred thousand dollars commencing January 1, 2009,
 7 and until January 1, 2010, and (e) one million dollars commencing
 8 January 1, 2011".

Senator Baker filed the following amendment to LB 564:
 AM3284

(Amendments to E & R amendments, AM7188)

- 1 1. On page 1, line 19, strike "adult and correctional
 2 institutions", show as stricken, and insert "Department of
 3 Correctional Services adult correctional facilities".
- 4 2. On page 4, line 18, strike "The", show as stricken,
 5 and insert "Except as provided in subsection (2) of this section,
 6 the".
- 7 3. On page 6, line 7, strike ". If" and insert ",
 8 unless"; and in lines 9 and 10 strike ", the" and insert ". The".
- 9 4. On page 9, line 8, after "(7)" insert "Any person
 10 required to register under the act shall inform the sheriff of the
 11 county in which he or she resides, in writing, of each
 12 postsecondary educational institution at which he or she is
 13 employed, carries on a vocation, or attends school, within five
 14 working days after such employment or attendance. The person shall
 15 also notify the sheriff of any change in such employment or
 16 attendance status at the postsecondary educational institution.
 17 The sheriff shall forward the information regarding such employment
 18 or attendance to the sex offender registration and community
 19 notification division of the Nebraska State Patrol within five
 20 working days after receipt of the information.
 21 (8)"; and in line 19 strike "(8)" and insert "(9)".
- 22 5. On page 15, line 17; and page 17, line 13, strike
 23 "and".
- 1 6. On page 15, line 18, after "(iv)" insert "Inform the
 2 defendant that he or she shall (A) inform the sheriff of the county
 3 in which he or she resides, in writing, of each postsecondary
 4 educational institution at which he or she is employed, carries on
 5 a vocation, or attends school, within five working days after such
 6 employment or attendance and (B) notify the sheriff of any change
 7 in such employment or attendance status of such person at such
 8 postsecondary educational institution; and
 9 (v)".
- 10 7. On page 17, line 14, after "(iv)" insert "Inform the
 11 person that he or she shall (A) inform the sheriff of the county in
 12 which he or she resides, in writing, of each postsecondary
 13 educational institution at which he or she is employed, carries on
 14 a vocation, or attends school, within five working days after such
 15 employment or attendance and (B) notify the sheriff of any change
 16 in such employment or attendance status of such person at such
 17 postsecondary educational institution; and

18 (v)".

19 8. On page 19, lines 9 and 10, strike the new matter and
20 reinstate the stricken matter; and in line 12 after "information"
21 insert "except for a person required under the act to register for
22 his or her lifetime".

UNANIMOUS CONSENT - Add Cointroducers

Senators Quandahl and Aguilar asked unanimous consent to have their names added as cointroducers to LR 320, LR 321, LR 322, LR 323, LR 324, and LR 325. No objections. So ordered.

VISITORS

Visitors to the Chamber were Greg Gifford, Glen Kratochvil, Russell Herstein, and Dan Winterlin from the University of Nebraska, Lincoln.

The Doctor of the Day was Dr. Cheryl Roth from Lincoln.

ADJOURNMENT

At 6:44 p.m., on a motion by Senator Coordsen, the Legislature adjourned until 9:00 a.m., Wednesday, March 27, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SEVENTH DAY - MARCH 27, 2002

LEGISLATIVE JOURNAL

**NINETY-SEVENTH LEGISLATURE
SECOND SESSION**

FORTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 27, 2002

PRAYER

The prayer was offered by Senator Hudkins.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

The roll was called and all members were present except Senator Wickersham who was excused; and Senators Dierks, Hartnett, Maxwell, Price, Quandahl, and Tyson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-sixth day was approved.

AMENDMENTS - Print in Journal

Senator Brashear filed the following amendment to LB 1085:
(Amendment, AM3317, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Hartnett filed the following amendment to LB 1085:
AM3329

(Amendments to Standing Committee amendments, AM3155)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 77-2701.01, Reissue Revised Statutes
- 4 of Nebraska, is amended to read:
- 5 77-2701.01. Pursuant to section ~~77-2715.01~~, for all
- 6 taxable years beginning or deemed to begin on or after January 1,
- 7 1990, under the Internal Revenue Code of 1986, as amended, the rate
- 8 of the income tax levied pursuant to section 77-2715 shall be three
- 9 and forty-three hundredths percent. Pursuant to section

10 77-2715.01, for all taxable years beginning or deemed to begin on
 11 or after January 1, 1991, and before January 1, 2002, and on or
 12 after January 1, 2004, under the Internal Revenue Code of 1986, as
 13 amended, the rate of the income tax levied pursuant to section
 14 77-2715 shall be three and seventy-hundredths percent. Pursuant to
 15 section 77-2715.01, for all taxable years beginning or deemed to
 16 begin on or after January 1, 2002, and before January 1, 2004,
 17 under the Internal Revenue Code of 1986, as amended, the rate of
 18 the income tax levied pursuant to section 77-2715 shall be three
 19 and eighty-two hundredths percent.

20 Sec. 2. Section 77-2701.02, Revised Statutes Supplement,
 21 2000, is amended to read:

22 77-2701.02. Pursuant to section 77-2715.01:

23 (1) ~~Until July 1, 1998, or April 15, 1998, whichever is~~
 1 later, the rate of the sales tax levied pursuant to section 77-2703
 2 shall be five percent;

3 (2) Commencing July 1, 1998, ~~or April 15, 1998, whichever~~
 4 is later, and until July 1, 1999, the rate of the sales tax levied
 5 pursuant to section 77-2703 shall be four and one-half percent; and

6 (3) Commencing July 1, 1999, and until the operative date
 7 of this section, the rate of the sales tax levied pursuant to
 8 section 77-2703 shall be five percent;

9 (4) Commencing on the operative date of this section, and
 10 until July 1, 2004, the rate of the sales tax levied pursuant to
 11 section 77-2703 shall be five percent on sales of motor vehicles,
 12 trailers, and semitrailers as defined in section 60-301 and five
 13 and one-quarter percent on all other transactions; and

14 (5) Commencing July 1, 2004, the rate of the sales tax
 15 levied pursuant to section 77-2703 shall be five percent.

16 Sec. 3. Economic incentive benefit credits provided
 17 under the Employment and Investment Growth Act, the Invest Nebraska
 18 Act, and the Quality Jobs Act may not be used to obtain a sales and
 19 use tax refund or to pay income tax to the extent the tax rates
 20 were increased by this legislative bill.

21 Sec. 4. Sections 2 and 5 of this act become operative on
 22 July 1, 2002. The other sections of this act become operative on
 23 their effective date.

24 Sec. 5. Original section 77-2701.02, Revised Statutes
 25 Supplement, 2000, is repealed.

26 Sec. 6. Original section 77-2701.01, Reissue Revised
 27 Statutes of Nebraska, is repealed.

1 Sec. 7. Since an emergency exists, this act takes effect
 2 when passed and approved according to law."

Senator Raikes filed the following amendment to LB 1085:
 AM3328

(Amendments to FA948)

- 1 1. On page 42, line 4, strike "2005-06" and insert
- 2 "2004-05"; in line 6 before the comma insert "of the school

3 district, the board of the unified system, or the school board of
4 the high school district of the multiple-district school system
5 that is not a unified system"; and in line 14 after the period
6 insert "The State Department of Education shall certify to the
7 school districts and multiple-district school systems the amount by
8 which the maximum levy may be exceeded pursuant to subdivision
9 (2)(c) of this section on or before May 15, 2002, for school fiscal
10 year 2002-03, February 15, 2003, for school fiscal year 2003-04,
11 and February 15, 2004, for school fiscal year 2004-05.".

Senator Brashear filed the following amendment to LB 1085:
(Amendment, AM3338, may be found in the Bill Books. The amendment
has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Tyson filed the following amendments to LB 1085:

FA950

Amend AM3216

P 9, line 4 and 5 Reinstate stricken material and show as reinstated

FA951

Amend AM3240

page 9, line 21 and 22 reinstate stricken material and show as reinstated

FA952

Amend AM3241

page 9 line 19 and 20 Reinstate stricken material and show as reinstated

FA953

Amend AM3338

Page 9 line 22 and 23 reinstate the stricken material and show as reinstated

P 29 lines 16 to line 27 reinstate the stricken material and show as reinstated

P 30 lines 1 through line 5 reinstate the stricken material and show as
reinstated

FA954

Amend AM3317

Page 9 lines 22 and 23 reinstate the stricken material and show as reinstated

Page 29 line 16 through 27 reinstate the stricken material and show as
reinstated

Page 30 line 1 through 5 reinstate the stricken material and show as
reinstated

FA955

Amend AM3308

P 9 line 22 and 23 reinstate stricken matter and show as reinstated

Page 29 line 15 through 27 reinstate stricken matter and show as reinstated

P 30 line 1 through 5 reinstate stricken matter and show as reinstated

Senators Stuhr and Kremer filed the following amendment to LB 1085:
 FA956
 Amend FA946
 Strike section 2.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 316 and 317 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 316 and 317.

SELECT FILE

LEGISLATIVE BILL 1309. E & R amendment, AM7202, found on page 1109, was adopted.

Senator Wehrbein renewed his pending amendment, AM3315, found on page 1149.

The Wehrbein amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Senator Preister offered the following amendment:
 AM3327

(Amendments to Standing Committee amendments, AM3079)

- 1 1. On page 89, after line 7 insert the following:
- 2 "It is the intent of the Legislature that the Director of
- 3 Administrative Services ensure that the Nebraska Information System
- 4 compile information regarding the dollar amount expended for
- 5 personal service contracts and the full-time equivalent staff
- 6 associated with such personal service contracts. Such information
- 7 shall be reflected within the human resource or accounting
- 8 component of the system. It is intended that the dollar amount
- 9 expended for personal service contracts and the full-time
- 10 equivalent staff associated with such contracts be collected by
- 11 agency and program."

The Preister amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Senator Jones offered the following amendment:
 AM3348

(Amendments to Standing Committee amendments, AM3079)

- 1 1. On page 79, lines 10 and 11, strike "427,727,796" and
- 2 insert "423,318,072"; and in line 23 strike "\$2,349,894" and insert
- 3 "\$2,325,542".

4 2. On page 80, line 17, strike "\$11,546,225" and insert
 5 "\$11,426,574"; and in line 23 strike "\$313,625" and insert
 6 "\$310,374" and strike "\$11,546,225" and insert "\$11,426,574".
 7 3. On page 83, line 4, strike "\$23,504,351" and insert
 8 "\$23,260,781".

Senator Cunningham asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Thompson offered the following amendment to the Jones pending amendment:

FA957

Amend AM3348

"It is the intent of the Legislature that the Board of Regents of the University of Nebraska reduce the General Fund appropriation to the Cooperative Extension service by \$4,409,723."

Senator Baker moved to bracket LB 1309 until April 3, 2002.

Senator Thompson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 3 nays, and 17 not voting.

Senator Baker moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Senator Baker requested a record vote on his motion to bracket.

Voting in the affirmative, 8:

| | | | |
|------------|--------|-------|-------|
| Baker | Erdman | Jones | Robak |
| Cunningham | Foley | Price | Tyson |

Voting in the negative, 30:

| | | | | |
|----------|----------|---------------|--------------|------------|
| Aguilar | Connealy | Jensen | Pederson, D. | Smith |
| Beutler | Cudaback | Kristensen | Preister | Stuhr |
| Brashear | Engel | Kruse | Raikes | Suttle |
| Bromm | Hartnett | Landis | Redfield | Synowiecki |
| Byars | Hudkins | McDonald | Schimek | Thompson |
| Chambers | Janssen | Pedersen, Dw. | Schrock | Wehrbein |

Present and not voting, 9:

| | | | | |
|--------|---------|----------|---------|---------|
| Bourne | Bruning | Coordsen | Kremer | Vrtiska |
| Brown | Burling | Dierks | Maxwell | |

Excused and not voting, 2:

| | |
|----------|------------|
| Quandahl | Wickersham |
|----------|------------|

The Baker motion to bracket failed with 8 ayes, 30 nays, 9 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senators McDonald, Beutler, and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Thompson withdrew her pending amendment, FA957.

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Senator Baker asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Smith requested a record vote on the Jones amendment, AM3348.

Voting in the affirmative, 10:

| | | | | |
|--------|--------|--------|----------|-------|
| Bourne | Erdman | Jones | Quandahl | Smith |
| Engel | Foley | Kremer | Redfield | Tyson |

Voting in the negative, 25:

| | | | | |
|----------|----------|---------------|---------|----------|
| Aguilar | Chambers | Kristensen | Price | Stuhr |
| Brashear | Connealy | Kruse | Raikes | Suttle |
| Brown | Hudkins | Landis | Robak | Thompson |
| Bruning | Janssen | Pedersen, Dw. | Schimek | Vrtiska |
| Byars | Jensen | Pederson, D. | Schrock | Wehrbein |

Present and not voting, 9:

| | | | | |
|---------|------------|----------|----------|------------|
| Bromm | Coordsen | Dierks | Maxwell | Synowiecki |
| Burling | Cunningham | Hartnett | Preister | |

Excused and not voting, 5:

| | | | | |
|-------|---------|----------|----------|------------|
| Baker | Beutler | Cudaback | McDonald | Wickersham |
|-------|---------|----------|----------|------------|

The Jones amendment lost with 10 ayes, 25 nays, 9 present and not voting, and 5 excused and not voting.

Senator Jones offered the following amendment:

AM3339

(Amendments to Standing Committee amendments, AM3079)

1. On page 79, lines 10 and 11, strike "427,727,796" and 2 insert "425,678,995"; and in line 23 strike "\$2,349,894" and insert

- 3 "\$2,338,631".
 4 2. On page 80, line 17, strike "\$11,546,225" and insert
 5 "\$11,490,887"; and in line 23 strike "\$313,625" and insert
 6 "\$312,122" and strike "\$11,546,225" and insert "\$11,490,887".
 7 3. On page 83, line 4, strike "\$23,504,351" and insert
 8 "\$23,391,700".

Senator Cunningham asked unanimous consent to be excused until he returns. No objections. So ordered.

SENATOR SCHIMEK PRESIDING

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Jones moved for a call of the house. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

Senator Jones requested a roll call vote on his amendment.

Voting in the affirmative, 13:

| | | | | |
|----------|--------|--------|----------|-------|
| Bourne | Dierks | Foley | Quandahl | Tyson |
| Burling | Engel | Jones | Redfield | |
| Coordsen | Erdman | Kremer | Smith | |

Voting in the negative, 28:

| | | | | |
|---------|----------|---------------|---------|------------|
| Aguilar | Chambers | Kristensen | Price | Suttle |
| Beutler | Connealy | Kruse | Raikes | Synowiecki |
| Bromm | Hartnett | Landis | Robak | Thompson |
| Brown | Hudkins | Maxwell | Schimek | Wehrbein |
| Bruning | Janssen | Pedersen, Dw. | Schrock | |
| Byars | Jensen | Pederson, D. | Stuhr | |

Present and not voting, 2:

| | |
|----------|---------|
| Preister | Vrtiska |
|----------|---------|

Excused and not voting, 6:

| | | |
|----------|------------|------------|
| Baker | Cudaback | McDonald |
| Brashear | Cunningham | Wickersham |

The Jones amendment lost with 13 ayes, 28 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:
AM3346

- 1 1. Insert the following new section:
- 2 "Section 1. The enforcement of administrative revocation
- 3 procedures pursuant to sections 60-6,205 to 60-6,208 is hereby
- 4 suspended for FY2002-03."
- 5 2. Renumber the remaining sections and correct internal
- 6 references accordingly.

Senator Coordsen asked unanimous consent to be excused until he returns.
No objections. So ordered.

SPEAKER KRISTENSEN PRESIDING

Pending.

CEREMONIES

The Speaker introduced a group from the Nebraska Association of Former State Legislators.

RESOLUTIONS

LEGISLATIVE RESOLUTION 340. Introduced by Schrock, 38.

PURPOSE: To conduct an interim study regarding the implementation of a professional licensing program for the private onsite wastewater treatment system design, construction, and maintenance industry and the identification of private onsite wastewater treatment systems to assure compliance with construction standards adopted in accordance with the Environmental Protection Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 341. Introduced by Connealy, 16; Dierks, 40; Erdman, 47.

PURPOSE: To evaluate the status of new ethanol production facilities likely to be in operation on or before June 30, 2004, and to determine the impact of such facilities on the Ethanol Production Incentive Cash Fund. To review

funding sources for the fund and develop revenue projections for the fund through 2012.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution, with support from the Nebraska Ethanol Board.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 1040. Placed on Select File as amended.

E & R amendment to LB 1040:

AM7210

- 1 1. In the Standing Committee amendments, AM2938, on page
- 2 2, line 8, strike "161,756.56" and insert "148,947.06"; and in line
- 3 10 strike "181,398.06" and insert "168,588.56".
- 4 2. On page 5, line 4, after "against" insert "the".

(Signed) Philip Erdman, Chairperson

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 1095. Placed on General File as amended.

Standing Committee amendment to LB 1095:

AM3347

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 68-1020, Revised Statutes
- 4 Supplement, 2001, is amended to read:
- 5 68-1020. (1) Medical assistance shall be paid on behalf
- 6 of (a) dependent children, ~~aged persons, blind individuals, and~~
- 7 ~~disabled individuals~~ (b) aged, blind, and disabled persons, as
- 8 defined in sections 43-504 and 68-1002 to 68-1005, and ~~on behalf of~~
- 9 ~~all individuals~~ (c) all persons less than twenty-one years of age
- 10 who are eligible under section 1905(a) of the federal Social
- 11 Security Act, as such section existed on ~~September 4, 2001~~ January
- 12 1, 2002.
- 13 (2) The Director of Department of Health and Human
- 14 Services Finance and Support shall adopt and promulgate rules and
- 15 regulations governing provision of ~~such~~ medical assistance benefits
- 16 to qualified individuals:

- 17 (a) Who are presumptively eligible as allowed under 42
18 U.S.C. 1396a, as such section existed on ~~September 1, 2001~~ January
19 1, 2002, and sections 1920A and 1920B of the federal Social
20 Security Act, as such sections existed on ~~September 1, 2001~~ January
21 1, 2002. Presumptively eligible children under this subdivision
22 who are determined after review by the department to be ineligible
23 because of income under subdivision (b) of this subsection shall
24 not be presumptively eligible for six months after the date of such
1 determination of ineligibility;
- 2 (b) Who have ~~income at or below~~ family net income equal
3 to or less than one hundred eighty-five percent of the Office of
4 Management and Budget ~~poverty line~~ income poverty guideline, as
5 allowed under Title XIX and Title XXI of the federal Social
6 Security Act, as such titles existed on ~~September 1, 2001~~ January
7 1, 2002, without regard to resources, including all children under
8 nineteen years of age and pregnant women as allowed under 42 U.S.C.
9 1396a, as such section existed on ~~September 1, 2001~~ January 1,
10 2002, and section 2110 of the federal Social Security Act, as such
11 section existed on ~~September 1, 2001~~. Children described in this
12 subdivision shall remain eligible for a twelve-month period of time
13 from the date of eligibility prior to redetermination of
14 eligibility January 1, 2002. Eligible children under this
15 subdivision with family net income equal to or less than one
16 hundred fifty percent of the Office of Management and Budget income
17 poverty guideline shall remain eligible for twelve consecutive
18 months after the date of each determination or redetermination of
19 eligibility prior to any subsequent redetermination of eligibility,
20 and children described in this subdivision with family net income
21 greater than one hundred fifty percent but equal to or less than
22 one hundred eighty-five percent of the Office of Management and
23 Budget income poverty guideline shall remain eligible for six
24 consecutive months after the date of each determination or
25 redetermination of eligibility prior to any subsequent
26 redetermination of eligibility; or
- 27 (c) Who are medically needy caretaker relatives as
1 allowed under section 1905(a)(ii) of the federal Social Security
2 Act, as such section existed on ~~September 1, 2001~~ January 1, 2002,
3 and who have children with allocated income as follows:
- 4 (i) At or below one hundred fifty percent of the Office
5 of Management and Budget ~~poverty line~~ income poverty guideline
6 with eligible children one year of age or younger;
- 7 (ii) At or below one hundred thirty-three percent of the
8 Office of Management and Budget ~~poverty line~~ income poverty
9 guideline with eligible children over one year of age and under six
10 years of age; or
- 11 (iii) At or below one hundred percent of the Office of
12 Management and Budget ~~poverty line~~ income poverty guideline with
13 eligible children six years of age or more and under fifteen years
14 of age.

15 (3) As allowed pursuant to 42 U.S.C. 1396a(a)(10)(A)(ii),
16 as such section existed on ~~September 1, 2001~~ January 1, 2002,
17 medical assistance shall be paid on behalf of disabled persons as
18 defined in section 68-1005 who are in families whose net income is
19 less than two hundred fifty percent of the Office of Management and
20 Budget income poverty ~~line~~ guideline applicable to a family of the
21 size involved and who but for earnings in excess of the limit
22 established under 42 U.S.C. 1396d(q)(2)(B) of the federal Social
23 Security Act, as such section existed on ~~September 1, 2001~~ January
24 1, 2002, would be considered to be receiving federal Supplemental
25 Security Income. The Department of Health and Human Services shall
26 apply for a waiver to disregard any unearned income that is
27 contingent upon a trial work period in applying the Supplemental
1 Security Income standard. Such disabled persons shall be subject
2 to payment of premiums as a percentage of the family's net income
3 beginning at not less than two hundred percent of the Office of
4 Management and Budget net income poverty ~~line~~ guideline. Such
5 premiums shall be graduated based on family income and shall not be
6 less than two percent or more than ten percent of family net
7 income.

8 (4) As allowed pursuant to 42 U.S.C. 1396a(a)(10)(A)(ii),
9 as such section existed on ~~September 1, 2001~~ January 1, 2002,
10 medical assistance shall be paid on behalf of persons who:
11 (a) Have been screened for breast and cervical cancer
12 under the Centers for Disease Control and Prevention breast and
13 cervical cancer early detection program established under Title XV
14 of the federal Public Health Service Act, 42 U.S.C. 300k et seq.,
15 as such sections existed on ~~September 1, 2001~~ January 1, 2002, in
16 accordance with the requirements of section 1504 of such act, 42
17 U.S.C. 300n, as such section existed on ~~September 1, 2001~~ January
18 1, 2002, and who need treatment for breast or cervical cancer,
19 including precancerous and cancerous conditions of the breast or
20 cervix;
21 (b) Are not otherwise covered under creditable coverage,
22 as defined in section 2701(c) of the federal Public Health Service
23 Act, 42 U.S.C. 300gg(c), as such section existed on ~~September 1,~~
24 ~~2001~~ January 1, 2002;
25 (c) Have not attained sixty-five years of age; and
26 (d) Are not eligible for medicaid under any mandatory
27 categorically needy eligibility group.

1 Sec. 2. This act becomes operative on July 1, 2003.

2 Sec. 3. Original section 68-1020, Revised Statutes
3 Supplement, 2001, is repealed.

4 Sec. 4. Since an emergency exists, this act becomes
5 effective when passed and approved according to law."

(Signed) Jim Jensen, Chairperson

AMENDMENT - Print in Journal

Senator Smith filed the following amendment to LB 722:
AM3354

(Amendments to Standing Committee amendments, AM0328)

1 1. Insert the following new sections:

2 "Sec. 3. Section 3-125.01, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 ~~3-125.01. The Department of Aeronautics Military~~
5 ~~Department~~, out of funds appropriated for that purpose, may
6 contract with the Nebraska Wing of the Civil Air Patrol, the
7 civilian auxiliary of the United States Air Force, for the
8 following purposes:

9 (1) To encourage and aid American citizens in the
10 contribution of their efforts, services, and resources in the
11 development of aviation and the maintenance of aerospace supremacy;

12 (2) To encourage and develop, by example, the voluntary
13 contribution of private citizens to the public welfare;

14 (3) To provide aviation and aerospace education and
15 training;

16 (4) To foster and encourage civil aviation in local
17 communities throughout the state; and

18 (5) To assist in meeting emergencies within the state.

19 Sec. 4. Section 55-101, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 55-101. Sections 55-101 to 55-180 and section 3 of this
22 act shall be known and may be cited as the Military Code.

23 Sec. 10. There is hereby appropriated (1) \$35,000 from
1 the Military Department Cash Fund for FY2002-03 and (2) \$35,000
2 from the Military Department Cash Fund for FY2003-04 to the
3 Military Department, for Program 545, to aid in carrying out the
4 provisions of this legislative bill.

5 There is included in the appropriation in this section
6 for FY2002-03 \$35,000 cash funds for state aid and for FY2003-04
7 \$35,000 cash funds for state aid, which shall only be used for such
8 purpose.

9 No expenditures for permanent and temporary salaries and
10 per diems for state employees shall be made from funds appropriated
11 in this section."

12 2. On page 8, line 19, after "sections" insert
13 "3-125.01," and after the second comma insert "55-101,".

14 3. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were Randy Thomas from Lincoln; eighth-grade students from Lewellen; 80 fourth-grade students and teachers from Jefferson School, Fairbury; Bernard and Vera Wieman from Howells; Jan Uttecht, Faye Schellpeper, Elizabeth Felt, and Joy A. Denney from Stanton;

Jane Duis-Lofgreen from Hastings; 20 students, teacher, and superintendent from Nemaha Valley High School, Cook; and 17 eighth-grade students and teacher from Dundy County Middle School, Benkelman.

RECESS

At 11:53 a.m., on a motion by Senator Connealy, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Kristensen presiding.

ROLL CALL

The roll was called and all members were present except Senator Wickersham who was excused; and Senators Brown, Jensen, Kremer, Landis, and Tyson who were excused until they arrive.

UNANIMOUS CONSENT - Member Excused

Senator Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

AMENDMENT - Print in Journal

Senator Schimek filed the following amendment to LB 1021:
AM3362

- 1 1. Insert the following new sections:
- 2 "Sec. 85. Section 81-649, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 81-649. Sections 81-642 to 81-650 shall not be deemed to
- 5 compel any individual to submit to any medical examination or
- 6 supervision by the department, any of its authorized
- 7 representatives, or an approved researcher. No person who seeks
- 8 information or obtains registry data pursuant to such sections or
- 9 sections 81-663 to 81-675 shall contact a patient on the registry
- 10 or such patient's family ~~without first obtaining the permission of~~
- 11 ~~a physician actively involved in the care of such patient unless~~
- 12 the registry has first obtained the permission of such patient or
- 13 patient's family. The registry shall coordinate its activities
- 14 with the person desiring such contact and may authorize the person
- 15 desiring such contact to perform these contacts under the direction
- 16 of the registry.
- 17 Sec. 86. Section 81-666, Reissue Revised Statutes of
- 18 Nebraska, is amended to read:
- 19 81-666. The department may approve an individual or
- 20 entity to be an approved researcher upon application and proof
- 21 satisfactory to the department that the applicant is a qualified

22 researcher, that the data will be used for bona fide scientific or
23 medical research for prevention, cure, or control of certain
24 diseases or injuries, and that the applicant will maintain the
1 confidentiality and security of data obtained. The application
2 shall contain, but not be limited to, the following information:
3 (1) The qualifications of the applicant and of the
4 principal investigator, if other than the applicant, including
5 education, experience, prior publications, and recommendations of
6 professional colleagues who have knowledge and experience of
7 scientific or medical research;

8 (2) The purpose of the research project, a summary of the
9 project, and the anticipated time of completion of such project;

10 (3) The location where the research project will be
11 conducted and the equipment, personnel, and other resources
12 available to the applicant to carry out the project;

13 (4) The identity of the individual or entity funding the
14 research project, a description of the availability of funds for
15 the research project, and any conditions on the receipt or
16 continuation of such funding;

17 (5) The specific data requested and a description of the
18 use to be made of such data and, if patient-identifying data is
19 requested, a substantiation of the need for access to such
20 patient-identifying data;

21 (6) A description of the measures to be taken to secure
22 the data and maintain the confidentiality of such data during the
23 research project, for disposal of the data upon completion of the
24 study, and to assure that the results of the study will not divulge
25 or make public information that will disclose the identity of any
26 individual patient;

27 (7) If contact with a patient or patient's family is
1 planned or expected, substantiation of the need for such contact
2 and a description of the method to be used to obtain permission
3 from the patient's physician such patient or patient's family for
4 such contact; and

5 (8) Such additional information as the department
6 determines to be necessary to assure that release of data to the
7 applicant is appropriate and will further the purpose of sections
8 81-663 to 81-675 or the laws governing the specific registry.

9 Sec. 87. Section 81-673, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 81-673. Nothing in sections 81-663 to 81-675 shall be
12 deemed to compel any individual to submit to any medical
13 examination or supervision by the department, any of its authorized
14 representatives, or an approved researcher. No person who seeks
15 information or obtains registry data pursuant to such sections
16 shall contact a patient on the registry or such patient's family
17 without first obtaining the permission of a physician actively
18 involved in the care of such patient unless the registry has first
19 obtained the permission of such patient or patient's family. The

- 20 registry shall coordinate its activities with the person desiring
 21 such contact and may authorize the person desiring such contact to
 22 perform these contacts under the direction of the registry.
 23 Sec. 88. Section 81-6,105, Revised Statutes Supplement,
 24 2001, is amended to read:
 25 81-6,105. Nothing in the Parkinson's Disease Registry
 26 Act shall be deemed to compel any individual to submit to any
 27 medical examination or supervision by the department, any of its
 1 authorized representatives, or an approved researcher. No person
 2 who seeks information or obtains registry data pursuant to the act
 3 shall contact a patient on the registry or such patient's family
 4 without first obtaining the permission of a physician actively
 5 involved in the care of such patient unless the registry has first
 6 obtained the permission of such patient or patient's family. The
 7 registry shall coordinate its activities with the person desiring
 8 such contact and may authorize the person desiring such contact to
 9 perform these contacts under the direction of the registry."
 10 2. On page 125, line 1, strike "and 71-6310.02" and
 11 insert "71-6310.02, 81-649, 81-666, and 81-673"; and in line 10
 12 strike "and 71-6115" and insert "71-6115, and 81-6,105".
 13 3. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 1309. The Chambers pending amendment, AM3346, found on page 1190, was renewed.

Senator Chambers withdrew his amendment.

Senator Dw. Pedersen offered the following amendment:
 FA958

Amend AM3079

On page 76, in line 26, strike "38,405,376" and insert "31,546,139" and on page 77, in line 4, strike "74,283,322" and insert "67,424,085".

Senator Dw. Pedersen withdrew his amendment.

Senator Dw. Pedersen offered the following amendment:
 AM3313

(Amendments to Standing Committee amendments, AM3079)

- 1 1. On page 68, after line 6 insert
- 2 "No funds for community-based services are included in
- 3 the appropriation to this program for FY2002-03."; and in line 10
- 4 strike "\$269,500" and insert "-0-".

SENATOR SCHIMEK PRESIDING

Senator Dw. Pedersen moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Senator Dw. Pedersen requested a roll call vote on his amendment.

Senator Wehrbein requested the roll call vote be taken in reverse order.

Voting in the affirmative, 30:

| | | | | |
|---------|----------|---------------|----------|------------|
| Aguilar | Chambers | Kremer | Price | Smith |
| Baker | Connealy | Kristensen | Quandahl | Stuhr |
| Bourne | Engel | McDonald | Raikes | Suttle |
| Bromm | Erdman | Pedersen, Dw. | Redfield | Synowiecki |
| Bruning | Hudkins | Pederson, D. | Robak | Thompson |
| Burling | Jones | Preister | Schrock | Tyson |

Voting in the negative, 8:

| | | | |
|----------|----------|--------|----------|
| Brashear | Dierks | Kruse | Vrtiska |
| Cudaback | Hartnett | Landis | Wehrbein |

Present and not voting, 7:

| | | | |
|---------|------------|---------|---------|
| Beutler | Coordsen | Foley | Schimek |
| Byars | Cunningham | Maxwell | |

Excused and not voting, 4:

| | | | |
|-------|---------|--------|------------|
| Brown | Janssen | Jensen | Wickersham |
|-------|---------|--------|------------|

The Dw. Pedersen amendment was adopted with 30 ayes, 8 nays, 7 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENT - Print in Journal

Senator Suttle filed the following amendment to LB 1206:
(Amendment, AM3368, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

RESOLUTIONS

LEGISLATIVE RESOLUTION 342. Introduced by Preister, 5.

PURPOSE: The purpose of the study is an examination of particular pesticide notification requirements for schools and other buildings or areas where children are present and also to review integrated pest management practices in these settings.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE

NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall conduct public hearings to provide for public comment.
3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 343. Introduced by Preister, 5.

PURPOSE: The purpose of the study is to seek solutions to barriers to the development of renewable energy in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall conduct public hearings to provide for public comment.
3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 344. Introduced by Schimek, 27.

PURPOSE: The purpose of this study is to examine matters and issues within the jurisdiction of the Government, Military and Veterans Affairs Committee of the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 1309. Senator Erdman offered the following amendment:

AM3369

- 1 1. Strike the Standing Committee amendments and all
- 2 amendments thereto except AM3243, AM3315, and AM3327.

Senator Erdman withdrew his amendment.

Senator Erdman offered the following amendment:

AM3372

(Amendments to Standing Committee amendments, AM3079)

- 1 1. Insert the following new section:
- 2 "Sec. 172. Beginning with the budget forms to be filed
- 3 pursuant to section 81-132 on or before September 15, 2002, and for
- 4 each biennium thereafter, the budget forms provided by the budget
- 5 division pursuant to section 81-1113 to all departments, offices,
- 6 and institutions of state government requesting appropriations
- 7 shall reflect zero-based budgeting.
- 8 For purposes of this section, zero-based budgeting means
- 9 the process of preparing an operating plan or budget (1) which
- 10 starts with no authorized funds and (2) in which each activity to
- 11 be funded is justified each time a new budget is prepared."
- 12 2. Reumber the remaining sections accordingly.

Senators Coordsen and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Erdman moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Senator Erdman requested a roll call vote on his amendment.

Voting in the affirmative, 17:

| | | | | |
|---------|------------|----------|----------|---------|
| Aguilar | Byars | Hudkins | Quandahl | Vrtiska |
| Baker | Cunningham | Jones | Redfield | |
| Bourne | Dierks | Maxwell | Smith | |
| Bruning | Erdman | McDonald | Stuhr | |

Voting in the negative, 19:

| | | | | |
|----------|----------|---------------|---------|----------|
| Beutler | Foley | Pedersen, Dw. | Robak | Thompson |
| Brashear | Hartnett | Pederson, D. | Schimek | Tyson |
| Chambers | Kruse | Price | Schrock | Wehrbein |
| Engel | Landis | Raikes | Suttle | |

Present and not voting, 9:

| | | | | |
|-------|----------|----------|----------|------------|
| Bromm | Burling | Cudaback | Kremer | Synowiecki |
| Brown | Connealy | Janssen | Preister | |

Excused and not voting, 4:

| | | | |
|----------|--------|------------|------------|
| Coordsen | Jensen | Kristensen | Wickersham |
|----------|--------|------------|------------|

The Erdman amendment lost with 17 ayes, 19 nays, 9 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Wehrbein moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Senator Quandahl requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 33 ayes, 7 nays, 5 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 642. Title read. Considered.

SENATOR CUDABACK PRESIDING

Senator Erdman asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Beutler offered the following amendment:
AM3359

1 1. On page 2, line 6, strike "a" and insert "an
2 examining".

Senator Beutler withdrew his amendment.

Advanced to E & R for review with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 722. Title read. Considered.

The Standing Committee amendment, AM0328, found on page 928, First Session, 2001, was considered.

Senator Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Senator Aguilar asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1086. Title read. Considered.

The Standing Committee amendment, AM2847, found on page 682, was considered.

Senator Chambers withdrew his pending amendment, AM3049, found on page 919.

Senator Chambers renewed his pending amendment, AM3114, found on page 954, to the Standing Committee amendment.

Senator Brashear asked unanimous consent to be excused. No objections. So ordered.

Senator Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Senator Beutler offered the following amendment to the Standing Committee amendment:
AM3364

(Amendments to AM3114)

- 1 1. Strike section 1 and insert the following new
- 2 section:
- 3 "Section 1. The Governor may be reimbursed for the
- 4 actual and necessary expenses incurred for travel and lodging for
- 5 members of his or her immediate family traveling with the Governor
- 6 in the discharge of his or her official duties as provided in
- 7 sections 81-1174 to 81-1177. For purposes of this section,
- 8 immediate family means a child residing in an individual's
- 9 household, a spouse of an individual, or an individual claimed by
- 10 that individual or that individual's spouse as a dependent for
- 11 federal income tax purposes.".
- 12 2. Correct the repealer accordingly.

Senator Beutler withdrew his amendment.

The Standing Committee amendment, as amended, was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Senator Schimek withdrew her pending amendment, AM3166, found on page 1019.

Senator Schimek offered the following amendment:

AM3341

- 1 1. Insert the following new section:
- 2 "Section 1. Beginning January 1 of the year in which the
- 3 Governor is elected and continuing through the day of the general
- 4 election during such year, no state funds shall be used for any
- 5 advertising or promotional materials which refer to any one or more
- 6 of the following state officeholders by name: Governor, Lieutenant
- 7 Governor, Secretary of State, State Treasurer, Attorney General, or
- 8 Auditor of Public Accounts."
- 9 2. Renumber the remaining sections accordingly.

The Schimek amendment was adopted with 26 ayes, 3 nays, 14 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

AMENDMENTS - Print in Journal

Senator Stuhr filed the following amendment to LB 687:

AM3316

(Amendments to E & R amendments, AM7196)

- 1 1. Strike sections 7 and 23 and insert the following new
- 2 sections:
- 3 "Sec. 7. (1) It is the intent of the Legislature that,
- 4 in order to improve the competitiveness of the retirement plan for
- 5 the county employees, a cash balance benefit shall be added to the
- 6 County Employees Retirement Act on and after January 1, 2003. Each
- 7 member who is employed and participating in the retirement system
- 8 prior to January 1, 2003, may either elect to continue
- 9 participation in the defined contribution benefit as provided in
- 10 the act prior to January 1, 2003, or elect to participate in the
- 11 cash balance benefit as set forth in this section. The member
- 12 shall make the election prior to January 1, 2003. If no election
- 13 is made prior to January 1, 2003, the member shall be treated as
- 14 though he or she elected to continue participating in the defined
- 15 contribution benefit as provided in the act prior to January 1,
- 16 2003.
- 17 (2) For a member employed and participating in the
- 18 retirement system beginning on and after January 1, 2003, or a
- 19 member employed and participating in the retirement system on
- 20 January 1, 2003, who, prior to January 1, 2003, elects to convert

21 his or her employee and employer accounts to the cash balance
22 benefit:

23 (a) The employee cash balance account shall, at any time,
1 be equal to the following:

2 (i) The initial employee account balance, if any,

3 transferred from the defined contribution plan account described in
4 section 23-2309; plus

5 (ii) Employee contribution credits deposited in
6 accordance with section 23-2307; plus

7 (iii) Interest credits credited in accordance with
8 subdivision (18) of section 23-2301; and

9 (b) The employer cash balance account shall, at any time,
10 be equal to the following:

11 (i) The initial employer account balance, if any,

12 transferred from the defined contribution plan account described in
13 section 23-2310; plus

14 (ii) Employer contribution credits deposited in
15 accordance with section 23-2308; plus

16 (iii) Interest credits credited in accordance with
17 subdivision (18) of section 23-2301.

18 Sec. 23. (1) It is the intent of the Legislature that,

19 in order to improve the competitiveness of the retirement plan for

20 the state employees, a cash balance benefit shall be added to the

21 State Employees Retirement Act on and after January 1, 2003. Each

22 member who is employed and participating in the retirement system

23 prior to January 1, 2003, may either elect to continue

24 participation in the defined contribution benefit as provided in

25 the act prior to January 1, 2003, or elect to participate in the

26 cash balance benefit as set forth in this section. The member

27 shall make the election prior to January 1, 2003. If no election

1 is made prior to January 1, 2003, the member shall be treated as

2 though he or she elected to continue participating in the defined

3 contribution benefit as provided in the act prior to January 1,

4 2003.

5 (2) For a member employed and participating in the

6 retirement system beginning on and after January 1, 2003, or a

7 member employed and participating in the retirement system on

8 January 1, 2003, who, prior to January 1, 2003, elects to convert

9 his or her employee and employer accounts to the cash balance

10 benefit:

11 (a) The employee cash balance account shall, at any time,

12 be equal to the following:

13 (i) The initial employee account balance, if any,

14 transferred from the defined contribution plan account described in
15 section 84-1310; plus

16 (ii) Employee contribution credits deposited in
17 accordance with section 84-1308; plus

18 (iii) Interest credits credited in accordance with
19 subdivision (17) of section 84-1301; and

- 20 (b) The employer cash balance account shall, at any time,
 21 be equal to the following:
- 22 (i) The initial employer account balance, if any,
 23 transferred from the defined contribution plan account described in
 24 section 84-1311; plus
- 25 (ii) Employer contribution credits deposited in
 26 accordance with section 84-1309; plus
- 27 (iii) Interest credits credited in accordance with
 1 subdivision (17) of section 84-1301."
 2 2. On page 3, strike lines 1 through 4 and insert "It is
 3 the intent of the Legislature that the changes required in this
 4 section be implemented beginning with this legislative bill and
 5 continuing through 2005."
- 6 3. On page 4, line 6, after "female" insert " . For
 7 purposes of converting the member cash balance account attributable
 8 to contributions made prior to January 1, 1984, that were
 9 transferred pursuant to the act, the 1994 Group Annuity Mortality
 10 Table for males shall be used".
- 11 4. On page 8, line 24, strike "1984" and insert "1985".
- 12 5. On page 17, strike beginning with "On" in line 2
 13 through "participating" in line 4, show the old matter as stricken,
 14 and insert "Each member employed and participating in the
 15 retirement system"; and in line 7 strike "after such date" and show
 16 as stricken.
- 17 6. On page 21, strike beginning with "On" in line 2
 18 through "system" in line 4, show as stricken, and insert "Each
 19 member"; and in line 7 strike "after such date" and show as
 20 stricken.
- 21 7. On page 23, lines 11 and 12, strike the new matter
 22 and reinstate the stricken matter.
- 23 8. On page 25, strike beginning with "(a)" in line 7
 24 through line 27 and insert "(a) The normal form of payment shall be
 25 a single life annuity with five-year certain, which is an annuity
 26 payable monthly during the remainder of the member's life with the
 27 provision that, in the event of his or her death before sixty
 1 monthly payments have been made, the monthly payments will be
 2 continued to his or her estate or to the beneficiary he or she has
 3 designated until sixty monthly payments have been made in total.
 4 Such annuity shall be equal to the actuarial equivalent of the
 5 member cash balance account or the sum of the employee and employer
 6 accounts, whichever is applicable, as of the member's annuity
 7 starting date. As a part of the annuity, the normal form of
 8 payment may include a two and one-half percent cost-of-living
 9 adjustment purchased by the member, if the member elects such a
 10 payment option.
- 11 Except as provided in section 42-1107, a member may elect
 12 a lump-sum distribution of his or her member cash balance account
 13 upon termination of service or retirement.
 14 For a member employed and participating in the retirement

15 system prior to January 1, 2003, who has elected to participate in
 16 the cash balance benefit pursuant to section 7 of this act, or for
 17 a member employed and participating in the retirement system
 18 beginning on and after January 1, 2003, the balance of his or her
 19 member cash balance account shall be converted to an annuity using
 20 an interest rate used in the actuarial valuation as recommended by
 21 the actuary and approved by the board.

22 For an employee who is a member prior to January 1, 2003,
 23 who has elected not to participate in the cash balance benefit
 24 prior to January 1, 2003, pursuant to section 7 of this act, and
 25 who, at the time of retirement, chooses the annuity option rather
 26 than the lump-sum option, his or her employee and employer accounts
 27 shall be converted to an annuity using an interest rate that is
 1 equal to the lesser of (i) the Pension Benefits Guarantee
 2 Corporation initial interest rate for valuing annuities for
 3 terminating plans as of the beginning of the year during which
 4 payment begins plus three-fourths of one percent or (ii) the
 5 interest rate used in the actuarial valuation as recommended by the
 6 actuary and approved by the board."

7 9. On page 26, strike lines 1 through 18; and in lines
 8 19 and 20 strike "fiscal" and insert "calendar".

9 10. On page 28, line 24, after "(i)" insert "the amount
 10 of his or her member cash balance account payable in a lump sum or
 11 an annuity with the lump-sum or first annuity payment made at any
 12 time after termination but no later than the sixtieth day after the
 13 end of the year in which the member attains the age of seventy and
 14 one-half years or (ii)(A)".

15 11. On page 29, line 1, strike "(ii)", show as stricken,
 16 and insert "(B)"; in line 2 strike the new matter; and in line 10
 17 after "account" insert "or member cash balance account".

18 12. On page 30, line 8, after "accounts" insert "or
 19 employer cash balance accounts".

20 13. On page 33, strike beginning with "from" in line 25
 21 through "Plan" in line 26 and insert "pursuant to the act".

22 14. On page 47, strike beginning with "On" in line 15
 23 through "participating" in line 17, show the old matter as
 24 stricken, and insert "Each member employed and participating in the
 25 retirement system"; and in line 20 strike "after such date" and
 26 show as stricken.

27 15. On page 51, strike beginning with "On" in line 16
 through "system" in line 18, show as stricken, and insert "Each
 2 member"; and in line 21 strike "after such date" and show as
 3 stricken.

4 16. On page 53, lines 25 and 26, strike the new matter
 5 and reinstate the stricken matter.

6 17. On page 55, strike beginning with "(a)" in line 21
 7 through line 27 and insert "(a) The normal form of payment shall be
 8 a single life annuity with five-year certain, which is an annuity
 9 payable monthly during the remainder of the member's life with the

10 provision that, in the event of his or her death before sixty
11 monthly payments have been made, the monthly payments will be
12 continued to his or her estate or to the beneficiary he or she has
13 designated until sixty monthly payments have been made in total.
14 Such annuity shall be equal to the actuarial equivalent of the
15 member cash balance account or the sum of the employee and employer
16 accounts, whichever is applicable, as of the member's annuity
17 starting date. As a part of the annuity, the normal form of
18 payment may include a two and one-half percent cost-of-living
19 adjustment purchased by the member, if the member elects such a
20 payment option.

21 Except as provided in section 42-1107, a member may elect
22 a lump-sum distribution of his or her member cash balance account
23 upon termination of service or retirement.

24 For a member employed and participating in the retirement
25 system prior to January 1, 2003, who has elected to participate in
26 the cash balance benefit pursuant to section 23 of this act, or for
27 a member employed and participating in the retirement system
1 beginning on and after January 1, 2003, the balance of his or her
2 member cash balance account shall be converted to an annuity using
3 an interest rate used in the actuarial valuation as recommended by
4 the actuary and approved by the board.

5 For an employee who is a member prior to January 1, 2003,
6 who has elected not to participate in the cash balance benefit
7 prior to January 1, 2003, pursuant to section 23 of this act, and
8 who, at the time of retirement, chooses the annuity option rather
9 than the lump-sum option, his or her employee and employer accounts
10 shall be converted to an annuity using an interest rate that is
11 equal to the lesser of (i) the Pension Benefits Guarantee
12 Corporation initial interest rate for valuing annuities for
13 terminating plans as of the beginning of the year during which
14 payment begins plus three-fourths of one percent or (ii) the
15 interest rate used in the actuarial valuation as recommended by the
16 actuary and approved by the board."

17 18. Strike page 56.

18 19. On page 57, strike lines 1 through 5; and in lines 6
19 and 7 strike "fiscal" and insert "calendar".

20 20. On page 59, line 11, after "(i)" insert "the amount
21 of his or her member cash balance account payable in a lump sum or
22 an annuity with the lump-sum or first annuity payment made at any
23 time after termination but no later than the sixtieth day after the
24 end of the year in which the member attains the age of seventy and
25 one-half years or (ii)(A)"; in line 15 strike "(ii)", show as
26 stricken, and insert "(B)"; and in line 24 after "account" insert
27 "or member cash balance account".

1 21. On page 60, line 24, after "accounts" insert "or
2 employer cash balance accounts".

Senator Stuhr filed the following amendment to LB 687:
AM3217

(Amendments to E & R amendments, AM7196)

- 1 1. Strike sections 6, 22, 35, and 37.
- 2 2. On page 64, line 12, strike "84-1308,".
- 3 3. Renumber the remaining sections and correct internal
- 4 references accordingly.

Senator Connealy filed the following amendment to LB 1168:
AM3350

- 1 1. On page 2, strike beginning with "The" in line 17
- 2 through line 18 and insert "Members of the Fatigue Counter-Measure
- 3 Task Force shall elect a chairperson and a vice-chairperson from
- 4 the members of the task force.".

Senator Raikes filed the following amendment to LB 1172:
AM3375

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Sections 1 to 11 of this act shall be known
- 4 and may be cited as the Public Elementary and Secondary Student Fee
- 5 Authorization Act.
- 6 Sec. 2. For purposes of the Public Elementary and
- 7 Secondary Student Fee Authorization Act:
- 8 (1) Extracurricular activities means student activities
- 9 or organizations which are supervised or administered by the school
- 10 district, which do not count toward graduation or advancement
- 11 between grades, and in which participation is not otherwise
- 12 required by the school district;
- 13 (2) Governing body means a school board of any class of
- 14 school district or an educational service unit board; and
- 15 (3) Postsecondary education costs means tuition and other
- 16 fees associated with obtaining credit from a postsecondary
- 17 educational institution. For a course in which students receive
- 18 both high school and postsecondary education credit or a course
- 19 being taken as part of an approved accelerated or differentiated
- 20 curriculum program pursuant to sections 79-1106 to 79-1108.03, the
- 21 course shall be offered without charge for tuition, transportation,
- 22 books, or other fees, except tuition and other fees associated with
- 23 obtaining credits from a postsecondary educational institution.
- 24 Sec. 3. Except as provided in section 9 of this act a
- 1 governing body may require and collect fees or other funds from or
- 2 on behalf of students or require students to provide specialized
- 3 equipment or specialized attire for any of the following purposes:
- 4 (1) Participation in extracurricular activities;
- 5 (2) Admission fees and transportation charges for
- 6 spectators attending extracurricular activities;
- 7 (3) Postsecondary education costs;
- 8 (4) Transportation pursuant to sections 79-241, 79-605,
- 9 and 79-611;

- 10 (5) Copies of student files or records pursuant to
11 section 79-2,104;
- 12 (6) Reimbursement to the school district or educational
13 service unit for school district or educational service unit
14 property lost or damaged by the student;
- 15 (7) Before-and-after school or prekindergarten services
16 offered pursuant to section 79-1104;
- 17 (8) Summer school or night school; and
- 18 (9) Breakfast and lunch programs.
- 19 Sec. 4. A governing body may require students to furnish
20 personal or consumable items for specified courses and activities,
21 including, but not limited to, pencils, paper, pens, erasers, and
22 notebooks.
- 23 Sec. 5. A governing body may require students to furnish
24 and wear clothing meeting general written guidelines for specified
25 courses and activities if the written guidelines are reasonably
26 related to the course or activity.
- 27 Sec. 6. Except as provided in section 9 of this act a
1 governing body may require students to furnish materials for course
2 projects meeting written guidelines if (1) upon completion, the
3 project becomes the property of the student and (2) the written
4 guidelines are reasonably related to the course.
- 5 Sec. 7. A governing body may require students to furnish
6 musical instruments for participation in optional music courses
7 that are not extracurricular activities if the governing body
8 provides for the use of a musical instrument without charge for any
9 student who qualifies for free or reduced-price lunches under
10 United States Department of Agriculture child nutrition programs.
11 Participation in a free-lunch program or reduced-price lunch
12 program is not required to qualify for free or reduced-price
13 lunches for purposes of this section. This section does not
14 require a governing body to provide for the use of a particular
15 type of musical instrument for any student. For music courses that
16 are extracurricular activities, a governing body may require fees
17 or require students to provide specialized equipment, such as
18 musical instruments, or specialized attire consistent with the
19 Public Elementary and Secondary Student Fee Authorization Act.
- 20 Sec. 8. The Public Elementary and Secondary Student Fee
21 Authorization Act does not preclude operation of a school store in
22 which students may purchase food, beverages, and personal or
23 consumable items.
- 24 Sec. 9. Each governing body shall establish a policy
25 waiving the fees and providing the items otherwise required to be
26 provided by students pursuant to subdivisions (1) and (2) of
27 section 3 of this act and pursuant to section 6 of this act for
1 students who qualify for free or reduced-price lunches under United
2 States Department of Agriculture child nutrition programs.
3 Participation in a free-lunch program or reduced-price lunch
4 program is not required to qualify for free or reduced-price

5 lunches for purposes of this section.

6 Each governing body may establish a policy for waiving
7 fees or providing items otherwise required to be provided by
8 students in other circumstances.

9 Sec. 10. On or before August 1, 2002, and annually each
10 year thereafter, each school board shall hold a public hearing at a
11 regular or special meeting of the board on a proposed student fee
12 policy, following a review of the amount of money collected from
13 students pursuant to, and the use of waivers provided in, the
14 student fee policy for the prior school year. The student fee
15 policy shall be adopted by a majority vote of the school board and
16 shall be published in the student handbook. The board shall
17 provide a copy of the student handbook to every student at no cost
18 to the student. The student fee policy shall include specific
19 details regarding:

20 (1) The general written guidelines for any clothing
21 required for specified courses and activities;

22 (2) Any personal or consumable items a student will be
23 required to furnish for specified courses and activities;

24 (3) Any materials required for course projects;

25 (4) Any specialized equipment or attire which a student
26 will be required to provide for any extracurricular activity;

27 (5) Any fees required from a student for participation in
1 any extracurricular activity;

2 (6) Any fees required for postsecondary education costs;

3 (7) Any fees required for transportation costs pursuant
4 to sections 79-241, 79-605, and 79-611;

5 (8) Any fees required for copies of student files or
6 records pursuant to section 79-2,104;

7 (9) Any fees required for participation in
8 before-and-after school or prekindergarten services offered
9 pursuant to section 79-1104;

10 (10) Any fees required for participation in summer school
11 or night school;

12 (11) Any fees for breakfast and lunch programs; and

13 (12) The waiver policy pursuant to section 9 of this act.

14 Sec. 11. Each school board shall establish a student fee
15 fund. For purposes of this section, student fee fund means a
16 separate school district fund not funded by tax revenue, into which
17 all money collected from students pursuant to subdivisions (1),
18 (3), and (8) of section 3 of this act shall be deposited and from
19 which money shall be expended for the purposes for which it was
20 collected from students.

21 Sec. 12. Section 79-715, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 79-715. (1) Every student and teacher in schools or
24 other educational institutions shall be required to wear
25 appropriate industrial-quality eye protective devices at all times
26 while participating in or observing the following courses of

27 instruction:

- 1 (a) Vocational, technical, industrial arts, chemical, or
- 2 chemical-physical, involving exposure to:
- 3 (i) Hot molten metals or other molten materials;
- 4 (ii) Milling, sawing, turning, shaping, cutting,
- 5 grinding, or stamping of any solid materials;
- 6 (iii) Heat treatment, tempering, or kiln firing of any
- 7 metal or other materials;
- 8 (iv) Gas or electric arc welding or other forms of
- 9 welding processes;
- 10 (v) Repair or servicing of any vehicle; or
- 11 (vi) Caustic or explosive materials; and
- 12 (b) Chemical, physical, or combined chemical-physical
- 13 laboratories involving caustic or explosive materials, hot liquids
- 14 or solids, injurious radiations, or other hazards not enumerated.
- 15 Such devices ~~may~~ shall be furnished by the school or
- 16 educational institution for all students, teachers, and ~~and~~
- 17 ~~teachers, may be purchased and sold at cost to students and~~
- 18 ~~teachers, or may be made available for a moderate rental fee and~~
- 19 ~~shall be furnished for all~~ visitors to shops and laboratories of
- 20 such institutions.
- 21 (2) For purposes of this section, unless the context
- 22 otherwise requires, industrial-quality eye protective devices means
- 23 devices which meet the standard of the American National Standard
- 24 Practice for Occupational and Educational Eye and Face Protection,
- 25 Z 87.1(1979) as approved by the American National Standards
- 26 Institute, Inc.
- 27 (3) The Commissioner of Education shall prepare and
- 1 circulate to each public and private educational institution in
- 2 this state instructions and recommendations for implementing the
- 3 eye safety provisions of this section.
- 4 Sec. 13. If any section in this act or any part of any
- 5 section is declared invalid or unconstitutional, the declaration
- 6 shall not affect the validity or constitutionality of the remaining
- 7 portions.
- 8 Sec. 14. Original section 79-715, Reissue Revised
- 9 Statutes of Nebraska, is repealed."

Senator Hartnett filed the following amendment to LB 1240:
AM3373

(Amendments to Standing Committee amendments, AM2944)

- 1 1. Strike amendments 1 through 4 and insert the
- 2 following new amendment:
- 3 "1. Strike the original sections and insert the
- 4 following new sections:
- 5 'Section 1. Section 81-1254, Reissue Revised Statutes of
- 6 Nebraska, is amended to read:
- 7 81-1254. (1) The governing body of any county may after
- 8 a public hearing adopt a resolution to impose an additional sales

9 tax of not to exceed two percent upon the total consideration
10 charged for occupancy of any space furnished by any hotel if such
11 county has created a County Visitors Promotion Fund and a visitors
12 committee pursuant to section 81-1255. The proceeds from such tax
13 shall be paid to the County Visitors Promotion Fund.

14 (2) The governing body of any county with a population of
15 more than ~~three hundred~~ forty thousand inhabitants may after a
16 public hearing adopt a resolution to impose an additional sales tax
17 of not to exceed two percent upon the total consideration charged
18 for occupancy of any space furnished by any hotel if such county
19 has created a County Visitors Improvement Fund and a visitors
20 committee pursuant to section 81-1255. The proceeds from such tax
21 shall be paid to the County Visitors Improvement Fund.

22 (3) The taxes authorized by this section shall be in
23 addition to the tax authorized in section 81-1253 or any other
1 sales tax imposed or authorized.

2 Sec. 2. Section 81-1255, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 81-1255. The governing body of the county shall after a
5 public hearing adopt a resolution establishing a County Visitors
6 Promotion Fund and a visitors committee which shall serve as an
7 advisory committee to the county board in administering the
8 proceeds from the taxes provided to the county by the Nebraska
9 Visitors Development Act. The governing body of a county with a
10 population of more than ~~three hundred~~ forty thousand inhabitants
11 may also after a public hearing adopt a resolution establishing a
12 County Visitors Improvement Fund. The proceeds of the County
13 Visitors Promotion Fund shall be used generally to promote,
14 encourage, and attract visitors to come to the county and use the
15 travel and tourism facilities within the county. The proceeds of
16 the County Visitors Improvement Fund shall be used to improve the
17 visitor attractions and facilities in the county, except that no
18 proceeds shall be used to improve a facility in which parimutuel
19 wagering is conducted or gaming activities regulated under Chapter
20 9 are conducted, unless such proceeds are used to improve an
21 adjacent facility with a non-wagering or non-gaming purpose. If
22 the visitors committee determines that the visitor attractions in
23 the county are adequate and do not require improvement, the
24 committee may use the County Visitors Improvement Fund to promote,
25 encourage, and attract visitors to the county to use the county's
26 travel and tourism facilities. The committee shall consist of five
27 to seven members appointed by the governing body of the county.

1 Two members of the committee shall be in the hotel industry. Such
2 appointees shall serve without compensation, except for
3 reimbursement for necessary expenses. Committee members shall
4 serve for terms of four years, except that at least half of those
5 appointed shall be appointed for initial terms of two years.
6 Vacancies shall be filled in the same manner as the initial
7 appointments. The committee shall elect a chairperson and

8 vice-chairperson from among its members to serve for terms of two
 9 years.
 10 Sec. 3. Section 81-1258, Reissue Revised Statutes of
 11 Nebraska, is amended to read:
 12 81-1258. (1) Except as provided in subsection (2) of
 13 this section, none of the proceeds from the taxes provided by the
 14 Nebraska Visitors Development Act shall be used for any type of
 15 capital construction.
 16 (2) The County Visitors Improvement Fund shall be
 17 administered by the governing body of the county with the advice of
 18 the visitors committee created in section 81-1255. The fund shall
 19 be used to make grants for expanding and improving facilities at
 20 any existing visitor attraction, acquiring or expanding exhibits
 21 for existing visitor attractions, or planning or developing such
 22 expansions, improvements, or additions. Grants shall be available
 23 for any visitor attraction in the county owned by the public or any
 24 nonprofit organization, the primary purpose of which is to operate
 25 the visitor attraction, except that grants shall not be available
 26 for any visitor attraction where ~~parimutuel wagering is conducted~~
 27 or gaming activities regulated under Chapter 9 are conducted,
 1 unless such proceeds are used to improve an adjacent facility with
 2 a non-wagering or non-gaming purpose.
 3 (3) For purposes of this section and section 81-1255,
 4 visitor attraction shall mean a defined location open to the
 5 public, which location is of educational, cultural, historical,
 6 artistic, or recreational significance or provides entertainment or
 7 in which are exhibits, displays, or performances of educational,
 8 cultural, historic, artistic, or entertainment value.
 9 Sec. 4. Original sections 81-1254, 81-1255, and 81-1258,
 10 Reissue Revised Statutes of Nebraska, are repealed.'".

Senator Aguilar filed the following amendment to LB 977:
 AM3374

1 1. On page 2, line 16, strike "or deputy director".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: LB 1310.

Enrollment and Review Change to LB 1310

The following changes, required to be reported for publication in the Journal, have been made:

ER9123

1. In the E & R amendments, AM7198, on page 17, line 12, "fund" has been struck, shown as stricken, and "Tobacco Prevention and Control Cash

Fund" inserted.

(Signed) Philip Erdman, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 345. Introduced by Preister, 5.

PURPOSE: The purpose of the study is to examine the recycling of hazardous wastes into fertilizers. This practice introduces dozens of toxic metals and chemicals into farms, lawns, and garden soils, including toxic substances such as lead and mercury. Many of the crops extract these toxic metals from the soil, causing these toxins to enter the food supply and put people's health at risk. Current fertilizer labeling laws do not require listing toxic metals that are not essential to plant and crop growth.

The study shall include, but not be limited to, an investigation into the following:

1. An examination of whether or not fertilizers sold and used in Nebraska contain hazardous wastes;
2. An examination of the costs and benefits of banning the use of hazardous wastes for manufacturing fertilizers;
3. An analysis of whether or not expanded right-to-know provisions should be enacted for all hazardous wastes going into fertilizers;
4. An examination of whether or not hazardous wastes being made into fertilizers should no longer be exempt from treatment, storage, and disposal tracking requirements; and
5. A review of federal law and other states' statutes regarding hazardous wastes in fertilizers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That Natural Resources Committee, Agriculture Committee, and Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committees shall conduct public hearings to provide for public comment.
3. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 346. Introduced by Cunningham, 18; Byars, 30; Jensen, 20.

PURPOSE: The purpose of this interim study is to examine the issues raised by the introduction of Laws 2001, LB 399, the Outpatient Surgical Procedures Data Act.

The repeal of the Nebraska Certificate of Need Act deregulated the need

for approval of construction of new health care facilities. Since 1999, the number of ambulatory surgical centers licensed by the State of Nebraska has almost doubled. The number and complexity of outpatient surgical procedures as new technology is introduced is rapidly expanding. Ambulatory surgical centers and new specialty hospitals are focusing on providing high-profit procedures typically provided in hospitals, thereby challenging the viability of Nebraska hospitals that serve all people requiring care, regardless of profitability.

Under current Nebraska laws, ambulatory surgical centers do not publicly report any information concerning the surgical procedures performed at their facilities. Without information from ambulatory surgical centers, the gap of vital health care information about the incidence and treatment of disease in Nebraska will grow at an ever expanding rate. Establishing an information data base is critical for informed health policy decisionmaking about the utilization of outpatient surgical services at both hospitals and ambulatory surgical centers. The impact of the proliferation of ambulatory surgical centers and specialty hospitals on access to essential health care services, quality of care, and the need for accountability should be analyzed. The study should determine what information on outpatient surgical procedures should be publicly reported to the Department of Health and Human Services Regulation and Licensure to provide accountability and information concerning the incidence and treatment of disease in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the Health and Human Services Committee shall invite representatives from the Department of Health and Human Services Regulation and Licensure, representatives of hospitals, representatives of ambulatory surgical centers not affiliated with hospitals, representatives of physicians, representatives of insurance companies, and representatives of other organizations interested in health care information and policy to participate and assist the committee in this study.
3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 347. Introduced by Wehrbein, 2.

PURPOSE: To study the possibility of closing the Norfolk Regional Center. The study shall examine the array of services currently provided to persons served by all three of the regional centers. There shall be an examination of the costs and benefits of a shift from institutional services to community-based services.

The study shall include a recommendation as to whether the Norfolk

Regional Center should be closed at some time in the future. If closure is recommended, a timeline for elimination of regional center services shall be developed along with a recommendation for the development of appropriate services in community-based behavioral health and developmental disability programs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 1062. Title read. Considered.

The Standing Committee amendment, AM3220, printed separately and referred to on page 1066, was considered.

Senator Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

SENATOR COORDSEN PRESIDING

Senators Byars and Jensen offered the following amendment to the Standing Committee amendment:

AM3312

(Amendments to Standing Committee amendments, AM3220)

- 1 1. Strike sections 33 and 64 and insert the following
- 2 new section:
- 3 "Sec. 33. Section 71-428, Revised Statutes Supplement,
- 4 2000, is amended to read:
- 5 71-428. (1) Respite care service means a person or any
- 6 legal entity, ~~not otherwise licensed under the Health Care Facility~~
- 7 ~~Licensure Act, which that~~ provides short-term temporary care or
- 8 ~~related services~~ on an intermittent basis to persons with special
- 9 needs when the person's regular primary caregiver is unavailable to
- 10 provide such care, ~~or services and such care or services are not~~
- 11 ~~provided at a health care facility licensed under the act.~~
- 12 (2) Respite care service does not include:
- 13 (a) A person or any legal entity which is licensed under
- 14 the Health Care Facility Licensure Act, licensed as a child care
- 15 program under sections 71-1908 to 71-1917, or licensed as a group
- 16 home or child-caring agency under sections 71-1901 to 71-1906.03;

- 17 (b) An agency that recruits, screens, or trains a person
 18 to provide respite care;
 19 (c) An agency that matches a respite care service or
 20 other providers of respite care with a person with special needs,
 21 or refers a respite care service or other providers of respite care
 22 to a person with special needs, unless the agency receives
 23 compensation for such matching or referral from the service or
 1 provider or from or on behalf of the person with special needs;
 2 (d) A person who provides respite care to fewer than
 3 eight unrelated persons in any seven-day period in his or her home
 4 or in the home of the recipient of the respite care; or
 5 (e) A nonprofit agency that provides group respite care
 6 for no more than eight hours in any seven-day period."
 7 2. On page 12, line 1, after "71-404," insert "71-428,".
 8 3. Renumber the remaining sections and correct internal
 9 references accordingly.

The Byars-Jensen amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Senator Maxwell offered the following amendment:
 AM3351

- 1 1. Insert the following new section:
 2 "Sec. 5. Section 71-131, Revised Statutes Supplement,
 3 2000, is amended to read:
 4 71-131. (1) In the absence of any specific requirement
 5 or provision relating to any particular profession:
 6 (a) The department may, upon the recommendation of the
 7 appropriate professional board, adopt and promulgate rules and
 8 regulations to specify the passing grade on licensure or
 9 certification examinations. In the absence of such rules and
 10 regulations, an examinee shall be required to obtain an average
 11 grade of seventy-five and shall be required to obtain a grade of
 12 sixty in each subject examined;
 13 (b) A person who desires to take a licensure or
 14 certification examination but does not wish to receive a license or
 15 certification may take such examination by meeting the examination
 16 eligibility requirements and paying the cost of the examination and
 17 an administrative fee of twenty-five dollars; and
 18 (c) An examinee who fails a licensure or certification
 19 examination may retake the entire examination or the part failed
 20 upon payment of the licensure or certification fee each time he or
 21 she is examined. The department shall withhold from the licensure
 22 or certification fee the cost of any national examination used and
 23 the administrative fee authorized in section 71-163 when an
 24 examinee fails a licensure or certification examination and shall

- 1 return to the examinee the remainder of the licensure or
2 certification fee collected, except that:
- 3 (i) If the state-developed jurisprudence portion of the
4 licensure or certification examination was failed, the examinee may
5 retake that portion without charge; and
- 6 (ii) If any component of a national examination was
7 failed, the examinee shall be charged the cost for purchasing such
8 examination.
- 9 (2) In pharmacy, all applicants shall be required to
10 attain a grade to be determined by the Board of Pharmacy in an
11 examination in pharmacy and a grade of seventy-five in an
12 examination in jurisprudence of pharmacy.
- 13 (3) In social work, the passing criterion for such
14 examination shall be established and may be changed by the Board of
15 Mental Health Practice by rule and regulation. The board may
16 exempt an applicant from the written examination if he or she meets
17 all the requirements for certification without examination pursuant
18 to section 71-1,319 or rules and regulations adopted and
19 promulgated by the department pursuant to section 71-139.
- 20 (4) In professional counseling, the passing criterion for
21 such examination shall be established and may be changed by the
22 Board of Mental Health Practice by rule and regulation. The board
23 may exempt an applicant from the written examination if he or she
24 meets all of the requirements for certification without examination
25 pursuant to rules and regulations adopted and promulgated by the
26 department pursuant to section 71-139.
- 27 (5) In marriage and family therapy, the passing criterion
1 for such examination shall be established and may be changed by the
2 Board of Mental Health Practice by rule and regulation. The board
3 may exempt an applicant from the written examination if he or she
4 meets all of the requirements for certification without examination
5 pursuant to section 71-1,329 or rules and regulations adopted and
6 promulgated by the department pursuant to section 71-139.
- 7 (6) Applicants for licensure in medicine and surgery and
8 osteopathic medicine and surgery shall pass the licensing
9 examination. An applicant who fails to pass any part of the
10 licensing examination within four attempts shall complete one
11 additional year of postgraduate medical education at an accredited
12 school or college of medicine or osteopathic medicine. All parts
13 of the licensing examination must be successfully completed within
14 seven years, except that if the applicant has been enrolled in a
15 combined doctorate of medicine and doctorate of philosophy degree
16 program in an accredited school or college of medicine, all parts
17 of the licensing examination must be successfully completed within
18 ten years. An applicant who fails to successfully complete the
19 licensing examination within ~~seven years~~ the time allowed shall
20 retake that part of the examination which is ~~more than seven years~~
21 ~~old~~ was not completed within the time allowed.
- 22 (7) In medical nutrition therapy, the passing criterion

23 for such examination shall be established and may be changed by the
24 Board of Medical Nutrition Therapy by rule and regulation. Such
25 examination shall test for the essential clinical elements of the
26 field of medical nutrition therapy. The board shall base its
27 actions on broad categorical parameters derived from the essential
1 elements of the field of medical nutrition therapy. It shall not
2 endorse nor restrict its assessment to any particular nutritional
3 school of thought in its selection of examinations, passing
4 criterion for such examinations, evaluation of credentials,
5 approval of continuing education hours, application of practice
6 standards, or in any other actions. The board may exempt an
7 applicant from the written examination if he or she meets all of
8 the requirements for licensure without examination pursuant to
9 section 71-1,291 or rules and regulations adopted and promulgated
10 by the department pursuant to section 71-139."

11 2. On page 69, line 8, after the first comma insert

12 "71-131,".

13 3. Renumber the remaining sections and correct internal
14 references accordingly.

The Maxwell amendment was adopted with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1105. Title read. Considered.

The Standing Committee amendment, AM2916, printed separately and referred to on page 774, was considered.

Senator Kristensen withdrew the Kristensen-Bromm pending amendment, AM3050, printed separately and referred to on page 1171.

Senator Bromm withdrew his pending amendment, AM3340, found on page 1172.

Senator Bromm offered the following amendment to the Standing Committee amendment:

(Amendment, AM3382, is on file in the Clerk's Office - Room 2018.)

Senator Burling asked unanimous consent to be excused until he returns. No objections. So ordered.

The Bromm amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Kristensen moved to suspend the rules, Rule 7, Section 3(d), to permit consideration of AM3395.

The Kristensen motion to suspend the rules prevailed with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

Senators Kristensen and Bromm offered the following amendment to the Standing Committee amendment:
(Amendment, AM3395, is on file in the Clerk's Office - Room 2018.)

The Kristensen-Bromm amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

SENATOR CUDABACK PRESIDING

Senator Bromm reoffered his amendment, AM3340, found on page 1172 and considered in this day's Journal, to the Standing Committee amendment.

The Bromm amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Senators Hartnett and Bromm offered the following amendment to the Standing Committee amendment:
AM3393

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 60-311.14, Revised Statutes
- 3 Supplement, 2000, is amended to read:
- 4 60-311.14. (1) The Department of Motor Vehicles shall,
- 5 without the payment of any fee except the taxes and fees required
- 6 by sections 60-311, 60-3002, and 60-3007, issue license plates for
- 7 one motor vehicle not used for hire and a license plate for one
- 8 motorcycle not used for hire to any permanently handicapped or
- 9 disabled person as defined in section 18-1738 or his or her parent,
- 10 legal guardian, foster parent, or agent upon application and proof
- 11 of a permanent handicap or disability. Beginning January 1, 2005,
- 12 an application and proof of disability in the form and with the
- 13 information required by section 18-1738 shall be filed before
- 14 license plates are issued or revised pursuant to this section.
- 15 (2) The license plate or plates shall carry the
- 16 internationally accepted wheelchair symbol, which symbol is a
- 17 representation of a person seated in a wheelchair surrounded by a
- 18 border six units wide by seven units high, and such other letters
- 19 or numbers as the Director of Motor Vehicles prescribes. Such
- 20 license plate or plates shall be used by such person in lieu of the
- 21 usual license plate or plates.
- 22 Sec. 2. Section 60-1417.01, Revised Statutes Supplement,
- 23 2000, is amended to read:
- 24 60-1417.01. (1)(a) Each auction dealer shall establish
- 1 and retain at the primary place of business a record of the

2 following information for each motor vehicle or trailer coming into
3 his or her possession as an auction dealer: (i) The name of the
4 most recent owner, other than the auction dealer; (ii) the name of
5 the buyer; (iii) the vehicle identification number; (iv) the
6 odometer reading on the date on which the auction dealer took
7 possession of the motor vehicle; and (v) a bill of sale or other
8 transaction document signed by the seller or the seller's agent and
9 the buyer or the buyer's agent.

10 (b) The dealer shall maintain the information in a manner
11 that permits systematic retrieval for five years following the date
12 of sale of each vehicle or trailer. The information may be
13 maintained in a tangible medium or stored in an electronic or other
14 medium that is retrievable in perceivable form.

15 (2) Any prospective seller of a used motor vehicle or
16 trailer at auction shall complete a buyer's information form
17 provided by the auction dealer and approved by the board.

18 (2) The form shall include (a) the make, (b) the model,
19 (c) the year, (d) the actual mileage if known, except for trailers,
20 (e) the vehicle identification number, (f) the name and address of
21 the present owner of the vehicle or trailer, (g) the name and
22 address of the previous owner, (h) the name and address of the
23 person offering the vehicle for sale if such person is an employee
24 or agent of the present owner, (i) the name and address of the
25 person who has physical possession of the certificate of title, (j)
26 a statement as to whether the title is available for inspection and
27 transfer immediately upon the sale of the motor vehicle or trailer,
1 and (k) whether the unit is subject to any kind of ride-and-drive
2 provisions and can or cannot be rejected and returned for refund
3 within a specific period.

4 (3) The buyer's information form shall be signed by the
5 seller or the seller's agent and the auction dealer. One copy of
6 the form shall be retained by the seller, and one copy of the form
7 shall be retained and maintained as a record by the auction dealer
8 for a period of two years from the date offered for sale.

9 (4) (c) The auction dealer shall be responsible for
10 insuring that the information required in subdivisions (2)(a)
11 through (e), (j), and (k) (1)(a)(i), (iii), and (iv) of this
12 section and the name of the state of origin of the current title is
13 available to all prospective purchasers buyers at the time a
14 vehicle or trailer is offered for sale at auction and shall give
15 the bill of sale or other transaction document required in
16 subdivision (1)(a)(v) of this section to the buyer purchasing the
17 vehicle or trailer at auction.

18 (5) (2) When any dealer, except an auction dealer selling
19 at auction, sells any unit on consignment, he or she shall take
20 title to such unit in his or her own name, except that any dealer
21 or other person, other than the owner of a used mobile home,
22 selling a used mobile home shall not be required to take title but
23 shall complete a buyer's information form approved by the board.

24 (6) The seller of the used mobile home shall be responsible for
 25 insuring that a copy of the form is delivered to the buyer prior to
 26 closing the sale of the used mobile home. The form shall include
 27 the (a) name and address of the record owner of the mobile home,
 1 (b) model, (c) year, and (d) serial number.".

2 2. Renumber the remaining sections and correct internal
 3 references e repealer section accordingly.

The Hartnett-Bromm amendment was adopted with 27 ayes, 0 nays, 17
 present and not voting, and 5 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 34
 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 36 ayes, 0 nays, 9 present and not
 voting, and 4 excused and not voting.

LEGISLATIVE BILL 1126. Title read. Considered.

The Standing Committee amendment, AM2631, found on page 571, was
 adopted with 27 ayes, 1 nay, 17 present and not voting, and 4 excused and
 not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 14 present and not
 voting, and 4 excused and not voting.

LEGISLATIVE BILL 1290. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 16 present and not
 voting, and 3 excused and not voting.

LEGISLATIVE BILL 1290A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 21 present and not
 voting, and 3 excused and not voting.

AMENDMENTS - Print in Journal

Senator Beutler filed the following amendment to LB 957:
 AM2899

1 1. Insert the following new sections:

2 "Sec. 19. Section 76-252, Reissue Revised Statutes of
 3 Nebraska, is amended to read:

4 76-252. When the obligation secured by any mortgage has
 5 been satisfied, the mortgagee shall, upon receipt of a written
 6 request by the mortgagor or the mortgagor's successor in interest
 7 or designated representative or by a holder of a junior trust deed
 8 or junior mortgage, execute and deliver a release of mortgage in
 9 recordable form to the mortgagor or mortgagor's successor in

10 interest or designated representative, as directed in the written
11 request.

12 Any mortgagee who fails to deliver such a release within
13 sixty days after receipt of such written request shall be liable to
14 the mortgagor or the mortgagor's successor in interest, as the case
15 may be, for one thousand dollars or actual damages resulting from
16 the failure, whichever is greater. In any action against the
17 mortgagee pursuant to this section, the court shall award, in
18 addition to the foregoing amounts, the cost of suit, including
19 reasonable attorney's fees, and may further order the mortgagee to
20 execute a release. Successor in interest of the mortgagor shall
21 include the current owner of the property and shall also include
22 the person issuing a payoff check in accordance with the terms of a
23 payoff letter from a beneficiary.

24 Sec. 20. Section 76-1014.01, Reissue Revised Statutes of
1 Nebraska, is amended to read:

2 76-1014.01. When the obligation secured by any trust
3 deed has been satisfied, the beneficiary shall, upon receipt of a
4 written request by the trustor or the trustor's successor in
5 interest or designated representative or by the holder of a junior
6 trust deed or junior mortgage, deliver to the trustor or trustor's
7 successor in interest or designated representative a reconveyance
8 in recordable form duly executed by the trustee. The reconveyance
9 may designate the grantee therein as the person or persons entitled
10 thereto. The beneficiary under such trust deed shall, upon receipt
11 of a written request, deliver to the trustor or his or her
12 successor in interest, as directed in the written request, the
13 trust deed and the note or other evidence of the obligation so
14 satisfied. If a trustee fails or refuses to execute a reconveyance
15 required by the beneficiary, the beneficiary shall appoint a
16 successor trustee that will execute a reconveyance.

17 Any beneficiary who fails to deliver such a reconveyance
18 within sixty days after receipt of such written request shall be
19 liable to the trustor or his or her successor in interest, as the
20 case may be, for one thousand dollars or actual damages resulting
21 from such failure, whichever is greater. In any action against the
22 beneficiary or trustee pursuant to this section, the court shall
23 award, in addition to the foregoing amounts, the cost of suit,
24 including reasonable attorney's fees, and may further order the
25 trustee to reconvey the property. Successor in interest of the
26 trustor shall include the current owner of the property and shall
27 also include the person issuing a payoff check in accordance with
1 the terms of a payoff letter from a beneficiary."

2 2. On page 52, line 18, strike "20" and insert "22"; in
3 line 23 strike "and" and after the last comma insert "76-252, and
4 76-1014.01,".

5 3. Renumber the remaining sections accordingly.

Senator Erdman filed the following amendment to LB 1206:
AM3365

1 1. Insert the following new sections:

2 "Sec. 12. Section 79-802, Revised Statutes Supplement,
3 2000, is amended to read:

4 79-802. (1) Except as provided in subsection (2) of this
5 section, no person shall be employed to teach in any public,
6 private, denominational, or parochial school in this state who does
7 not hold a valid Nebraska certificate or permit issued by the
8 Commissioner of Education legalizing him or her to teach the grade
9 or subjects to which elected.

10 (2) Any person who holds a valid certificate or permit to
11 teach issued by another state may be employed as a substitute
12 teacher in any public, private, denominational, or parochial school
13 in this state for not more than ten working days if he or she
14 begins the application process, on the first employment day, for a
15 Nebraska substitute teacher's certificate and the issuance of such
16 certificate is pending.

17 (3) Public, private, denominational, or parochial schools
18 in the state may employ persons who do not hold a valid Nebraska
19 teaching certificate or permit issued by the Commissioner of
20 Education to serve as aides to a teacher or teachers. Such teacher
21 aides may not assume any teaching responsibilities. A teacher aide
22 may be assigned duties which are nonteaching in nature if the
23 employing school has assured itself that the aide has been
24 specifically prepared for such duties, including the handling of
1 emergency situations which might arise in the course of his or her
2 work.

3 (4) No person employed to coach or supervise
4 extracurricular activities shall be required to hold a valid
5 Nebraska certificate or permit to teach pursuant to sections 79-806
6 to 79-816, but every person employed to coach or supervise
7 extracurricular activities who does not hold a valid Nebraska
8 certificate or permit to teach pursuant to such sections shall meet
9 any requirements for such employment adopted by the State Board of
10 Education and shall meet the requirements of sections 79-8,112 to
11 79-8,117 and section 13 of this act.

12 Sec. 13. Every person employed to coach or supervise
13 extracurricular activities who does not hold a valid Nebraska
14 certificate or permit to teach pursuant to such sections shall file
15 a complete set of his or her legible fingerprints with the
16 Commissioner of Education.

17 Sec. 14. Section 79-8,112, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 79-8,112. Upon request by the Commissioner of Education,
20 the Nebraska State Patrol shall undertake a search for criminal
21 history record information relating to an applicant described in
22 section 79-8,111 or a noncertificated person employed to coach or
23 supervise extracurricular activities pursuant to section 79-802 and

24 section 13 of this act, including transmittal of the applicant's
25 his or her fingerprints to the Identification Division of the
26 Federal Bureau of Investigation for a national criminal history
27 record information check. The criminal history record information
1 check shall include information concerning the applicant or
2 noncertificated person from federal repositories of such
3 information and repositories of such information in other states if
4 authorized by federal law. The Nebraska State Patrol shall issue a
5 report to the Commissioner of Education, and to the applicant, and
6 for noncertificated persons described in such sections, to the
7 school board of the school district employing such noncertificated
8 person. The report which shall include the criminal history record
9 information, concerning the applicant.

10 Sec. 15. Section 79-8,114, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 79-8,114. Criminal history record information subject to
13 federal confidentiality requirements shall remain confidential and
14 may be released only upon the written authorization by the
15 applicant, except that if the applicant subject of the information.
16 If the subject is an applicant for a certificate or permit to teach
17 under sections 79-806 to 79-816 who appeals the denial of a
18 certificate or permit by the Commissioner of Education, the filing
19 of an administrative appeal shall constitute a release of the
20 information for the limited purpose of the appeal. If the
21 applicant requests a closed hearing, such request shall be subject
22 to sections 84-1408 to 84-1414.

23 Sec. 16. Section 79-8,115, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 79-8,115. The State Department of Education shall adopt
26 and promulgate rules and regulations to carry out sections 79-8,111
27 to ~~79-8,114~~ 79-8,117 and section 13 of this act.

1 Sec. 17. Section 79-8,116, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 79-8,116. The State Board of Education shall determine
4 and set the costs for processing criminal history record
5 information checks under sections 79-8,111 to 79-8,117 and section
6 13 of this act which shall be borne by the applicant for a
7 certificate or permit described in section 79-8,111 or the person
8 employed to coach or supervise. The costs shall be limited to the
9 actual direct costs arising from the processing of the criminal
10 history record information checks."

11 2. Amend the repealer so that the sections added by this
12 amendment becomes operative three calendar months after adjournment
13 of this legislative session.

14 3. Renumber the remaining sections and correct internal
15 references accordingly.

Senator Schimek filed the following amendment to LB 1054:
AM3377

1 1. Insert the following new sections:

2 "Section 1. In all cities of the first and second
3 classes and villages regardless of the form of government, in
4 addition to the events listed in section 32-560 and any other
5 reasons for a vacancy provided by law, after notice and a hearing,
6 a vacancy on the city council or board of trustees shall exist if a
7 member is absent from more than five consecutive regular meetings
8 of the council or board unless the absences are excused by a
9 majority vote of the remaining members.

10 Sec. 2. Section 19-616, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 19-616. The annual compensation of the mayor and a
13 council member in cities adopting sections 19-601 to 19-648 shall
14 be payable quarterly in equal installments, and shall be fixed by
15 the council. The emoluments of any appointive or elective officer
16 shall not be increased or diminished during the term for which such
17 officer was elected or appointed, except that when there are
18 officers elected or appointed to the council, or a board or
19 commission having more than one member and the terms of one or more
20 members commence and end at different times, the compensation of
21 all members of such council, board, or commission may be increased
22 or diminished at the beginning of the full term of any member
23 thereof. No person who ~~shall have~~ has resigned or vacated any
24 office shall be eligible to the same during the time for which such
1 person was elected or appointed when, during the same time, the
2 emoluments have been increased. For each absence from regular
3 meetings of the council, unless authorized by a two-thirds vote of
4 all members thereof, there shall be deducted a sum equal to two
5 percent of such annual salary. ~~Absence from five consecutive~~
6 ~~regular meetings shall operate to vacate the seat of a member,~~
7 ~~unless the absence is excused by the council by resolution setting~~
8 ~~forth such excuse and entered upon the journal.~~

9 Sec. 17. Section 32-628, Revised Statutes Supplement,
10 2000, is amended to read:

11 32-628. (1) All petitions prepared or filed pursuant to
12 the Election Act or any petition which requires the election
13 commissioner or county clerk to verify signatures by utilizing the
14 voter registration register shall provide a space at least two and
15 one-half inches long for written signatures, a space at least two
16 inches long for printed names, and sufficient space for date of
17 birth and street name and number, city or village, and zip code.
18 Lines on each petition shall not be less than one-fourth inch
19 apart. Petitions may be designed in such a manner that lines for
20 signatures and other information run the length of the page rather
21 than the width. Petitions shall provide for no more than twenty
22 signatures per page.

23 (2) For the purpose of preventing fraud, deception, and

24 misrepresentation, every sheet of every petition containing
25 signatures shall have upon it, above the signatures, the statements
26 contained in this subsection, except that a petition for recall of
27 an elected official shall also have the additional information

1 specified in subsection (2) of section 32-1304. The statements
2 shall be printed in boldface type in substantially the following
3 form:

4 WARNING TO PETITION SIGNERS--VIOLATION OF ANY OF THE
5 FOLLOWING PROVISIONS OF LAW MAY RESULT IN THE FILING OF CRIMINAL
6 CHARGES: Any person who signs any name other than his or her own
7 to any petition or who is not, at the time of signing or
8 circulating the petition, a registered voter and qualified to sign
9 or circulate the petition except as provided for initiative and
10 referendum petitions shall be guilty of a Class I misdemeanor. Any
11 person who falsely swears to a circulator's affidavit on a
12 petition, who accepts money or other things of value for signing a
13 petition, or who offers money or other things of value in exchange
14 for a signature upon any petition shall be guilty of a Class IV
15 felony.

16 (3) Every sheet of a petition which contains signatures
17 shall have upon it, below the signatures, an affidavit as provided
18 in this subsection, except that the affidavit for a petition for
19 recall of an elected official shall also include the additional
20 language specified in subsection (3) of section 32-1304. The
21 affidavit shall be in substantially the following form:

22 STATE OF NEBRASKA)

23) ss.

24 COUNTY OF)

25 (name of circulator) being first duly
26 sworn, deposes and says that he or she is the circulator of this
27 petition containing signatures, that he or she is a

1 registered voter of the State of Nebraska, that each person whose
2 name appears on the petition personally signed the petition in the
3 presence of the affiant, that the date to the left of each
4 signature is the correct date on which the signature was affixed to
5 the petition and that the date was personally affixed by the person
6 signing such petition, that the affiant believes that each signer
7 has written his or her name, street and number or voting precinct,
8 and city, village, or post office address correctly, that the
9 affiant believes that each signer was qualified to sign the
10 petition, and that the affiant stated to each signer the object of
11 the petition as printed on the petition before he or she affixed
12 his or her signature to the petition.

13

14 Circulator

15

16 Address

17 Subscribed and sworn to before me, a notary public, this
18 day of 20.... at, Nebraska.

19

20

.....
Notary Public

21 (4) Each sheet of a petition shall have upon its face and
 22 in plain view of persons who sign the petition a statement in
 23 letters not smaller than sixteen-point type in red print on the
 24 petition. If the petition is circulated by a paid circulator, the
 25 statement shall be as follows: This petition is circulated by a
 26 paid circulator. If the petition is circulated by a circulator who
 27 is not being paid, the statement shall be as follows: This petition
 1 is circulated by a volunteer circulator.

2 Sec. 24. Section 32-1303, Reissue Revised Statutes of
 3 Nebraska, is amended to read:

4 32-1303. (1) A petition demanding that the question of
 5 removing an elected official or member of a governing body listed
 6 in section 32-1302 be submitted to the registered voters shall be
 7 signed by registered voters equal in number to at least thirty-five
 8 percent of the total vote cast for that office in the last general
 9 election, except that (a) for an office for which more than one
 10 candidate is chosen, the petition shall be signed by registered
 11 voters equal in number to at least thirty-five percent of the
 12 number of votes cast for the person receiving the most votes for
 13 such office in the last general election, (b) for a member of a
 14 board of a Class I school district, the petition shall be signed by
 15 registered voters of the school district equal in number to at
 16 least twenty-five percent of the total number of registered voters
 17 residing in the district on the date that the recall petitions are
 18 first checked out from the filing clerk by the principal
 19 circulator, and (c) for a member of a governing body of a village,
 20 the petition shall be signed by registered voters equal in number
 21 to at least forty-five percent of the total vote cast for the
 22 person receiving the most votes for that office in the last general
 23 election. The signatures shall be affixed to petition papers and
 24 shall be considered part of the petition.

25 (2) Petition circulators shall conform to the
 26 requirements of sections 32-629 and 32-630. Each circulator of a
 27 recall petition shall be a registered voter and qualified by his or
 1 her place of residence to vote for the office in question on the
 2 date of the issuance of the initial petition papers.

3 (3) The petition papers shall be procured from the filing
 4 clerk. Prior to the issuance of such petition papers, an affidavit
 5 shall be signed and filed with the filing clerk by at least one
 6 registered voter. Such voter or voters shall be deemed to be the
 7 principal circulator or circulators of the recall petition. The
 8 affidavit shall state the name and office of the official sought to
 9 be removed, shall include in typewritten form in concise language
 10 of sixty words or less the reason or reasons for which recall is
 11 sought, and shall request that the filing clerk issue initial
 12 petition papers to the principal circulator for circulation. The
 13 filing clerk shall deliver a copy of the affidavit by certified

14 mail to the official sought to be removed. If the official
15 chooses, he or she may submit a defense statement in typewritten
16 form in concise language of sixty words or less for inclusion on
17 the petition. Any such defense statement shall be submitted to the
18 filing clerk within twenty days after the official receives the
19 copy of the affidavit. The filing clerk shall notify the principal
20 circulator or circulators that the necessary signatures must be
21 gathered within thirty days from the date of issuing the petitions.

22 (4) The filing clerk, upon issuing the initial petition
23 papers or any subsequent petition papers, shall enter in a record,
24 to be kept in his or her office, the name of the principal
25 circulator or circulators to whom the papers were issued, the date
26 of issuance, and the number of papers issued. The filing clerk
27 shall certify on the papers the name of the principal circulator or
1 circulators to whom the papers were issued and the date they were
2 issued. No petition paper shall be accepted as part of the
3 petition unless it bears such certificate. The principal
4 circulator or circulators who check out petitions from the filing
5 clerk may distribute such petitions to registered voters residing
6 in the district who may act as circulators of such petitions.

7 (5) Petition signers shall conform to the requirements of
8 sections 32-629 and 32-630. Each signer of a recall petition shall
9 be a registered voter and qualified by his or her place of
10 residence to vote for the office in question on the date of the
11 issuance of the initial petition papers.

12 Sec. 25. Section 32-1304, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 32-1304. (1) The Secretary of State shall design the
15 uniform petition papers to be distributed by all filing clerks and
16 shall keep a sufficient number of such blank petition papers on
17 file for distribution to any filing clerk requesting recall
18 petitions. The petition papers shall as nearly as possible conform
19 to the requirements of section 32-628.

20 (2) ~~Each~~ In addition to the requirements specified in
21 section 32-628, for the purpose of preventing fraud, deception, and
22 misrepresentation, every sheet of each petition paper presented to
23 a registered voter for his or her signature shall indicate clearly
24 at the top (a) have upon it, above the lines for signatures, (a) a
25 statement that the signatories must be registered voters qualified
26 by residence to vote for the office in question and support the
27 holding of a recall election, (b) and (b) in letters not smaller
1 than sixteen-point type in red print (i) the name and office of the
2 individual sought to be recalled, and (c) a general statement of
3 (ii) the reason or reasons for which recall is sought, (iii) the
4 defense statement, if any, submitted by the official, and (iv) the
5 name of the principal circulator or circulators of the recall
6 petition. The decision of a county attorney to prosecute or not to
7 prosecute any individual shall not be stated on a petition as a
8 reason for recall.

9 (3) Every sheet of each petition paper presented to a
10 registered voter for his or her signature shall have upon it, below
11 the lines for signatures, an affidavit as required in subsection
12 (3) of section 32-628 which also includes language substantially as
13 follows: "and that the affiant stated to each signer, before the
14 signer affixed his or her signature to the petition, the following:
15 (a) The name and office of the individual sought to be recalled,
16 (b) the reason or reasons for which recall is sought as printed on
17 the petition, (c) the defense statement, if any, submitted by the
18 official as printed on the petition, and (d) the name of the
19 principal circulator or circulators of the recall petition."

20 (4) Each petition paper shall contain a statement
21 entitled Instructions to Petition Circulators prepared by the
22 Secretary of State to assist circulators in understanding the
23 provisions governing the petition process established by sections
24 32-1301 to 32-1309. The instructions shall include the following
25 statements:

26 (a) No one shall circulate this petition paper in an
27 attempt to gather signatures unless he or she is registered to vote
1 and qualified by his or her place of residence to vote for the
2 office in question on the date of the issuance of the initial
3 petition papers.

4 (b) No one circulating this petition paper in an attempt
5 to gather signatures shall sign the circulator's affidavit unless
6 each person who signed the petition paper did so in the presence of
7 the circulator.

8 (c) No one circulating this petition paper in an attempt
9 to gather signatures shall allow a person to sign the petition
10 until the circulator has stated to the person (a) the object of the
11 petition as printed on the petition, (b) the name and office of the
12 individual sought to be recalled, (c) the reason or reasons for
13 which recall is sought as printed on the petition, (d) the defense
14 statement, if any, submitted by the official as printed on the
15 petition, and (e) the name of the principal circulator or
16 circulators of the recall petition."

17 2. Renumber the remaining sections and correct the
18 repealer accordingly.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1062A. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1062, Ninety-seventh Legislature, Second Session, 2002.

RESOLUTION

LEGISLATIVE RESOLUTION 348. Introduced by Aguilar, 35; Kristensen, 37; Cudaback, 36; McDonald, 41; Schrock, 38; Burling, 33; Jones, 43; Robak, 22; Stuhr, 24; Kremer, 34.

WHEREAS, the people of Nebraska are proud of the system of community colleges that exist in the state; and

WHEREAS, Dr. Joseph W. Preusser has for the past thirty-two years played an integral part in the development of the community colleges of Nebraska; and

WHEREAS, Dr. Joseph W. Preusser has been instrumental in extending learning opportunities to communities, businesses, and individuals within the college service area, involved communities in setting the direction and needs of the college, and put in place a systematic and effective short-term and long-term planning process; and

WHEREAS, Dr. Joseph W. Preusser has continued to bring national attention and global focus to Central Community College with his involvement in the Postsecondary International Network and has provided invaluable leadership and direction in working with the state legislature, the Nebraska Community College Association, and the Nebraska community colleges; and

WHEREAS, Dr. Joseph W. Preusser will be retiring on September 30, 2002.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Legislature recognizes the many contributions of this native Nebraskan to enhance quality education in Nebraska in general and specifically the community colleges through his leadership at Central Community College from September 1, 1971, to September 30, 2002.

2. That a copy of this resolution be presented to Dr. Joseph W. Preusser and his family in recognition of his accomplishments and service.

Laid over.

VISITORS

Visitors to the Chamber were 23 fourth-grade students and teacher from St. Francis School, Humphrey; and Senator Schrock's mother and aunt, Eileen Schrock and Marge Miller, and friends from Holdrege.

The Doctor of the Day was Dr. Dorothy Zink from Omaha.

ADJOURNMENT

At 6:00 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Thursday, March 28, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-EIGHTH DAY - MARCH 28, 2002**LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE
SECOND SESSION****FORTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 28, 2002

PRAYER

The prayer was offered by Senator Kruse.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

The roll was called and all members were present except Senators Brashear and Wickersham who were excused; and Senators Dw. Pedersen and Wehrbein who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-seventh day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 28, 2002, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Cottingham, Jean
Pharmaceutical Research and Manufacturers of America

Knuth, Steve
Pharmaceutical Research and Manufacturers of America

Olhausen, Vaun C.
Schering-Plough External Affairs Inc.

Schmit Industries, Inc.
Oregon Trails

REPORTS

The following reports were received by the Legislature:

Humanities Council, Nebraska

2001 Annual Report

Roads, Department of

State Highway System Inventory Supplement for the 2001 State Highway
Needs Assessment

GENERAL FILE

LEGISLATIVE BILL 791. Senator Janssen renewed his pending amendment, AM3099, found on page 919.

Senator Vrtiska asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Janssen moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Janssen amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 349. Introduced by Preister, 5.

PURPOSE: The purpose of the study is to determine a more cost-effective and successful means to deliver rehabilitative and other necessary services to individuals in the correctional system in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall conduct public hearings to provide for public comment.
3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 350. Introduced by Erdman, 47; Bourne, 8; Byars, 30; Cunningham, 18.

PURPOSE: To examine the administrative and personnel structure of the Health and Human Services System. This study should include, but not be limited to, a review of the levels of managers and staff of the system and the effectiveness of the communication process of the system both internally and externally.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 351. Introduced by Erdman, 47; Quandahl, 31.

PURPOSE: To determine a process by which a minor may be emancipated. This study should include, but not be limited to, a review of the existing states that have such a process, the appropriate circumstances under which a minor may be declared emancipated, and the guidelines for carrying out such a process.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 352. Introduced by Erdman, 47; Quandahl, 31.

PURPOSE: To change the age of majority from nineteen to eighteen years. Currently all six states neighboring Nebraska and forty-four of the fifty states use age eighteen as their age of majority. The study should include, but not be limited to, determining what different ages of majority exist in Nebraska statutes and a review of the financial and social ramifications of such a change with respect to laws administered by the Department of Health and Human Services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 353. Introduced by Wehrbein, 2; Bromm, 23; Connealy, 16; Beutler, 28.

PURPOSE: To study the administrative license revocation process. The study shall include, but not be limited to, a review of the effectiveness, fairness, and consistency of the enforcement of administrative license revocation procedures with respect to Nebraska's driving under the influence law.

The study shall include an examination of the expenditures needed to implement administrative license revocation procedures, and the revenue received by the state pursuant to the administrative license revocation program.

The study shall also include a review of the issues related to the state being represented by county attorneys in district court appeals of administrative license revocations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 791. Senator Chambers moved to bracket until April 10, 2002.

Senator Aguilar asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Burling moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Chambers requested a roll call vote, in reverse order, on his motion to bracket.

Voting in the affirmative, 20:

| | | | | |
|---------|----------|------------|--------------|----------|
| Aguilar | Coordsen | Kremer | Maxwell | Robak |
| Brown | Erdman | Kristensen | Pederson, D. | Thompson |
| Bruning | Hudkins | Kruse | Raikes | Tyson |
| Burling | Jensen | Landis | Redfield | Wehrbein |

Voting in the negative, 20:

| | | | | |
|---------|------------|---------------|----------|------------|
| Baker | Connealy | Janssen | Price | Smith |
| Beutler | Cudaback | Jones | Quandahl | Stuhr |
| Bourne | Cunningham | McDonald | Schimek | Suttle |
| Bromm | Hartnett | Pedersen, Dw. | Schrock | Synowiecki |

Present and not voting, 6:

| | | |
|----------|--------|----------|
| Byars | Dierks | Foley |
| Chambers | Engel | Preister |

Excused and not voting, 3:

| | | |
|----------|---------|------------|
| Brashear | Vrtiska | Wickersham |
|----------|---------|------------|

The Chambers motion to bracket failed with 20 ayes, 20 nays, 6 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Byars asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Quandahl asked unanimous consent to be excused. No objections. So ordered.

Senator Chambers moved to reconsider the vote on his motion to bracket.

SENATOR CUDABACK PRESIDING

Senators Vrtiska and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

Senator Chambers requested a roll call vote, in reverse order, on his motion to reconsider.

Voting in the affirmative, 17:

| | | | | |
|----------|--------|--------------|----------|----------|
| Bruning | Erdman | Maxwell | Raikes | Wehrbein |
| Burling | Jensen | Pederson, D. | Redfield | |
| Chambers | Kremer | Preister | Thompson | |
| Coordsen | Kruse | Price | Tyson | |

Voting in the negative, 20:

| | | | | |
|---------|------------|----------|---------------|------------|
| Aguilar | Bromm | Hudkins | Pedersen, Dw. | Smith |
| Baker | Connealy | Janssen | Robak | Stuhr |
| Beutler | Cunningham | Jones | Schimek | Suttle |
| Bourne | Hartnett | McDonald | Schrock | Synowiecki |

Present and not voting, 7:

| | | | |
|-------|----------|-------|--------|
| Brown | Cudaback | Engel | Landis |
| Byars | Dierks | Foley | |

Excused and not voting, 5:

| | | | | |
|----------|------------|----------|---------|------------|
| Brashear | Kristensen | Quandahl | Vrtiska | Wickersham |
|----------|------------|----------|---------|------------|

The Chambers motion to reconsider failed with 17 ayes, 20 nays, 7 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

SELECT COMMITTEE REPORT Enrollment and Review

LEGISLATIVE BILL 1085. Placed on Select File as amended. (E & R amendment, AM7211, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Philip Erdman, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 354. Introduced by Engel, 17.

PURPOSE: To examine the authority cities and villages have to require railroads to maintain railroad crossings in good condition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

NOTICE OF COMMITTEE HEARING

Rules

Room 1510

Tuesday, April 9, 2002

12:00 PM

Proposed changes to Committee on Committees district boundaries

(Signed) Carol Hudkins, Chairperson

AMENDMENTS - Print in Journal

Senator Smith filed the following amendment to LB 584:
(Amendment, AM3376, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Hudkins filed the following amendment to LB 1185:
AM3422

(Amendments to Standing Committee amendments, AM2841)

- 1 1. Insert the following new sections:
- 2 "Sec. 2. Section 48-115, Revised Statutes Supplement,
- 3 2000, is amended to read:
- 4 48-115. The terms employee and worker are used
- 5 interchangeably and have the same meaning throughout the Nebraska
- 6 Workers' Compensation Act. Such terms include the plural and all
- 7 ages and both sexes. For purposes of the act, employee or worker
- 8 shall be construed to mean:
- 9 (1) Every person in the service of the state or of any
- 10 governmental agency created by it, including the Nebraska National
- 11 Guard and members of the military forces of the State of Nebraska,
- 12 under any appointment or contract of hire, expressed or implied,
- 13 oral or written;
- 14 (2) Every person in the service of an employer who is
- 15 engaged in any trade, occupation, business, or profession as
- 16 described in section 48-106 under any contract of hire, expressed
- 17 or implied, oral or written, including aliens and also including

18 minors. Minors for the purpose of making election of remedies
19 under the Nebraska Workers' Compensation Act shall have the same
20 power of contracting and electing as adult employees.

21 As used in subdivisions (1) through (11) of this section,
22 the terms employee and worker shall not be construed to include any
23 person whose employment is not in the usual course of the trade,
1 business, profession, or occupation of his or her employer.

2 If an employee subject to the Nebraska Workers'
3 Compensation Act suffers an injury on account of which he or she
4 or, in the event of his or her death, his or her dependents would
5 otherwise have been entitled to the benefits provided by such act,
6 the employee or, in the event of his or her death, his or her
7 dependents shall be entitled to the benefits provided under such
8 act, if the injury or injury resulting in death occurred within
9 this state, or if at the time of such injury (a) the employment was
10 principally localized within this state, (b) the employer was
11 performing work within this state, or (c) the contract of hire was
12 made within this state;

13 (3) Volunteer firefighters of any fire department of any
14 rural or suburban fire protection district, city, village, or
15 nonprofit corporation, which fire department is organized under the
16 laws of the State of Nebraska. Such volunteers shall be deemed
17 employees of such rural or suburban fire protection district, city,
18 village, or nonprofit corporation while in the performance of their
19 duties as members of such department and shall be considered as
20 having entered and as acting in the regular course and scope of
21 their employment ~~when traveling from any place from which they have~~
22 ~~been called to active duty from the instant such persons are called~~
23 to active duty whether to a fire station or other place where
24 firefighting equipment that their company or unit is to use is
25 located or to any activities that the volunteer firefighters may be
26 directed to do by the chief of the fire department or some person
27 authorized to act for such chief.

1 Members of such volunteer fire department, before they
2 are entitled to benefits under the Nebraska Workers' Compensation
3 Act, shall be recommended by the chief of the fire department or
4 some person authorized to act for such chief for membership therein
5 to the board of directors of the rural or suburban fire protection
6 district or nonprofit corporation, the mayor and city commission,
7 the mayor and council, or the chairperson and board of trustees, as
8 the case may be, and upon confirmation shall be deemed employees of
9 such entity. Members of such fire department after confirmation to
10 membership may be removed by a majority vote of the entity's board
11 of directors or governing body and thereafter shall not be
12 considered employees of such entity. Firefighters of any fire
13 department of any rural or suburban fire protection district,
14 nonprofit corporation, city, or village shall be considered as
15 acting in the performance and within the course and scope of their
16 employment when performing activities outside of the corporate

17 limits of their respective districts, cities, or villages, but only
18 if directed to do so by the chief of the fire department or some
19 person authorized to act for such chief;
20 (4) Members of the Nebraska Emergency Management Agency,
21 any city, village, county, or interjurisdictional emergency
22 management organization, or any state emergency response team,
23 which agency, organization, or team is regularly organized under
24 the laws of the State of Nebraska. Such members shall be deemed
25 employees of such agency, organization, or team while in the
26 performance of their duties as members of such agency,
27 organization, or team;

1 (5) Any person fulfilling conditions of probation, or
2 community service as defined in section 29-2277, pursuant to any
3 order of any court of this state who shall be working for a
4 governmental body, or agency as defined in section 29-2277,
5 pursuant to any condition of probation, or community service as
6 defined in section 29-2277. Such person shall be deemed an
7 employee of the governmental body or agency for the purposes of the
8 Nebraska Workers' Compensation Act;

9 (6) Volunteer ambulance drivers and attendants and
10 out-of-hospital emergency care providers who are members of an
11 emergency medical service for any county, city, village, rural or
12 suburban fire protection district, nonprofit corporation, or any
13 combination of such entities under the authority of section 13-303.
14 Such volunteers shall be deemed employees of such entity or
15 combination thereof while in the performance of their duties as
16 ambulance drivers or attendants or out-of-hospital emergency care
17 providers and shall be considered as having entered into and as
18 acting in the regular course and scope of their employment ~~when~~
19 ~~traveling from any place from which they have been called to active~~
20 ~~duty from the instant such persons are called to active duty~~
21 whether to a hospital or other place where the ambulance they are
22 to use is located or to any activities that the volunteer ambulance
23 drivers or attendants or out-of-hospital emergency care providers
24 may be directed to do by the chief or some person authorized to act
25 for such chief of the volunteer ambulance service or
26 out-of-hospital emergency care service. Before such volunteer

27 ambulance drivers or attendants or out-of-hospital emergency care
1 providers are entitled to benefits under the Nebraska Workers'
2 Compensation Act, they shall be recommended by the chief or some
3 person authorized to act for such chief of the volunteer ambulance
4 service or out-of-hospital emergency care service for membership
5 therein to the board of directors of the rural or suburban fire
6 protection district or nonprofit corporation, the governing body of
7 the county, city, or village, or combination thereof, as the case
8 may be, and upon such confirmation shall be deemed employees of
9 such entity or combination thereof. Members of such volunteer
10 ambulance or out-of-hospital emergency care service after
11 confirmation to membership may be removed by majority vote of the

12 entity's board of directors or governing body and thereafter shall
13 not be considered employees of such entity. Volunteer ambulance
14 drivers and attendants and out-of-hospital emergency care providers
15 for any county, city, village, rural or suburban fire protection
16 district, nonprofit corporation, or any combination thereof shall
17 be considered as acting in the performance and within the course
18 and scope of their employment when performing activities outside of
19 the corporate limits of their respective county, city, village, or
20 district, but only if directed to do so by the chief or some person
21 authorized to act for such chief;

22 (7) Members of a law enforcement reserve force appointed
23 in accordance with section 81-1438. Such members shall be deemed
24 employees of the county or city for which they were appointed;

25 (8) Any offender committed to the Department of
26 Correctional Services who is employed pursuant to section 81-1827.
27 Such offender shall be deemed an employee of the Department of
1 Correctional Services solely for purposes of the Nebraska Workers'
2 Compensation Act;

3 (9)(a) Except as provided in subdivision (9)(b) of this
4 section, every executive officer of a corporation elected or
5 appointed under the provisions or authority of the charter,
6 articles of incorporation, or bylaws of such corporation. Such
7 executive officer shall be an employee of such corporation under
8 the Nebraska Workers' Compensation Act, except that an executive
9 officer of a Nebraska corporation who owns twenty-five percent or
10 more of the common stock of such corporation may waive his or her
11 right to coverage. Such waiver shall be in writing and filed with
12 the secretary of the corporation and the Nebraska Workers'
13 Compensation Court. Such waiver, as prescribed by the compensation
14 court, shall include a statement in substantially the following
15 form: Notice. I am aware that health and accident insurance
16 policies frequently exclude coverage for personal injuries caused
17 by accident or occupational disease arising out of and in the
18 course of employment. Before waiving my rights to coverage under
19 the Nebraska Workers' Compensation Act, I certify that I have
20 carefully examined the terms of my health and accident coverage.
21 Such waiver shall become effective from the date of receipt by the
22 compensation court and shall remain in effect until the waiver is
23 terminated by the officer in writing and filed with the secretary
24 of the corporation and the compensation court. The termination of
25 the corporate executive officer's waiver shall be effective upon
26 receipt of the termination by the compensation court. It shall not
27 be permissible to terminate a waiver prior to one year after the
1 waiver has become effective.

2 (b) An executive officer of a Nebraska nonprofit
3 corporation who receives annual compensation of one thousand
4 dollars or less from the nonprofit corporation shall not be
5 construed to be an employee of such nonprofit corporation under the
6 Nebraska Workers' Compensation Act unless such executive officer

7 elects to bring himself or herself within the provisions of the
8 Nebraska Workers' Compensation Act. Such election shall be in
9 writing and filed with the secretary of the nonprofit corporation
10 and shall remain in effect until the election is terminated, in
11 writing, by the officer and the termination is filed with the
12 secretary of the nonprofit corporation;

13 (10) Each individual employer, partner, limited liability
14 company member, or self-employed person who is actually engaged in
15 the individual employer's, partnership's, limited liability
16 company's, or self-employed person's business on a substantially
17 full-time basis who elects to bring himself or herself within the
18 provisions of the Nebraska Workers' Compensation Act. Such
19 election is made if he or she (a) files with his or her current
20 workers' compensation insurer written notice of election to have
21 the same rights as an employee only for purposes of workers'
22 compensation insurance coverage acquired by and for such individual
23 employer, partner, limited liability company member, or
24 self-employed person or (b) gives notice of such election and such
25 insurer collects a premium for such coverage acquired by and for
26 such individual employer, partner, limited liability company
27 member, or self-employed person. This election shall be effective
1 from the date of receipt by the insurer for the current policy and
2 subsequent policies issued by such insurer until such time as such
3 employer, partner, limited liability company member, or
4 self-employed person files a written statement withdrawing such
5 election with the current workers' compensation insurer or until
6 such coverage by such insurer is terminated, whichever occurs
7 first. When so included, the individual employer, partner, limited
8 liability company member, or self-employed person shall have the
9 same rights as an employee only with respect to the benefits
10 provided under the Nebraska Workers' Compensation Act. If any
11 individual employer, partner, limited liability company member, or
12 self-employed person who is actually engaged in the individual
13 employer's, partnership's, limited liability company's, or
14 self-employed person's business on a substantially full-time basis
15 has not elected to bring himself or herself within the provisions
16 of the Nebraska Workers' Compensation Act pursuant to this
17 subdivision and any health, accident, or other insurance policy
18 issued to or renewed by such person after July 10, 1984, contains
19 an exclusion of coverage, if the insured is otherwise entitled to
20 workers' compensation coverage, such exclusion shall be null and
21 void as to such person; and

22 (11) An individual lessor of a commercial motor vehicle
23 leased to a motor carrier and driven by such individual lessor who
24 elects to bring himself or herself within the provisions of the
25 Nebraska Workers' Compensation Act. Such election is made if he or
26 she agrees in writing with the motor carrier to have the same
27 rights as an employee only for purposes of workers' compensation
1 coverage maintained by the motor carrier. For an election under

2 this subdivision, the motor carrier's principal place of business
 3 must be in this state and the motor carrier must be authorized to
 4 self-insure liability under the Nebraska Workers' Compensation Act.
 5 Such an election shall (a) be effective from the date of such
 6 written agreement until such agreement is terminated, (b) be
 7 enforceable against such self-insured motor carrier in the same
 8 manner and to the same extent as claims arising under the Nebraska
 9 Workers' Compensation Act by employees of such self-insured motor
 10 carrier, and (c) not be deemed to be a contract of insurance for
 11 purposes of Chapter 44. Section 48-111 shall apply to the
 12 individual lessor and the self-insured motor carrier with respect
 13 to personal injury or death caused to such individual lessor by
 14 accident or occupational disease arising out of and in the course
 15 of performing services for such self-insured motor carrier in
 16 connection with such lease while such election is effective.
 17 Sec. 3. Sections 2, 3, 5, and 6 of this act shall become
 18 operative on their effective date with the emergency clause. The
 19 other sections of this act shall become operative three calendar
 20 months after the adjournment of this legislative session.
 21 Sec. 5. Original section 48-115, Revised Statutes
 22 Supplement, 2000, is repealed.
 23 Sec. 6. Since an emergency exists, this act takes effect
 24 when passed and approved according to law."
 25 2. Renumber the remaining section accordingly.

GENERAL FILE

LEGISLATIVE BILL 791. Senator Landis moved to indefinitely postpone.

Senator Aguilar asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Landis moved for a call of the house. The motion prevailed with 13 ayes, 4 nays, and 32 not voting.

Senator Landis requested a roll call vote, in reverse order, on his motion to indefinitely postpone.

Voting in the affirmative, 14:

| | | | | |
|---------|--------|---------|----------|----------|
| Bruning | Erdman | Landis | Raikes | Tyson |
| Burling | Jones | Maxwell | Redfield | Wehrbein |
| Byars | Kruse | Price | Thompson | |

Voting in the negative, 21:

| | | | | |
|----------|------------|---------------|---------|------------|
| Beutler | Cudaback | Hartnett | Robak | Synowiecki |
| Bourne | Cunningham | Janssen | Schimek | |
| Bromm | Dierks | Kremer | Schrock | |
| Connealy | Engel | McDonald | Smith | |
| Coordsen | Foley | Pedersen, Dw. | Stuhr | |

Present and not voting, 9:

| | | | | |
|---------|----------|---------|--------------|--------|
| Aguilar | Brown | Hudkins | Pederson, D. | Suttle |
| Baker | Chambers | Jensen | Preister | |

Excused and not voting, 5:

| | | | | |
|----------|------------|----------|---------|------------|
| Brashear | Kristensen | Quandahl | Vrtiska | Wickersham |
|----------|------------|----------|---------|------------|

The Landis motion to indefinitely postpone failed with 14 ayes, 21 nays, 9 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers moved to reconsider the vote on the Landis motion to indefinitely postpone.

Senators Dw. Pedersen and Stuhr asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 355. Introduced by Preister, 5.

PURPOSE: The purpose of the study is to determine how the Department of Health and Human Services can improve and document its cost-effectiveness in providing services to the citizens of Nebraska without compromising the quality of services or harming the morale of the agency's employees.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee, Appropriations Committee, Health and Human Services Committee, and Government, Military and Veterans Affairs Committee of the Legislature, in consultation with NAPE/AFSCME, shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall conduct public hearings to provide for public comment.

3. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENTS - Print in Journal

Senator Connealy filed the following amendment to LB 426:

AM3081

- 1 1. On page 2, line 19, strike "patrol," and the second
- 2 comma; and in line 20 strike "the state or".

Senator Landis filed the following amendment to LB 488:

AM3425

(Amendments to Standing Committee amendments, AM2603)

- 1 1. On page 4, line 22, strike "Commencing January 1,
- 2 2003" and insert "For the period January 1, 2003, through December
- 3 31, 2005.".

Senators Bromm and Connealy filed the following amendment to LB 1185:

AM3432

(Amendments to Standing Committee amendments, AM2841)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 48-106, Reissue Revised Statutes of
- 4 Nebraska, as amended by section 1, LB 417, Ninety-seventh
- 5 Legislature, Second Session, is amended to read:
- 6 48-106. (1) The Nebraska Workers' compensation Act shall
- 7 apply to the State of Nebraska, to every governmental agency
- 8 created by the state, to agricultural employers meeting the
- 9 requirements of subsection (3) of this section, and, except for
- 10 employers exempt under subsection (2) of this section, to every
- 11 resident employer in this state and nonresident employer performing
- 12 work in this state who employs one or more employees in the regular
- 13 trade, business, profession, or vocation of such employer.
- 14 (2) The act shall not apply to:
- 15 (a) A railroad company engaged in interstate or foreign
- 16 commerce;
- 17 (b) An employer of household domestic servants;
- 18 (c) An employer of any number of related employees
- 19 engaged in agricultural pursuits; and
- 20 (d) An employer of unrelated employees engaged in
- 21 agricultural pursuits who does not meet the requirements of
- 22 subsection (3) of this section. This subdivision does not apply if
- 23 the employer is the state or any governmental agency created by the
- 1 state.
- 2 (3) The act shall apply to an employer engaged in
- 3 agricultural pursuits who employs six or more unrelated employees
- 4 working on the same day, each working day for at least thirteen
- 5 consecutive weeks during a calendar year. The act shall apply to
- 6 such employer ten days after meeting the requirements of this
- 7 subsection. For employers meeting the requirements of this

8 subsection, all unrelated employees shall be covered under the act
9 and such employees' wages shall be considered for premium purposes.

10 (4) An employer who meets the requirements of subsection
11 (3) of this section and subsequently employs fewer than six
12 unrelated employees shall continue to provide workers' compensation
13 insurance coverage for such employees for a full calendar year
14 after the number of employees is less than six. Such employer may
15 elect to return to exempt status, and if such election is made, the
16 employer shall give the employees notice as provided in subsection
17 (5) of this section.

18 (5) An employer who is exempt from the act under
19 subdivisions (2)(b), (2)(c), or (2)(d) of this section may elect to
20 bring the employees of such employer within the act. Such election
21 is made by the employer obtaining a policy of workers' compensation
22 insurance covering such employees. Such policy shall be obtained
23 from a corporation, association, or organization authorized and
24 licensed to transact the business of workers' compensation
25 insurance in this state. If such an exempt employer procures a
26 policy of workers' compensation insurance which is in full force
27 and effect at the time of an accident to the employees of such
1 employer, such procurement is conclusive proof of such employer's
2 election to be bound by the act. Such an exempt employer who has
3 procured a policy of workers' compensation may elect to return to
4 the exempt status by (a) no longer carrying a policy of workers'
5 compensation insurance and (b) posting, continuously in a
6 conspicuous place at the employment locations of the employees for
7 a period of at least one year, a written or printed notice stating
8 that the employer no longer carries workers' compensation insurance
9 for the employees. Failure to provide notice in accordance with
10 this subsection voids an employer's attempt to return to exempt
11 status.

12 (6) An exclusion from coverage in any health, accident,
13 or other insurance policy covering employees which provides that
14 coverage under the health, accident, or other insurance policy does
15 not apply if the employee is entitled to workers' compensation
16 coverage is null and void as to the employees if the employer is
17 exempt from the act under subdivisions (2)(b), (2)(c), or (2)(d) of
18 this section and has not elected to bring the employees of such
19 employer within the act as provided in subsection (5) of this
20 section.

21 (7) For purposes of this section:

22 (a) Agricultural pursuits means (i) the cultivation of
23 land for the production of agricultural crops, fruit, or other
24 horticultural products or (ii) the ownership, keeping, or feeding
25 of animals for the production of livestock or livestock products;
26 and

27 (b) Related employee means an employee related to the
1 employer within the third degree of consanguinity or affinity.
2 Relationship by consanguinity or affinity within the third degree

3 includes parents, grandparents, great grandparents, children,
4 grandchildren, great grandchildren, brothers, sisters, uncles,
5 aunts, nephews, nieces, and spouses of the same. If the employer
6 is a partnership, limited liability company, or corporation in
7 which all of the partners, members, or shareholders are related
8 within the third degree of consanguinity or affinity, then related
9 employee means any employee related to any such partner, member, or
10 shareholder within the third degree of consanguinity or affinity.

11 The Nebraska Workers' Compensation Act shall apply to the State of
12 Nebraska and every governmental agency created by it, and to every
13 employer in this state, including nonresident employers performing
14 work in the State of Nebraska, employing one or more employees, in
15 the regular trade, business, profession, or vocation of such
16 employer, except railroad companies engaged in interstate or
17 foreign commerce.

18 (2) The following are declared not to be hazardous
19 occupations and not within the provisions of the Nebraska Workers'
20 Compensation Act: Employers of household domestic servants and
21 employers of farm or ranch laborers. An employer who is excluded
22 from the act under this subsection may elect to bring the employees
23 of such employer within the provisions of the act. Such election
24 is made by the employer obtaining a policy of workers' compensation
25 insurance covering such employees from a corporation, association,
26 or organization authorized and licensed to transact the business of
27 workers' compensation insurance in this state. If an employer who
1 is excluded from the act under this subsection has not elected to
2 bring the employees of such employer within the provisions of the
3 act by obtaining a policy of workers' compensation insurance as
4 provided in this subsection and any health, accident, or other
5 insurance policy covering such employees contains an exclusion of
6 coverage if the insured is otherwise entitled to workers'
7 compensation coverage, such exclusion shall be null and void as to
8 such employees.

9 (3) The procuring by any such employer of such a policy
10 of insurance, referred to in subsection (2) of this section, which
11 is in full force and effect at the time of an accident to any of
12 his or her employees, shall be conclusive proof of such employer's
13 and his or her employees' election to be bound by the Nebraska
14 Workers' Compensation Act, to all intents and purposes as if they
15 had not been specifically excluded by the terms of this section.
16 Such employer of household domestic servants and such employer of
17 farm or ranch laborers who has procured such a policy of insurance
18 may elect to return to the status of being not within the
19 provisions of the Nebraska Workers' Compensation Act by (a) no
20 longer carrying a policy of workers' compensation insurance and (b)
21 posting and thereafter keeping continuously posted for a period of
22 at least one year in a conspicuous place about the place or places
23 where his or her workers are employed a written or printed notice
24 of election not to be bound by the provisions of such act.

25 Sec. 2. Original section 48-106, Reissue Revised
26 Statutes of Nebraska, as amended by section 1, LB 417,
27 Ninety-seventh Legislature, Second Session, is repealed.".

Senator D. Pederson filed the following amendment to LB 1085:
AM3385

(Amendments to E & R amendments, AM7211)

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 "Section 1. Section 77-2701.02, Revised Statutes
4 Supplement, 2000, is amended to read:
5 77-2701.02. Pursuant to section 77-2715.01:
6 (1) Until July 1, 1998, ~~or April 15, 1998, whichever is~~
7 ~~later~~, the rate of the sales tax levied pursuant to section 77-2703
8 shall be five percent;
9 (2) Commencing July 1, 1998, ~~or April 15, 1998, whichever~~
10 ~~is later~~, and until July 1, 1999, the rate of the sales tax levied
11 pursuant to section 77-2703 shall be four and one-half percent; and
12 (3) Commencing July 1, 1999, and until the operative date
13 of this section, the rate of the sales tax levied pursuant to
14 section 77-2703 shall be five percent;
15 (4) Commencing on the operative date of this section, and
16 until July 1, 2004, the rate of the sales tax levied pursuant to
17 section 77-2703 shall be five and one-half percent; and
18 (5) Commencing July 1, 2004, the rate of the sales tax
19 levied pursuant to section 77-2703 shall be five percent.
20 Sec. 2. This act becomes operative on July 1, 2002.
21 Sec. 3. Original section 77-2701.02, Revised Statutes
22 Supplement, 2000, is repealed.".

Senator Schrock filed the following amendment to LB 1085:
AM3355

(Amendments to E & R amendments, AM7211)

1 1. Insert the following new sections:
2 "Sec. 10. Section 77-2704.36, Reissue Revised Statutes
3 of Nebraska, is amended to read:
4 77-2704.36. (1) Sales and use tax shall not be imposed
5 on the gross receipts from the sale, lease, or rental of
6 agricultural machinery and equipment purchased, leased, or rented
7 ~~on or after January 1, 1993~~, for use in commercial agriculture.
8 (2) Sales and use tax shall not be imposed on the gross
9 receipts from the sale, lease, or rental of repairs or parts for
10 agricultural machinery and equipment used in commercial
11 agriculture.
12 Sec. 11. Section 77-2704.37, Reissue Revised Statutes of
13 Nebraska, is amended to read:
14 77-2704.37. The exemption granted in subsection (1) of
15 section 77-2704.36 shall be conditioned upon filing requirements
16 for the exemption as imposed by the Tax Commissioner. The

17 requirements imposed by the Tax Commissioner shall be related to
 18 (1) ensuring that the property purchased qualifies for the
 19 exemption and (2) ensuring that relevant information on the
 20 property purchased is available to local governmental officials for
 21 personal property tax collection purposes. Any information
 22 received pursuant to the requirements of this section may be
 23 disclosed to any tax official in this state. Any taxpayer who

1 provides false information on the forms required by the Tax
 2 Commissioner for purposes of this section shall be subject to the
 3 penalties provided in subsection (8) of section 77-2705.

4 Sec. 12. Section 77-2708.01, Reissue Revised Statutes of
 5 Nebraska, is amended to read:

6 77-2708.01. (1)(a) Any purchaser of depreciable
 7 agricultural machinery or equipment purchased on or after January
 8 1, 1992, and before January 1, 1993, for use in commercial
 9 agriculture may apply for a refund of all of the Nebraska sales or
 10 use taxes and all of the local option sales or use taxes paid on
 11 the machinery or equipment.

12 (b) On or after January 1, 1993, and before October 1,
 13 2002, any purchaser of depreciable repairs or parts for
 14 agricultural machinery or equipment used in commercial agriculture
 15 may apply for a refund of all of the Nebraska sales or use taxes
 16 and all of the local option sales or use taxes paid on the repairs
 17 or parts.

18 (2) The purchaser shall file a claim within three years
 19 after the date of purchase with the Tax Commissioner pursuant to
 20 section 77-2708. The information provided on a tax refund claim
 21 allowed under this section may be disclosed to any other tax
 22 official of this state."

23 2. On page 43, line 13, strike "and 77-2704.27" and
 24 insert "77-2704.27, 77-2704.36, 77-2704.37, and 77-2708.01,".

25 3. Renumber the remaining sections and correct internal
 26 references accordingly.

Senator Hartnett filed the following amendment to LB 1085:
 AM3390

(Amendments to E & R amendments, AM7211)

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 "Section 1. Section 77-2701.01, Reissue Revised Statutes
 4 of Nebraska, is amended to read:
 5 77-2701.01. Pursuant to section ~~77-2715.01~~, for all
 6 ~~taxable years beginning or deemed to begin on or after January 1,~~
 7 ~~1990, under the Internal Revenue Code of 1986, as amended, the rate~~
 8 ~~of the income tax levied pursuant to section 77-2715 shall be three~~
 9 ~~and forty three hundredths percent.~~ Pursuant to section
 10 77-2715.01, for all taxable years beginning or deemed to begin on
 11 or after January 1, 1991, and before January 1, 2002, and on or
 12 after January 1, 2004, under the Internal Revenue Code of 1986, as

13 amended, the rate of the income tax levied pursuant to section
 14 77-2715 shall be three and seventy-hundredths percent. Pursuant to
 15 section 77-2715.01, for all taxable years beginning or deemed to
 16 begin on or after January 1, 2002, and before January 1, 2004,
 17 under the Internal Revenue Code of 1986, as amended, the rate of
 18 the income tax levied pursuant to section 77-2715 shall be three
 19 and eighty-two hundredths percent.

20 Sec. 2. Section 77-2701.02, Revised Statutes Supplement,
 21 2000, is amended to read:

22 77-2701.02. Pursuant to section 77-2715.01:

23 (1) ~~Until July 1, 1998, or April 15, 1998, whichever is~~
 1 ~~later~~, the rate of the sales tax levied pursuant to section 77-2703
 2 shall be five percent;

3 (2) Commencing July 1, 1998, ~~or April 15, 1998, whichever~~
 4 ~~is later~~, and until July 1, 1999, the rate of the sales tax levied
 5 pursuant to section 77-2703 shall be four and one-half percent; and

6 (3) Commencing July 1, 1999, and until the operative date
 7 of this section, the rate of the sales tax levied pursuant to
 8 section 77-2703 shall be five percent;

9 (4) Commencing on the operative date of this section, and
 10 until July 1, 2004, the rate of the sales tax levied pursuant to
 11 section 77-2703 shall be five percent on sales of motor vehicles,
 12 trailers, and semitrailers as defined in section 60-301 and five
 13 and one-quarter percent on all other transactions; and

14 (5) Commencing July 1, 2004, the rate of the sales tax
 15 levied pursuant to section 77-2703 shall be five percent.

16 Sec. 3. Economic incentive benefit credits provided
 17 under the Employment and Investment Growth Act, the Invest Nebraska
 18 Act, and the Quality Jobs Act may not be used to obtain a sales and
 19 use tax refund or to pay income tax to the extent the tax rates
 20 were increased by this legislative bill.

21 Sec. 4. Sections 2 and 5 of this act become operative on
 22 July 1, 2002. The other sections of this act become operative on
 23 their effective date.

24 Sec. 5. Original section 77-2701.02, Revised Statutes
 25 Supplement, 2000, is repealed.

26 Sec. 6. Original section 77-2701.01, Reissue Revised
 27 Statutes of Nebraska, is repealed.

1 Sec. 7. Since an emergency exists, this act takes effect
 2 when passed and approved according to law."

Senator Raikes filed the following amendment to LB 1085:
 AM3391

(Amendments to E & R amendments, AM7211)

1 1. On page 39, line 6, strike "2005-06" and insert
 2 "2004-05"; in line 8 before the comma insert "of the school
 3 district, the board of the unified system, or the school board of
 4 the high school district of the multiple-district school system
 5 that is not a unified system"; and in line 16 after the period

6 insert "The State Department of Education shall certify to the
7 school districts and multiple-district school systems the amount by
8 which the maximum levy may be exceeded pursuant to subdivision
9 (2)(c) of this section on or before May 15, 2002, for school fiscal
10 year 2002-03, February 15, 2003, for school fiscal year 2003-04,
11 and February 15, 2004, for school fiscal year 2004-05.".

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: LB 1309.

(Signed) Philip Erdman, Chairperson

GENERAL FILE

LEGISLATIVE BILL 957. Title read. Considered.

The Standing Committee amendment, AM2574, found on page 540, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Senator D. Pederson renewed his pending amendment, AM2912, found on page 745.

The D. Pederson amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Senator Beutler renewed his pending amendment, AM2899, found on page 1222.

The Beutler amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Senator Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Senator Aguilar asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 588. Title read. Considered.

The Standing Committee amendment, AM2532, found on page 532, was considered.

SPEAKER KRISTENSEN PRESIDING

Senator Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Dierks asked unanimous consent to bracket LB 588 to April 3, 2002. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 356. Introduced by Schrock, 38.

PURPOSE: To examine the Game and Parks Commission's operations of the state park system, including, but not limited to, income, expenditures, and funding mechanisms.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 357. Introduced by Schrock, 38.

PURPOSE: To examine the federal Clean Water Act as the act relates to the State of Nebraska, its counties and its cities; and to examine methods of funding for the cities and counties to comply with the act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 358. Introduced by Schrock, 38.

PURPOSE: To examine the problems associated with the disposal of used electronic equipment, including, but not limited to, recovery of recyclable materials, availability of markets, and the development of infrastructure

necessary to encourage the recovery of recyclable materials.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 359. Introduced by Schrock, 38.

PURPOSE: To conduct a review of the scrap tire program in the State of Nebraska. The review shall include, but not be limited to, an investigation of the following:

1. Whether the current program dealing with scrap tires is adequate to meet the needs of the State of Nebraska in the ultimate disposition of scrap tires;

2. Whether there are barriers to the marketplace for scrap tire processing and products;

3. Whether it remains appropriate to ban scrap tires from landfills; and

4. Whether there are sufficient markets for products made from scrap tires, including, but not limited to, availability and cost to the Department of Roads in the use of asphalt containing scrap tire rubber in the construction of roads.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 360. Introduced by Schrock, 38.

PURPOSE: To conduct a review of environmental recycling and waste reduction grant programs, including the Nebraska Environmental Trust Act, the Waste Reduction and Recycling Incentive Act, and the Nebraska Litter Reduction and Recycling Act. The review shall include, but not be limited to, an investigation of the following:

1. Whether the programs are meeting the purposes for which they were created;

2. Whether some or all purposes of the programs are sufficiently related so that they should be consolidated under a single program;

3. Whether administrative efficiencies could be gained by program consolidation or reorganization; and

4. Whether the Department of Economic Development, the Department of Administrative Services, the Department of Environmental Quality, and the Environmental Trust Board can assist in the programs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 361. Introduced by Smith, 48; Burling, 33; Thompson, 14; Redfield, 12; Bourne, 8; Byars, 30; Preister, 5; Vrtiska, 1; Suttle, 10; Schimek, 27; Erdman, 47.

PURPOSE: This study shall determine what amount of funding is needed to fully fund anticipated claims under the Nebraska Crime Victim's Reparations Act. The study shall also determine the amount of funding anticipated under the act as it now exists and shall suggest possible changes to the act which would reduce the need for appropriations from the General Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 362. Introduced by Preister, 5; Connealy, 16; Dierks, 40; Schimek, 27; Hartnett, 45.

PURPOSE: To study the collective bargaining process for all public employees of the State of Nebraska. The study shall include, but not be limited to, an investigation into the following:

(1) The process used for impasse resolution by the various bargaining groups in the state;

(2) The utilization of the special master by various bargaining groups; and

(3) The cost associated with utilizing a special master and the Commission of Industrial Relations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 363. Introduced by Thompson, 14.

PURPOSE: The purpose of this resolution is to examine the issue of the enticement of children through the Internet. Included in this study shall be a review of the applicability and use of current law, a review of other states' laws regarding the enticement of children through the Internet, and the progress of the Nebraska State Patrol's Internet Crimes Against Children Unit.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 364. Introduced by Thompson, 14.

PURPOSE: The purpose of this resolution is to examine Nebraska's contractor registration law. Current law requires all contractors in counties with populations over 100,000 (Douglas, Lancaster, and Sarpy) to register with the Department of Labor. This study shall include an examination of the procedures required under current law, the use of the registration requirements to address concerns by members of the public who contract with those who are required to register with the Department of Labor, a review of other states' laws regarding the regulation of contractors, and a review of the overall effectiveness of this program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 365. Introduced by Thompson, 14.

PURPOSE: During the Ninety-seventh Legislature, Second Session (2002), the Governor recommended that funds used for the Juvenile Services Grant Funds, administered by the Nebraska Commission on Law Enforcement and Criminal Justice, be eliminated. The Appropriations Committee of the Legislature recommended that these funds should not be eliminated, and funds were diverted for their use from the County Juvenile Services Aid Program, administered by the Office of Juvenile Services, which was created by the passage of Laws 2001, LB 640. This resolution will examine the purposes of the two programs, the administration of these two programs, and whether these programs can be combined in order to provide a more efficient delivery of juvenile services funds in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 366. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska should enact legislation to update, streamline, and make more consistent the various sections of law in Chapters 52 and 54 which provide for the creation and perfection by filing of agricultural statutory liens. In order to carry out the purpose of this resolution, the committee should seek the assistance of the Office of the Secretary of State and should consider the input of interested persons as the committee deems necessary and beneficial.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 367. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska should enact the Uniform Trust Code as promulgated by the National Conference of Commissioners on Uniform State Laws in 2000. In order to carry out the purpose of this resolution, the committee should seek and consider the input of interested persons as it deems necessary and beneficial, including the assistance of such persons in the development, for distribution, of a section-by-section Nebraska analysis and commentary of the Uniform Trust Code.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENTS - Print in Journal

Senator Stuhr filed the following amendment to LB 384:
AM3295

(Amendments to E & R amendments, AM7184)

- 1 1. Insert the following new sections:
- 2 "Sec. 23. Section 16-230, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 16-230. (1) A city of the first class by ordinance may
- 5 require lots or pieces of ground within the city or within two
- 6 miles of the corporate limits of the city to be drained or filled
- 7 so as to prevent stagnant water or any other nuisance accumulating
- 8 thereon. It may require the owner or occupant of all lots and
- 9 pieces of ground within the city to keep the lots and pieces of
- 10 ground and the adjoining streets and alleys free of any growth of
- 11 twelve inches or more in height of weeds, grasses, or worthless
- 12 vegetation, and it may prohibit and control the throwing,
- 13 depositing, or accumulation of litter on any lot or piece of ground
- 14 within the city.
- 15 (2) Any city of the first class may by ordinance declare
- 16 it to be a nuisance to permit or maintain any growth of twelve
- 17 inches or more in height of weeds, grasses, or worthless vegetation
- 18 or to litter or cause litter to be deposited or remain thereon
- 19 except in proper receptacles.
- 20 (3) Any owner or occupant of a lot or piece of ground
- 21 shall, upon conviction of violating such ordinance, be guilty of a
- 22 Class V misdemeanor.

- 23 (4) Notice to abate and remove such nuisance shall be
1 given to each owner or owner's duly authorized agent and to the
2 occupant, if any, by personal service or certified mail. Within
3 five days after receipt of such notice, if the owner or occupant of
4 the lot or piece of ground does not request a hearing with the city
5 ~~or~~ and fails to comply with the order to abate and remove the
6 nuisance, the city may have such work done. Certified mail sent to
7 the last-known address of the owner or the duly authorized agent as
8 it appears on the rolls of the county assessor on the date the mail
9 is sent shall constitute notice.
- 10 (5) If the owner or occupant of the lot or piece of
11 ground violates such an ordinance again within sixty days after a
12 notice to abate and remove the nuisance, the notice to abate the
13 second and subsequent nuisances shall be mailed by first-class
14 mail. Within ten days after the mailing of such notice, if the
15 owner or occupant of the lot or piece of ground does not request a
16 hearing with the city and fails to comply with the order to abate
17 and remove the nuisance, the city may have such work done.
- 18 (6) The costs and expenses of any such work shall be paid
19 by the owner. If unpaid for ~~two months~~ four weeks after such work
20 is done, the city may either (a) levy and assess the costs and
21 expenses of the work upon the lot or piece of ground so benefited
22 in the same manner as other special taxes for improvements are
23 levied and assessed or (b) recover in a civil action the costs and
24 expenses of the work upon the lot or piece of ground and the
25 adjoining streets and alleys. Any costs and expenses that remain
26 unpaid for a period of four weeks after such work is done shall be
27 a lien on the lot or piece of ground and be assessed as a special
1 assessment, which special assessment shall be certified by the city
2 clerk to the county clerk of the county in which the lot or piece
3 of ground is situated. The county clerk shall thereupon place the
4 same on the tax rolls for collection, subject to the same penalties
5 and to be collected in like manner as other special assessments.
- 6 ~~(5)~~ (7) For purposes of this section:
- 7 (a) Litter shall include, but not be limited to: (i)
8 Trash, rubbish, refuse, garbage, paper, rags, and ashes; (ii) wood,
9 plaster, cement, brick, or stone building rubble; (iii) grass,
10 leaves, and worthless vegetation; (iv) offal and dead animals; and
11 (v) any machine or machines, vehicle or vehicles, or parts of a
12 machine or vehicle which have lost their identity, character,
13 utility, or serviceability as such through deterioration,
14 dismantling, or the ravages of time, are inoperative or unable to
15 perform their intended functions, or are cast off, discarded, or
16 thrown away or left as waste, wreckage, or junk; and
- 17 (b) Weeds shall include, but not be limited to, bindweed
18 (*Convolvulus arvensis*), puncture vine (*Tribulus terrestris*), leafy
19 spurge (*Euphorbia esula*), Canada thistle (*Cirsium arvense*),
20 perennial peppergrass (*Lepidium draba*), Russian knapweed (*Centaurea*
21 *picris*), Johnson grass (*Sorghum halepense*), nodding or musk

22 thistle, quack grass (*Agropyron repens*), perennial sow thistle
23 (*Sonchus arvensis*), horse nettle (*Solanum carolinense*), bull
24 thistle (*Cirsium lanceolatum*), buckthorn (*Rhamnus sp.*) (tourn),
25 hemp plant (*Cannabis sativa*), and ragweed (*Ambrosiaceae*).

26 Sec. 27. Section 17-563, Reissue Revised Statutes of

27 Nebraska, is amended to read:

1 17-563. (1) Each city of the second class and village by
2 ordinance may require lots or pieces of ground within the city or
3 village to be drained or filled so as to prevent stagnant water or
4 any other nuisance accumulating thereon. It may require the owner
5 or occupant of any lot or piece of ground within the city or
6 village to keep the lot or piece of ground and the adjoining
7 streets and alleys free of any growth of twelve inches or more in
8 height of weeds, grasses, or worthless vegetation, and it may
9 prohibit and control the throwing, depositing, or accumulation of
10 litter on any lot or piece of ground within the city or village.

11 (2) Any city of the second class and village may by
12 ordinance declare it to be a nuisance to permit or maintain any
13 growth of twelve inches or more in height of weeds, grasses, or
14 worthless vegetation or to litter or cause litter to be deposited
15 or remain thereon except in proper receptacles.

16 (3) Any owner or occupant of a lot or piece of ground
17 shall, upon conviction of violating such ordinance, be guilty of a
18 Class V misdemeanor.

19 (4) Notice to abate and remove such nuisance shall be
20 given to each owner or owner's duly authorized agent and to the
21 occupant, if any, by personal service or certified mail. Within
22 five days after receipt of such notice, if the owner or occupant of
23 the lot or piece of ground does not request a hearing with the city
24 or village ~~or~~ and fails to comply with the order to abate and
25 remove the nuisance, the city or village may have such work done.
26 Certified mail sent to the last-known address of the owner or the
27 duly authorized agent as it appears on the rolls of the county

1 assessor on the date the mail is sent shall constitute notice.

2 (5) If the owner or occupant of the lot or piece of
3 ground subsequently violates such an ordinance again within sixty
4 days after a notice to abate and remove the nuisance, the notice to
5 abate the second and subsequent nuisances shall be mailed by
6 first-class mail. Within ten days after the mailing of such
7 notice, if the owner or occupant of the lot or piece of ground does
8 not request a hearing with the city or village and fails to comply
9 with the order to abate and remove the nuisance, the city or
10 village may have such work done.

11 (6) The costs and expenses of any such work shall be paid
12 by the owner. If unpaid for ~~two months~~ four weeks after such work
13 is done, the city or village may ~~either (a) levy and assess the~~
14 ~~costs and expenses of the work upon the lot or piece of ground so~~
15 ~~benefited in the same manner as other special taxes for~~
16 ~~improvements are levied and assessed or (b) recover in a civil~~

17 action the costs and expenses of the work upon the lot or piece of
 18 ground and the adjoining streets and alleys. Any costs and
 19 expenses that remain unpaid for a period of four weeks after such
 20 work is done shall be a lien on the lot or piece of ground and be
 21 assessed as a special assessment, which special assessment shall be
 22 certified by the city or village clerk to the county clerk of the
 23 county in which the lot or piece of ground is situated. The county
 24 clerk shall thereupon place the same on the tax rolls for
 25 collection, subject to the same penalties and to be collected in
 26 like manner as other special assessments.

27 ~~(5)~~ (7) For purposes of this section:

- 1 (a) Litter shall include, but not be limited to: (i)
- 2 Trash, rubbish, refuse, garbage, paper, rags, and ashes; (ii) wood,
- 3 plaster, cement, brick, or stone building rubble; (iii) grass,
- 4 leaves, and worthless vegetation; (iv) offal and dead animals; and
- 5 (v) any machine or machines, vehicle or vehicles, or parts of a
- 6 machine or vehicle which have lost their identity, character,
- 7 utility, or serviceability as such through deterioration,
- 8 dismantling, or the ravages of time, are inoperative or unable to
- 9 perform their intended functions, or are cast off, discarded, or
- 10 thrown away or left as waste, wreckage, or junk; and
- 11 (b) Weeds shall include, but not be limited to, bindweed
- 12 (Convolvulus arvensis), puncture vine (Tribulus terrestris), leafy
- 13 spurge (Euphorbia esula), Canada thistle (Cirsium arvense),
- 14 perennial peppergrass (Lepidium draba), Russian knapweed (Centaurea
- 15 picris), Johnson grass (Sorghum halepense), nodding or musk
- 16 thistle, quack grass (Agropyron repens), perennial sow thistle
- 17 (Sonchus arvensis), horse nettle (Solanum carolinense), bull
- 18 thistle (Cirsium lanceolatum), buckthorn (Rhamnus sp.) (toun),
- 19 hemp plant (Cannabis sativa), and ragweed (Ambrosiaceae)."
- 20 2. Renumber the remaining sections and correct the
- 21 repealer accordingly.

Senator Stuhr filed the following amendment to LB 729:

AM3296

(Amendments to E & R amendments, AM7205)

- 1 1. Insert the following new sections:
- 2 "Sec. 3. Section 16-230, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 16-230. (1) A city of the first class by ordinance may
- 5 require lots or pieces of ground within the city or within two
- 6 miles of the corporate limits of the city to be drained or filled
- 7 so as to prevent stagnant water or any other nuisance accumulating
- 8 thereon. It may require the owner or occupant of all lots and
- 9 pieces of ground within the city to keep the lots and pieces of
- 10 ground and the adjoining streets and alleys free of any growth of
- 11 twelve inches or more in height of weeds, grasses, or worthless
- 12 vegetation, and it may prohibit and control the throwing,
- 13 depositing, or accumulation of litter on any lot or piece of ground

14 within the city.

15 (2) Any city of the first class may by ordinance declare
16 it to be a nuisance to permit or maintain any growth of twelve
17 inches or more in height of weeds, grasses, or worthless vegetation
18 or to litter or cause litter to be deposited or remain thereon
19 except in proper receptacles.

20 (3) Any owner or occupant of a lot or piece of ground
21 shall, upon conviction of violating such ordinance, be guilty of a
22 Class V misdemeanor.

23 (4) Notice to abate and remove such nuisance shall be
1 given to each owner or owner's duly authorized agent and to the
2 occupant, if any, by personal service or certified mail. Within
3 five days after receipt of such notice, if the owner or occupant of
4 the lot or piece of ground does not request a hearing with the city
5 ~~or~~ and fails to comply with the order to abate and remove the
6 nuisance, the city may have such work done. Certified mail sent to
7 the last-known address of the owner or the duly authorized agent as
8 it appears on the rolls of the county assessor on the date the mail
9 is sent shall constitute notice.

10 (5) If the owner or occupant of the lot or piece of
11 ground violates such an ordinance again within sixty days after a
12 notice to abate and remove the nuisance, the notice to abate the
13 second and subsequent nuisances shall be mailed by first-class
14 mail. Within ten days after the mailing of such notice, if the
15 owner or occupant of the lot or piece of ground does not request a
16 hearing with the city and fails to comply with the order to abate
17 and remove the nuisance, the city may have such work done.

18 (6) The costs and expenses of any such work shall be paid
19 by the owner. If unpaid for ~~two months~~ four weeks after such work
20 is done, the city may either (a) levy and assess the costs and
21 expenses of the work upon the lot or piece of ground so benefited
22 in the same manner as other special taxes for improvements are
23 levied and assessed or (b) recover in a civil action the costs and
24 expenses of the work upon the lot or piece of ground and the
25 adjoining streets and alleys. Any costs and expenses that remain
26 unpaid for a period of four weeks after such work is done shall be
27 a lien on the lot or piece of ground and be assessed as a special
1 assessment, which special assessment shall be certified by the city
2 clerk to the county clerk of the county in which the lot or piece
3 of ground is situated. The county clerk shall thereupon place the
4 same on the tax rolls for collection, subject to the same penalties
5 and to be collected in like manner as other special assessments.

6 (5) (7) For purposes of this section:

7 (a) Litter shall include, but not be limited to: (i)
8 Trash, rubbish, refuse, garbage, paper, rags, and ashes; (ii) wood,
9 plaster, cement, brick, or stone building rubble; (iii) grass,
10 leaves, and worthless vegetation; (iv) offal and dead animals; and
11 (v) any machine or machines, vehicle or vehicles, or parts of a
12 machine or vehicle which have lost their identity, character,

13 utility, or serviceability as such through deterioration,
14 dismantling, or the ravages of time, are inoperative or unable to
15 perform their intended functions, or are cast off, discarded, or
16 thrown away or left as waste, wreckage, or junk; and
17 (b) Weeds shall include, but not be limited to, bindweed
18 (*Convolvulus arvensis*), puncture vine (*Tribulus terrestris*), leafy
19 spurge (*Euphorbia esula*), Canada thistle (*Cirsium arvense*),
20 perennial peppergrass (*Lepidium draba*), Russian knapweed (*Centaurea*
21 *picris*), Johnson grass (*Sorghum halepense*), nodding or musk
22 thistle, quack grass (*Agropyron repens*), perennial sow thistle
23 (*Sonchus arvensis*), horse nettle (*Solanum carolinense*), bull
24 thistle (*Cirsium lanceolatum*), buckthorn (*Rhamnus sp.*) (torn),
25 hemp plant (*Cannabis sativa*), and ragweed (*Ambrosiaceae*).
26 Sec. 11. Section 17-563, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 17-563. (1) Each city of the second class and village by
2 ordinance may require lots or pieces of ground within the city or
3 village to be drained or filled so as to prevent stagnant water or
4 any other nuisance accumulating thereon. It may require the owner
5 or occupant of any lot or piece of ground within the city or
6 village to keep the lot or piece of ground and the adjoining
7 streets and alleys free of any growth of twelve inches or more in
8 height of weeds, grasses, or worthless vegetation, and it may
9 prohibit and control the throwing, depositing, or accumulation of
10 litter on any lot or piece of ground within the city or village.

11 (2) Any city of the second class and village may by
12 ordinance declare it to be a nuisance to permit or maintain any
13 growth of twelve inches or more in height of weeds, grasses, or
14 worthless vegetation or to litter or cause litter to be deposited
15 or remain thereon except in proper receptacles.

16 (3) Any owner or occupant of a lot or piece of ground
17 shall, upon conviction of violating such ordinance, be guilty of a
18 Class V misdemeanor.

19 (4) Notice to abate and remove such nuisance shall be
20 given to each owner or owner's duly authorized agent and to the
21 occupant, if any, by personal service or certified mail. Within
22 five days after receipt of such notice, if the owner or occupant of
23 the lot or piece of ground does not request a hearing with the city
24 or village ~~or~~ and fails to comply with the order to abate and
25 remove the nuisance, the city or village may have such work done.
26 Certified mail sent to the last-known address of the owner or the
27 duly authorized agent as it appears on the rolls of the county

1 assessor on the date the mail is sent shall constitute notice.

2 (5) If the owner or occupant of the lot or piece of
3 ground subsequently violates such an ordinance again within sixty
4 days after a notice to abate and remove the nuisance, the notice to
5 abate the second and subsequent nuisances shall be mailed by
6 first-class mail. Within ten days after the mailing of such
7 notice, if the owner or occupant of the lot or piece of ground does

8 not request a hearing with the city or village and fails to comply
 9 with the order to abate and remove the nuisance, the city or
 10 village may have such work done.
 11 (6) The costs and expenses of any such work shall be paid
 12 by the owner. If unpaid for two months four weeks after such work
 13 is done, the city or village may either (a) levy and assess the
 14 costs and expenses of the work upon the lot or piece of ground so
 15 benefited in the same manner as other special taxes for
 16 improvements are levied and assessed or (b) recover in a civil
 17 action the costs and expenses of the work upon the lot or piece of
 18 ground and the adjoining streets and alleys. Any costs and
 19 expenses that remain unpaid for a period of four weeks after such
 20 work is done shall be a lien on the lot or piece of ground and be
 21 assessed as a special assessment, which special assessment shall be
 22 certified by the city or village clerk to the county clerk of the
 23 county in which the lot or piece of ground is situated. The county
 24 clerk shall thereupon place the same on the tax rolls for
 25 collection, subject to the same penalties and to be collected in
 26 like manner as other special assessments.

27 ~~(5)~~ (7) For purposes of this section:

- 1 (a) Litter shall include, but not be limited to: (i)
- 2 Trash, rubbish, refuse, garbage, paper, rags, and ashes; (ii) wood,
- 3 plaster, cement, brick, or stone building rubble; (iii) grass,
- 4 leaves, and worthless vegetation; (iv) offal and dead animals; and
- 5 (v) any machine or machines, vehicle or vehicles, or parts of a
- 6 machine or vehicle which have lost their identity, character,
- 7 utility, or serviceability as such through deterioration,
- 8 dismantling, or the ravages of time, are inoperative or unable to
- 9 perform their intended functions, or are cast off, discarded, or
- 10 thrown away or left as waste, wreckage, or junk; and
- 11 (b) Weeds shall include, but not be limited to, bindweed
- 12 (Convolvulus arvensis), puncture vine (Tribulus terrestris), leafy
- 13 spurge (Euphorbia esula), Canada thistle (Cirsium arvense),
- 14 perennial peppergrass (Lepidium draba), Russian knapweed (Centaurea
- 15 picris), Johnson grass (Sorghum halepense), nodding or musk
- 16 thistle, quack grass (Agropyron repens), perennial sow thistle
- 17 (Sonchus arvensis), horse nettle (Solanum carolinense), bull
- 18 thistle (Cirsium lanceolatum), buckthorn (Rhamnus sp.) (tourn),
- 19 hemp plant (Cannabis sativa), and ragweed (Ambrosiaceae)."
- 20 2. Renumber the remaining sections and correct the
- 21 repealer and internal references accordingly.

GENERAL FILE

LEGISLATIVE BILL 931. Title read. Considered.

The Standing Committee amendment, AM2593, found on page 531, was considered.

Senator Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 931A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE RESOLUTION 4CA. Read. Considered.

The Standing Committee amendment, AM0546, found on page 824, First Session, 2001, was considered.

Senator Beutler offered the following amendment to the Standing Committee amendment:

FA1033

Amend AM0546

On line 18, page 2 strike "suitable for use by" and insert "to be used, during the term of any revenue bonds issued, only by

The Beutler amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Senator Aguilar asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Jones asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Senator Vrtiska asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 3 nays, 13 present and not voting, and 7 excused and not voting.

Senator McDonald asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 1110. Title read. Considered.

Senators Connealy and Hudkins offered the following amendment:
AM3423

1 1. Insert the following new section:

2 "Sec. 3. Section 48-115, Revised Statutes Supplement,
3 2000, is amended to read:

4 48-115. The terms employee and worker are used
5 interchangeably and have the same meaning throughout the Nebraska
6 Workers' Compensation Act. Such terms include the plural and all
7 ages and both sexes. For purposes of the act, employee or worker
8 shall be construed to mean:

9 (1) Every person in the service of the state or of any
10 governmental agency created by it, including the Nebraska National
11 Guard and members of the military forces of the State of Nebraska,
12 under any appointment or contract of hire, expressed or implied,
13 oral or written;

14 (2) Every person in the service of an employer who is
15 engaged in any trade, occupation, business, or profession as
16 described in section 48-106 under any contract of hire, expressed
17 or implied, oral or written, including aliens and also including
18 minors. Minors for the purpose of making election of remedies
19 under the Nebraska Workers' Compensation Act shall have the same
20 power of contracting and electing as adult employees.

21 As used in subdivisions (1) through (11) of this section,
22 the terms employee and worker shall not be construed to include any
23 person whose employment is not in the usual course of the trade,
24 business, profession, or occupation of his or her employer.

1 If an employee subject to the Nebraska Workers'
2 Compensation Act suffers an injury on account of which he or she
3 or, in the event of his or her death, his or her dependents would
4 otherwise have been entitled to the benefits provided by such act,
5 the employee or, in the event of his or her death, his or her
6 dependents shall be entitled to the benefits provided under such
7 act, if the injury or injury resulting in death occurred within
8 this state, or if at the time of such injury (a) the employment was
9 principally localized within this state, (b) the employer was
10 performing work within this state, or (c) the contract of hire was
11 made within this state;

12 (3) Volunteer firefighters of any fire department of any
13 rural or suburban fire protection district, city, village, or
14 nonprofit corporation, which fire department is organized under the
15 laws of the State of Nebraska. Such volunteers shall be deemed
16 employees of such rural or suburban fire protection district, city,
17 village, or nonprofit corporation while in the performance of their
18 duties as members of such department and shall be considered as
19 having entered and as acting in the regular course and scope of
20 their employment ~~when traveling from any place from which they have~~
21 been called to active duty from the instant such persons are called
22 to active duty whether to a fire station or other place where
23 firefighting equipment that their company or unit is to use is
24 located or to any activities that the volunteer firefighters may be

25 directed to do by the chief of the fire department or some person
26 authorized to act for such chief.

27 Members of such volunteer fire department, before they
1 are entitled to benefits under the Nebraska Workers' Compensation
2 Act, shall be recommended by the chief of the fire department or
3 some person authorized to act for such chief for membership therein
4 to the board of directors of the rural or suburban fire protection
5 district or nonprofit corporation, the mayor and city commission,
6 the mayor and council, or the chairperson and board of trustees, as
7 the case may be, and upon confirmation shall be deemed employees of
8 such entity. Members of such fire department after confirmation to
9 membership may be removed by a majority vote of the entity's board
10 of directors or governing body and thereafter shall not be
11 considered employees of such entity. Firefighters of any fire
12 department of any rural or suburban fire protection district,
13 nonprofit corporation, city, or village shall be considered as
14 acting in the performance and within the course and scope of their
15 employment when performing activities outside of the corporate
16 limits of their respective districts, cities, or villages, but only
17 if directed to do so by the chief of the fire department or some
18 person authorized to act for such chief;

19 (4) Members of the Nebraska Emergency Management Agency,
20 any city, village, county, or interjurisdictional emergency
21 management organization, or any state emergency response team,
22 which agency, organization, or team is regularly organized under
23 the laws of the State of Nebraska. Such members shall be deemed
24 employees of such agency, organization, or team while in the
25 performance of their duties as members of such agency,
26 organization, or team;

27 (5) Any person fulfilling conditions of probation, or
1 community service as defined in section 29-2277, pursuant to any
2 order of any court of this state who shall be working for a
3 governmental body, or agency as defined in section 29-2277,
4 pursuant to any condition of probation, or community service as
5 defined in section 29-2277. Such person shall be deemed an
6 employee of the governmental body or agency for the purposes of the
7 Nebraska Workers' Compensation Act;

8 (6) Volunteer ambulance drivers and attendants and
9 out-of-hospital emergency care providers who are members of an
10 emergency medical service for any county, city, village, rural or
11 suburban fire protection district, nonprofit corporation, or any
12 combination of such entities under the authority of section 13-303.
13 Such volunteers shall be deemed employees of such entity or
14 combination thereof while in the performance of their duties as
15 ambulance drivers or attendants or out-of-hospital emergency care
16 providers and shall be considered as having entered into and as
17 acting in the regular course and scope of their employment ~~when~~
18 ~~traveling from any place from which they have been called to active~~
19 ~~duty from the instant such persons are called to active duty~~

20 whether to a hospital or other place where the ambulance they are
21 to use is located or to any activities that the volunteer ambulance
22 drivers or attendants or out-of-hospital emergency care providers
23 may be directed to do by the chief or some person authorized to act
24 for such chief of the volunteer ambulance service or
25 out-of-hospital emergency care service. Before such volunteer
26 ambulance drivers or attendants or out-of-hospital emergency care
27 providers are entitled to benefits under the Nebraska Workers'

1 Compensation Act, they shall be recommended by the chief or some
2 person authorized to act for such chief of the volunteer ambulance
3 service or out-of-hospital emergency care service for membership
4 therein to the board of directors of the rural or suburban fire
5 protection district or nonprofit corporation, the governing body of
6 the county, city, or village, or combination thereof, as the case
7 may be, and upon such confirmation shall be deemed employees of
8 such entity or combination thereof. Members of such volunteer
9 ambulance or out-of-hospital emergency care service after
10 confirmation to membership may be removed by majority vote of the
11 entity's board of directors or governing body and thereafter shall
12 not be considered employees of such entity. Volunteer ambulance
13 drivers and attendants and out-of-hospital emergency care providers
14 for any county, city, village, rural or suburban fire protection
15 district, nonprofit corporation, or any combination thereof shall
16 be considered as acting in the performance and within the course
17 and scope of their employment when performing activities outside of
18 the corporate limits of their respective county, city, village, or
19 district, but only if directed to do so by the chief or some person
20 authorized to act for such chief;

21 (7) Members of a law enforcement reserve force appointed
22 in accordance with section 81-1438. Such members shall be deemed
23 employees of the county or city for which they were appointed;

24 (8) Any offender committed to the Department of
25 Correctional Services who is employed pursuant to section 81-1827.
26 Such offender shall be deemed an employee of the Department of
27 Correctional Services solely for purposes of the Nebraska Workers'

1 Compensation Act;

2 (9)(a) Except as provided in subdivision (9)(b) of this
3 section, every executive officer of a corporation elected or
4 appointed under the provisions or authority of the charter,
5 articles of incorporation, or bylaws of such corporation. Such
6 executive officer shall be an employee of such corporation under
7 the Nebraska Workers' Compensation Act, except that an executive
8 officer of a Nebraska corporation who owns twenty-five percent or
9 more of the common stock of such corporation may waive his or her
10 right to coverage. Such waiver shall be in writing and filed with
11 the secretary of the corporation and the Nebraska Workers'
12 Compensation Court. Such waiver, as prescribed by the compensation
13 court, shall include a statement in substantially the following
14 form: Notice. I am aware that health and accident insurance

15 policies frequently exclude coverage for personal injuries caused
16 by accident or occupational disease arising out of and in the
17 course of employment. Before waiving my rights to coverage under
18 the Nebraska Workers' Compensation Act, I certify that I have
19 carefully examined the terms of my health and accident coverage.
20 Such waiver shall become effective from the date of receipt by the
21 compensation court and shall remain in effect until the waiver is
22 terminated by the officer in writing and filed with the secretary
23 of the corporation and the compensation court. The termination of
24 the corporate executive officer's waiver shall be effective upon
25 receipt of the termination by the compensation court. It shall not
26 be permissible to terminate a waiver prior to one year after the
27 waiver has become effective.

1 (b) An executive officer of a Nebraska nonprofit
2 corporation who receives annual compensation of one thousand
3 dollars or less from the nonprofit corporation shall not be
4 construed to be an employee of such nonprofit corporation under the
5 Nebraska Workers' Compensation Act unless such executive officer
6 elects to bring himself or herself within the provisions of the
7 Nebraska Workers' Compensation Act. Such election shall be in
8 writing and filed with the secretary of the nonprofit corporation
9 and shall remain in effect until the election is terminated, in
10 writing, by the officer and the termination is filed with the
11 secretary of the nonprofit corporation;

12 (10) Each individual employer, partner, limited liability
13 company member, or self-employed person who is actually engaged in
14 the individual employer's, partnership's, limited liability
15 company's, or self-employed person's business on a substantially
16 full-time basis who elects to bring himself or herself within the
17 provisions of the Nebraska Workers' Compensation Act. Such
18 election is made if he or she (a) files with his or her current
19 workers' compensation insurer written notice of election to have
20 the same rights as an employee only for purposes of workers'
21 compensation insurance coverage acquired by and for such individual
22 employer, partner, limited liability company member, or
23 self-employed person or (b) gives notice of such election and such
24 insurer collects a premium for such coverage acquired by and for
25 such individual employer, partner, limited liability company
26 member, or self-employed person. This election shall be effective
27 from the date of receipt by the insurer for the current policy and
1 subsequent policies issued by such insurer until such time as such
2 employer, partner, limited liability company member, or
3 self-employed person files a written statement withdrawing such
4 election with the current workers' compensation insurer or until
5 such coverage by such insurer is terminated, whichever occurs
6 first. When so included, the individual employer, partner, limited
7 liability company member, or self-employed person shall have the
8 same rights as an employee only with respect to the benefits
9 provided under the Nebraska Workers' Compensation Act. If any

10 individual employer, partner, limited liability company member, or
 11 self-employed person who is actually engaged in the individual
 12 employer's, partnership's, limited liability company's, or
 13 self-employed person's business on a substantially full-time basis
 14 has not elected to bring himself or herself within the provisions
 15 of the Nebraska Workers' Compensation Act pursuant to this
 16 subdivision and any health, accident, or other insurance policy
 17 issued to or renewed by such person after July 10, 1984, contains
 18 an exclusion of coverage, if the insured is otherwise entitled to
 19 workers' compensation coverage, such exclusion shall be null and
 20 void as to such person; and

21 (11) An individual lessor of a commercial motor vehicle
 22 leased to a motor carrier and driven by such individual lessor who
 23 elects to bring himself or herself within the provisions of the
 24 Nebraska Workers' Compensation Act. Such election is made if he or
 25 she agrees in writing with the motor carrier to have the same
 26 rights as an employee only for purposes of workers' compensation
 27 coverage maintained by the motor carrier. For an election under
 1 this subdivision, the motor carrier's principal place of business
 2 must be in this state and the motor carrier must be authorized to
 3 self-insure liability under the Nebraska Workers' Compensation Act.
 4 Such an election shall (a) be effective from the date of such
 5 written agreement until such agreement is terminated, (b) be
 6 enforceable against such self-insured motor carrier in the same
 7 manner and to the same extent as claims arising under the Nebraska
 8 Workers' Compensation Act by employees of such self-insured motor
 9 carrier, and (c) not be deemed to be a contract of insurance for
 10 purposes of Chapter 44. Section 48-111 shall apply to the
 11 individual lessor and the self-insured motor carrier with respect
 12 to personal injury or death caused to such individual lessor by
 13 accident or occupational disease arising out of and in the course
 14 of performing services for such self-insured motor carrier in
 15 connection with such lease while such election is effective".
 16 2. On page 7, line 8, after "Original" insert "section
 17 48-115, Revised Statutes Supplement, 2000, and".
 18 3. Renumber the remaining sections accordingly.

Senator Connealy withdrew the Connealy-Hudkins amendment.

Advanced to E & R for review with 28 ayes, 0 nays, 15 present and not
 voting, and 6 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 958A. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to

aid in carrying out the provisions of Legislative Bill 958, Ninety-seventh Legislature, Second Session, 2002.

RESOLUTIONS

LEGISLATIVE RESOLUTION 368. Introduced by Kruse, 13.

PURPOSE: The purpose of this study is to examine Nebraska law with respect to driving-under-the-influence repeat offenders. This study may include, but shall not be limited to, the exploration of scientific literature along with policy efforts and proposals to identify an effective approach to addressing the problem of driving-under-the-influence repeat offenders.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 369. Introduced by Kruse, 13.

PURPOSE: The purpose of this study is to examine the organizational structure and wording of Nebraska's driving-under-the-influence law and to prepare revisions as warranted. This study will explore the driving-under-the-influence laws of other states and any other relevant information in order to determine whether there is a simpler, more effective, and unambiguous approach to Nebraska's driving-under-the-influence law. The study may also explore the means of determining the offense of driving under the influence of any drug and the scope of relevant and admissible evidence.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENTS - Print in Journal

Senator Kruse filed the following amendment to LB 1085:
AM3388

(Amendments to E & R amendments, AM7211)

1 1. Insert the following new sections:

2 "Section 1. (1) The Substance Abuse Treatment Fund is
3 created. The fund shall consist of money allocated to the fund
4 pursuant to sections 53-160 and 53-162, any money appropriated by
5 the Legislature, and any gifts, bequests, or other contributions
6 provided to the fund from any public or private entities.
7 (2) The interest from the money allocated pursuant to
8 sections 53-160 and 53-162, any money provided by the Legislature,
9 and any other gifts, bequests, or other contributions provided to
10 the fund shall be divided equally and distributed to the following
11 substance abuse treatment programs: (a) The Nebraska Correctional
12 Treatment Center Program and (b) substance abuse treatment programs
13 funded by the Division of Mental Health, Substance Abuse, and
14 Addiction Services of the Department of Health and Human Services.
15 (3) Any money in the Substance Abuse Treatment Fund
16 available for investment shall be invested by the state investment
17 officer pursuant to the Nebraska Capital Expansion Act and the
18 Nebraska State Funds Investment Act.

19 Sec. 2. Section 53-160, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 53-160. (1) For the purpose of raising revenue, a tax is
22 imposed upon the privilege of engaging in business as a
23 manufacturer or a wholesaler at a rate of ~~twenty-three~~ forty ~~fifty~~ cents
1 per gallon on all beer; ~~seventy-five~~ one dollar and fifty cents per
2 gallon for wine containing not more than fourteen percent but not
3 less than five-tenths of one percent of alcohol by volume and ~~one~~
4 dollar and thirty-five ~~two dollars and seventy~~ cents per gallon for
5 wines and other dilute alcoholic beverages containing more than
6 fourteen percent of alcohol by volume, except for wines produced in
7 farm wineries; ~~five ten~~ five cents per gallon for wine produced in farm
8 wineries; and ~~three dollars six~~ three dollars per gallon on alcohol and
9 spirits manufactured and sold by such manufacturer or shipped for
10 sale in this state by such wholesaler in the course of such
11 business. The gallonage tax imposed by this subsection shall be
12 imposed only on alcoholic liquor upon which a federal excise tax is
13 imposed.

14 (2) Manufacturers or wholesalers of alcoholic liquor
15 shall be exempt from the payment of the gallonage tax on such
16 alcoholic liquor upon satisfactory proof, including bills of lading
17 furnished to the commission by affidavit or otherwise as the
18 commission may require, that such alcoholic liquor was manufactured
19 in this state but shipped out of the state for sale and consumption
20 outside this state.

21 (3) Dry wines or fortified wines manufactured or shipped
22 into this state solely and exclusively for sacramental purposes and
23 uses shall not be subject to the gallonage tax.

24 (4) The gallonage tax shall not be imposed upon any

25 alcoholic liquor, whether manufactured in or shipped into this
26 state, when sold to a licensed nonbeverage user for use in the
27 manufacture of any of the following when such products are unfit
1 for beverage purposes: Patent and proprietary medicines and
2 medicinal, antiseptic, and toilet preparations; flavoring extracts,
3 syrups, food products, and confections or candy; scientific,
4 industrial, and chemical products, except denatured alcohol; or
5 products for scientific, chemical, experimental, or mechanical
6 purposes.

7 (5) The gallonage tax shall not be imposed upon the
8 privilege of engaging in any business in interstate commerce or
9 otherwise, which business may not, under the Constitution and
10 statutes of the United States, be made the subject of taxation by
11 this state.

12 (6) The gallonage tax shall be in addition to all other
13 occupation or privilege taxes imposed by this state or by any
14 municipal corporation or political subdivision thereof.

15 (7) The commission shall collect the gallonage tax and
16 shall account for and remit to the State Treasurer at least once
17 each week all money collected pursuant to this section. If any
18 alcoholic liquor manufactured in or shipped into this state is sold
19 to a licensed manufacturer or wholesaler of this state to be used
20 solely as an ingredient in the manufacture of any beverage for
21 human consumption, the tax imposed upon such manufacturer or
22 wholesaler shall be reduced by the amount of the taxes which have
23 been paid as to such alcoholic liquor so used under the Nebraska
24 Liquor Control Act.

25 (8) The State Treasurer shall credit the net proceeds of
26 all revenue arising under this section shall be credited to the
27 General Fund and the Substance Abuse Treatment Fund as follows:

1 (a) Beer -- thirty-six cents per gallon to the General
2 Fund and fourteen cents per gallon to the Substance Abuse Treatment
3 Fund;

4 (b) Wine produced at farm wineries -- five cents per
5 gallon to the General Fund and five cents per gallon to the
6 Substance Abuse Treatment Fund;

7 (c) Other wine containing not more than fourteen percent
8 but not less than five-tenths of one percent of alcohol by volume
9 -- one dollar per gallon to the General Fund and fifty cents per
10 gallon to the Substance Abuse Treatment Fund;

11 (d) Other wine and dilute alcoholic beverages containing
12 more than fourteen percent of alcohol by volume -- one dollar and
13 eighty cents per gallon to the General Fund and ninety cents per
14 gallon to the Substance Abuse Treatment Fund; and

15 (e) Alcohol and spirits manufactured and sold by such
16 manufacturer or shipped for sale in this state by a wholesaler --
17 four dollars and forty-five cents per gallon to the General Fund
18 and one dollar and fifty-five cents per gallon to the Substance
19 Abuse Treatment Fund.

20 Sec. 3. Section 53-162, Revised Statutes Supplement,
21 2001, is amended to read:

22 53-162. For the purpose of raising revenue, a tax is
23 imposed upon persons holding a shipping license issued pursuant to
24 subsection (4) of section 53-123.15 who ship alcoholic liquor to
25 individuals pursuant to section 53-192 and for which the required
26 taxes in the state of purchase or this state have not been paid.

27 The tax, if due, shall be paid by the holder of the shipping
1 license issued pursuant to subsection (4) of section 53-123.15.
2 The amount of the tax shall be imposed as provided in section
3 53-160. The tax shall be collected by the commission, except that
4 the tax shall not be due until December 31 of the year in which the
5 purchase was made. The tax shall be delinquent if unpaid within
6 twenty-five days after December 31. The revenue from the tax shall
7 be credited to the General Fund and the Substance Abuse Treatment
8 Fund pursuant to subsection (8) of section 53-160. The commission
9 shall adopt and promulgate rules and regulations to carry out this
10 section."

11 2. Renumber the remaining sections accordingly and
12 correct the operative date section and the repealer so that the
13 sections added by this amendment become operative on July 1, 2002.

Senator Kruse filed the following amendment to LB 1085:
AM3389

(Amendments to E & R amendments, AM7211)

1 1. Insert the following new section:

2 "Section 1. Section 53-160, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 53-160. (1) For the purpose of raising revenue, a tax is
5 imposed upon the privilege of engaging in business as a
6 manufacturer or a wholesaler at a rate of ~~twenty-three~~ twenty-three ~~fifty~~ fifty cents
7 per gallon on all beer; ~~seventy-five~~ one dollar and fifty cents per
8 gallon for wine containing not more than fourteen percent but not
9 less than five-tenths of one percent of alcohol by volume and ~~one~~
10 ~~dollar and thirty-five~~ two dollars and seventy cents per gallon for
11 wines and other dilute alcoholic beverages containing more than
12 fourteen percent of alcohol by volume, except for wines produced in
13 farm wineries; ~~five ten~~ five ten cents per gallon for wine produced in farm
14 wineries; and ~~three dollars~~ six dollars per gallon on alcohol and
15 spirits manufactured and sold by such manufacturer or shipped for
16 sale in this state by such wholesaler in the course of such
17 business. The gallonage tax imposed by this subsection shall be
18 imposed only on alcoholic liquor upon which a federal excise tax is
19 imposed.

20 (2) Manufacturers or wholesalers of alcoholic liquor
21 shall be exempt from the payment of the gallonage tax on such
22 alcoholic liquor upon satisfactory proof, including bills of lading
23 furnished to the commission by affidavit or otherwise as the

1 commission may require, that such alcoholic liquor was manufactured

2 in this state but shipped out of the state for sale and consumption
3 outside this state.

4 (3) Dry wines or fortified wines manufactured or shipped
5 into this state solely and exclusively for sacramental purposes and
6 uses shall not be subject to the gallonage tax.

7 (4) The gallonage tax shall not be imposed upon any
8 alcoholic liquor, whether manufactured in or shipped into this
9 state, when sold to a licensed nonbeverage user for use in the
10 manufacture of any of the following when such products are unfit
11 for beverage purposes: Patent and proprietary medicines and
12 medicinal, antiseptic, and toilet preparations; flavoring extracts,
13 syrups, food products, and confections or candy; scientific,
14 industrial, and chemical products, except denatured alcohol; or
15 products for scientific, chemical, experimental, or mechanical
16 purposes.

17 (5) The gallonage tax shall not be imposed upon the
18 privilege of engaging in any business in interstate commerce or
19 otherwise, which business may not, under the Constitution and
20 statutes of the United States, be made the subject of taxation by
21 this state.

22 (6) The gallonage tax shall be in addition to all other
23 occupation or privilege taxes imposed by this state or by any
24 municipal corporation or political subdivision thereof.

25 (7) The commission shall collect the gallonage tax and
26 shall account for and remit to the State Treasurer at least once
27 each week all money collected pursuant to this section. If any
1 alcoholic liquor manufactured in or shipped into this state is sold
2 to a licensed manufacturer or wholesaler of this state to be used
3 solely as an ingredient in the manufacture of any beverage for
4 human consumption, the tax imposed upon such manufacturer or
5 wholesaler shall be reduced by the amount of the taxes which have
6 been paid as to such alcoholic liquor so used under the Nebraska
7 Liquor Control Act.

8 (8) The State Treasurer shall credit the net proceeds of
9 all revenue arising under this section ~~shall be credited~~ to the
10 General Fund."

11 2. Renumber the remaining sections accordingly and
12 correct the operative date section and the repealer so that the
13 section added by this amendment becomes operative on July 1, 2002.

Senator Kristensen filed the following amendment to LB 470:
AM3384

(Amendments to E & R amendments, AM7177)

1 1. On page 4, line 11, after "act" insert ". The number
2 of full-time equivalent positions funded pursuant to such contract
3 shall be limited to eighty-eight through June 30, 2005"; and in
4 line 18 after "act" insert ". The Nebraska State Patrol shall
5 account for all appropriations and expenditures related to the
6 staffing and operation of weighing stations and portable scales and

7 the performance of carrier enforcement duties in a budget program
 8 that is distinct and separate from budget programs used for
 9 non-carrier enforcement division related activities".

Senator Beutler filed the following amendment to LB 931:
 AM3439

1 1. One page 5, line 2, strike "Upon" and insert "On its
 2 own initiative or upon".

Senator Baker filed the following amendment to LB 1085:
 AM3357

(Amendments to E & R amendments, AM7211)

1 1. Insert the following new section:
 2 "Sec. 8. Section 77-2704.24, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 77-2704.24. (1) Sales and use taxes shall not be imposed
 5 on the gross receipts from the sale, lease, or rental of and the
 6 storage, use, or other consumption in this state of food or food
 7 products for human consumption which are eligible for purchase with
 8 food coupons issued by the United States Department of Agriculture
 9 pursuant to regulations in effect on October 1, 1983, regardless of
 10 whether the retailer from which the foods are purchased is
 11 participating in the food stamp program. For purposes of this
 12 section, food shall not include (a) meals or other food prepared
 13 for immediate consumption on or off the premises of the retailer,
 14 (b) and shall not include foods sold through vending machines, and
 15 (c) snack foods.
 16 (2) For purposes of this section, snack food means:
 17 (a) Soft drinks, carbonated or noncarbonated, which do
 18 not contain a primary dairy product or dairy ingredient base or
 19 which contain less than fifteen percent natural fruit or vegetable
 20 juice;
 21 (b) Candy;
 22 (c) Chewing gum; and
 23 (d) Prepackaged snack foods in packages containing no
 1 more than eight ounces of:
 2 (i) Potato chips or sticks;
 3 (ii) Corn chips;
 4 (iii) Pretzels;
 5 (iv) Cheese puffs and curls;
 6 (v) Pork rinds;
 7 (vi) Popped popcorn;
 8 (vii) Snack mixtures that contain one or more of the
 9 foods listed in subdivisions (i) through (vi) of this subdivision;
 10 (viii) Nuts and edible seeds; and
 11 (ix) Cookies, cakes, pies, and other pastries."
 12 2. On page 43, line 13, after the first comma insert
 13 "77-2704.24,".
 14 3. Renumber the remaining sections and correct internal

15 references accordingly.

Senator Baker filed the following amendment to LB 1085:
AM3356

(Amendments to E & R amendments, AM7211)

- 1 1. Strike section 10 and all amendments thereto.
- 2 2. On page 43, line 6, strike "14 and 17" and insert "13
- 3 and 16"; and in line 9 strike "sections 77-2715.02 and" and insert
- 4 "section".
- 5 3. Renumber the remaining sections accordingly.

MOTION - Adjournment

Senator Suttle moved to adjourn until 9:00 a.m., Tuesday, April 2, 2002.

Senator Byars requested a machine vote on the motion to adjourn.

The motion to adjourn failed with 10 ayes, 20 nays, 13 present and not voting, and 6 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 863. Title read. Considered.

SENATOR CUDABACK PRESIDING

Senator Baker asked unanimous consent to be excused. No objections. So ordered.

Senator Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, AM2379, found on page 335, was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

UNANIMOUS CONSENT - Add Cointroducer

Senator Schimek asked unanimous consent to have her name added as cointroducer to LB 863. No objections. So ordered.

VISITORS

Visitors to the Chamber were 18 fourth-grade students and teacher from Johnson-Brock Elementary School, Brock; 15 fourth-grade Girl Scouts and sponsor from Gretna; Courtney Campbell from Elkhorn; Eric Hamilton from

Omaha; 17 fourth-grade students and teacher from Humphrey; and 27 fourth-grade students and teachers from Homer Community School.

The Doctor of the Day was Dr. Keith Brown from Gordon.

ADJOURNMENT

At 2:51 p.m., on a motion by Senator Bourne, the Legislature adjourned until 9:00 a.m., Tuesday, April 2, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-NINTH DAY - APRIL 2, 2002

LEGISLATIVE JOURNAL

**NINETY-SEVENTH LEGISLATURE
SECOND SESSION**

FORTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 2, 2002

PRAYER

The prayer was offered by Senator Vrtiska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Brashear, Bromm, Dierks, Erdman, Kristensen, Landis, Maxwell, McDonald, Price, Tyson, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-eighth day was approved.

UNANIMOUS CONSENT - Member Excused

Senator Burling asked unanimous consent to be excused until he returns. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 370. Introduced by Jensen, 20.

PURPOSE: The Legislature recognizes the importance of Child Advocacy Centers. Currently there are Child Advocacy sites located in Grand Island, Kearney, Lincoln, Norfolk, Omaha, and Scottsbluff. The purpose of this study is to identify issues relevant to the efficient and competent operation of these facilities. A study of these facilities should include, but shall not be limited to, the following questions:

- (1) What services do they provide?;
- (2) How are they funded?;
- (3) How do they meet the requirements of LB 1184 (1992)?;

- (4) What are their budgets and expenses?;
- (5) What are their funding sources, private and public?; and
- (6) What is the state's role for future funding?

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 1062A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 391. E & R amendment, AM7173, printed separately and referred to on page 637, was adopted.

Senator Raikes renewed the Raikes et al. pending amendment, AM2837, found on page 743.

The Raikes et al. amendment was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Senator Tyson withdrew his pending amendment, AM2850, found on page 879.

Senator Chambers moved to indefinitely postpone LB 391.

Senator Chambers withdrew his motion to indefinitely postpone.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 600. E & R amendment, AM7175, printed separately and referred to on page 851, was adopted.

Senator Chambers moved to indefinitely postpone LB 600.

Senator Chambers withdrew his motion to indefinitely postpone.

Senator Coordsen offered the following amendment:
(Amendment, AM3448, is on file in the Clerk's Office - Room 2018.)

Senators Brashear and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

The Coordsen amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Senator Chambers moved to indefinitely postpone LB 600.

Senator Chambers moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Senator Chambers requested a record vote on his motion to indefinitely postpone.

Voting in the affirmative, 24:

| | | | | |
|----------|---------|---------------|------------|------------|
| Aguilar | Erdman | Pedersen, Dw. | Raikes | Thompson |
| Bourne | Foley | Pederson, D. | Robak | Tyson |
| Brown | Jensen | Preister | Smith | Wehrbein |
| Chambers | Landis | Price | Suttle | Wickersham |
| Engel | Maxwell | Quandahl | Synowiecki | |

Voting in the negative, 21:

| | | | | |
|---------|------------|---------|----------|---------|
| Baker | Connealy | Hudkins | McDonald | Vrtiska |
| Beutler | Coordsen | Janssen | Redfield | |
| Bromm | Cudaback | Jones | Schimek | |
| Bruning | Cunningham | Kremer | Schrock | |
| Byars | Dierks | Kruse | Stuhr | |

Present and not voting, 1:

Hartnett

Excused and not voting, 3:

Brashear Burling Kristensen

The Chambers motion to indefinitely postpone failed with 24 ayes, 21 nays, 1 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Aguilar asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers requested a roll call vote on the advancement of the bill.

Failed to advance to E & R for engrossment with 16 ayes, 27 nays, 3 present and not voting, and 3 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 371. Introduced by Stuhr, 24.

PURPOSE: The purpose of this study is to clarify who is eligible to run for positions on the boards of educational service units comprising more than one county. Current statutory language is confusing and needs to be clarified. This study shall include, but is not limited to, consideration of the provisions governing the boards of educational service units and any other issue the committee deems relevant.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 372. Introduced by Redfield, 12.

PURPOSE: The purpose of this resolution is to review the taxation procedures of the Nebraska telecommunications industry. This study shall examine the system of taxation in each sector of the industry. The focus of this study shall be tax equity and simplification of the tax rates and tax bases and the examination of a change to a simplified comprehensive flat tax.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 373. Introduced by Preister, 5.

PURPOSE: Currently power plants account for over seventy-five percent of the state's total air emissions. Public health effects from these emissions include respiratory illnesses, asthma, lead poisoning, and fish advisories.

The emissions also affect the natural resources of the state including all water bodies, crops, aquatic life, and ecosystems. Taxpayers shoulder public health and environmental protection costs through medicaid costs, regulatory costs, and other programs.

The purpose of the study is to develop legislation to reduce air emissions from power plants and to require power generators to pay the true cost of air emissions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature, in conjunction with the Health and Human Services Committee of the Legislature, shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall conduct public hearings to provide for public comment.

3. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 374. Introduced by Wehrbein, 2.

PURPOSE: To examine Nebraska's statutory protections of consumers when they make automobile purchases. The study shall include:

(1) An examination of the length and extent of express and implied warranties under current Nebraska law; and

(2) A comparison of Nebraska's automobile warranty statutes with those of other states.

The study may also propose possible statutory revisions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 375. Introduced by Wehrbein, 2.

PURPOSE: To conduct a comprehensive study and review of the fee structure of the Nebraska court system. The study shall examine the history and appropriateness of the current fee structure, including:

(1) The rationale behind the current fee structure;

- (2) The last time the fee structure was updated; and
- (3) A comparison of Nebraska's court system fee structure with that of other states.

The study shall also examine the appropriateness of possible statutory changes and give a rationale for any proposed statutory changes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 376. Introduced by Wehrbein, 2.

PURPOSE: To examine sheriff's fees in Nebraska under section 33-117, including fees charged for service of a search warrant; service of summons, subpoena, or other motion or document of the court; or arrest under a search warrant. The study shall examine the history and appropriateness of the current fee structure, including:

- (1) The rationale behind the current fee structure;
- (2) The last time the fee structure was updated; and
- (3) A comparison of the Nebraska's sheriff's fees structure with that of other states.

The study shall also examine the appropriateness of possible statutory changes and give a rationale for any proposed statutory changes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 377. Introduced by Synowiecki, 7.

PURPOSE: To conduct a comparative study of classified and non-classified employees in the State Personnel System pertaining to personnel policies, rules, and regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the

Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 378. Introduced by Quandahl, 31.

PURPOSE: LB 114 (2001) added consumption of alcoholic liquor by an underage person to the activities prohibited by statutes relating to minors in possession. The Legislature finds that the underage consumption of alcohol is on the rise and that the age in which minors begin to consume is getting lower. The Legislature should conduct an interim study to determine which penalties most effectively deter underage consumption of alcoholic liquor. The review may consist of, but is not limited to:

1. Which penalties or treatments would be most effective in deterring the consumption of alcohol by underage persons;
2. The impact of underage consumption of alcohol in the State of Nebraska;
3. The penalties, treatments, and strategies which are utilized by other states to deter underage consumption; and
4. The Legislature's responsibility in deterring underage consumption.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 379. Introduced by Quandahl, 31.

PURPOSE: Nebraska's notary laws have not been significantly revised in over thirty years. Over that period changes in technology and legal practices have left many areas of current notarial duties and issues unaddressed by state law.

The purpose of this resolution is to study the statutes relating to notaries public. Areas to be studied include, but are not limited to: Requirements for becoming a notary public; required and prohibited notary practices; bond and fee requirements; and notary laws in other states.

The committee shall solicit input from the Secretary of State, Nebraska Association of County Officials, representatives of the legal, financial, and real estate industries, and other interested parties.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 380. Introduced by Thompson, 14.

PURPOSE: The purpose of this study is to examine issues raised by the introduction of LB 1123 (2002) and LB 1200 (2002) relating to the County Purchasing Act. Included in this study shall be a review of the minimum bid and purchase amounts required for purchases of personal property or services by the county board or purchasing agent, the possibility of indexing these thresholds, and the potential use of cooperative purchasing agreements.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 381. Introduced by Thompson, 14.

PURPOSE: The Purpose Statement of the Protection and Safety System within the Health and Human Services System states: "The Protection and Safety System works collaboratively to ensure that the abused, neglected, dependent, or delinquent populations that it serves are safe from harm or maltreatment; in a permanent healthy nurturing and caring environment; with a stable family; that the effects of harm to the child or youth are diminished; and that communities are safe from harm by these children or youth." The purpose of this study is to review the services provided to the populations served by the two divisions within the Protection and Safety System, Children and Family Services and Juvenile Services, as well as the four outcome areas that are being evaluated in order to measure their performance.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 470. E & R amendment, AM7177, printed separately and referred to on page 984, was adopted.

Senator Kristensen renewed his pending amendment, AM3384, found on page 1275.

Senators Bromm and Jones offered the following amendment to the Kristensen pending amendment:

FA1037

Amend AM3384

page 1, line 3 after the word "eight" insert "officers including carrier enforcement officers as defined in sections 60-1301 to 60-1309 and officers of the State Patrol as defined in sections 81-2001 to 81-2009 assigned to the Carrier Enforcement Division

Senator Aguilar asked unanimous consent to be excused until he returns. No objections. So ordered.

The Bromm-Jones amendment was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

The Kristensen amendment, as amended, was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 470A. E & R amendment, AM7178, found on page 984, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1211. E & R amendment, AM7180, printed separately and referred to on page 984, was adopted.

Senator Bromm renewed his pending amendment, AM3060, found on page 972.

Senator Beutler offered the following amendment to the Bromm pending amendment:

AM3469

(Amendments to AM3060)

1 1. On page 9, line 16, strike "may require an audit of
 2 any" and insert "shall on an irregular basis audit the"; in line 17
 3 strike "company concerning" and insert "companies to insure"; and
 4 in line 18 after "service" insert ". The commission shall be
 5 reimbursed for costs of any audits performed pursuant to this
 6 subdivision from the fund".

The Beutler amendment was adopted with 26 ayes, 0 nays, and 23 present and not voting.

SENATOR COORDSEN PRESIDING

Senator Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

The Bromm amendment, as amended, was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Senator Bromm renewed his pending amendment, AM3265, found on page 1129.

Senators Redfield, Maxwell, and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 382. Introduced by Thompson, 14.

PURPOSE: The purpose of this resolution is to examine the process used by the health and human services system to designate children as not being eligible for Title IV-E federal funds. This study shall include an examination of the fiscal impact caused by the designating of eligible children as ineligible and a review of what steps the health and human services system has taken to more accurately identify children who may be eligible for Title IV-E funds.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 383. Introduced by Stuhr, 24.

PURPOSE: The Legislature recognizes that retirement benefits are an important factor for many state employees. Maximizing the earnings and benefits of retirement plans while controlling costs is a goal of the retirement plan providers. Because of this, it is necessary to look at available alternatives that can provide additional benefits to employees while controlling costs for the state. One program that is being used throughout the country is a deferred retirement option program (DROP), which allows an alternative method for payment of retirement benefits for a specified and limited period of time.

In order to determine if this type of program would be beneficial to employees of the state, the Nebraska Retirement Systems Committee of the Legislature should study different types of deferred retirement option plans used throughout the country. This study shall include, but not be limited to, a review of eligibility requirements, participation limits, and benefits.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT - Print in Journal

Senator Vrtiska filed the following amendment to LB 1085:
AM3303

(Amendments to E & R amendments, AM7211)

1 1. Insert the following new section:
2 "Section 1. Section 53-160, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 53-160. (1) For the purpose of raising revenue, a tax is
5 imposed upon the privilege of engaging in business as a
6 manufacturer or a wholesaler at a rate of ~~twenty-three~~ twenty-eight
7 cents per gallon on all beer; seventy-five cents per gallon for
8 wine containing not more than fourteen percent but not less than
9 five-tenths of one percent of alcohol by volume and one dollar and
10 thirty-five cents per gallon for wines and other dilute alcoholic
11 beverages containing more than fourteen percent of alcohol by
12 volume, except for wines produced in farm wineries; five cents per
13 gallon for wine produced in farm wineries; and three dollars per
14 gallon on alcohol and spirits manufactured and sold by such
15 manufacturer or shipped for sale in this state by such wholesaler
16 in the course of such business. The gallonage tax imposed by this

17 subsection shall be imposed only on alcoholic liquor upon which a
18 federal excise tax is imposed.

19 (2) Manufacturers or wholesalers of alcoholic liquor
20 shall be exempt from the payment of the gallonage tax on such
21 alcoholic liquor upon satisfactory proof, including bills of lading
22 furnished to the commission by affidavit or otherwise as the
23 commission may require, that such alcoholic liquor was manufactured
1 in this state but shipped out of the state for sale and consumption
2 outside this state.

3 (3) Dry wines or fortified wines manufactured or shipped
4 into this state solely and exclusively for sacramental purposes and
5 uses shall not be subject to the gallonage tax.

6 (4) The gallonage tax shall not be imposed upon any
7 alcoholic liquor, whether manufactured in or shipped into this
8 state, when sold to a licensed nonbeverage user for use in the
9 manufacture of any of the following when such products are unfit
10 for beverage purposes: Patent and proprietary medicines and
11 medicinal, antiseptic, and toilet preparations; flavoring extracts,
12 syrups, food products, and confections or candy; scientific,
13 industrial, and chemical products, except denatured alcohol; or
14 products for scientific, chemical, experimental, or mechanical
15 purposes.

16 (5) The gallonage tax shall not be imposed upon the
17 privilege of engaging in any business in interstate commerce or
18 otherwise, which business may not, under the Constitution and
19 statutes of the United States, be made the subject of taxation by
20 this state.

21 (6) The gallonage tax shall be in addition to all other
22 occupation or privilege taxes imposed by this state or by any
23 municipal corporation or political subdivision thereof.

24 (7) The commission shall collect the gallonage tax and
25 shall account for and remit to the State Treasurer at least once
26 each week all money collected pursuant to this section. If any
27 alcoholic liquor manufactured in or shipped into this state is sold
1 to a licensed manufacturer or wholesaler of this state to be used
2 solely as an ingredient in the manufacture of any beverage for
3 human consumption, the tax imposed upon such manufacturer or
4 wholesaler shall be reduced by the amount of the taxes which have
5 been paid as to such alcoholic liquor so used under the Nebraska
6 Liquor Control Act. The net proceeds of all revenue arising under
7 this section shall be credited to the General Fund, except that
8 beginning July 1, 2002, the State Treasurer shall credit the
9 equivalent of five cents of the gallonage tax collected on beer to
10 the Building Renewal Allocation Fund."

11 2. Renumber the remaining sections accordingly and
12 correct the operative date section and the repealer so that the
13 section added by this amendment becomes operative on July 1, 2002.

VISITORS

Visitors to the Chamber were 24 third-grade students and teachers from East Butler Elementary School, Brainard; 54 fourth-grade students and teachers from Lincoln Elementary School, Beatrice; fourth-, fifth-, and sixth-grade students from Johnson and Gajewski Home School, Papillion; and 24 fifth-grade students and teacher from Walthill Elementary School, Winnebago.

RECESS

At 12:02 p.m., on a motion by Speaker Kristensen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senators Bruning, Coordsen, and Dw. Pedersen who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 1211. The Bromm pending amendment, AM3265, found on page 1129 and considered on page 1288, was renewed.

The Bromm amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Senator Wehrbein asked unanimous consent to bracket LB 1211 until April 9, 2002. No objections. So ordered.

LEGISLATIVE BILL 1172. E & R amendment, AM7179, found on page 984, was adopted.

Senator Raikes withdrew his pending amendment, AM3147, found on page 1004.

Senator Raikes renewed his pending amendment, AM3375, found on page 1208.

Senator Beutler offered the following amendment to the Raikes pending amendment:
AM3473

(Amendments to AM3375)

- 1 1. On page 2, line 19, after "furnish" insert "minor";
- 2 and in line 24 strike "clothing" and insert "nonspecialized
- 3 attire".

The Beutler amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Senator Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

The Raikes amendment, as amended, was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1089. E & R amendment, AM7182, found on page 985, was adopted.

Senator Cunningham offered the following amendment:
AM3447

- 1 1. Insert the following new section:
- 2 "Sec. 8. Section 8-910, Revised Statutes Supplement,
- 3 2000, is amended to read:
- 4 8-910. (1) It shall be unlawful, except as provided in
- 5 this section, for:
- 6 (a) Any action to be taken that causes any company to
- 7 become a bank holding company;
- 8 (b) Any action to be taken that causes a bank to become a
- 9 subsidiary of a bank holding company;
- 10 (c) Any bank holding company to acquire direct or
- 11 indirect ownership or control of any voting shares of any bank if,
- 12 after such acquisition, such company will directly or indirectly
- 13 own or control more than twenty-five percent of the voting shares
- 14 of such bank;
- 15 (d) Any bank holding company or subsidiary thereof, other
- 16 than a bank, to acquire all or substantially all of the assets of a
- 17 bank; or
- 18 (e) Any bank holding company to merge or consolidate with
- 19 any other bank holding company.
- 20 (2) The prohibition set forth in subsection (1) of this
- 21 section shall not apply if:
- 22 (a)(i) The bank holding company is registered with the
- 23 department as of September 29, 1995, as a bank holding company for
- 24 any bank or banks; or (ii) the bank holding company registers with
- 1 the department in accordance with the provisions of section 8-913
- 2 as a bank holding company;
- 3 (b) The bank holding company does not have a name
- 4 deceptively similar to an existing unaffiliated bank or bank
- 5 holding company located in Nebraska;
- 6 (c) Upon any action referred to in subsection (1) of this
- 7 section and subject to subsection (3) of this section, the bank or
- 8 banks so owned or controlled would have deposits in Nebraska in an
- 9 amount no greater than ~~fourteen~~ twenty-two percent of the total

10 deposits of all banks in Nebraska plus the total deposits, savings
11 accounts, passbook accounts, and shares in savings and loan
12 associations and building and loan associations in Nebraska as
13 determined by the director on the basis of the most recent midyear
14 reports, except as provided in subsections (4) and (5) of this
15 section;

16 (d) The bank holding company is adequately capitalized
17 and adequately managed;

18 (e) The bank holding company complies with sections
19 8-1501 to 8-1505 if the bank or banks to be acquired are chartered
20 in this state under the Nebraska Banking Act; and

21 (f) The bank holding company, if an out-of-state bank
22 holding company, complies with the limitations of section 8-911.

23 (3) If any person, association, partnership, limited
24 liability company, or corporation owns or controls twenty-five
25 percent or more of the voting stock of any bank holding company
26 acquiring a bank and any such person, association, partnership,
27 limited liability company, or corporation owns or controls

1 twenty-five percent or more of the voting stock of any other bank
2 or bank holding company in Nebraska, then the total deposits of
3 such other bank or banks and of all banks in Nebraska owned or
4 controlled by such bank holding company shall be included in the
5 computation of the total deposits of a bank holding company
6 acquiring a bank.

7 (4) A bank or bank holding company which acquires and
8 holds all or substantially all of the voting stock of one newly
9 established bank under sections 8-1512 and 8-1513 shall not have
10 such acquisition count against the limitations set forth in
11 subdivision (2)(c) of this section.

12 (5) A bank holding company which acquired an institution
13 or which formed a bank which acquired an institution under sections
14 8-1506 to 8-1510 or which acquired any assets and liabilities from
15 the Resolution Trust Corporation or the Federal Deposit Insurance
16 Corporation prior to January 1, 1994, shall not have such
17 acquisition or formation count against the limitations set forth in
18 subdivision (2)(c) of this section."

19 2. On page 5, line 18, strike the old matter, show as
20 stricken, and insert

21 "(2)(a)(i) Except as provided in subdivision (2)(a)(ii)
22 of this section, with the approval of the director, any bank
23 located in this state may establish and maintain in this state an
24 unlimited number of branches at which all banking transactions
25 allowed by law may be made.

26 (ii) Any bank that owns or controls more than twenty-two
27 percent of the total deposits in Nebraska, as described in
1 subdivision (2)(c) of section 8-910 and computed in accordance with
2 subsection (3) of section 8-910, or any bank that is a subsidiary
3 of a bank holding company that owns or controls more than
4 twenty-two percent of the total deposits in Nebraska, as described

5 in subdivision (2)(c) of section 8-910 and computed in accordance
 6 with subsection (3) of section 8-910, shall not establish and
 7 maintain an unlimited number of branches as provided in subdivision
 8 (2)(a)(i) of this section. With the approval of the director, a
 9 bank as described in this subdivision may establish and maintain in
 10 the county in which such bank is located an unlimited number of
 11 branches at which all banking transactions allowed by law may be
 12 made, except that if such bank is located in a Class I or Class III
 13 county, such bank may establish and maintain in Class I and Class
 14 III counties an unlimited number of branches at which all banking
 15 transactions allowed by law may be made.

16 (iii) Any bank which establishes and maintains branches
 17 pursuant to subdivision (2)(a)(i) of this section and which
 18 subsequently becomes a bank as described in subdivision (2)(a)(ii)
 19 of this section shall not be subject to the limitations as to
 20 location of branches contained in subdivision (2)(a)(ii) of this
 21 section (A) with regard to any such established branch, and shall
 22 continue to be entitled to maintain any such established branch as
 23 if such bank had not become a bank as described in subdivision
 24 (2)(a)(ii) of this section and (B) with regard to any Class I, II,
 25 III, or IV county in which such bank has established and maintains
 26 a branch or branches pursuant to subdivision (2)(a)(i) of this
 27 section, and shall continue to be entitled to establish and
 1 maintain an unlimited number of branches in such county as if such
 2 bank had not become a bank as described in subdivision (2)(a)(ii)
 3 of this section."; and strike lines 26 through 28 and show the old
 4 matter as stricken.

5 3. On page 6, strike lines 1 and 2 and show the old
 6 matter as stricken.

7 4. On page 8, line 10, strike "and" and show as
 8 stricken; in line 12 after "of" insert "at least fifty thousand
 9 and"; and in line 13 after "census" insert "; and

10 (v) Class V county means a county in this state with a
 11 population of less than fifty thousand as determined by the most
 12 recent federal decennial census".

13 5. In the E & R amendments, AM7182:

14 a. Strike amendments 1 and 9 and renumber the remaining
 15 amendments accordingly; and

16 b. On page 1, strike beginning with the semicolon in
 17 line 4 through the quotation mark in line 5.

Senator Cunningham asked unanimous consent to replace his pending amendment, AM3447, found in this day's Journal, with a substitute amendment. No objections. So ordered.

Senator Cunningham withdrew his pending amendment, AM3447, found in this day's Journal.

Senators Bromm, Cunningham, and Kristensen offered the following substitute amendment:

AM3331

1 1. Insert the following new section:

2 "Sec. 8. Section 8-910, Revised Statutes Supplement,
3 2000, is amended to read:

4 8-910. (1) It shall be unlawful, except as provided in
5 this section, for:

6 (a) Any action to be taken that causes any company to
7 become a bank holding company;

8 (b) Any action to be taken that causes a bank to become a
9 subsidiary of a bank holding company;

10 (c) Any bank holding company to acquire direct or
11 indirect ownership or control of any voting shares of any bank if,
12 after such acquisition, such company will directly or indirectly
13 own or control more than twenty-five percent of the voting shares
14 of such bank;

15 (d) Any bank holding company or subsidiary thereof, other
16 than a bank, to acquire all or substantially all of the assets of a
17 bank; or

18 (e) Any bank holding company to merge or consolidate with
19 any other bank holding company.

20 (2) The prohibition set forth in subsection (1) of this
21 section shall not apply if:

22 (a)(i) The bank holding company is registered with the
23 department as of September 29, 1995, as a bank holding company for
24 any bank or banks; or (ii) the bank holding company registers with
1 the department in accordance with the provisions of section 8-913
2 as a bank holding company;

3 (b) The bank holding company does not have a name
4 deceptively similar to an existing unaffiliated bank or bank
5 holding company located in Nebraska;

6 (c) Upon any action referred to in subsection (1) of this
7 section and subject to subsection (3) of this section, the bank or
8 banks so owned or controlled would have deposits in Nebraska in an
9 amount no greater than ~~fourteen~~ twenty-two percent of the total
10 deposits of all banks in Nebraska plus the total deposits, savings
11 accounts, passbook accounts, and shares in savings and loan
12 associations and building and loan associations in Nebraska as
13 determined by the director on the basis of the most recent midyear
14 reports, except as provided in subsections (4) and (5) of this
15 section;

16 (d) The bank holding company is adequately capitalized
17 and adequately managed;

18 (e) The bank holding company complies with sections
19 8-1501 to 8-1505 if the bank or banks to be acquired are chartered
20 in this state under the Nebraska Banking Act; and

21 (f) The bank holding company, if an out-of-state bank
22 holding company, complies with the limitations of section 8-911.

23 (3) If any person, association, partnership, limited
24 liability company, or corporation owns or controls twenty-five

25 percent or more of the voting stock of any bank holding company
26 acquiring a bank and any such person, association, partnership,
27 limited liability company, or corporation owns or controls
1 twenty-five percent or more of the voting stock of any other bank
2 or bank holding company in Nebraska, then the total deposits of
3 such other bank or banks and of all banks in Nebraska owned or
4 controlled by such bank holding company shall be included in the
5 computation of the total deposits of a bank holding company
6 acquiring a bank.

7 (4) A bank or bank holding company which acquires and
8 holds all or substantially all of the voting stock of one newly
9 established bank under sections 8-1512 and 8-1513 shall not have
10 such acquisition count against the limitations set forth in
11 subdivision (2)(c) of this section.

12 (5) A bank holding company which acquired an institution
13 or which formed a bank which acquired an institution under sections
14 8-1506 to 8-1510 or which acquired any assets and liabilities from
15 the Resolution Trust Corporation or the Federal Deposit Insurance
16 Corporation prior to January 1, 1994, shall not have such
17 acquisition or formation count against the limitations set forth in
18 subdivision (2)(c) of this section."

19 2. On page 5, line 18, strike the old matter, show as
20 stricken, and insert

21 "(2)(a)(i) Except as provided in subdivision (2)(a)(ii)
22 of this section, with the approval of the director, any bank
23 located in this state may establish and maintain in this state an
24 unlimited number of branches at which all banking transactions
25 allowed by law may be made.

26 (ii) Any bank that owns or controls more than twenty-two
27 percent of the total deposits in Nebraska, as described in
1 subdivision (2)(c) of section 8-910 and computed in accordance with
2 subsection (3) of section 8-910, or any bank that is a subsidiary
3 of a bank holding company that owns or controls more than
4 twenty-two percent of the total deposits in Nebraska, as described
5 in subdivision (2)(c) of section 8-910 and computed in accordance
6 with subsection (3) of section 8-910, shall not establish and
7 maintain an unlimited number of branches as provided in subdivision
8 (2)(a)(i) of this section. With the approval of the director, a
9 bank as described in this subdivision may establish and maintain in
10 the county in which such bank is located an unlimited number of
11 branches at which all banking transactions allowed by law may be
12 made, except that if such bank is located in a Class I or Class III
13 county, such bank may establish and maintain in Class I and Class
14 III counties an unlimited number of branches at which all banking
15 transactions allowed by law may be made.

16 (iii) Any bank which establishes and maintains branches
17 pursuant to subdivision (2)(a)(i) of this section and which
18 subsequently becomes a bank as described in subdivision (2)(a)(ii)
19 of this section shall not be subject to the limitations as to

20 location of branches contained in subdivision (2)(a)(ii) of this
 21 section with regard to any such established branch, and shall
 22 continue to be entitled to maintain any such established branch as
 23 if such bank had not become a bank as described in subdivision
 24 (2)(a)(ii) of this section."; and strike lines 26 through 28 and
 25 show the old matter as stricken.
 26 3. On page 6, strike lines 1 and 2 and show the old
 27 matter as stricken.

Senator Aguilar asked unanimous consent to be excused until he returns. No objections. So ordered.

The Bromm et al. amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Pending.

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 1149. Placed on General File as amended.
 Standing Committee amendment to LB 1149:
 AM3477

1 1. Strike the original sections and insert the following
 2 new sections:
 3 "Section 1. Section 68-1020, Revised Statutes
 4 Supplement, 2001, is amended to read:
 5 68-1020. (1) Medical assistance shall be paid on behalf
 6 of (a) dependent children, ~~aged persons, blind individuals, and~~
 7 ~~disabled individuals~~ (b) aged, blind, and disabled persons, as
 8 defined in sections 43-504 and 68-1002 to 68-1005, and ~~on behalf of~~
 9 ~~all individuals~~ (c) all persons less than twenty-one years of age
 10 who are eligible under section 1905(a) of the federal Social
 11 Security Act, as such section existed on ~~September 1, 2001~~ January
 12 1, 2002.
 13 (2) ~~The Director of Department of Health and Human~~
 14 Services Finance and Support shall adopt and promulgate rules and
 15 regulations governing provision of ~~such~~ medical assistance benefits
 16 to qualified individuals:
 17 (a) Who are presumptively eligible as allowed under 42
 18 U.S.C. 1396a, as such section existed on ~~September 1, 2001~~ January
 19 1, 2002, and sections 1920A and 1920B of the federal Social
 20 Security Act, as such sections existed on ~~September 1, 2001~~ January
 21 1, 2002. Presumptively eligible children under this subdivision
 22 who are determined after review by the department to be ineligible
 23 because of income under subdivision (b) of this subsection shall
 24 not be presumptively eligible for six months after the date of such
 1 determination of ineligibility;
 2 (b) Who have ~~income at or below~~ family net income equal

3 to or less than one hundred eighty-five percent of the Office of
 4 Management and Budget ~~poverty line income poverty guideline~~, as
 5 allowed under Title XIX and Title XXI of the federal Social
 6 Security Act, as such titles existed on ~~September 1, 2001~~ January
 7 1, 2002, without regard to resources, including all children under
 8 nineteen years of age and pregnant women as allowed under 42 U.S.C.
 9 1396a, as such section existed on ~~September 1, 2001~~ January 1,
 10 2002, and section 2110 of the federal Social Security Act, as such
 11 section existed on ~~September 1, 2001~~. Children described in this
 12 subdivision shall remain eligible for a twelve-month period of time
 13 from the date of eligibility prior to redetermination of
 14 eligibility January 1, 2002. Eligible children under this
 15 subdivision with family net income equal to or less than one
 16 hundred fifty percent of the Office of Management and Budget income
 17 poverty guideline shall remain eligible for twelve consecutive
 18 months after the date of each determination or redetermination of
 19 eligibility prior to any subsequent redetermination of eligibility,
 20 and children described in this subdivision with family net income
 21 greater than one hundred fifty percent but equal to or less than
 22 one hundred eighty-five percent of the Office of Management and
 23 Budget income poverty guideline shall remain eligible for six
 24 consecutive months after the date of each determination or
 25 redetermination of eligibility prior to any subsequent
 26 redetermination of eligibility; or
 27 (c) Who are medically needy caretaker relatives as
 1 allowed under section 1905(a)(ii) of the federal Social Security
 2 Act, as such section existed on ~~September 1, 2001~~ January 1, 2002,
 3 and who have children with allocated income as follows:
 4 (i) At or below one hundred fifty percent of the Office
 5 of Management and Budget ~~poverty line income poverty guideline~~
 6 with eligible children one year of age or younger;
 7 (ii) At or below one hundred thirty-three percent of the
 8 Office of Management and Budget ~~poverty line income poverty~~
 9 guideline with eligible children over one year of age and under six
 10 years of age; or
 11 (iii) At or below one hundred percent of the Office of
 12 Management and Budget ~~poverty line income poverty guideline~~ with
 13 eligible children six years of age or more and under fifteen years
 14 of age.
 15 (3) As allowed pursuant to 42 U.S.C. 1396a(a)(10)(A)(ii),
 16 as such section existed on ~~September 1, 2001~~ January 1, 2002,
 17 medical assistance shall be paid on behalf of disabled persons as
 18 defined in section 68-1005 who are in families whose net income is
 19 less than two hundred fifty percent of the Office of Management and
 20 Budget income poverty ~~line~~ guideline applicable to a family of the
 21 size involved and who but for earnings in excess of the limit
 22 established under 42 U.S.C. 1396d(q)(2)(B) of the federal Social
 23 Security Act, as such section existed on ~~September 1, 2001~~ January
 24 1, 2002, would be considered to be receiving federal Supplemental

25 Security Income. The Department of Health and Human Services shall
 26 apply for a waiver to disregard any unearned income that is
 27 contingent upon a trial work period in applying the Supplemental
 1 Security Income standard. Such disabled persons shall be subject
 2 to payment of premiums as a percentage of the family's net income
 3 beginning at not less than two hundred percent of the Office of
 4 Management and Budget net income poverty ~~line~~ guideline. Such
 5 premiums shall be graduated based on family income and shall not be
 6 less than two percent or more than ten percent of family net
 7 income.

8 (4) As allowed pursuant to 42 U.S.C. 1396a(a)(10)(A)(ii),
 9 as such section existed on ~~September 1, 2001~~ January 1, 2002,
 10 medical assistance shall be paid on behalf of persons who:

11 (a) Have been screened for breast and cervical cancer
 12 under the Centers for Disease Control and Prevention breast and
 13 cervical cancer early detection program established under Title XV
 14 of the federal Public Health Service Act, 42 U.S.C. 300k et seq.,
 15 as such sections existed on ~~September 1, 2001~~ January 1, 2002, in
 16 accordance with the requirements of section 1504 of such act, 42
 17 U.S.C. 300n, as such section existed on ~~September 1, 2001~~ January
 18 1, 2002, and who need treatment for breast or cervical cancer,
 19 including precancerous and cancerous conditions of the breast or
 20 cervix;

21 (b) Are not otherwise covered under creditable coverage,
 22 as defined in section 2701(c) of the federal Public Health Service
 23 Act, 42 U.S.C. 300gg(c), as such section existed on ~~September 1,~~
 24 2001 January 1, 2002;

25 (c) Have not attained sixty-five years of age; and

26 (d) Are not eligible for medicaid under any mandatory
 27 categorically needy eligibility group.

1 Sec. 2. This act becomes operative on July 1, 2002.

2 Sec. 3. Original section 68-1020, Revised Statutes
 3 Supplement, 2001, is repealed.

4 Sec. 4. Since an emergency exists, this act becomes
 5 effective when passed and approved according to law."

(Signed) William R. Wickersham, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 384. Introduced by Schrock, 38.

PURPOSE: To examine the federal Safe Drinking Water Act as the act relates to the State of Nebraska, its counties, and its cities; and to examine methods of funding for the cities and counties of Nebraska to comply with the act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 385. Introduced by Raikes, 25.

PURPOSE: To study the revenue implications of revising the state's income tax by reducing the number of brackets and rates and eliminating the personal exemption credit as well as standard and itemized deductions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 386. Introduced by Dierks, 40; Chambers, 11.

WHEREAS, the economy of rural Nebraska is suffering during the current economic downturn and never enjoyed fully the benefits of the economic prosperity of the late 1990's; and

WHEREAS, all 48 Nebraska counties identified as rural are losing population and jobs primarily because young people are leaving those counties; and

WHEREAS, rural areas of Nebraska are in need of focused efforts to identify and develop new means of economic survival and vitality; and

WHEREAS, that within the four campuses of the University of Nebraska there are unique resources that can be applied to address critical, unique, and urgent economic development needs of rural communities, businesses (including farming and ranching), organizations, and other individual enterprises; and

WHEREAS, because of its land grant status, the University of Nebraska has both the obligation and the expertise to apply its research and outreach capabilities toward improving the economic and social climate of rural Nebraska and in realizing new economic opportunities; and

WHEREAS, the University of Nebraska has formulated the Rural Initiative, calling on experts from all campuses within the university system to assist rural Nebraska by developing new initiatives and specific programs, services, and assistance in the areas of business development

entrepreneurship, e-business for small businesses, expansion of distance education, telehealth, telemedicine, value-added agriculture, youth and young adult development, and food systems security; and

WHEREAS, the University of Nebraska is working in partnership with the expertise and resources of public and private individuals and organizations also working in the area of rural economic development.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. The Legislature endorses the efforts of the University of Nebraska in carrying out the objectives of the Rural Initiative.
2. The Legislature urges the University of Nebraska to provide collaborative leadership and continue its partnership activities with other entities working in the area of rural economic development.
3. The Legislature urges the University of Nebraska to continue to strive for excellence in the area of rural development.
4. The Legislature urges the creation of an advisory body consisting of internal and external representatives interested in the well-being of rural Nebraska to advise on priorities for the Rural Initiative's programs, services, and policy strategies.

Laid over.

LEGISLATIVE RESOLUTION 387. Introduced by Dierks, 40.

PURPOSE: This study shall examine the impacts of market concentration on the processing, retail, and farm input sectors of the food system on production agriculture and on rural communities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 388. Introduced by Dierks, 40.

PURPOSE: This study shall examine the vulnerability of production agriculture and food systems in Nebraska to deliberate acts of sabotage and economic disruption such as the purposeful introduction of plant and animal diseases, contamination of the food supply, and public misinformation. The study shall:

- (1) Review and summarize relevant literature on the subject, as well as engage the expertise of persons knowledgeable in this field;
- (2) Catalogue federal programs and funding sources to assist states in

increasing the resiliency of agricultural systems to terroristic activity;

(3) Examine state programs and planning efforts toward prevention and preparedness; and

(4) Make any recommendations for prudent state actions to increase food system security.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 389. Introduced by Dierks, 40.

PURPOSE: To examine the feasibility and desirability of implementing a means of informing consumers of the country of origin of meats and meat products at the retail level.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 390. Introduced by Dierks, 40.

PURPOSE: In 2000, the Legislature enacted LB 957 creating the Carbon Sequestration Advisory Committee and directing that a report be prepared with the assistance of the committee to advise the Legislature and state policy makers on matters of agricultural participation in carbon sequestration and in potential carbon trading markets. Such document entitled, "Carbon Sequestration, Greenhouse Gas Emissions, and Nebraska Agriculture," was completed and contains four recommendations for further activity in this area. This study shall examine the feasibility and desirability of implementing the recommendations of the Carbon Sequestration Advisory Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 391. Introduced by Stuhr, 24.

PURPOSE: The purpose of this study is to consider the benefits and procedures of accrediting educational service units.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 392. Introduced by Brashear, 4.

PURPOSE: Practitioners, professionals, administrators, and policymakers have acknowledged a necessity for a comprehensive and extensive review and analysis of the Nebraska Juvenile Code. The Center on Children, Families, and the Law at the University of Nebraska has completed a comprehensive revision of the Nebraska Juvenile Code. An examination of such document shall identify specific issues in relation to the recodification of the Nebraska Juvenile Code.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 393. Introduced by Brashear, 4.

PURPOSE: To conduct a comprehensive study and review of community corrections in Nebraska. Such a review shall identify specific issues to consider and propose appropriate revisions or changes to statutes regarding community corrections.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 394. Introduced by Raikes, 25.

PURPOSE: To study the formula needs component of the state aid formula pursuant to the Tax Equity and Educational Opportunities Support Act and make recommendations for legislation. The study shall consider, but not be limited to, the following:

(1) The policy goals that the formula needs component of the state aid formula currently supports;

(2) The policy goals that the formula needs component of the state aid formula should be designed to support in the future;

(3) The methods used by other states to arrive at the equivalent of formula needs;

(4) Changes in the calculation of formula needs that would support the policy goals for the future; and

(5) Other topics as determined by the committee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 395. Introduced by Bruning, 3.

PURPOSE: The purpose of this resolution is to review the statutory provisions that pertain to the operation of the Nebraska Investment Council. More specifically, the resolution will examine the duties and responsibilities of both the state investment officer and the council, as well as their fiduciary duties.

Should the study reveal that it is possible to make the recommended changes, the appropriate legislation will be prepared for introduction during the next legislative session.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a committee consisting of representatives from Nebraska's public employees' retirement systems, the Nebraska Investment Council, and the

Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 396. Introduced by Brashear, 4.

PURPOSE: The purpose of the study is to examine the issue of controlled substances relating to methamphetamine problems within the State of Nebraska. Due to an increase in drug activities taking place within the State of Nebraska, a study to work towards curbing drug-related crime would be beneficial to all citizens. This study will include law enforcement personnel, county attorneys, firefighters, physicians, members from the Department of Health and Human Services, as well as members of the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 397. Introduced by Quandahl, 31.

PURPOSE: The Legislature finds that nonconsensual common-law liens are being filed in Nebraska against the property of others. A nonconsensual common-law lien:

(1) Is not provided for by a specific state or federal statute;

(2) Does not depend on the consent of the owner of the real or personal property; and

(3) Is not an equitable or constructive lien imposed by a state or federal court of competent jurisdiction.

The Secretary of State has seen an increase in the filing of these nonconsensual common-law liens in recent months.

The Legislature shall conduct an interim study to determine what can be done to help strengthen the current lien statutes.

The Banking, Commerce and Insurance Committee of the Legislature shall solicit input from the Secretary of State, county clerks, registers of deeds, clerks of courts, and other filing offices in which a nonconsensual common-law lien prohibition would apply and from other interested parties.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 398. Introduced by Quandahl, 31.

PURPOSE: To study current Nebraska statutes regarding the awarding of prejudgment and postjudgment interest and attorney's fees in certain civil cases and to study the feasibility of attaching an immediate judgment lien to all real estate in the county upon the entry of the judgment regardless of the classification of the Nebraska court that originates the judgment.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 399. Introduced by Preister, 5; Burling, 33; Synowiecki, 7; Redfield, 12; Hartnett, 45; Janssen, 15; Beutler, 28; Stuhr, 24; Bourne, 8; Connealy, 16; Schimek, 27; Jensen, 20; Hudkins, 21; Suttle, 10; Thompson, 14.

PURPOSE: The purpose of this study is to take the information that has been learned from other states' experiences with private contracting for personal services and utilize these lessons as management tools for increasing cost efficiencies, accountability, coordination, planning, oversight, and training regarding the use of personal service contracts by Nebraska state agencies.

In addition, the study shall also:

(1) Examine public records and open meetings issues as they may relate to personal services provided by private contractors;

(2) Amend and broaden current statutory requirements in section 73-301 et seq. to provide assurance that, prior to entering into a personal services contract with a private entity, written cost-savings analysis will be conducted;

(3) Examine possible legislation to require that, if agencies reduce operating budgets, agencies must first reduce spending on personal service contracts before laying off permanent employees;

(4) Examine public employees' morale, layoffs, agency job vacancies, and

turnover rates, and compare salaries paid to state employees and private contractors who are carrying out similar or same job responsibilities; and

(5) Monitor the implementation of the Nebraska Information System to ensure that information can be compiled regarding the dollar amount expended for personal service contracts and the full-time equivalent staff associated with such personal service contracts by agency and program within the human resource or accounting component of the system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor, Appropriations, Health and Human Services, and Government, Military and Veterans Affairs Committees of the Legislature, in consultation with NAPE/AFSCME, shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall conduct public hearings to provide for public comment.

3. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MOTION - Print in Journal

Senator Thompson filed the following motion to LB 1073A:
Indefinitely postpone.

AMENDMENTS - Print in Journal

Senator Smith filed the following amendment to LB 1073:
AM3470

(Amendments to E & R amendments, AM7197)

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 60-601, Revised Statutes Supplement,
- 3 2001, is amended to read:
- 4 60-601. Sections 60-601 to 60-6,374 and section 2 of
- 5 this act shall be known and may be cited as the Nebraska Rules of
- 6 the Road.
- 7 Sec. 2. No driver shall operate a motor vehicle upon a
- 8 highway or street in this state if the driver or any passenger in
- 9 the vehicle is smoking when a minor under the age of eighteen years
- 10 is a passenger in the vehicle. Any person who violates this
- 11 section shall be guilty of a traffic infraction and shall be fined
- 12 twenty-five dollars, but no court costs shall be assessed against
- 13 him or her nor shall any points be assessed against the driving
- 14 record of such person."
- 15 2. Renumber the remaining sections and correct the
- 16 repealer section accordingly.

Senator Schrock filed the following amendment to LB 1003:
AM3486

(Amendments to E & R amendments, AM7187)

- 1 1. Insert the following new section:
- 2 "Sec. 5. Section 37-353, Revised Statutes Supplement,
- 3 2000, is amended to read:
- 4 37-353. (1) All conservation officers, all wildlife
- 5 managers employed by the commission, and all other staff designated
- 6 by the commission shall be authorized to take any wildlife from the
- 7 wild that has escaped captivity, is diseased, is needed for
- 8 scientific study, is considered dangerous to human, wildlife, or
- 9 livestock health, is damaging agricultural crops, or is otherwise
- 10 deemed unsuitable to remain in the wild, as stipulated in rules and
- 11 regulations adopted and promulgated by the commission.
- 12 (2) If there is reasonable suspicion to believe that any
- 13 wildlife that is diseased, is needed for scientific study of
- 14 disease, or is considered dangerous to human, wildlife, or
- 15 livestock health, is present on any property, the commission or its
- 16 designated employee or employees shall make a reasonable attempt to
- 17 gain access to the property by permission of the property owner,
- 18 tenant, lessee, occupant, or person in control of the property. If
- 19 such attempt is not successful or is impracticable, the commission
- 20 or its designated employee or employees may enter the property to
- 21 take wildlife that is diseased, needed for scientific study of
- 22 disease, or considered dangerous to human, wildlife, or livestock
- 23 health. Immediately subsequent to any entry on the property, the
- 1 commission or its designated employee or employees shall notify the
- 2 property owner, tenant, lessee, occupant, or person in control of
- 3 the property regarding the activities of the commission's
- 4 designated employee or employees on such property. The property
- 5 owner shall retain all legal rights to recover damages from such
- 6 entry, except that damages for trespass shall not be available.
- 7 Any entry by the commission or its designated employee or employees
- 8 onto property for the purpose of taking wildlife that is diseased,
- 9 needed for scientific study of disease, or considered dangerous to
- 10 human, wildlife, or livestock health shall not be subject to
- 11 prosecution under sections 28-521 or 37-722."
- 12 2. Renumber the remaining sections and correct the
- 13 repealer and internal references accordingly.

Senator Wickersham filed the following amendment to LB 1085:
AM3440

(Amendments to E & R amendments, AM7211)

- 1 1. Insert the following new sections:
- 2 "Sec. 2. Section 77-2702.09, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 77-2702.09. Occasional sale shall mean:
- 5 (1) A sale, but not a lease or rental, of property which
- 6 is the subject of any intercompany sale or transfer involving any

7 parent, subsidiary, or brother-sister company relationship under
8 section 77-2704.28 and which was either originally acquired prior
9 to June 1, 1967, or, if acquired thereafter, the seller or
10 transferor directly or indirectly has previously paid a sales or
11 use tax thereon, including:

12 (a) From one corporation to another corporation pursuant
13 to a reorganization. For purposes of this subdivision,
14 reorganization shall mean a statutory merger or consolidation or
15 the acquisition by a corporation of substantially all of the
16 properties of another corporation when the consideration is solely
17 all or a part of the voting stock of the acquiring corporation or
18 of its parent or subsidiary corporation;

19 (b) In connection with the winding up, dissolution, or
20 liquidation of a corporation only when there is a distribution of
21 the property of such corporation to the shareholders in kind if the
22 portion of the property so distributed to the shareholder is
23 substantially in proportion to the share of stock or securities

held by the shareholder;

2 (c) To a corporation for the purpose of organization of
3 such corporation or the contribution of additional capital to such
4 corporation when the former owners of the property transferred are
5 immediately after the transfer in control of the corporation and
6 the stock or securities received by each is substantially in
7 proportion to his or her interest in the property prior to the
8 transfer;

9 (d) To a partnership in the organization of such
10 partnership if the former owners of the property transferred are
11 immediately after the transfer members of such partnership and the
12 interest in the partnership received by each is substantially in
13 proportion to his or her interest in the property prior to the
14 transfer;

15 (e) From a partnership to the members thereof when made
16 in kind in the dissolution of such partnership if the portion of
17 the property so distributed to the members of the partnership is
18 substantially in proportion to the interest in the partnership held
19 by the members;

20 (f) To a limited liability company in the organization of
21 such limited liability company if the former owners of the property
22 transferred are immediately after the transfer members of such
23 limited liability company and the interest in the limited liability
24 company received by each is substantially in proportion to his or
25 her interest in the property prior to the transfer;

26 (g) From a limited liability company to the members
27 thereof when made in kind in the dissolution of such limited
1 liability company if the portion of the property so distributed to
2 the members of the limited liability company is substantially in
3 proportion to the interest in the limited liability company held by
4 the members;

5 (h) From one limited liability company to another limited

6 liability company pursuant to a reorganization; or
7 (i) Any transaction between two persons that qualifies as
8 a tax-free transaction under the Internal Revenue Code;
9 (2) A sale of household goods, and personal effects, and
10 services if each of the following conditions is met and if any one
11 condition is not met then the entire gross receipts shall be
12 subject to the tax imposed by section 77-2703:
13 (a) Such sales are by an individual at his or her
14 residence or if more than one individual's property is involved
15 such sales are by one of the individuals involved at the residence
16 of one of the individuals;
17 (b) Such sales do not occur at any residence for more
18 than three days during a calendar year;
19 (c) Such individual or individuals or any member of any
20 of their households does not conduct or engage in a trade or
21 business in which similar items are sold or services provided;
22 (d) Such property sold was originally acquired for and
23 used for personal use or the service provided may be performed at
24 any individual residence without specialized equipment or supplies;
25 and
26 (e) Such property is not otherwise excepted from the
27 definition of occasional sale;
1 (3) Commencing with any transaction occurring on or after
2 October 1, 1985, any sale of business or farm machinery and
3 equipment if each of the following conditions is met and if any one
4 condition is not met the entire gross receipts shall be subject to
5 the tax imposed by section 77-2703:
6 (a) Such machinery or equipment was used by the seller or
7 seller's predecessor in a sale described in subdivision (1) of this
8 section as a depreciable capital asset in connection with the farm
9 or business for a period of at least one year;
10 (b) Such property was originally acquired prior to June
11 1, 1967, or if acquired thereafter, the seller or seller's
12 predecessor in a sale described in subdivision (1) of this section
13 directly or indirectly has previously paid a sales or use tax
14 thereon; and
15 (c) Such property is not otherwise excepted from the
16 definition of occasional sale;
17 (4) Commencing October 1, 1985, a sale by an organization
18 created exclusively for religious purposes or an agent of the
19 organization for such sale if each of the following conditions is
20 met and if any one condition is not met then the entire gross
21 receipts shall be subject to the tax imposed by section 77-2703:
22 (a) All sales occur during an activity conducted by such
23 organization or, if more than one organization is involved, by one
24 of the organizations owning property being sold;
25 (b) The organization only sells property it owns or
26 provides the service during one such activity in a calendar year;
27 and

1 (c) The activity does not last longer than three
 2 consecutive days; and
 3 (5) Any sale that is made in connection with the sale to
 4 a single buyer of all or substantially all of a trade or business
 5 if the seller or seller's predecessor in a sale described in
 6 subdivision (1) of this section directly or indirectly has
 7 previously paid a sales or use tax thereon. This subdivision shall
 8 apply to any transaction occurring on or after October 1, 1985.
 9 Commencing October 1, 1985, occasional sale shall not
 10 include any sale directly by or any sale which is supervised or
 11 aided by an auctioneer or an agent or employee of an auctioneer.
 12 Except for a sale listed in subdivision (1) of this
 13 section, an occasional sale shall not mean any sale of motor
 14 vehicles, trailers, and semitrailers as defined in section 60-301
 15 or, on or after January 1, 1997, any sale of a motorboat as defined
 16 in section 37-1204.

17 Sec. 3. Section 77-2702.11, Reissue Revised Statutes of
 18 Nebraska, is amended to read:

19 77-2702.11. Purchase shall mean any transfer of title or
 20 possession, exchange, barter, lease, or rental, conditional or
 21 otherwise, in any manner or by any means, of property for a
 22 consideration, including a transfer of the possession of property
 23 in which the seller retains the title as security for the payment
 24 of the price and a transfer for a consideration of property which
 25 has been produced, fabricated, or printed to the special order of
 26 the customer. Purchase shall also mean the provision of a service
 27 for a consideration.

1 Sec. 6. Section 77-2702.15, Revised Statutes Supplement,
 2 2000, is amended to read:

3 77-2702.15. Sale shall mean any transfer of title or
 4 possession or segregation in contemplation of transfer of title or
 5 possession, exchange, barter, lease, or rental, conditional or
 6 otherwise, in any manner or by any means, of property for a
 7 consideration or the provision of service for a consideration.

8 Sale shall include, but not be limited to:

- 9 (1) The producing, fabricating, processing, printing, or
 10 imprinting of property for a consideration for consumers who
 11 furnish either directly or indirectly the materials used in the
 12 producing, fabricating, processing, printing, or imprinting;
- 13 (2) The furnishing and distributing of property for a
 14 consideration by social clubs and fraternal organizations to their
 15 members or others;
- 16 (3) The furnishing, preparing, or serving for a
 17 consideration of food, meals, or drinks;
- 18 (4) A transaction whereby the possession of property is
 19 transferred but the seller retains the title as security for the
 20 payment of the price;
- 21 (5) A transfer for a consideration of the title or
 22 possession of property which has been produced, fabricated, or

23 printed to the special order of the customer; and
24 (6) The renting or furnishing for periods of less than
25 thirty days of any room or rooms, lodgings, or accommodations in
26 any hotel, motel, inn, tourist camp, tourist cabin, or any other
27 place, except a health care facility licensed under the Health Care
1 Facility Licensure Act in which rooms, lodgings, or accommodations
2 are regularly furnished for a consideration or a facility operated
3 by an educational institution established under Chapter 79 or
4 Chapter 85 in which rooms are regularly used to house students for
5 a consideration for periods in excess of thirty days.

6 Sec. 13. Section 77-2704.30, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 77-2704.30. The use tax imposed in the Nebraska Revenue
9 Act of 1967 shall not apply to:

10 (1) The use in this state of materials and replacement
11 parts which are acquired outside this state and which are moved
12 into this state for use directly in the repair, installation, or
13 application and maintenance or manufacture of motor vehicles,
14 watercraft, railroad rolling stock, whether owned by a railroad or
15 by any person, whether a common or contract carrier or otherwise,
16 or aircraft engaged as common or contract carriers; and

17 (2) The storage, use, or consumption of property which is
18 acquired outside this state, the sale, lease, or rental or the
19 storage, use, or consumption of which property and any associated
20 labor would be exempt from the sales or use tax were it purchased
21 within this state.

22 Sec. 14. Section 77-2704.31, Revised Statutes
23 Supplement, 2001, is amended to read:

24 77-2704.31. If any person who causes property or service
25 to be brought into this state has already paid a tax in another
26 state with respect to the sale or use of such property or service
27 in an amount less than the tax imposed by sections 13-319, 13-2813,
1 77-2703, and 77-27,142, the provisions of subsection (2) of section
2 77-2703 shall apply, but at a rate measured by the difference only
3 between the rate imposed by such sections and the rate by which the
4 previous tax on the sale or use was computed. If such tax imposed
5 and paid in such other state is equal to or more than the tax
6 imposed by such sections, then no use tax shall be due in this
7 state on such property if such other state, territory, or
8 possession grants a reciprocal exclusion or exemption to similar
9 transactions in this state."

10 2. On page 4, strike beginning with "and" in line 20
11 through line 23 and insert

12 "(d) The gross income received for computer software
13 training and telephone directory advertising;

14 (e) The gross income received for installing and applying
15 tangible personal property if the sale of the property is subject
16 to tax; and

17 (f) The gross income received for repair labor performed

- 18 to tangible personal property, except for repairs to motor
19 vehicles.".
- 20 3. On page 5, line 9; and page 14, line 10, after
21 "returned" insert "or rejected".
- 22 4. On page 6, line 24, after "property" insert "and any
23 associated labor".
- 24 5. On page 7, line 27; and page 11, line 13, after
25 "estate" insert "and any associated labor".
- 26 6. On page 10, lines 11 and 14, after "property" insert
27 "or services"; and in line 21 after "parts" insert "and any
1 associated labor".
- 2 7. On page 15, line 23, strike "and" and insert an
3 underscored comma; and in line 25 after "state" insert ", and for
4 business services under subdivision (4)(d) of section 77-2702.07 if
5 the services are performed at a location that is within this state
6 for a customer located within this state".
- 7 8. On page 28, lines 15 and 16, strike the new matter;
8 and in line 16 after "property" insert "and any associated labor,
9 or the gross receipts from the provision of services within this
10 state.".
- 11 9. On page 37, line 26, strike "not"; and in line 27
12 after the period insert "Twenty percent of the total amount of
13 bonus depreciation added back by this subsection may be subtracted
14 in the first taxable year beginning or deemed to begin on or after
15 January 1, 2006, under the Internal Revenue Code of 1986, as
16 amended, and twenty percent in each of the next four following
17 taxable years.".
- 18 10. On page 39, strike lines 5 through 16 and insert
19 "(c) Beginning with school fiscal year 2002-03 through
20 school fiscal year 2004-05, school districts and multiple-district
21 school systems may, upon a three-fourths majority vote of the
22 school board of the school district, the board of the unified
23 system, or the school board of the high school district of the
24 multiple-district school system that is not a unified system,
25 exceed the maximum levy prescribed by subdivision (2)(a) of this
26 section in an amount equal to the net difference between the amount
27 of state aid that would have been provided under the Tax Equity and
1 Educational Opportunities Support Act without the changes made by
2 Legislative Bill 898, Ninety-seventh Legislature, Second Session,
3 2002, for the ensuing school fiscal year for the school district or
4 multiple-district school system and the amount provided under the
5 act as amended by Legislative Bill 898, Ninety-seventh Legislature,
6 Second Session, 2002. The State Department of Education shall
7 certify to the school districts and multiple-district school
8 systems the amount by which the maximum levy may be exceeded
9 pursuant to subdivision (2)(c) of this section on or before May 15,
10 2002, for school fiscal year 2002-03, February 15, 2003, for school
11 fiscal year 2003-04, and February 15, 2004, for school fiscal year
12 2004-05.".

13 11. Renumber the remaining sections and correct the
14 repealer and the operative date section so that the sections added
15 by this amendment become operative October 1, 2002.

Senator Smith filed the following amendment to LB 1073:
(Amendment, AM3424, may be found in the Bill Books. The amendment
has been printed separately and is on file in the Bill Room - Room 1102.)

MOTION - Print in Journal

Senator Brashear filed the following motion to LB 82A:
Indefinitely postpone.

AMENDMENTS - Print in Journal

Senator Beutler filed the following amendment to LB 1003:
AM3343

(Amendments to E & R amendments, AM7187)

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 37-101, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 37-101. (1) The Game and Parks Commission shall consist
- 5 of ~~seven~~ eight members, one from each of the ~~seven~~ eight districts
- 6 provided for by section 37-102, and shall be appointed by the
- 7 Governor with the consent of a majority of all members of the
- 8 Legislature. Members of the commission shall be legal residents
- 9 and citizens of Nebraska and shall be well informed on wildlife
- 10 conservation and restoration. At least two members of the
- 11 commission shall be actually engaged in agricultural pursuits and
- 12 shall reside on a farm or ranch, and not more than four of the
- 13 members of the commission shall be affiliated with the same
- 14 political party.
- 15 (2) When the term of any member of the commission
- 16 expires, ~~the Governor shall appoint~~ a successor shall be appointed
- 17 as provided in subsection (1) of this section for a term of five
- 18 years from the same district as the member whose term has expired.
- 19 Beginning with appointments made for terms beginning after January
- 20 1, 2008, in districts which contain more than one county, the
- 21 Governor shall not appoint a person from the same county as his or
- 22 her predecessor. Each member shall serve until the appointment and
- 23 qualification of his or her successor. In case of a vacancy
- 1 occurring prior to the expiration of the term of a member, the
- 2 appointment shall be made only for the remainder of the term.
- 3 (3) All members of the commission shall be citizens and
- 4 bona fide residents of the district from which they are appointed.
- 5 When a member ceases to be a bona fide resident of the district,
- 6 from which he or she was appointed, the office shall be immediately
- 7 vacated.
- 8 (4) If the Legislature is not in session when members of
- 9 the commission are appointed by the Governor, they shall take
- 10 office and act as recess appointees until the Legislature next

11 thereafter convenes.

12 (5) Members may be removed by the Governor for
13 inefficiency, neglect of duty, or misconduct in office, but only
14 after delivering to the member a copy of the charges and affording
15 an opportunity of being publicly heard in person or by counsel in
16 his or her own defense, upon not less than ten days' notice. Such
17 hearing shall be held before the Governor.

18 (6) If such member is removed, the Governor shall file in
19 the office of the Secretary of State a complete statement of all
20 charges made against such member and his or her findings thereon,
21 together with a complete record of the proceedings. No person who
22 has served a full five-year term shall be eligible for
23 reappointment as a member of the commission until at least five
24 years have elapsed between any previous term which he or she might
25 have served and the effective date of his or her new appointment.

26 Sec. 2. Section 37-102, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 37-102. For purposes of section 37-101, the state is
2 hereby divided into ~~seven~~ eight districts. The limits and
3 designations of the ~~seven~~ eight districts shall be as follows:

4 (1) District No. 1. The counties of Richardson, Pawnee,
5 Nemaha, Johnson, Otoe, Cass, ~~Lancaster~~ Sarpy, Saunders, Butler,
6 Gage, Seward, Saline, and Jefferson;

7 (2) District No. 2. ~~The counties of Sarpy and Douglas~~
8 County;

9 (3) District No. 3. The counties of Washington, Dodge,
10 Colfax, Platte, Merrick, Nance, Boone, Madison, Stanton, Cuming,
11 Burt, Thurston, Wayne, Pierce, Antelope, Knox, Cedar, Dixon, and
12 Dakota;

13 (4) District No. 4. The counties of Thayer, Nuckolls,
14 Webster, Adams, Clay, Fillmore, York, Polk, Hamilton, Hall,
15 Buffalo, Kearney, and Franklin;

16 (5) District No. 5. The counties of Harlan, Furnas, Red
17 Willow, Hitchcock, Dundy, Chase, Hayes, Frontier, Gosper, Phelps,
18 Dawson, Lincoln, and Perkins;

19 (6) District No. 6. The counties of Howard, Greeley,
20 Wheeler, Sherman, Valley, Garfield, Holt, Boyd, Keya Paha, Rock,
21 Brown, Loup, Blaine, Custer, Logan, McPherson, Arthur, Grant,
22 Hooker, Thomas, and Cherry; ~~and~~

23 (7) District No. 7. The counties of Deuel, Garden,
24 Keith, Sheridan, Cheyenne, Morrill, Box Butte, Dawes, Sioux, Scotts
25 Bluff, Banner, and Kimball; ~~and~~

26 (8) District No. 8. Lancaster County."

27 2. Renumber the remaining sections and correct the
1 repealer and internal references accordingly.

Senator Bromm filed the following amendment to LB 1303:
AM3446

(Amendments to Standing Committee amendments, AM3134)

1 1. On page 1, line 10, after "counsel" insert "for
2 criminal offenses".

MESSAGE FROM THE GOVERNOR

March 24, 2002

President, Speaker Kristensen,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Kristensen and Members:

Contingent upon your approval, the following individual has been reappointed to the Nebraska Power Review Board.

APPOINTEE:

Louis E. Lamberty, 320 N. 68th St, Omaha NE 68132

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

COMMUNICATIONS

April 2, 2002

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

Dear Mr. O'Donnell:

Pursuant to the provisions of Section 85-404, Reissue Revised Statutes of Nebraska, 1943, as amended, the Board of Trustees of the Nebraska State Colleges is submitting to the Legislature for its consideration resolutions authorizing Peru State College and Wayne State College to issue Revenue Bond funding to accomplish several projects at the residence halls.

The resolutions that were adopted by the Board of Trustees authorize the following:

1. Peru State College - renovate a portion of Morgan Hall at Peru State College, and

2. Wayne State College - renovate Neihardt Hall and make fire and life safety improvements at Bowen Hall and other residence halls as funding allows.

Attached are other materials relating to this request, including information about the projects, a copy of the statutes under which the projects are being submitted, and a copy of the letter from the Coordinating Commission recommending Legislative approval for these projects.

If there are any questions about this manner, please feel free to contact me.

Sincerely,
(Signed) Stan Carpenter
Executive Director

Enclosures

cc: Phil Hovis, Analyst, Legislative Fiscal Office

April 2, 2002

Senator George Coordsen
Chairman, Executive Board
Room 2010, State Capitol Building
Lincoln, NE 68509

Dear Senator Coordsen,

Enclosed is correspondence from Mr. Stan Carpenter, Executive Director for the Nebraska State Colleges. The communication involves a resolution authorizing Peru State College and Wayne State College to issue Revenue Bond funding to accomplish several projects at the residence halls.

1. Peru State College - renovate a portion of Morgan Hall.
2. Wayne State College - renovate Neihardt Hall and make fire and safety improvements at Bowen Hall and other residence halls as funding allows.

I am forwarding this correspondence to you for reference to the appropriate standing committee.

Sincerely
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk

SELECT FILE

LEGISLATIVE BILL 1089. Senator Jensen renewed his pending amendment, AM2695, found on page 712.

The Jensen amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Senator Kristensen requested a record vote on the advancement of the bill.

Voting in the affirmative, 31:

| | | | | |
|----------|------------|---------------|------------|------------|
| Baker | Cunningham | Kruse | Raikes | Thompson |
| Bourne | Foley | Landis | Redfield | Tyson |
| Brashear | Hartnett | Maxwell | Robak | Wickersham |
| Bromm | Hudkins | Pedersen, Dw. | Schimek | |
| Brown | Janssen | Preister | Smith | |
| Bruning | Jensen | Price | Suttle | |
| Connealy | Kristensen | Quandahl | Synowiecki | |

Voting in the negative, 9:

| | | | | |
|---------|--------|---------|---------|----------|
| Burling | Dierks | Kremer | Stuhr | Wehrbein |
| Byars | Erdman | Schrock | Vrtiska | |

Present and not voting, 7:

| | | | |
|---------|----------|----------|--------------|
| Aguilar | Chambers | Jones | Pederson, D. |
| Beutler | Cudaback | McDonald | |

Excused and not voting, 2:

| | |
|---------|-------|
| Coorsen | Engel |
|---------|-------|

Advanced to E & R for engrossment with 31 ayes, 9 nays, 7 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 29. Advanced to E & R for engrossment.

LEGISLATIVE BILL 935. E & R amendment, AM7183, found on page 985, was adopted.

Senator Vrtiska renewed his pending amendment, AM3112, found on page 959.

Senator Tyson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Vrtiska amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 384. E & R amendment, AM7184, printed separately and referred to on page 1003, was adopted.

Senator Quandahl renewed the Quandahl et al. pending amendment, AM3283, printed separately and referred to on page 1135.

The Quandahl et al. amendment was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Senator Stuhr withdrew her pending amendment, AM3295, found on page 1258.

Senator Stuhr offered the following amendment:
AM3471

(Amendments to E & R amendments, AM7184)

- 1 1. Insert the following new sections:
- 2 "Sec. 23. Section 16-230, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 16-230. (1) A city of the first class by ordinance may
- 5 require lots or pieces of ground within the city or within two
- 6 miles of the corporate limits of the city to be drained or filled
- 7 so as to prevent stagnant water or any other nuisance accumulating
- 8 thereon. It may require the owner or occupant of all lots and
- 9 pieces of ground within the city to keep the lots and pieces of
- 10 ground and the adjoining streets and alleys free of any growth of
- 11 twelve inches or more in height of weeds, grasses, or worthless
- 12 vegetation, and it may prohibit and control the throwing,
- 13 depositing, or accumulation of litter on any lot or piece of ground
- 14 within the city.
- 15 (2) Any city of the first class may by ordinance declare
- 16 it to be a nuisance to permit or maintain any growth of twelve
- 17 inches or more in height of weeds, grasses, or worthless vegetation
- 18 or to litter or cause litter to be deposited or remain thereon
- 19 except in proper receptacles.
- 20 (3) Any owner or occupant of a lot or piece of ground
- 21 shall, upon conviction of violating such ordinance, be guilty of a
- 22 Class V misdemeanor.
- 23 (4) Notice to abate and remove such nuisance shall be
- 1 given to each owner or owner's duly authorized agent and to the
- 2 occupant, if any, by personal service or certified mail. Within
- 3 five days after receipt of such notice, if the owner or occupant of
- 4 the lot or piece of ground does not request a hearing with the city
- 5 ~~or~~ and fails to comply with the order to abate and remove the
- 6 nuisance, the city may have such work done. Certified mail sent to
- 7 the last-known address of the owner or the duly authorized agent as
- 8 it appears on the rolls of the county assessor on the date the mail
- 9 is sent shall constitute notice.
- 10 (5) If the owner or occupant of the lot or piece of
- 11 ground violates such an ordinance again within sixty days after a

12 notice to abate and remove the nuisance, the notice to abate the
13 second and subsequent nuisances shall be mailed by first-class
14 mail. Within ten days after the mailing of such notice, if the
15 owner or occupant of the lot or piece of ground does not request a
16 hearing with the city and fails to comply with the order to abate
17 and remove the nuisance, the city may have such work done.

18 (6) The costs and expenses of any such work shall be paid
19 by the owner. If unpaid for ~~two months~~ four weeks after such work
20 is done, the city may either (a) ~~levy and assess the costs and~~
21 ~~expenses of the work upon the lot or piece of ground so benefited~~
22 ~~in the same manner as other special taxes for improvements are~~
23 ~~levied and assessed or (b) recover in a civil action the costs and~~
24 ~~expenses of the work upon the lot or piece of ground and the~~
25 ~~adjoining streets and alleys. Any costs and expenses that remain~~
26 ~~unpaid for a period of four weeks after such work is done shall be~~
27 ~~a lien on the lot or piece of ground and be assessed as a special~~

1 assessment, which special assessment shall be certified by the city
2 clerk to the county clerk of the county in which the lot or piece
3 of ground is situated. The county clerk shall thereupon place the
4 same on the tax rolls for collection, subject to the same penalties
5 and to be collected in like manner as other special assessments.

6 ~~(5)~~ (7) For purposes of this section:

7 (a) Litter shall include, but not be limited to: (i)
8 Trash, rubbish, refuse, garbage, paper, rags, and ashes; (ii) wood,
9 plaster, cement, brick, or stone building rubble; (iii) grass,
10 leaves, and worthless vegetation; (iv) offal and dead animals; and
11 (v) any machine or machines, vehicle or vehicles, or parts of a
12 machine or vehicle which have lost their identity, character,
13 utility, or serviceability as such through deterioration,
14 dismantling, or the ravages of time, are inoperative or unable to
15 perform their intended functions, or are cast off, discarded, or
16 thrown away or left as waste, wreckage, or junk; and

17 (b) Weeds shall include, but not be limited to, bindweed
18 (*Convolvulus arvensis*), puncture vine (*Tribulus terrestris*), leafy
19 spurge (*Euphorbia esula*), Canada thistle (*Cirsium arvense*),
20 perennial peppergrass (*Lepidium draba*), Russian knapweed (*Centaurea*
21 *picris*), Johnson grass (*Sorghum halepense*), nodding or musk
22 thistle, quack grass (*Agropyron repens*), perennial sow thistle
23 (*Sonchus arvensis*), horse nettle (*Solanum carolinense*), bull
24 thistle (*Cirsium lanceolatum*), buckthorn (*Rhamnus sp.*) (tourn),
25 hemp plant (*Cannabis sativa*), and ragweed (*Ambrosiaceae*).

26 Sec. 27. Section 17-563, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 17-563. (1) Each city of the second class and village by
2 ordinance may require lots or pieces of ground within the city or
3 village to be drained or filled so as to prevent stagnant water or
4 any other nuisance accumulating thereon. It may require the owner
5 or occupant of any lot or piece of ground within the city or
6 village to keep the lot or piece of ground and the adjoining

7 streets and alleys free of any growth of twelve inches or more in
 8 height of weeds, grasses, or worthless vegetation, and it may
 9 prohibit and control the throwing, depositing, or accumulation of
 10 litter on any lot or piece of ground within the city or village.

11 (2) Any city of the second class and village may by
 12 ordinance declare it to be a nuisance to permit or maintain any
 13 growth of twelve inches or more in height of weeds, grasses, or
 14 worthless vegetation or to litter or cause litter to be deposited
 15 or remain thereon except in proper receptacles.

16 (3) Any owner or occupant of a lot or piece of ground
 17 shall, upon conviction of violating such ordinance, be guilty of a
 18 Class V misdemeanor.

19 (4) Notice to abate and remove such nuisance shall be
 20 given to each owner or owner's duly authorized agent and to the
 21 occupant, if any, by personal service or certified mail. Within
 22 five days after receipt of such notice, if the owner or occupant of
 23 the lot or piece of ground does not request a hearing with the city
 24 or village ~~or~~ and fails to comply with the order to abate and
 25 remove the nuisance, the city or village may have such work done.
 26 Certified mail sent to the last-known address of the owner or the
 27 duly authorized agent as it appears on the rolls of the county

1 assessor on the date the mail is sent shall constitute notice.

2 (5) If the owner or occupant of the lot or piece of
 3 ground subsequently violates such an ordinance again within sixty
 4 days after a notice to abate and remove the nuisance, the notice to
 5 abate the second and subsequent nuisances shall be mailed by
 6 first-class mail. Within ten days after the mailing of such
 7 notice, if the owner or occupant of the lot or piece of ground does
 8 not request a hearing with the city or village and fails to comply
 9 with the order to abate and remove the nuisance, the city or
 10 village may have such work done.

11 (6) The costs and expenses of any such work shall be paid
 12 by the owner. If unpaid for ~~two months~~ four weeks after such work
 13 is done, the city or village may ~~either (a) levy and assess the~~
 14 ~~costs and expenses of the work upon the lot or piece of ground so~~
 15 ~~benefited in the same manner as other special taxes for~~
 16 ~~improvements are levied and assessed or (b) recover in a civil~~
 17 ~~action the costs and expenses of the work upon the lot or piece of~~
 18 ~~ground and the adjoining streets and alleys. Any costs and~~
 19 ~~expenses that remain unpaid for a period of four weeks after such~~
 20 ~~work is done shall be a lien on the lot or piece of ground and be~~
 21 ~~assessed as a special assessment, which special assessment shall be~~
 22 ~~certified by the city or village clerk to the county clerk of the~~
 23 ~~county in which the lot or piece of ground is situated. The county~~
 24 ~~clerk shall thereupon place the same on the tax rolls for~~
 25 ~~collection, subject to the same penalties and to be collected in~~
 26 ~~like manner as other special assessments.~~

27 ~~(5)~~ (7) For purposes of this section:

1 (a) Litter shall include, but not be limited to: (i)

2 Trash, rubbish, refuse, garbage, paper, rags, and ashes; (ii) wood,
 3 plaster, cement, brick, or stone building rubble; (iii) grass,
 4 leaves, and worthless vegetation; (iv) offal and dead animals; and
 5 (v) any machine or machines, vehicle or vehicles, or parts of a
 6 machine or vehicle which have lost their identity, character,
 7 utility, or serviceability as such through deterioration,
 8 dismantling, or the ravages of time, are inoperative or unable to
 9 perform their intended functions, or are cast off, discarded, or
 10 thrown away or left as waste, wreckage, or junk; and
 11 (b) Weeds shall include, but not be limited to, bindweed
 12 (*Convolvulus arvensis*), puncture vine (*Tribulus terrestris*), leafy
 13 spurge (*Euphorbia esula*), Canada thistle (*Cirsium arvense*),
 14 perennial peppergrass (*Lepidium draba*), Russian knapweed (*Centaurea*
 15 *picris*), Johnson grass (*Sorghum halepense*), nodding or musk
 16 thistle, quack grass (*Agropyron repens*), perennial sow thistle
 17 (*Sonchus arvensis*), horse nettle (*Solanum carolinense*), bull
 18 thistle (*Cirsium lanceolatum*), buckthorn (*Rhamnus sp.*) (toun),
 19 hemp plant (*Cannabis sativa*), and ragweed (*Ambrosiaceae*).
 20 Sec. 32. If any section in this act or any part of any
 21 section is declared invalid or unconstitutional, the declaration
 22 shall not affect the validity or constitutionality of the remaining
 23 portions."
 24 2. Renumber the remaining sections and correct the
 25 repealer accordingly.

Senators Maxwell and Aguilar asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER KRISTENSEN PRESIDING

Senator Stuhr withdrew her amendment.

Advanced to E & R for engrossment.

SELECT COMMITTEE REPORTS **Enrollment and Review**

LEGISLATIVE BILL 642. Placed on Select File as amended.
 E & R amendment to LB 642:
 AM7212

1 1. Because of the amendment of section 28-726 by Laws
 2 2001, LB 214, strike original section 8 and insert the following
 3 new section:
 4 "Sec. 8. Section 28-726, Revised Statutes Supplement,
 5 2001, is amended to read:
 6 28-726. Except as provided in this section, ~~and~~ section
 7 28-722, and sections 1 to 6 of this act, no person, official, or
 8 agency shall have access to such records unless in furtherance of
 9 purposes directly connected with the administration of sections

10 28-710 to 28-727. Such persons, officials, and agencies having
 11 access to such records shall include, but not be limited to:

12 (1) A law enforcement agency investigating a report of
 13 known or suspected abuse or neglect;

14 (2) A county attorney in preparation of an abuse,
 15 neglect, or termination petition;

16 (3) A physician who has before him or her a child whom he
 17 or she reasonably suspects may be abused or neglected;

18 (4) An agency having the legal responsibility or
 19 authorization to care for, treat, or supervise an abused or
 20 neglected child or a parent, a guardian, or other person
 21 responsible for the abused or neglected child's welfare who is the
 22 subject of a report;

23 (5) Any person engaged in bona fide research or auditing.
 24 No information identifying the subjects of the report shall be made
 1 available to the researcher or auditor;

2 (6) The State Foster Care Review Board when the records
 3 relate to a child in a foster care placement as defined in section
 4 43-1301. The records provided to the state board shall not include
 5 the name or identity of any person making a report of suspected
 6 child abuse or neglect;

7 (7) The designated protection and advocacy system
 8 authorized pursuant to the Developmental Disabilities Assistance
 9 and Bill of Rights Act, 42 U.S.C. 6000, as the act existed on
 10 September 1, 2001, and the Protection and Advocacy for Mentally Ill
 11 Individuals Act, 42 U.S.C. 10801, as the act existed on September
 12 1, 2001, acting upon a complaint received from or on behalf of a
 13 person with developmental disabilities or mental illness;

14 (8) The person or persons having custody of the abused or
 15 neglected child in situations of alleged out-of-home abuse or
 16 neglect; and

17 (9) For purposes of licensing providers of child care
 18 programs, the Department of Health and Human Services Regulation
 19 and Licensure."

20 2. On page 1, line 3; and page 6, line 16, strike "2000"
 21 and insert "2001".

22 3. On page 2, line 11, after "to" insert "sections 1 to
 23 6 of".

24 4. On page 3, line 4, strike "agency's" and insert
 25 "department's".

26 5. On page 4, line 13, after the first "the" insert
 27 "district"; and in line 18 after "disclose" insert "findings and".

LEGISLATIVE BILL 722. Placed on Select File as amended.

E & R amendment to LB 722:

AM7215

1 1. Because of the amendment of section 79-990 by Laws

2 2001, LB 711, in the Standing Committee amendments, AM0328:

3 a. Strike section 7 and insert the following new

4 section:

5 "Sec. 7. Section 79-990, Revised Statutes Supplement,
6 2001, is amended to read:

7 79-990. (1) Any member who is eligible for reemployment
8 on or after December 12, 1994, pursuant to 38 U.S.C. chapter 43, as
9 ~~such chapter existed on May 2, 2001~~ adopted under section 55-161,
10 ~~or who is eligible for reemployment under sections 55-160 to 55-163~~
11 section 55-160 may pay to the retirement system after the date of
12 his or her return from active military service, and within the
13 period required by law, not to exceed five years, an amount equal
14 to the sum of all deductions which would have been made from the
15 salary which he or she would have received during the period of
16 military service for which creditable service is desired. If such
17 payment is made, the member shall be entitled to credit for
18 membership service in determining his or her annuity for the period
19 for which contributions have been made and the board shall be
20 responsible for any funding necessary to provide for the benefit
21 which is attributable to this increase in the member's creditable
22 service. The member's payments shall be paid as the trustees may
23 direct, through direct payments to the retirement system or on an
24 installment basis pursuant to a binding irrevocable payroll

1 deduction authorization between the member and the school district.

2 Creditable service may be purchased only in one-half-year
3 increments, starting with the most recent year's salary.

4 (2) Under such rules and regulations as the board may
5 prescribe, any member who was away from his or her position while
6 on a leave of absence from such position authorized by the board of
7 education of the school district by which he or she was employed at
8 the time of such leave of absence or pursuant to any contractual
9 agreement entered into by such school district may receive credit
10 for any or all time he or she was on leave of absence. Such time
11 shall be included in creditable service when determining
12 eligibility for death, disability, termination, and retirement
13 benefits. The member who receives the credit shall earn benefits
14 during the leave based on salary at the level received immediately
15 prior to the leave of absence. Such credit shall be received if
16 such member pays into the retirement system (a) an amount equal to
17 the sum of the deductions from his or her salary for the portion of
18 the leave for which creditable service is desired, (b) any
19 contribution which the school district would have been required to
20 make for the portion of the leave for which creditable service is
21 desired had he or she continued to receive salary at the level
22 received immediately prior to the leave of absence, and (c) regular
23 interest on these combined payments from the date such deductions
24 would have been made to the date of repayment. Such amounts shall
25 be paid as the trustees may direct, through direct payments to the
26 retirement system or on an installment basis pursuant to a binding
27 irrevocable payroll deduction authorization between the member and
1 the school district over a period not to exceed five years from the

2 date of the termination of his or her leave of absence. Interest
 3 on any delayed payment shall be at the rate of regular interest.
 4 Creditable service may be purchased only in one-half-year
 5 increments, starting with the most recent years' salary, and if
 6 payments are made on an installment basis, creditable service will
 7 be credited only as payment has been made to the retirement system
 8 to purchase each additional one-half-year increment. Leave of
 9 absence shall be construed to include, but not be limited to,
 10 sabbaticals, maternity leave, exchange teaching programs, full-time
 11 leave as an elected official of a professional association or
 12 collective-bargaining unit, or leave of absence to pursue further
 13 education or study. A leave of absence granted pursuant to this
 14 section shall not exceed four years in length, and in order to
 15 receive credit for the leave of absence, the member must have
 16 returned to employment with the school district within one year
 17 after termination of the leave of absence.

18 (3) Until one year after May 2, 2001, any member
 19 currently employed by the school district who resigned from
 20 full-time employment with the school district for maternity
 21 purposes prior to September 1, 1979, and was reemployed as a
 22 full-time employee by the school district before the end of the
 23 school year following the school year of such member's resignation
 24 may have such absence treated as though the absence was a leave of
 25 absence described in subsection (2) of this section. The period of
 26 such absence for maternity purposes shall be included in creditable
 27 service when determining the member's eligibility for death,
 1 disability, termination, and retirement benefits if the member
 2 submits satisfactory proof to the board that the prior resignation
 3 was for maternity purposes and the member complies with the payment
 4 provisions of subsection (2) of this section before the one-year
 5 anniversary of May 2, 2001."; and

6 b. On page 8, line 20, after the second comma insert
 7 "and" and strike "and 79-990,"; and in line 21 after the comma
 8 insert "and section 79-990, Revised Statutes Supplement, 2001,".
 9 2. On page 1, strike beginning with the "provide" in
 10 line 1 through line 2 and insert "amend sections 48-230, 48-231,
 11 55-160, 55-161, 55-164, and 55-165, Reissue Revised Statutes of
 12 Nebraska, and section 79-990, Revised Statutes Supplement, 2001; to
 13 change and eliminate provisions relating to absence from employment
 14 for military purposes; to change provisions relating to penalties
 15 as prescribed; to repeal the original sections; and to outright
 16 repeal sections 55-162 and 55-163, Reissue Revised Statutes of
 17 Nebraska."

LEGISLATIVE BILL 1086. Placed on Select File as amended.

E & R amendment to LB 1086:

AM7213

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:

3 "Section 1. Beginning January 1 of the year in which the
4 Governor is elected and continuing through the day of the general
5 election during such year, no state funds shall be used for any
6 advertising or promotional materials which refer to any one or more
7 of the following state officeholders by name: Governor, Lieutenant
8 Governor, Secretary of State, State Treasurer, Attorney General, or
9 Auditor of Public Accounts.

10 Sec. 2. Section 32-1603, Revised Statutes Supplement,
11 2001, is amended to read:

12 32-1603. For purposes of the Campaign Finance Limitation
13 Act, the definitions found in sections 49-1404 to 49-1444 shall be
14 used, except that:

15 (1) Covered elective office means (a) the Legislature in
16 any election period and (b) the Governor, State Treasurer,
17 Secretary of State, Attorney General, Auditor of Public Accounts,
18 the Public Service Commission, the Board of Regents of the
19 University of Nebraska, and the State Board of Education if
20 designated as covered for a given election period pursuant to
21 section 32-1611;

22 (2) Election period means (a) the period beginning
23 January 1 of the calendar year prior to the year of the election in
24 which the candidate is seeking office through the end of the
1 calendar year of such election for covered elective offices listed
2 in subdivision (1)(a) of this section and (b) the period beginning
3 July 1 of the calendar year prior to the year of the election in
4 which the candidate is seeking office through the end of the
5 calendar year of such election for covered elective offices listed
6 in subdivision (1)(b) of this section;

7 (3) Expenditure means the purchase for campaign
8 activities of (a) services from a communications medium, including
9 production costs, (b) printing, photography, graphic arts, or
10 advertising services, (c) office supplies, (d) postage and other
11 commercial delivery services, (e) meals, lodging, and travel
12 expenses, and (f) staff salaries;

13 (4) General election period means the period beginning
14 with the day following the end of the primary election period
15 through the end of the election period;

16 (5) Primary election period means the period beginning
17 with the first day of the election period through the thirty-fifth
18 day following the primary election; and

19 (6) Unrestricted spending means expenditures or transfers
20 of funds authorized under subdivision (1)(f), ~~or~~ (h), or (i) of
21 section 49-1446.01.

22 Sec. 3. Section 49-1446.01, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 49-1446.01. No committee, other than a political party
25 committee, may expend or transfer funds except to make an
26 expenditure, as defined in subsection (1), (2), or (3) of section
27 49-1419, or as provided in this section. Any committee, including

1 a political party committee, may:

2 (1) Make expenditures or transfer funds after any
3 election for: (a) The necessary continued operation of the campaign
4 office or offices of the candidate or political committee; (b)
5 social events primarily for the benefit of campaign workers and
6 volunteers or constituents; (c) obtaining public input and opinion;
7 (d) repayment of campaign loans incurred prior to election day; (e)
8 newsletters and other communications of information, thanks,
9 acknowledgment, or greetings, or for the purpose of political
10 organization and planning; (f) gifts of acknowledgment, including
11 flowers and charitable contributions, except that gifts to any one
12 natural person shall not exceed fifty dollars in any one calendar
13 year; (g) meals, lodging, and travel by an officeholder related to
14 his or her candidacy and for members of the immediate family of the
15 officeholder when involved in activities related to his or her
16 candidacy; ~~and~~ (h) conference fees, meals, lodging, and travel by
17 an officeholder and his or her staff when involved in activities
18 related to the duties of his or her public office; and (i) in the
19 case of the candidate committee for the Governor, conference fees,
20 meals, lodging, and travel by the Governor, his or her staff, and
21 his or her immediate family, when involved in activities related to
22 the duties of the Governor;

23 (2) Make expenditures or transfer funds for the payment
24 of installation and use of telephone and telefax machines located
25 in an officeholder's public office and used by such officeholder;
26 and

27 (3) Invest funds in investments authorized in the
1 Nebraska Capital Expansion Act and the Nebraska State Funds
2 Investment Act for the state investment officer.

3 Nothing in this section shall prohibit a separate
4 segregated political fund from disbursing funds as provided in
5 section 49-1469.

6 Sec. 4. Section 49-14,101.01, Revised Statutes
7 Supplement, 2001, is amended to read:

8 49-14,101.01. (1) A public official or public employee
9 shall not use or authorize the use of, for personal financial gain,
10 financial gain of a member of his or her immediate family, or
11 financial gain of a business with which he or she is associated,
12 other than compensation provided by law, (a) that person's public
13 office or any confidential information received through the holding
14 of a public office or (b) personnel, resources, property, or funds
15 under that person's official care and control other than in
16 accordance with prescribed constitutional, statutory, and
17 regulatory procedures.

18 (2) A public official shall not accept a gift of travel
19 or lodging or a gift of reimbursement for travel or lodging if the
20 gift is made so that a member of the public official's immediate
21 family can accompany the public official in the performance of his
22 or her official duties.

23 (3) A member of the immediate family of a public official
 24 shall not accept a gift of travel or lodging or a gift of
 25 reimbursement for travel or lodging if the gift is made so that a
 26 member of the public official's immediate family can accompany the
 27 public official in the performance of his or her official duties.

1 (4) This section does not prohibit the Executive Board of
 2 the Legislative Council from adopting policies that allow a member
 3 of the Legislature to install and use with private funds a
 4 telephone line, telephone, and telefax machine in his or her public
 5 office for private purposes.

6 ~~(3)~~ (5) Except as provided in section 23-3113, any person
 7 violating this section shall be guilty of a Class III misdemeanor,
 8 except that no vote by any member of the Legislature shall subject
 9 such member to any criminal sanction under this section.

10 Sec. 5. Original section 49-1446.01, Reissue Revised
 11 Statutes of Nebraska, and sections 32-1603 and 49-14,101.01,
 12 Revised Statutes Supplement, 2001, are repealed."

13 2. On page 1, strike lines 2 through 5 and insert "amend
 14 section 49-1446.01, Reissue Revised Statutes of Nebraska, and
 15 sections 32-1603 and 49-14,101.01, Revised Statutes Supplement,
 16 2001; to prohibit the use of state funds for certain advertising or
 17 promotional materials; to provide for expenditure of campaign funds
 18 for travel expenses as prescribed; to prohibit the acceptance of
 19 certain gifts by public officials and their immediate family
 20 members; to harmonize provisions; and to repeal the original
 21 sections."

LEGISLATIVE BILL 1062. Placed on Select File as amended.

(E & R amendment, AM7214, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 1105. Placed on Select File as amended.

E & R amendment to LB 1105:

AM7216

1 1. In the Bromm amendment, AM3382:
 2 a. Strike sections 479 and 480 and insert the following
 3 new sections:
 4 "Sec. 505. Section 79-1328, Revised Statutes Supplement,
 5 2001, as amended by section 8, Legislative Bill 3, Ninety-seventh
 6 Legislature, First Special Session, 2001, is amended to read:
 7 79-1328. (1) For fiscal years 2001-02 and 2002-03, the
 8 Excellence in Education Council shall grant up to one million five
 9 hundred thousand dollars per fiscal year to a grantee for a
 10 distance education network completion grant. The distance
 11 education network completion grant shall fund engineering,
 12 equipment, and installation charges for two-way interactive
 13 distance education capacity for public high school buildings that
 14 do not currently have such capacity. The grant application shall:

- 15 (a) Designate the State Department of Education as the
 16 fiscal agent for the grant;
- 17 (b) Specify criteria for determining the public high
 18 school buildings for which the grant will fund engineering,
 19 equipment, and installation charges;
- 20 (c) Specify criteria for determining the engineering,
 21 equipment, and installation charges which the grant will fund;
- 22 (d) Specify the technique for prorating funding and
 23 collecting funds from districts if the charges for engineering,
 24 equipment, and installation for the public high school buildings
 1 for which grant funds are used exceed the grant funds available;
- 2 (e) Specify the procedure for assuring that all projects
 3 meet the standards of the technical panel created in section
 4 ~~86-1511~~ 295 of this act, including periodic reviews of projects by
 5 the technical panel;
- 6 (f) Specify the timeline for completing a statewide
 7 two-way interactive distance education network that includes all
 8 participating public high schools; and
- 9 (g) Specify that any equipment obtained through a grant
 10 is the property of the school district and not the department.
- 11 (2) For a public high school to participate in the grant,
 12 the school district must apply to the department as the fiscal
 13 agent on a form prescribed by the department on or before a date
 14 established by the department. The application shall require
 15 evidence that the school district has made a commitment to be part
 16 of a distance education consortium and that the distance education
 17 consortium has accepted the district's commitment. The application
 18 shall also require the applicant district to list the classes that
 19 the district anticipates accessing from the consortium or a
 20 community college and any classes that the district anticipates
 21 that it will offer to other districts in the consortium through
 22 distance education.
- 23 (3) The department as the fiscal agent may use up to
 24 twenty-five thousand dollars per fiscal year of the grant funds to
 25 fund a project manager.
- 26 Sec. 514. Original sections 28-109, 39-101, 60-102,
 27 60-471, 60-501, 60-636, 60-638, 60-639, 60-640, 60-678, 60-6,142,
 1 60-6,144, 60-6,226, 60-6,241, 60-6,349, and 60-6,351, Reissue
 2 Revised Statutes of Nebraska, sections 60-311.14, 60-680, and
 3 60-1417.01, Revised Statutes Supplement, 2000, and sections 60-301,
 4 60-4,182, and 60-601, Revised Statutes Supplement, 2001, are
 5 repealed.";
- 6 b. On page 6, line 21, strike "are" and insert "is";
- 7 c. On page 10, line 11, after "75-144" insert an
 8 underscored comma;
- 9 d. On page 31, line 20, after the first "commission"
 10 insert an underscored comma;
- 11 e. On page 38, line 1, strike "complainant" and insert
 12 "complainants";

- 13 f. On page 110, line 4, strike "(i)", show as stricken,
 14 and insert "(a)"; in line 5 strike "(ii)", show as stricken, and
 15 insert "(b)"; in line 7, strike "(iii)", show as stricken, and
 16 insert "(c)"; and in line 8 strike "(iv)", show as stricken, and
 17 insert "(d)";
- 18 g. On page 138, line 11, strike the comma and show as
 19 stricken; and in line 19 strike the underscored comma;
- 20 h. On page 153, line 5, strike the first comma and show
 21 as stricken; in lines 13 and 14 strike "Public Service Commission",
 22 show as stricken, and insert "commission"; and in lines 20 and 21
 23 strike the new matter and reinstate the stricken matter;
- 24 i. On page 213, line 1, after the first "council" insert
 25 an underscored comma;
- 26 j. On page 267, line 19; and page 268, line 5, strike
 27 "7-501," show as stricken, and insert "Uniform Commercial Code, or
 1 section 7-501";
- 2 k. On page 270, line 6, reinstate the stricken comma;
- 3 l. On page 284, line 4, after the first comma insert
 4 "or";
- 5 m. On page 287, line 2, after "metering" insert an
 6 underscored comma;
- 7 n. On page 310, line 15, before "constructs" insert
 8 "who";
- 9 o. On page 363, line 10, strike "81-1190 to 81-1192,";
 10 in line 22 after "75-122.01," insert "75-126,"; in line 23 strike
 11 "79-1327,"; and in line 24 after "81-1120.40," insert "81-1190 to
 12 81-1192,"; and
- 13 p. On page 364, line 2, strike "79-1328,"; in line 5
 14 strike "section 9-812" and insert "sections 9-812 and 79-1328"; and
 15 in line 6 strike "section 1" and insert "sections 1 and 8,
 16 respectively".
- 17 2. In the Kristensen amendment, AM3395:
- 18 a. On page 6, line 12, strike "shall refer", show as
 19 stricken, and insert "refers";
- 20 b. On page 22, line 14, strike "does" and insert
 21 "shall";
- 22 c. On page 23, line 27, after "device" insert an
 23 underscored comma; and
- 24 d. On page 29, strike lines 19 through 23 and insert
 25 "except (a) as provided in special electric personal assistive
 26 mobility device regulations adopted pursuant to the Nebraska Rules
 27 of the Road, (b) any provisions of the Nebraska Rules of the Road
 1 which by their nature can have no application, and (c) as provided
 2 in section 60-6,142 with respect to operating an electric personal
 3 assistive mobility device on a shoulder of a highway.".
- 4 3. In the Hartnett-Bromm amendment, AM3393:
- 5 a. On page 1, line 14, strike "revised" and insert
 6 "reissued"; and
- 7 b. On page 2, line 7, after "vehicle" insert "or

8 trailer"; and in line 15 strike the new matter.

9 4. On page 1, strike beginning with "motor" in line 1
 10 through line 5 and insert "transportation and telecommunications;
 11 to amend sections 2-3917.02, 25-2503, 28-109, 28-711, 28-1310,
 12 39-101, 43-158, 60-102, 60-471, 60-501, 60-636, 60-638, 60-639,
 13 60-640, 60-678, 60-6,142, 60-6,144, 60-6,226, 60-6,241, 60-6,349,
 14 60-6,351, 70-301, 75-101, 75-128, 75-133, 75-155, 75-605, 75-607,
 15 75-608, 75-611 to 75-616, 76-2301, 76-2321, 81-1117, 81-1120.17,
 16 81-1120.19, 81-1576, 81-1849, 81-2301 to 81-2303, 81-2305, 81-2306,
 17 81-2308, 81-2309 to 81-2313, 81-2601, 81-2603 to 81-2605, 86-101 to
 18 86-107, 86-109, 86-111, 86-112, 86-208 to 86-211, 86-301 to 86-309,
 19 86-329 to 86-331.04, 86-334 to 86-338, 86-401 to 86-412, 86-502,
 20 86-601, 86-701 to 86-712, 86-801, 86-802, 86-805 to 86-807, 86-809,
 21 86-810, 86-1001 to 86-1004, 86-1006 to 86-1009, 86-1101 to 86-1109,
 22 86-1201 to 86-1218, 86-1221, 86-1301 to 86-1305, 86-1307, 86-1401,
 23 86-1402, 86-1404, 86-1406 to 86-1410, 86-1501 to 86-1514, 86-1601
 24 to 86-1606, 86-1803 to 86-1811, 86-1901 to 86-1904, 86-1906,
 25 86-1910, 86-1911, 86-2002 to 86-2007, and 86-2009 to 86-2013,
 26 Reissue Revised Statutes of Nebraska, sections 2-1570, 25-2602.01,
 27 49-14,141, 52-1307, 52-1314, 60-311.14, 60-680, 60-1417.01, 75-109,
 1 75-122.01, 75-126, 75-134, 75-156, 75-606, 75-609 to 75-610,
 2 75-617, 81-1120.35 to 81-1120.38, 81-1120.40, 81-1190 to 81-1192,
 3 81-1194, 81-1195, 81-1196.01, 81-1199, 81-11,102, 81-2304, 81-2307,
 4 81-2308.01, 81-2602, 86-803, 86-811, 86-1005, 86-1110, 86-1111,
 5 86-1219, 86-1222, 86-1306, 86-1701, and 86-2101 to 86-2116, Revised
 6 Statutes Supplement, 2000, sections 18-419, 28-401, 60-301,
 7 60-4,182, 60-601, 70-625, 70-704, 70-1409, 71-1,142, 75-132.01,
 8 75-604, 79-215, 79-1241.02, 86-804, 86-808, 86-1403; 86-1405,
 9 86-1905, 86-1907 to 86-1909, 86-2001, 86-2008, 86-2014, 86-2201 to
 10 86-2214, and 86-2301 to 86-2307, Revised Statutes Supplement, 2001,
 11 and sections 9-812 and 79-1328, Revised Statutes Supplement, 2001,
 12 as amended by sections 1 and 8, respectively, Legislative Bill 3,
 13 Ninety-seventh Legislature, First Special Session, 2001; to
 14 reorganize statutory provisions relating to telecommunications and
 15 technology; to transfer, combine, and eliminate sections; to
 16 eliminate obsolete and expired provisions and penalties; to change
 17 provisions relating to application for and issuance of plates for
 18 handicapped or disabled persons; to authorize the use of electric
 19 personal assistive mobility devices as prescribed; to define and
 20 redefine terms; to prescribe rights and duties under the Nebraska
 21 Rules of the Road; to provide penalties; to change provisions
 22 relating to motor vehicle and trailer auction dealers; to harmonize
 23 provisions; to provide duties for the Revisor of Statutes; to
 24 provide operative dates; to repeal the original sections; and to
 25 outright repeal sections 86-108, 86-110, 86-113, 86-201, 86-202,
 26 86-203, 86-503, 86-602, 86-603, and 86-1220, Reissue Revised
 27 Statutes of Nebraska."

LEGISLATIVE BILL 1126. Placed on Select File.

LEGISLATIVE BILL 1290. Placed on Select File.

LEGISLATIVE BILL 1290A. Placed on Select File.

LEGISLATIVE BILL 957. Placed on Select File as amended.

(E & R amendment, AM7219, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 931. Placed on Select File as amended.

E & R amendment to LB 931:

AM7218

- 1 1. On page 1, line 3, strike "the"; and in line 4 strike
- 2 "and" and after "sections" insert "; and to declare an emergency".

LEGISLATIVE BILL 931A. Placed on Select File.

LEGISLATIVE RESOLUTION 4CA. Placed on Select File.

LEGISLATIVE BILL 1110. Placed on Select File.

LEGISLATIVE BILL 863. Placed on Select File as amended.

E & R amendment to LB 863:

AM7217

- 1 1. On page 1, line 5, strike "and" and after the last
- 2 comma insert "and 81-885.55,".
- 3 2. On page 8, line 14, strike "sections 76-2401 to
- 4 76-2430" and insert "such sections".

LEGISLATIVE BILL 1062A. Placed on Select File.

(Signed) Philip Erdman, Chairperson

AMENDMENTS - Print in Journal

Senator Suttle filed the following amendment to LB 958:

AM3445

(Amendments to Standing Committee amendments, AM3100)

- 1 1. On page 9, line 18, strike the first comma and insert
- 2 "or" and strike ", or a nursing assistant".
- 3 2. On page 11, strike beginning with "has" in line 8
- 4 through line 9 and insert "means a nursing facility as defined in
- 5 section 71-424 or a skilled nursing facility as defined in section
- 6 71-429".
- 7 3. On page 12, line 3, after "with" insert "probable".

Senator Brashear filed the following amendment to LB 1085:

(Amendment, AM3494, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Senator Jensen filed the following amendment to LB 1085:
AM3503

(Amendments to E & R amendments, AM7211)

- 1 1. Insert the following new sections:
 2 "Section 1. Section 77-2602, Revised Statutes
 3 Supplement, 2001, is amended to read:
 4 77-2602. (1) Every person engaged in distributing or
 5 selling cigarettes at wholesale in this state shall pay to the Tax
 6 Commissioner of this state a special privilege tax. This shall be
 7 in addition to all other taxes. It shall be paid prior to or at
 8 the time of the sale, gift, or delivery to the retail dealer in the
 9 several amounts as follows: On each package of cigarettes
 10 containing not more than twenty cigarettes, ~~thirty-four~~ sixty-four
 11 cents per package; and on packages containing more than twenty
 12 cigarettes, the same tax as provided on packages containing not
 13 more than twenty cigarettes for the first twenty cigarettes in each
 14 package and a tax of one-twentieth of the tax on the first twenty
 15 cigarettes on each cigarette in excess of twenty cigarettes in each
 16 package. Commencing July 1, 1994, and continuing until July 1,
 17 ~~2009~~ 2002, the State Treasurer shall place the equivalent of
 18 twenty-one ~~cents of such tax less three million dollars each fiscal~~
 19 year of proceeds of such tax in the General Fund. Commencing July
 20 1, 2002, and continuing until July 1, 2004, the State Treasurer
 21 shall place the equivalent of forty-nine cents of such tax less
 22 three million dollars each fiscal year of proceeds of such tax in
 23 the General Fund. Commencing July 1, 2004, and continuing until
 1 July 1, 2009, the State Treasurer shall place the equivalent of
 2 twenty-one cents of such tax less three million dollars each fiscal
 3 year of proceeds of such tax in the General Fund. Commencing July
 4 1, 2009, the State Treasurer shall place the equivalent of
 5 twenty-one cents of such tax in the General Fund. For purposes of
 6 this section, the equivalent of a specified number of cents of the
 7 tax shall mean that portion of the proceeds of the tax equal to the
 8 specified number divided by ~~thirty-four~~ sixty-four. The State
 9 Treasurer shall distribute the remaining proceeds of such tax in
 10 the following order:
 11 (a) First, beginning July 1, 1980, the State Treasurer
 12 shall place the equivalent of one cent of such tax in the Nebraska
 13 Outdoor Recreation Development Cash Fund. For fiscal year
 14 distributions occurring after FY1998-99, the distribution under
 15 this subdivision shall not be less than the amount distributed
 16 under this subdivision for FY1997-98. Any money needed to increase
 17 the amount distributed under this subdivision to the FY1997-98
 18 amount shall reduce the ~~twenty-one-cent~~ distribution to the General
 19 Fund;
 20 (b) Second, beginning July 1, 1993, the State Treasurer
 21 shall place the equivalent of three cents of such tax in the
 22 Department of Health and Human Services Finance and Support Cash
 23 Fund to carry out sections 81-637 to 81-640. For fiscal year

24 distributions occurring after FY1998-99, the distribution under
25 this subdivision shall not be less than the amount distributed
26 under this subdivision for FY1997-98. Any money needed to increase
27 the amount distributed under this subdivision to the FY1997-98

1 amount shall reduce the ~~twenty one cent~~ distribution to the General
2 Fund;

3 (c) Third, beginning July 1, 2001, and continuing until
4 July 1, 2002, the State Treasurer shall place the equivalent of
5 five cents of such tax in the Building Renewal Allocation Fund.
6 Beginning July 1, 2002, and continuing until July 1, 2016, the
7 State Treasurer shall place the equivalent of seven cents of such
8 tax in the Building Renewal Allocation Fund. Beginning July 1,
9 2016, and continuing until all the purposes of the Deferred
10 Building Renewal Act have been fulfilled, the State Treasurer shall
11 place the equivalent of five cents of such tax in the Building
12 Renewal Allocation Fund. The Legislature shall appropriate each
13 fiscal year all sums inuring to the fund, plus interest earnings
14 for the Task Force for Building Renewal to be used to carry out its
15 duties and to fulfill the purposes of the Deferred Building Renewal
16 Act. Unexpended balances existing at the end of each fiscal year
17 shall be, and are hereby, reappropriated. For fiscal year
18 distributions occurring after FY1998-99, the distribution under
19 this subdivision shall not be less than five-sevenths of the amount
20 distributed under this subdivision for FY1997-98. Any money needed
21 to increase the amount distributed under this subdivision to
22 five-sevenths of the FY1997-98 amount shall reduce the
23 ~~twenty one cent~~ distribution to the General Fund;

24 (d) Fourth, until July 1, 2002, the State Treasurer shall
25 place the difference between the equivalent of thirteen cents of
26 such tax and the sum of the amounts distributed pursuant to
27 subdivisions (a) through (c) and (f) through (h) of this subsection
1 in a special fund to be known as the Nebraska Capital Construction
2 Fund. Beginning July 1, 2002, and continuing until July 1, 2004,
3 the State Treasurer shall place the difference between the
4 equivalent of fifteen cents of such tax and the sum of the amounts
5 distributed pursuant to subdivisions (a) through (c) and (f)
6 through (h) of this subsection in the Nebraska Capital Construction
7 Fund. Beginning July 1, 2004, the State Treasurer shall place the
8 difference between the equivalent of forty-three cents of such tax
9 and the sum of the amounts distributed pursuant to subdivisions (a)
10 through (c) and (f) through (i) of this subsection in the Nebraska
11 Capital Construction Fund;

12 (e) Fifth, beginning July 1, 1994, and continuing until
13 July 1, 2009, the State Treasurer shall place in the Municipal
14 Infrastructure Redevelopment Fund the sum of three million dollars
15 each fiscal year to carry out the Municipal Infrastructure
16 Redevelopment Fund Act. The Legislature shall appropriate the sum
17 of three million dollars each year for fiscal year 1994-95 through
18 fiscal year 2008-09;

19 (f) Sixth, beginning July 1, 2001, the State Treasurer
20 shall place the equivalent of two cents of such tax in the
21 Information Technology Infrastructure Fund;
22 (g) Seventh, beginning July 1, 2001, and continuing until
23 June 30, 2016, the State Treasurer shall place one million dollars
24 each fiscal year in the City of the Primary Class Development Fund.
25 If necessary, the State Treasurer shall reduce the distribution of
26 tax proceeds to the General Fund pursuant to this subsection by
27 such amount required to fulfill the one million dollars to be
1 distributed pursuant to this subdivision; ~~and~~
2 (h) Eighth, beginning July 1, 2001, and continuing until
3 June 30, 2016, the State Treasurer shall place one million five
4 hundred thousand dollars each fiscal year in the City of the
5 Metropolitan Class Development Fund. If necessary, the State
6 Treasurer shall reduce the distribution of tax proceeds to the
7 General Fund pursuant to this subsection by such amount required to
8 fulfill the one million five hundred thousand dollars to be
9 distributed pursuant to this subdivision; ~~and~~
10 (i) Ninth, beginning July 1, 2004, and continuing until
11 June 30, 2016, the State Treasurer shall place the equivalent of
12 twenty-eight cents of such tax each fiscal year in the Nebraska
13 Health Care Cash Fund. Beginning July 1, 2016, the State Treasurer
14 shall place the equivalent of thirty cents of such tax each fiscal
15 year in the Nebraska Health Care Cash Fund.
16 (2) The Legislature hereby finds and determines that the
17 projects funded from the Municipal Infrastructure Redevelopment
18 Fund and the Building Renewal Allocation Fund are of critical
19 importance to the State of Nebraska. It is the intent of the
20 Legislature that the allocations and appropriations made by the
21 Legislature to such funds or, in the case of allocations for the
22 Municipal Infrastructure Redevelopment Fund, to the particular
23 municipality's account not be reduced until all contracts and
24 securities relating to the construction and financing of the
25 projects or portions of the projects funded from such funds or
26 accounts of such funds are completed or paid or, in the case of the
27 Municipal Infrastructure Redevelopment Fund, the earlier of such
1 date or July 1, 2009, and that until such time any reductions in
2 the cigarette tax rate made by the Legislature shall be
3 simultaneously accompanied by equivalent reductions in the amount
4 dedicated to the General Fund from cigarette tax revenue. Any
5 provision made by the Legislature for distribution of the proceeds
6 of the cigarette tax for projects or programs other than those to
7 (a) the General Fund, (b) the Nebraska Outdoor Recreation
8 Development Cash Fund, (c) the Department of Health and Human
9 Services Finance and Support Cash Fund, (d) the Municipal
10 Infrastructure Redevelopment Fund, (e) the Building Renewal
11 Allocation Fund, (f) the Information Technology Infrastructure
12 Fund, (g) the City of the Primary Class Development Fund, ~~and~~ (h)
13 the City of the Metropolitan Class Development Fund, and (i) the

14 Nebraska Health Care Cash Fund shall not be made a higher priority
15 than or an equal priority to any of the programs or projects
16 specified in subdivisions (a) through ~~(h)~~ (i) of this subsection.

17 Sec. 14. Section 77-4008, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 77-4008. (1) Commencing on or after January 1, 1988, a
20 tax is hereby imposed upon the first owner of tobacco products to
21 be sold in this state. The tax shall be ~~fifteen~~ twenty percent of
22 (a) the purchase price of such tobacco products paid by the first
23 owner or (b) the price at which a first owner who made,
24 manufactured, or fabricated the tobacco product sells the items to
25 others. Such tax shall be in addition to all other taxes.

26 (2) Whenever any person who is licensed under section
27 77-4009 purchases tobacco products from another person licensed
1 under section 77-4009, the seller shall be liable for the payment
2 of the tax."

3 2. Renumber the remaining sections accordingly and

4 correct the operative date section and the repealer so that the

5 sections added by this amendment become operative on July 1, 2002.

SELECT FILE

LEGISLATIVE BILL 687. E & R amendment, AM7196, printed separately and referred to on page 1027, was adopted.

Senator Stuhr renewed her pending amendment, AM3316, found on page 1203.

Senator Price asked unanimous consent to be excused until she returns. No objections. So ordered.

The Stuhr amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

SENATOR JANSSEN PRESIDING

Senator Stuhr renewed her pending amendment, AM3217, found on page 1208.

Senator Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

The Stuhr amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Senator Kristensen offered the following amendment:
AM3506

(Amendments to E & R amendments, AM7196)

1 1. Insert the following new section:

2 "Sec. 35. Since an emergency exists, this act takes
3 effect when passed and approved according to law."

The Kristensen amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

SPEAKER KRISTENSEN PRESIDING

Senators Hudkins and Bourne asked unanimous consent to be excused. No objections. So ordered.

Pending.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 319 and 327 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 319 and 327.

SELECT FILE

LEGISLATIVE BILL 687. Considered.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 564. E & R amendment, AM7188, printed separately and referred to on page 1027, was adopted.

Senator Baker renewed his pending amendment, AM3284, found on page 1180.

The Baker amendment was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Senator Preister offered the following amendment:
AM3487

(Amendments to E & R amendments, AM7188)

- 1 1. Insert the following new sections:
- 2 "Sec. 11. Sections 11 to 16 shall be known and may be
- 3 cited as the Sex Offender Loitering Act.
- 4 Sec. 12. For purposes of the Sex Offender Loitering Act:
- 5 (1) Loiter means standing or sitting idly whether or not
- 6 a sex offender is in a vehicle or remaining in or around school
- 7 property; and
- 8 (2) Sex offender means a person convicted in this state
- 9 or any other jurisdiction of any type of sexual assault, offense

10 involving child pornography, or indecent exposure.

11 Sec. 13. (1) It is unlawful for a sex offender to
 12 knowingly loiter on a public way within five hundred feet of, or be
 13 present in, any public or private school building or real property
 14 comprising any school, or in any conveyance owned, leased, or
 15 contracted by a public or private school to transport students to
 16 or from school or a school-related activity, when persons under the
 17 age of eighteen years are present in the building, on the grounds,
 18 or in the conveyance, unless the sex offender meets one of the
 19 following conditions:

20 (a) The sex offender is the parent or guardian of a
 21 student present in the building, on the grounds, or in the
 22 conveyance and the sex offender is dropping off or retrieving the
 23 biological child from school property;

1 (b) The sex offender is the parent or guardian of a
 2 student and has a scheduled meeting with the biological child's
 3 teacher or principal; or

4 (c) The sex offender has received permission to be
 5 present from the principal or administrator of the school or from
 6 the school board. If permission is granted by the administrator of
 7 the school or the school board, the principal shall be notified
 8 whenever the sex offender will be present on school grounds.
 9 Notification includes the nature of the sex offender's visit and
 10 the hours in which the sex offender will be present in the school.

11 (2) The sex offender is responsible for notifying the
 12 principal's office when he or she arrives on school property and
 13 when he or she departs from the school property. If the sex
 14 offender is to be present in the vicinity of children, the sex
 15 offender has the duty to remain under the direct supervision of a
 16 school official.

17 Sec. 14. It is unlawful for a sex offender to knowingly
 18 present himself or herself in any public or private school
 19 building, real property comprising any school, or in any conveyance
 20 owned, leased, or contracted by a school to transport students to
 21 or from school or a school-related activity for purposes of seeking
 22 employment or volunteering when persons under the age of eighteen
 23 years are present in the building or conveyance.

24 Sec. 15. No sex offender required to register under the
 25 Sex Offender Registration Act shall reside within one-quarter mile
 26 of any public or private school building or real property
 27 comprising any school attended by persons under the age of eighteen
 1 years. Nothing in this section prohibits a sex offender from
 2 residing within the one-quarter mile limit if the property is owned
 3 by the sex offender and was purchased before the effective date of
 4 this act.

5 Sec. 16. A sex offender who violates the Sex Offender
 6 Loitering Act is guilty of a Class IV felony."

7 2. Renumber the remaining section accordingly.

Senator Preister withdrew his amendment.

Senator Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 33:

| | | | | |
|----------|----------|--------------|----------|------------|
| Aguilar | Byars | Jones | Quandahl | Synowiecki |
| Baker | Connealy | Kremer | Raikes | Thompson |
| Beutler | Dierks | Kristensen | Redfield | Vrtiska |
| Brashear | Engel | Landis | Robak | Wehrbein |
| Bromm | Erdman | Pederson, D. | Smith | Wickersham |
| Brown | Foley | Preister | Stuhr | |
| Burling | Jensen | Price | Suttle | |

Voting in the negative, 1:

Chambers

Present and not voting, 8:

| | | | |
|----------|------------|---------------|---------|
| Bruning | Cunningham | McDonald | Schimek |
| Cudaback | Kruse | Pedersen, Dw. | Schrock |

Excused and not voting, 7:

| | | | |
|----------|----------|---------|-------|
| Bourne | Hartnett | Janssen | Tyson |
| Coordsen | Hudkins | Maxwell | |

Advanced to E & R for engrossment with 33 ayes, 1 nay, 8 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 460. E & R amendment, AM7185, found on page 1027, was adopted.

Senators Brashear, Byars, and Cudaback asked unanimous consent to be excused. No objections. So ordered.

Senator Beutler moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Senator Beutler requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 33:

| | | | | |
|---------|----------|---------------|----------|------------|
| Aguilar | Connealy | Kristensen | Quandahl | Suttle |
| Baker | Engel | Kruse | Raikes | Synowiecki |
| Beutler | Erdman | Landis | Redfield | Thompson |
| Bromm | Foley | Pedersen, Dw. | Schimek | Wehrbein |
| Brown | Jensen | Pederson, D. | Schrock | Wickersham |
| Bruning | Jones | Preister | Smith | |
| Burling | Kremer | Price | Stuhr | |

Voting in the negative, 2:

Dierks Robak

Present and not voting, 4:

Chambers Cunningham McDonald Vrtiska

Excused and not voting, 10:

| | | | | |
|----------|----------|----------|---------|---------|
| Bourne | Byars | Cudaback | Hudkins | Maxwell |
| Brashear | Coordsen | Hartnett | Janssen | Tyson |

Advanced to E & R for engrossment with 33 ayes, 2 nays, 4 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 400. Introduced by Brashear, 4; Baker, 44.

PURPOSE: In 1999 the Legislature passed Legislative Bill 407, which established the Child Support Commission (Commission) to examine the Child Support Guidelines (Guidelines) of the State of Nebraska. The purpose of the Commission is to review and study the Guidelines and to make recommendations to the Supreme Court (Court) concerning changes thereto.

In 2000 and 2001 the Commission held a series of public hearings across the state in which it considered specified priority areas of focus and developed recommendations contained in the Tier report. The Commission issued reports to the Court in 2000 and 2001 recommending changes to the Guidelines. Later this year, the Court is expected to amend the Guidelines in response to such recommended changes. The Commission continues to consider further recommendations for the Court regarding the Guidelines.

The purpose of this interim study is to determine whether the anticipated changes by the Court warrant a legislative response, specifically regarding appropriate revisions or changes to the statutes that address child support, divorce, and alimony. Additionally, this interim study may provide auxiliary assistance to the Commission in its ongoing efforts regarding the study of the Guidelines.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 401. Introduced by Wehrbein, 2; Wickersham, 49.

PURPOSE: The purpose of this resolution is to examine long-term landfill closure monitoring and remediation expenses. During the Ninety-seventh Legislature, Second Session, (2002), the balance of the Solid Waste Landfill Closure Assistance Fund was transferred to the Low-Level Radioactive Waste Cash Fund, effectively eliminating a source of funding for landfill closure and remediation expenses. This study shall examine: (1) The status of the landfill closure process in Nebraska; (2) long-term monitoring programs undertaken by political subdivisions; and (3) the potential for future costly and long-term landfill remediation expenses.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee and the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 402. Introduced by Dw. Pedersen, 39.

PURPOSE: This resolution is to authorize an interim study for the purposes of further in-depth study of the findings of the Legislature in its prior interim study, LR190 (2001). This interim study will provide particular attention to the areas of parole and correctional population management and staffing. The interim study will be performed by a subcommittee appointed by the Judiciary Committee, composed of legislative staff, and shall be completed by December 31, 2002. The interim study will result in a final report to be presented to the Judiciary Committee of the Legislature prior to the convening of the Ninety-eighth Legislature, First Session.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 403. Introduced by Revenue Committee: Wickersham, 49, Chairperson; Hartnett, 45; Janssen, 15; Landis, 46; Raikes, 25; Redfield, 12.

PURPOSE: The purpose of this study is to continue and improve work done by the Revenue Committee of the Legislature during past interims to inform the Legislature and other interested parties of Nebraska's tax structure compared with the past and with other states. Carrying out the purposes of this study does not involve conducting public hearings, but should result in one or more reports to the Legislature detailing Nebraska's tax structure. Examples of reports conducted pursuant to this study would include the base and rates of Nebraska's sales, income, property, excise, and miscellaneous taxes in comparison to the past or to other states; spending by the state and local governments compared to that of governments in other states; the effectiveness of tax reform legislation enacted in the past; and financial and tax policy implications of tax reform or restructuring proposals that have been proposed during recent legislative sessions or arise during this interim.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the staff of the Revenue Committee of the Legislature conduct research and coordinate research conducted by other employees of the Legislative Council or other parts of state government to carry out the purposes of this study.

2. That the legislative staff issue one or more reports pursuant to this study that will assist the Legislature in making decisions in future sessions.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 404. Introduced by Revenue Committee: Wickersham, 49, Chairperson; Hartnett, 45; Janssen, 15; Landis, 46; Raikes, 25; Redfield, 12.

PURPOSE: This study is to examine the administration, equalization, and utility of the special value that may be assigned to land in agricultural and horticultural use that has value for other nonagricultural and nonhorticultural purposes. This study is to examine the prevalence of special valuation and the administration of the "greenbelt statutes" in various counties in Nebraska and result in proposed legislation to make the administration and application of special valuation more prevalent, understood, and uniform across the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the staff of the Revenue Committee of the Legislature conduct research and coordinate research conducted by other employees of the Legislative Council or other parts of state government to carry out the purposes of this study.

2. That the legislative staff issue one or more reports pursuant to this study that will assist the Legislature in making decisions in future sessions with regard to special valuation.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 405. Introduced by Revenue Committee: Wickersham, 49, Chairperson; Dierks, 40; Hartnett, 45; Janssen, 15; Landis, 46; Raikes, 25.

PURPOSE: The purpose of this study is to monitor the administration and progress of the Uniform Sales and Use Tax Administration Act, commonly known as the Streamlined Sales and Use Tax System. The study is to inform the Legislature of the number of states participating, the level of participation, any material differences in the authorizing legislation, any federal response, and a timeline for full implementation. This study should also begin the process of drafting the legislation that will be necessary to conform Nebraska's sales and use tax statutes to the requirements of the act and the accompanying agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution. A hearing is not necessary to carry out these purposes.

2. That the committee staff shall upon the conclusion of this study issue a report to carry out the purposes of this study, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 406. Introduced by Revenue Committee: Wickersham, 49, Chairperson; Dierks, 40; Hartnett, 45; Janssen, 15; Landis, 46; Raikes, 25; Redfield, 12.

PURPOSE: The purpose of this study is to examine historical evidence of the effectiveness of the Employment and Investment Growth Act (LB 775) and to measure critical parameters used by the TRAIN model and the Dynamic TRAIN model. Using an econometric model, this empirical study shall directly measure the effectiveness of LB 775 upon investment and employment since its beginning.

The office of the Legislative Fiscal Analyst use the TRAIN models to

investigate how tax credits work under the current Nebraska economy. The TRAIN studies investigated various aspects of economic impacts, including the spin-off impacts on state revenue, the impacts on industrial sectors, and the impacts on income and income distribution. The proposed empirical study shall directly measure the effectiveness of LB 775 upon investment and employment in Nebraska during the last two decades. The study will be able to measure responsiveness of investment and employment to tax credits, which shall be used to improve the reliability of the TRAIN models. Further, the study team intends publishing the study result in an academic or policy field, which will be subject to rigorous review by the profession.

To complete this study, the office of the Legislative Fiscal Analyst expects that it will take a two-year interim study period with the tentative time schedule as follows:

2002 Interim Period:

- (1) Review literature;
- (2) Set up a basic model and organize data;
- (3) Produce preliminary results; and
- (4) Document a midterm report.

2003 Interim Period:

- (1) Present the result to an economic conference;
- (2) Revise the basic model;
- (3) Set up the extended models for measuring parameters for TRAINs; and
- (4) Document a final report.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 407. Introduced by Bourne, 8.

PURPOSE: To examine state law relating to the usage of In Transit decals on motor vehicles. This study should include, but not be limited to, an examination of an In Transit policy that is applied uniformly to all car purchases, a comprehensive review of other states' laws with respect to In Transit decals, the ability to compel motor vehicle owners to obtain the required proof of financial responsibility through the use of In Transit decals, the most effective method of distribution of In Transit decals with respect to private party purchases, the accountability of distributors of In Transit decals obtained through fraudulent means, and the cost and effectiveness of a centralized system for tracking In Transit decals.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 408. Introduced by Bourne, 8.

PURPOSE: To examine the investment advisors utilized by the Nebraska Investment Council and the state investment officer in carrying out the duties and responsibilities required under the Nebraska State Funds Investment Act. This study shall include, but not be limited to, the examination of current policy with respect to contracting with local companies in conducting state business, the number of investment advisors currently overlooked for contractual services with the Nebraska Investment Council due to size and competitive ability, the existence of local investment advisors that meet or exceed national standards, and the development of a policy by the Nebraska Investment Council with respect to utilizing Nebraska-based investment advisors when practicable.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENTS - Print in Journal

Senator Beutler filed the following amendment to LB 1003:
AM3510

(Amendments to AM3126)

- 1 1. On page 2, line 15, after "threatened" insert "or, if
- 2 the subject species' range extends over more than five counties, in
- 3 a newspaper of statewide circulation distributed in the county"; in
- 4 line 17 strike "and state agencies" and insert ", the Department of
- 5 Agriculture, the Department of Environmental Quality, and the
- 6 Department of Natural Resources"; and in line 19 strike "county,"
- 7 and strike the second comma.
- 8 2. On page 3, line 3, after the semicolon insert "and";
- 9 and strike beginning with the semicolon in line 12 through "37-807"
- 10 in line 21.

11 3. On page 4 strike beginning with "and" in line 1
 12 through "subsection" in line 2; and strike beginning with "and" in
 13 line 5 through the comma in line 7.

Senators Wehrbein and Jensen filed the following amendment to LB 1062A:
 AM3505

1 1. Insert the following new sections:

2 "Sec. 2. Laws 2001, LB 543, section 95, as amended by
 3 section 69, Legislative Bill 1, Ninety-seventh Legislature, First
 4 Special Session, 2001, and section 68, Legislative Bill 1309,
 5 Ninety-seventh Legislature, Second Session, 2002, is amended to
 6 read:

7 Sec. 95. AGENCY NO. 25 -- DEPARTMENT OF HEALTH AND
 8 HUMAN SERVICES

9 Program No. 33 - Administration

| | FY2001-02 | FY2002-03 |
|-------------------------|-------------|-------------|
| 10 | | |
| 11 <u>GENERAL FUND</u> | 46,367,805 | 45,470,877 |
| 12 <u>GENERAL FUND</u> | 46,367,805 | 46,711,229 |
| 13 CASH FUND | 8,196,470 | 1,360,040 |
| 14 FEDERAL FUND est. | 55,247,699 | 64,192,252 |
| 15 <u>PROGRAM TOTAL</u> | 109,811,974 | 111,023,169 |
| 16 <u>PROGRAM TOTAL</u> | 109,811,974 | 112,263,521 |
| 17 SALARY LIMIT | 66,804,350 | 69,666,183 |

18 There is included in the appropriation to this program
 19 for FY2001-02 \$6,836,430 Cash Funds for repayment of federal audit
 20 exceptions or for federally mandated information systems
 21 modifications or enhancements.

22 Sec. 3. Original Laws 2001, LB 543, section 95, as
 23 amended by section 69, Legislative Bill 1, Ninety-seventh
 24 Legislature, First Special Session, 2001, and section 68,

1 Legislative Bill 1309, Ninety-seventh Legislature, Second Session,
 2 2002, is repealed."

3 2. Insert underscoring to section 1.

Senator Connealy filed the following amendment to LB 1040:
 AM3484

1 1. In the E & R amendments, AM7210, strike amendment 1
 2 and renumber the remaining amendment.

3 2. Strike the Brashear amendment, FA949.

4 3. On page 2, lines 12, 16, 20, 24, and 28; page 3,
 5 lines 4, 8, 12, 16, 20, 24, and 28; page 4, lines 4, 8, 12, 16, 20,
 6 24, and 28; page 5, lines 3, 10, 13, 16, 19, and 28; page 6, lines
 7 3, 11, 15, 19, 23, and 27; page 7, lines 3, 7, 11, 15, 19, 23, and
 8 27; and page 8, lines 3, 7, 11, and 15, strike "General" and insert
 9 "Department of Motor Vehicles Cash".

10 4. On page 8, line 20, strike "156,756.56" and insert
 11 "142,412.06"; and in line 21 strike "19,641.50" and insert
 12 "33,986.00".

VISITORS

Visitors to the Chamber were 24 fourth-grade students and teachers from Trinity Lutheran Elementary School, Grand Island.

The Doctor of the Day was Dr. Rick Gustafson from Lincoln.

ADJOURNMENT

At 6:15 p.m., on a motion by Senator Dierks, the Legislature adjourned until 9:00 a.m., Wednesday, April 3, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTIETH DAY - APRIL 3, 2002**LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE
SECOND SESSION****FIFTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 3, 2002

PRAYER

The prayer was offered by Senator Jensen.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Bromm, Price, Tyson, and Wehrbein who were excused until they arrive.

SPEAKER KRISTENSEN PRESIDING**CORRECTIONS FOR THE JOURNAL**

Page 1333, line 4, strike "AM7122" and insert "AM7211".
The Journal for the forty-ninth day was approved as corrected.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointment:

Lamberty, Louis E. - Nebraska Power Review Board - Natural Resources

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

COMMUNICATION

April 3, 2002

Patrick O'Donnell
Clerk of the Legislature

State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

Please be advised that pursuant to Rule 1, Section 17, the Executive Board met and approved Speaker Kristensen's request that LB 1085 and LB 1309 be designated major proposals.

Sincerely,
(Signed) George Coordsen
Chairman, Executive Board

AMENDMENTS - Print in Journal

Senator Erdman filed the following amendment to LB 1206:
AM3509

1 1. Insert the following new sections:

2 "Sec. 12. Section 79-802, Revised Statutes Supplement,
3 2000, is amended to read:

4 79-802. (1) Except as provided in subsection (2) of this
5 section, no person shall be employed to teach in any public,
6 private, denominational, or parochial school in this state who does
7 not hold a valid Nebraska certificate or permit issued by the
8 Commissioner of Education legalizing him or her to teach the grade
9 or subjects to which elected.

10 (2) Any person who holds a valid certificate or permit to
11 teach issued by another state may be employed as a substitute
12 teacher in any public, private, denominational, or parochial school
13 in this state for not more than ten working days if he or she
14 begins the application process, on the first employment day, for a
15 Nebraska substitute teacher's certificate and the issuance of such
16 certificate is pending.

17 (3) Public, private, denominational, or parochial schools
18 in the state may employ persons who do not hold a valid Nebraska
19 teaching certificate or permit issued by the Commissioner of
20 Education to serve as aides to a teacher or teachers. Such teacher
21 aides may not assume any teaching responsibilities. A teacher aide
22 may be assigned duties which are nonteaching in nature if the
23 employing school has assured itself that the aide has been
24 specifically prepared for such duties, including the handling of
1 emergency situations which might arise in the course of his or her
2 work.

3 (4) No person employed to coach or supervise
4 extracurricular activities shall be required to hold a valid
5 Nebraska certificate or permit to teach pursuant to sections 79-806
6 to 79-816, but every person employed to coach or supervise
7 extracurricular activities who does not hold a valid Nebraska
8 certificate or permit to teach pursuant to such sections shall meet

9 any qualifications for such employment adopted by the State Board
10 of Education and shall meet the requirements of sections 79-8,112
11 to 79-8,117 and section 13 of this act.

12 Sec. 13. Every person employed to coach or supervise
13 extracurricular activities who does not hold a valid Nebraska
14 certificate or permit to teach pursuant to such sections shall file
15 a complete set of his or her legible fingerprints with the
16 Commissioner of Education.

17 Sec. 14. Section 79-8,112, Reissue Revised Statutes of
18 Nebraska, is amended to read:
19 79-8,112. Upon request by the Commissioner of Education,
20 the Nebraska State Patrol shall undertake a search for criminal
21 history record information relating to an applicant described in
22 section 79-8,111 or a noncertificated person employed to coach or
23 supervise extracurricular activities pursuant to section 79-802 and
24 section 13 of this act, including transmittal of the applicant's
25 his or her fingerprints to the Identification Division of the
26 Federal Bureau of Investigation for a national criminal history
27 record information check. The criminal history record information
1 check shall include information concerning the applicant or
2 noncertificated person from federal repositories of such
3 information and repositories of such information in other states if
4 authorized by federal law. The Nebraska State Patrol shall issue a
5 report to the Commissioner of Education, and to the applicant, and
6 for noncertificated persons described in such sections, to the
7 school board of the school district or the governing authority of
8 the private school employing such noncertificated person. The
9 report which shall include the criminal history record information,
10 concerning the applicant.

11 Sec. 15. Section 79-8,114, Reissue Revised Statutes of
12 Nebraska, is amended to read:
13 79-8,114. Criminal history record information subject to
14 federal confidentiality requirements shall remain confidential and
15 may be released only upon the written authorization by the
16 applicant, except that if the applicant subject of the information,
17 If the subject is an applicant for a certificate or permit to teach
18 under sections 79-806 to 79-816 who appeals the denial of a
19 certificate or permit by the Commissioner of Education, the filing
20 of an administrative appeal shall constitute a release of the
21 information for the limited purpose of the appeal. If the
22 applicant requests a closed hearing, such request shall be subject
23 to sections 84-1408 to 84-1414.

24 Sec. 16. Section 79-8,115, Reissue Revised Statutes of
25 Nebraska, is amended to read:
26 79-8,115. The State Department of Education shall adopt
27 and promulgate rules and regulations to carry out sections 79-8,111
1 to 79-8,114 79-8,117 and section 13 of this act.

2 Sec. 17. Section 79-8,116, Reissue Revised Statutes of
3 Nebraska, is amended to read:

- 4 79-8,116. The State Board of Education shall determine
 5 and set the costs for processing criminal history record
 6 information checks under sections 79-8,111 to 79-8,117 and section
 7 13 of this act which shall be borne by the applicant ~~for a~~
 8 ~~certificate or permit described in section 79-8,111 or the person~~
 9 employed to coach or supervise. The costs shall be limited to the
 10 actual direct costs arising from the processing of the criminal
 11 history record information checks."
 12 2. Amend the repealer so that the sections added by this
 13 amendment becomes operative three calendar months after adjournment
 14 of this legislative session.
 15 3. Renumber the remaining sections and correct internal
 16 references accordingly.

Senator Baker filed the following amendment to LB 1149:
 AM3495

(Amendments to Standing Committee amendments, AM3477)

- 1 1. On page 2, line 3, strike "eighty-five", show as
 2 stricken, and insert "fifty"; in lines 16 and 21 strike "fifty" and
 3 insert "twenty"; and in line 22 strike "eighty-five" and insert
 4 "fifty".

Senator Baker filed the following amendment to LB 1149:
 AM3496

(Amendments to Standing Committee amendments, AM3477)

- 1 1. Insert the following new section:
 2 "Section 1. Section 68-1713, Revised Statutes
 3 Supplement, 2000, is amended to read:
 4 68-1713. (1) The Department of Health and Human Services
 5 shall submit a waiver request or requests to the United States
 6 Department of Health and Human Services and the United States
 7 Department of Agriculture as necessary for federal authorization to
 8 implement the provisions of the Welfare Reform Act. The Department
 9 of Health and Human Services may include the provisions of sections
 10 68-1718 to 68-1726 in its waiver requests and shall designate
 11 counties for implementation on or after July 1, 1995, of such
 12 sections for recipient families in the aid to dependent children
 13 program. It is the intent of the Legislature that such designated
 14 counties include at least one county with a population of not more
 15 than thirty-five thousand inhabitants and one county with a
 16 population of at least one hundred fifty thousand inhabitants but
 17 not more than three hundred thousand inhabitants.
 18 The Department of Health and Human Services shall
 19 implement the following policies:
 20 (a) Permit Work Experience in Private for Profit
 21 Enterprises;
 22 (b) Permit Job Search to Extend Beyond Eight Weeks Each
 23 Year;
 1 (c) Permit Employment to be Considered a JOBS Program

- 2 Component;
- 3 (d) Make Sanctions More Stringent to Emphasize
- 4 Participant Obligations;
- 5 (e) Alternative Hearing Process;
- 6 (f) Permit Adults in Two-Parent Households to Participate
- 7 in JOBS Activities Based on Their Self-Sufficiency Needs;
- 8 (g) Eliminate Exemptions for Individuals with Children
- 9 Between the Ages of 12 Weeks and Age Six;
- 10 (h) Providing Poor Working Families with Transitional
- 11 Child Care to Ease the Transition from Welfare to Self-Sufficiency;
- 12 (i) Provide Transitional Health Care for 24 Months After
- 13 Termination of ADC;
- 14 (j) Cap Family Benefits Based on the Number of Children
- 15 in the Unit at the Time of Initial Eligibility;
- 16 (k) Require Adults to Ensure that Children in the Family
- 17 Unit Attend School;
- 18 (l) Encourage Minor Parents to Live with Their Parents;
- 19 (m) Establish a Resource Limit of \$4,000 for a single
- 20 individual and \$6,000 for two or more individuals for ADC;
- 21 (n) Exclude the Value of One Vehicle Per Family When
- 22 Determining ADC Eligibility;
- 23 (o) Exclude the Cash Value of Life Insurance Policies in
- 24 Calculating Resources for ADC;
- 25 (p) Permit the Self-Sufficiency Contract Assessment to
- 26 Substitute for the Six-Month ADC Redetermination Process;
- 27 (q) Establish Food Stamps as a Continuous Benefit with
- 1 Eligibility Reevaluated with Yearly Redeterminations;
- 2 (r) Establish a Budget the Gap Methodology Whereby
- 3 Countable Earned Income is Subtracted from the Standard of the Need
- 4 and Payment is Based on the Difference or Maximum Payment Level,
- 5 Whichever is Less. That this Gap be Established at a Level that
- 6 Encourages Work but at Least at a Level that Ensures that Those
- 7 Currently Eligible for ADC do not Lose Eligibility Because of the
- 8 Adoption of this Methodology;
- 9 (s) Adopt ~~the Food Stamp Program's~~ an Earned Income
- 10 ~~Disregard of Twenty Percent of Gross Earnings in the ADC and~~
- 11 ~~Related Medical Assistance Program~~ Ninety Dollars;
- 12 (t) Disregard Financial Assistance Received Intended for
- 13 Books, Tuition, or Other Self-Sufficiency Related Use;
- 14 (u) Culture: Eliminate the 100-Hour Rule, The Quarter of
- 15 Work Requirement, and The 30-Day Unemployed/Underemployed Period
- 16 for ADC-UP Eligibility;
- 17 (v) Make ADC a Time-Limited Program;
- 18 (w) Eliminate Self-Initiated Training as a JOBS Option;
- 19 and
- 20 (x) Other Waivers: Statewide Operation of the
- 21 Demonstration Project.
- 22 At the end of the first year of implementation, the
- 23 department shall identify any adjustments or adaptations that may

24 be needed before the policies of the Welfare Reform Act are
 25 implemented in other areas of the state. Such review shall include
 26 an evaluation of the impact of such policies. The department shall
 27 implement the policies in additional counties as necessary to
 1 complete statewide implementation.
 2 (2) The Department of Health and Human Services shall (a)
 3 apply for a waiver to allow for a sliding-fee schedule for the
 4 population served by the caretaker relative program or (b) pursue
 5 other public or private mechanisms, to provide for transitional
 6 health care benefits to individuals and families who do not qualify
 7 for cash assistance. It is the intent of the Legislature that
 8 transitional health care coverage be made available on a
 9 sliding-scale basis to individuals and families with incomes up to
 10 one hundred eighty-five percent of the federal poverty level if
 11 other health care coverage is not available."
 12 2. Amend the repealer and renumber the remaining
 13 sections accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 409. Introduced by Foley, 29.

PURPOSE: Many women across the State of Nebraska suffer or have suffered from three common reproductive diseases: Endometriosis, polycystic ovarian disease, and pelvic adhesive disease. These diseases affect women of all ages and, if left untreated, can become very painful and destructive to the body.

Despite these diseases' inclusion in most health insurance policies in Nebraska, numerous women have reported that their claims for treatment have been denied by insurance companies. In many cases, insurance companies refuse to cover treatment of reproductive diseases in women because they claim treatment is done solely for the purpose of achieving pregnancy by treating infertility, which is specifically excluded in insurance coverage.

LB 825, introduced in 2001 and carried over for General File debate in 2002, stated: "Reproductive disease processes in and of themselves are serious health matters that need to be properly diagnosed, maintained, and treated." The bill would have prohibited those insurance companies offering coverage for treatment of endometriosis, polycystic ovarian disease, and pelvic adhesive disease from denying claims solely "on the basis of fertility or infertility." In other words, LB 825 would have prevented companies from denying coverage of treatment for diseases already included in their policies.

The purpose of this study is to investigate the frequency and scope of these and similar denials while reviewing possible solutions in the following ways:

1. Examine any and all complaints on file with the Department of Insurance related to the denial of coverage by insurance providers for the treatment of any of these three diseases; and

2. Evaluate potential solutions to address and correct the problem of these insurance abuses, either legislatively or administratively through the Department of Insurance.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 82A. Senator Brashear renewed his pending motion, found on page 1314, to indefinitely postpone.

The Brashear motion to indefinitely postpone prevailed with 25 ayes, 2 nay, 18 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 1073A. Senator Thompson renewed her pending motion, found on page 1307, to indefinitely postpone.

The Thompson motion to indefinitely postpone prevailed with 33 ayes, 1 nay, 12 present and not voting, and 3 excused and not voting.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1310 with 36 ayes, 2 nays, 10 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1310. With Emergency.

A BILL FOR AN ACT relating to funds; to amend sections 43-1906, 48-1,116, 60-1409, 77-4025, and 81-1188, Reissue Revised Statutes of Nebraska, sections 71-5714, 81-179, 81-184, 81-188.01, and 81-188.03 to 81-188.06, Revised Statutes Supplement, 2000, sections 9-1,101, 66-1519, 77-1342, 81-188.02, and 84-612, Revised Statutes Supplement, 2001, and section 9-812, Revised Statutes Supplement, 2001, as amended by section 1,

Legislative Bill 3, Ninety-seventh Legislature, First Special Session, 2001; to provide for interfund transfers; to change provisions relating to the use of funds; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

| | | | | |
|----------|------------|---------------|--------------|------------|
| Aguilar | Connealy | Janssen | Pederson, D. | Smith |
| Baker | Coordsen | Jensen | Preister | Stuhr |
| Beutler | Cunningham | Jones | Price | Suttle |
| Bourne | Dierks | Kremer | Quandahl | Synowiecki |
| Brashear | Engel | Kristensen | Raikes | Thompson |
| Bromm | Erdman | Kruse | Redfield | Tyson |
| Bruning | Foley | Maxwell | Robak | Vrtiska |
| Burling | Hartnett | McDonald | Schimek | Wehrbein |
| Byars | Hudkins | Pedersen, Dw. | Schrock | Wickersham |

Voting in the negative, 2:

Brown Chambers

Present and not voting, 2:

Cudaback Landis

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1309 with 41 ayes, 2 nays, and 6 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1309. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2001, LB 244A, section 1; Laws 2001, LB 329A, section 1; Laws 2001, LB 335A, section 1; Laws 2001, LB 468A, section 2; Laws 2001, LB 542, sections 38, 40, 43, and 51; Laws 2001, LB 543, sections 8, 9, 10, 11, 12, 13, 14, 15, 16, 20, 21, 24, 25, 26, 29, 31, 33, 37, 38, 39, 40, 44, 48, 49, 53, 57, 59, 68, 69, 70, 71, 72, 73, 75, 80, 81, 83, 95, 96, 97, 102, 103, 105, 109, 110, 118, 123, 124, 125, 127, 128, 130, 131, 136, 137, 142, 143, 144, 145, 146, 147, 149,

150, 151, 154, 159, 161, 162, 163, 166, 167, 168, 169, 170, 171, 172, 177, 189, 190, 191, 192, 193, 198, 199, 200, 202, 203, 207, 209, 213, 214, 215, 216, 217, 219, 220, 221, 223, 227, 228, 230, 231, 232, 233, 234, 235, 236, 237, 241, 242, 244, 247, 252, 255, 258, 259, 261, 262, and 268; Laws 2001, LB 640A, sections 1, 2, and 3; and Laws 2001, LB 659A, section 1; as amended by sections 9, 11, 12, 13, 16, 17, 19, 22, 25 to 33, 36 to 43, 45 to 51, 53, 54, 56 to 65, 67, 69 to 76, 78 to 114, 116 to 118, 120, 121, 123, 124, 126 to 133, 135 to 137, 139 to 146, 148 to 161, and 163, respectively, Legislative Bill 1, Ninety-seventh Legislature, First Special Session, 2001; Laws 2001, LB 432A, section 2; Laws 2001, LB 539, section 9; Laws 2001, LB 542, sections 11, 29, 33, and 59; and Laws 2001, LB 543, sections 41, 60, 86, 90, 98, 99, 101, 112, 134, 135, 152, 176, 186, 238, and 250; Laws 2001, LB 668A, section 1; and section 18, Legislative Bill 1, Ninety-seventh Legislature, First Special Session, 2001; to define terms; to change certain appropriations as prescribed; to change certain transfers; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Connealy | Janssen | Preister | Suttle |
| Baker | Coordsen | Jensen | Price | Synowiecki |
| Beutler | Cudaback | Jones | Quandahl | Thompson |
| Bourne | Cunningham | Kremer | Raikes | Tyson |
| Brashear | Dierks | Kristensen | Redfield | Vrtiska |
| Bromm | Engel | Kruse | Robak | Wehrbein |
| Brown | Erdman | Maxwell | Schimek | Wickersham |
| Bruning | Foley | McDonald | Schrock | |
| Burling | Hartnett | Pedersen, Dw. | Smith | |
| Byars | Hudkins | Pederson, D. | Stuhr | |

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Landis

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 1310 and 1309.

SELECT FILE

LEGISLATIVE BILL 1040. E & R amendment, AM7210, found on page 1191, was adopted.

Senator Connealy renewed his pending amendment, AM3484, found on page 1346.

Senator Connealy withdrew his amendment.

Advanced to E & R for engrossment.

LEGISLATIVE RESOLUTION 6CA. E & R amendment, AM7174, found on page 739, was adopted.

Senator Beutler renewed the Beutler-Schimek pending amendment, AM3288, found on page 1127.

SENATOR CUDABACK PRESIDING

Senator Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Connealy moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

Senator Beutler moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator Beutler requested a roll call vote on the Beutler-Schimek amendment.

Voting in the affirmative, 31:

| | | | | |
|----------|------------|---------------|--------------|------------|
| Aguilar | Byars | Hartnett | Pederson, D. | Synowiecki |
| Beutler | Chambers | Hudkins | Preister | Thompson |
| Bourne | Connealy | Janssen | Raikes | Wehrbein |
| Brashear | Coordsen | Landis | Redfield | |
| Bromm | Cudaback | Maxwell | Schimek | |
| Brown | Cunningham | McDonald | Schrock | |
| Burling | Engel | Pedersen, Dw. | Suttle | |

Voting in the negative, 16:

| | | | |
|---------|--------|------------|------------|
| Baker | Foley | Kristensen | Stuhr |
| Bruning | Jensen | Price | Tyson |
| Dierks | Jones | Robak | Vrtiska |
| Erdman | Kremer | Smith | Wickersham |

Present and not voting, 2:

Kruse Quandahl

The Beutler-Schimek amendment was adopted with 31 ayes, 16 nays, and 2 present and not voting.

The Chair declared the call raised.

Pending.

AMENDMENT - Print in Journal

Senator Jensen filed the following amendment to LB 1033:
AM3321

(Amendments to Standing Committee amendments, AM2761)

- 1 1. On page 1, line 15, strike "be trained, tested, and"
2 and insert "volunteer or be"; in line 16, strike "by" and insert
3 "at"; in line 22, strike the first "the".
4 2. On page 2, strike beginning with "Establish" in line
5 1 through "71-419" in line 18 and insert "Establish criteria for
6 emergency medical technicians-intermediate and emergency medical
7 technicians-paramedic performing activities within their scope of
8 practice at a hospital or health clinic under subsection (3) of
9 section 71-5184. Such criteria shall include, but not be limited
10 to: (a) Requirements for the orientation of registered nurses,
11 physician assistants, and physicians involved in the supervision of
12 such personnel; (b) supervisory and training requirements for the
13 physician medical director or other person in charge of the medical
14 staff at such hospital or health clinic; and (c) a requirement that
15 such activities shall only be performed at the discretion of, and
16 with the approval of, the governing authority of such hospital or
17 health clinic. For purposes of this subdivision, health clinic has
18 the definition found in section 71-416 and hospital has the
19 definition found in section 71-419".

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 3, 2002, at 9:30 a.m., were the following: LBs 1310e and 1309e.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board referred the Peru State College and Wayne State College's request to issue revenue bonds to the Appropriations Committee for further consideration.

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 687A. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 687, Ninety-seventh Legislature, Second Session, 2002; and to declare an emergency.

RESOLUTIONS

LEGISLATIVE RESOLUTION 410. Introduced by Jensen, 20.

PURPOSE: The purpose of this study is to conduct research and develop recommendations relating to the state medical assistance program, otherwise known as Medicaid. A committee consisting of three members of the Health and Human Services Committee and three members of the Appropriations Committee shall be appointed by the chairpersons of such committees to conduct the study.

The committee shall conduct research and propose changes to the medical assistance program to reduce program expenditures and simplify program organization and administration, and shall consider and develop other recommendations relating to the program as directed by the chairpersons of the committees. The chairpersons of the committees, in consultation with the committees, shall propose draft legislation containing such recommendations to the Legislature on or before December 31, 2002.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services and Appropriations Committees of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 411. Introduced by Jensen, 20.

PURPOSE: The purpose of this study is to examine health and human services issues, including, but not limited to: The Nebraska Health Care Funding Act; the Nebraska Mental Health Commitment Act, mental health services, the role and mission of the regional centers, and assertive

community treatment; implementation of the federal Ticket to Work and Work Incentives Act; early childhood care and education, and child support enforcement; welfare reform and TANF funding; marriage and family, teenage pregnancy, placement and care of state wards, and juvenile justice; developmental disabilities services; licensing of health care professionals and facilities, health insurance, prescription drugs, rural health, minority health, health care quality, health care availability and affordability, and availability of health care providers; public health development, state public health law, implementation of the Public Health Improvement Plan, and tobacco control and cessation; and health and human services funding, health and human services statutes, and the Nebraska Health and Human Services System.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 412. Introduced by Bromm, 23; Connealy, 16.

PURPOSE: To examine the issues raised by LB 1185, introduced during the 2002 legislative session, with respect to the agriculture exemption within the Nebraska Workers' Compensation Act. The issues to be studied shall include, but are not limited to, the impact of the commercial nature of agricultural work on eligibility for workers' compensation coverage, the availability of coverage in the insurance market, and other issues deemed relevant.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 413. Introduced by Brashear, 4.

PURPOSE: Prior to 1981, a passenger in a motor vehicle who was injured

through the negligence of the driver could not recover damages for his or her injuries unless the driver was found to have committed gross negligence. Such was known as the "guest statute." In 1981, the Legislature passed LB 54, which amended the guest statute so that it was applicable only to passengers who were related to the driver within the second degree of consanguinity or affinity. LB 54 is now codified in section 25-21,237.

The purpose of this study is to determine whether this last vestige of the guest statute is fair to those injured in motor vehicle accidents and whether such should be repealed by the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 414. Introduced by Bourne, 8; Byars, 30; Kristensen, 37; Jensen, 20; Brashear, 4.

PURPOSE: The Legislature recognizes the importance of a well-developed system of highways and roads throughout the State of Nebraska. As of 2000, the Department of Roads had the responsibility for approximately 9,969 miles of highways and a workforce of over 2,200 employees. The Department of Roads' stated mission is to "provide and maintain, in cooperation with public and private organizations, a safe, efficient, affordable and coordinated statewide transportation system for the movement of people and goods."

With this mission statement in mind, it is the intent of the Legislature to conduct an interim study to review the current process for Department of Roads' projects including, but not limited to:

- (1) A review of all projects valued at more than ten million dollars and their proposed construction schedules;
- (2) How projects are prioritized;
- (3) Considerations for how projects are funded;
- (4) The current level of legislative review and oversight of projects and plans;
- (5) The impact of Department of Roads projects on current roads infrastructure; and
- (6) The level of communication between the Department of Roads and project stakeholders.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the

purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 415. Introduced by Suttle, 10.

PURPOSE: To examine issues relating to employee licensure, employer licensure, job protection, whistleblower protection, staff ratios, working conditions, worker safety, employee liability, employer liability, and patient health, care, and safety when publicly and privately employed nurses and other health care professionals are required to work mandatory overtime.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE RESOLUTION 6CA. Senator Schrock renewed his pending amendment, AM3294, found on page 1129.

Senator Byars asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 416. Introduced by Hartnett, 45.

PURPOSE: This study would involve a review of the issues currently before the Urban Affairs Committee on the development of a program for effective natural gas regulation in Nebraska based upon the report of the consultant and the amendments to LB 806 (2002) crafted by the working group of government and industry representatives that worked during the 2001 interim and on into the early weeks of the 2002 regular session.

The goal will be to draft new legislation for introduction in the 2003 legislative session providing for a comprehensive natural gas regulatory program. In pursuing that goal, the committee will continue to engage

representatives from all interested groups and parties involved in providing natural gas to consumers in Nebraska and the consumers themselves in discussions aimed at narrowing differences and finding ways of arriving at consensus on the final solution.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 417. Introduced by Hartnett, 45.

PURPOSE: Nebraska currently is one of only three states in the nation that offers no tax incentive to promote the preservation of historic properties, although historic preservation is recognized as an important component in housing and neighborhood redevelopment, commercial and "main street" revitalization, and tourism enhancement in our state.

To remedy that situation, LR 14CA was introduced in the 2001 legislative session to provide the constitutional authorization for the Legislature to craft a statutory program to provide an exemption from property taxes for the portion of the value of a qualifying property which is attributable to improvements designed primarily to renovate, rehabilitate, or preserve the property. A qualifying property would have to be one of historical significance.

Lingering questions about the cost, efficacy, and potential parameters of such a program require additional study before the Revenue Committee takes final action on such an amendment.

This study would compile additional information on similar programs and strategies adopted in other states for providing economic and tax incentives, review the experience of those states in terms of program cost and effectiveness, and craft potential enabling legislation for such a program in Nebraska if such a proposed constitutional amendment proposal was adopted. Efforts will also be undertaken to determine what sorts of property should be included in such program, the extent to which historical districts should qualify, and the interest of property owners and local communities in supporting and participating in such a program.

The study will be conducted in cooperation with the Nebraska State Historical Society.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were Tony Spurlin from Mullen; 36 fourth-grade students, teachers, and assistant from Stanton; Cadi Kadlecek from Raymond Central High School; 17 seniors from Arnold; 80 fourth-grade students and teachers from Prescott Elementary School, Lincoln; and former Senator Joyce Hillman and husband, Judge Al Kortum, from Gering.

RECESS

At 12:00 p.m., on a motion by Senator Coordsen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Kristensen presiding.

ROLL CALL

The roll was called and all members were present except Senators Hartnett, Thompson, and Tyson who were excused until they arrive.

RESOLUTIONS

LEGISLATIVE RESOLUTION 418. Introduced by Connealy, 16.

PURPOSE: To study Nebraska's employment security laws. Issues to be addressed shall include, but not be limited to, the following: The condition of the Unemployment Compensation Fund; the effect of state and federal initiatives related to unemployment compensation; and the feasibility of various policy proposals that would utilize the unemployment compensation system for the benefit of the state's economy and workers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 419. Introduced by Connealy, 16.

PURPOSE: To examine the Workplace Safety Consultation Program administered by the Department of Labor. The study shall include an evaluation of the program's effectiveness, the ability of the Department of Labor to sufficiently and fairly administer the program due to changes in the program's funding source; whether business selection criteria need to be revised; and whether alternate program funding sources should be utilized.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 420. Introduced by Connealy, 16.

PURPOSE: To study Nebraska's Employee Suggestion System. The issues to be investigated shall include:

(1) A review of the overall program, taking into consideration the number of suggestions received, the number accepted, the number denied, total amount of state savings because of the program, and total amount of awards granted;

(2) A review of the Suggestion System Rules, and whether the rules fit the administration of the program;

(3) A review of the process used to evaluate and approve or deny suggestions; and

(4) Whether statutory or administrative changes are necessary to ensure the program's efficiency.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 421. Introduced by Connealy, 16.

PURPOSE: Under sections 48-182 and 48-185 of the Nebraska Workers'

Compensation Act, an award made by a single judge may be reviewed by a panel of three judges. Prior to changes made by LB 360 in 1992, this review was a rehearing de novo. Since passage of LB 360, the review is done on the record made before the single judge without any additional evidence. The purpose of this study is to examine whether the review by three judges is an efficient use of judicial resources and whether repeal of that review would result in any unfairness to any of the litigants.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 422. Introduced by Connealy, 16; Beutler, 28.

PURPOSE: To study the minimum wage in Nebraska. The study should consider the ramifications of raising the state's minimum wage; benefits and detriments of raising the minimum wage on employers, workers, and the state; and minimum wage and living wage policy activities in other states and on the federal level.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 423. Introduced by Price, 26.

PURPOSE: The purpose of this study is to analyze the effects of not requiring persons employed to coach or supervise extracurricular activities to hold a valid Nebraska certificate or permit to teach, the relationship between certification and coaching, and the need to require criminal background checks to ensure the safety of the children in the schools of the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE RESOLUTION 6CA. The Schrock pending amendment, AM3294, found on page 1129 and considered on page 1363, was renewed.

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Schrock moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Schrock requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 22:

| | | | | |
|----------|------------|---------------|------------|------------|
| Aguilar | Coordsen | Maxwell | Schimek | Vrtiska |
| Bourne | Cudaback | McDonald | Schrock | Wickersham |
| Bromm | Cunningham | Pedersen, Dw. | Suttle | |
| Brown | Hartnett | Pederson, D. | Synowiecki | |
| Connealy | Janssen | Preister | Thompson | |

Voting in the negative, 23:

| | | | | |
|----------|----------|------------|----------|----------|
| Baker | Chambers | Hudkins | Landis | Stuhr |
| Brashear | Dierks | Jensen | Price | Tyson |
| Bruning | Engel | Jones | Redfield | Wehrbein |
| Burling | Erdman | Kremer | Robak | |
| Byars | Foley | Kristensen | Smith | |

Present and not voting, 4:

| | | | |
|---------|-------|----------|--------|
| Beutler | Kruse | Quandahl | Raikes |
|---------|-------|----------|--------|

The Schrock amendment lost with 22 ayes, 23 nays, and 4 present and not voting.

The Chair declared the call raised.

Pending.

STANDING COMMITTEE REPORT
Health and Human Services

The Health and Human Services Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Commission for the Blind and Visually Impaired
Nichelle Ferreyra
Dorothy Westin-Yockey

Foster Care Review Board
Debra K. Starr

VOTE: Aye: Senators Jensen, Byars, Suttle, Cunningham, Maxwell, and Erdman. Nay: None. Absent: Senator Price.

(Signed) Jim Jensen, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1085A. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1085, Ninety-seventh Legislature, Second Session, 2002; and to declare an emergency.

RESOLUTIONS

LEGISLATIVE RESOLUTION 424. Introduced by Connealy, 16.

PURPOSE: To evaluate methods to increase biofuel consumption in Nebraska. The study should include, but not be limited to, innovative pricing structures, product labeling, consumer acceptance, and environmental benefits.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 425. Introduced by Connealy, 16.

PURPOSE: To study the potential economic impact of a credit-trading mechanism under the proposed renewable fuel standard considered by the 107th United States Congress.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 426. Introduced by Connealy, 16.

PURPOSE: To study the funds of the Nebraska Workers' Compensation Court. Issues to be investigated shall include, but not be limited to, the following: The effect of transferring \$4,000,000 from the Compensation Court Cash Fund to the General Fund as a part of the budget package; whether the cash fund is sufficiently protected from subsequent transfers; and other issues relating to the cash fund's administration.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 427. Introduced by Connealy, 16.

PURPOSE: To study the Nebraska Workers' Compensation Court's role in oversight of the activities of self-insured employers. Issues to be investigated shall include, but not be limited to, the following: Whether sufficient oversight of self-insured employers exists in the State of Nebraska; what government entities regulate self-insured employers and the extent of such regulation; and any matters concerning injured employees, quality of care, and quality of safety.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 428. Introduced by Janssen, 15.

PURPOSE: The purpose of this resolution is to study the issuance and use of special designated liquor licenses. Currently, special designated licenses for the sale or consumption of alcoholic liquor are issued by the Nebraska Liquor Control Commission to certain designated organizations, including municipal corporations, fine arts museums incorporated as nonprofit corporations, religious nonprofit corporations that are exempted from the payment of federal income taxes, and any other nonprofit corporation the purpose of which is fraternal, charitable, or public service and which is exempted from the payment of federal income taxes. The number of special designated licenses issued has grown dramatically over the last several years and there have been complaints about the way the events utilizing these licenses have been conducted and the ability of the commission and law enforcement to enforce the requirements of the Nebraska Liquor Control Act upon these special designated licenseholders. It is important for the safety and welfare of the people of Nebraska and other retail liquor licenseholders that these special designated licenseholders uphold all the applicable laws of the state and cooperate with law enforcement.

This study of special designated licenses shall include, but not be limited to, a review of the trends in special designated licenses, including the number issued, the holders of the licenses, and the overall use of the licenses. In addition, it shall study various options that could address concerns raised with utilization and enforcement of the licenses, including limiting the organizations that may obtain a special designated license or requiring that the organization work with a retail licensee in obtaining the license. In order to carry out the purpose of this resolution, the committee should seek the assistance of the Nebraska Liquor Control Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 429. Introduced by Janssen, 15.

PURPOSE: The purpose of this resolution is to study charitable gaming in Nebraska. The study shall include, but not be limited to, examining methods of addressing declining revenues generated by these forms of gaming, new methods of conducting charitable gaming, and any other matters that are determined to be necessary by the committee for the full consideration of this topic.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 430. Introduced by Janssen, 15.

PURPOSE: The purpose of this resolution is to study the current system for tracking cemetery locations in the state. The study shall include, but not be limited to, examining the availability of current records regarding cemeteries, contacting the entities that currently maintain these records, and determining the feasibility of requiring a centralized registration location for cemeteries.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 431. Introduced by Janssen, 15.

PURPOSE: To study sales of alcoholic liquor in Whiteclay, Nebraska.

The study shall examine:

1. The total annual sales of alcoholic liquor in Whiteclay;
2. The tracking of inventory at Whiteclay alcoholic liquor retail outlets;
3. Facilities and services available to consumers;
4. The effect of volume sales of alcoholic liquor upon the citizens of Whiteclay and surrounding communities, in particular the effect upon their

general health, welfare, and quality of life; and

5. Any other matters appropriate for a complete examination of the issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 432. Introduced by Janssen, 15.

PURPOSE: To study the feasibility of reclassifying the liquor licensing system in order to simplify and streamline the process.

The study shall examine:

1. The statutes relating to the current classification system and its administration;

2. The fees charged for each class of license and a comparison of such fees relative to the other classes;

3. The possibility that some licenses are under-utilized in relation to the cost;

4. The possible disparity in fees and whether the fees are proportional to the alcoholic liquor sold; and

5. Any other matters appropriate for a complete examination of the issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 433. Introduced by Janssen, 15.

PURPOSE: The purpose of this resolution is to study the Nebraska Lottery and Raffle Act and the Nebraska Small Lottery and Raffle Act. The study should determine whether legislation should be introduced to update the acts. The study shall include, but not be limited to, examining the monetary limits for lotteries and raffles established in the acts, insuring that the provisions of the acts are consistent with current practice in the industry, and insuring the consistency of the acts with the statutes governing other forms

of charitable gaming.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 434. Introduced by Janssen, 15.

PURPOSE: To review existing law and the need for legislation regarding the predatory pricing of motor fuel. Unfair competition in the marketing of motor fuel occurs whenever costs associated with the marketing of motor fuel are recovered from other operations, allowing the refined motor fuel to be sold at subsidized prices. Such subsidies most commonly occur in one of three ways: A refiner uses profits from refining crude oil to cover below normal or negative returns earned from motor fuel marketing operations; a motor fuel retailer with more than one location uses profits from one location to cover losses from predatory pricing practices of motor fuel at another location; and a business uses profits from nonmotor fuel sales to cover losses from the predatory pricing being lost on motor fuel sales. The study shall include the review of the long-term effects on the competitive market of companies pricing motor fuel at predatory pricing levels, ways to encourage fair and honest competition, and options to safeguard the public against the creation of monopolies or unfair methods of competition, in transactions involving the sale of, offer to sell, or inducement to sell motor fuel in the wholesale or retail trades in this state. In addition, it shall study the feasibility of not allowing the pricing of motor fuel as an infinite resource to be used as a loss-leader product.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 435. Introduced by Raikes, 25.

PURPOSE: To study the state's sales and use tax, in particular the probable

economic impact and state revenue effects of extending the tax to services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 436. Introduced by Connealy, 16; Dierks, 40.

PURPOSE: To study current law enforcement funding in counties with tribal land and multijurisdictional law enforcement agencies.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 437. Introduced by Bromm, 23.

PURPOSE: To study the issues that come under the jurisdiction of the Transportation and Telecommunications Committee of the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 438. Introduced by Bromm, 23.

PURPOSE: To study the impact to the State of Nebraska and the motoring public from tire debris on Nebraska's highways.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE

NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 439. Introduced by Bromm, 23.

PURPOSE: To study the issues surrounding the safety and fitness of holders of commercial driver's licenses when such a licenseholder has a change in his or her medical condition or health.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 440. Introduced by Bromm, 23; Schrock, 38; Jones, 43.

PURPOSE: To examine the environmental effects of livestock production as related to the Livestock Waste Management Act, review the economic implications of the Livestock Waste Management Act, and examine the relationship of the Livestock Waste Management Act to the numbers of livestock and livestock production facilities within the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 441. Introduced by Jones, 43; Dierks, 40; Erdman, 47; Vriska, 1; Burling, 33; Schrock, 38.

PURPOSE: To study the effects and benefits to the state of expanding the brand inspection area under the Livestock Brand Act and of requiring brand inspections in areas outside the brand inspection area under the act. The committee shall determine which approach would be more beneficial and shall recommend any needed changes to the act to accomplish the goal.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 442. Introduced by Landis, 46.

PURPOSE: To study the Uniform Mediation Act, as approved by the National Conference of Commissioners on Uniform State Laws in August, 2001, and to determine what changes, if any, would need to be made to it or to other Nebraska statutes to promote the increasingly important use of mediation as an appropriate means of dispute resolution, while also protecting the rights of the participants in a mediation process.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MOTIONS - Print in Journal

Senator Byars filed the following motion to LB 1149:
Bracket until April 19, 2002.

Senator Byars filed the following motion to LB 1149:
Recommit to the Revenue Committee.

Senator Byars filed the following motion to LB 1149:
Indefinitely postpone.

AMENDMENTS - Print in Journal

Senators Byars, Suttle, and Price filed the following amendment to LB 1149:

(Amendment, AM3498, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Senators Suttle, Price, and Byars filed the following amendment to LB 1149:

(Amendment, AM3493, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Senators Byars, Suttle, and Price filed the following amendment to LB 1149:

AM3499

(Amendments to Standing Committee amendments, AM3477)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. (1) It is the intent of the Legislature that
- 4 the State of Nebraska serve its disabled populations in the most
- 5 integrated and appropriate setting. The Legislature further finds
- 6 that there is a need to develop a plan to ensure the transition of
- 7 qualified individuals into community-based settings at a reasonable
- 8 pace and identify improvements that could be made by the state.
- 9 (2) The Department of Health and Human Services shall
- 10 develop and submit a comprehensive plan to the Clerk of the
- 11 Legislature by September 30, 2002, and by each September 30
- 12 thereafter. The comprehensive plan shall:
- 13 (a) Identify available community-based services in the
- 14 state and assess the extent to which such services are able to
- 15 serve individuals in the most integrated setting appropriate;
- 16 (b) Formulate a reliable estimate of the number of
- 17 individuals with disabilities currently institutionalized and
- 18 eligible for services in community-based settings;
- 19 (c) Review and identify available funding sources,
- 20 including both medicaid and other sources, to increase the
- 21 availability of community-based services, including any ongoing
- 22 efforts to coordinate access to such services;
- 23 (d) Assess the extent to which funding sources can be
- 1 organized into a coherent system of long-term care which affords
- 2 individuals reasonable and timely access to community-based
- 3 services, including recommendations to make services available in
- 4 the most integrated setting appropriate;
- 5 (e) Examine the operation of waiting lists, including any
- 6 recommendations to ensure that individuals are able to come off
- 7 waiting lists and receive needed community-based services at a
- 8 reasonable pace;
- 9 (f) Afford individuals with disabilities and their
- 10 families the opportunity to make informed choices regarding how

11 their needs can best be met in community-based or institutional
12 settings; and

13 (g) Identify needs which have not been met.

14 (3) The department shall provide an opportunity for
15 interested persons, including individuals with disabilities and
16 their representatives, to be integral participants in plan
17 development and followup. The department shall make affirmative
18 efforts to involve individuals with disabilities, and their
19 representatives, if appropriate, in the plan development and
20 implementation process, including the consideration of methods and
21 options to ensure constructive, ongoing involvement and dialogue in
22 the process.

23 Sec. 2. (1) The Department of Health and Human Services
24 shall file a written report with the Clerk of the Legislature
25 regarding placement and services for individuals with disabilities
26 in Nebraska by September 30, 2002, and by each September 30
27 thereafter. The report shall cover the time period of the

1 immediately preceding state fiscal year. The report shall gather
2 information regarding (a) individuals residing in an institution
3 who are or have waited to receive community-based services and (b)
4 individuals residing outside an institution who are or have waited
5 to receive community-based services.

6 (2) For individuals residing in an institution, the
7 report shall include information tabulated on a statewide basis, by
8 county of residence, and by state-operated facility. The tabulated
9 information shall include:

10 (a) The number of individuals residing in institutions on
11 July 1 of the immediately preceding state fiscal year;

12 (b) The number of individuals residing in institutions on
13 June 30 of the immediately preceding state fiscal year;

14 (c) The number of individuals residing in institutions
15 during the immediately preceding state fiscal year who received
16 community-based services;

17 (d) The number of individuals residing in institutions
18 during the immediately preceding state fiscal year who did not
19 receive community-based services, the reason that each individual
20 did not receive community-based services, and the projected cost
21 for each individual of providing such services;

22 (e) The number of individuals residing in institutions on
23 July 1 of the immediately preceding state fiscal year who were
24 waiting to receive community-based services, the reason that each
25 individual did not receive community-based services, and the
26 projected cost for each individual of providing such services; and

27 (f) The number of individuals residing in institutions on
1 June 30 of the immediately preceding state fiscal year who were
2 waiting to receive community-based services, the reason that each
3 individual did not receive community-based services, and the
4 projected cost for each individual of providing such services.

5 (3) For individuals not residing in an institution, the

6 report shall include information tabulated on a statewide basis and
 7 by county of residence. The tabulated information shall include:
 8 (a) The number of individuals during the immediately
 9 preceding state fiscal year who are or have been waiting to receive
 10 community-based services;
 11 (b) The number of individuals on July 1 of the
 12 immediately preceding state fiscal year who were waiting to receive
 13 community-based services, the reason that each individual did not
 14 receive community-based services, and the projected cost for each
 15 individual of providing such services; and
 16 (c) The number of individuals on June 30 of the
 17 immediately preceding state fiscal year who were waiting to receive
 18 community-based services, the reason that each individual did not
 19 receive community-based services, and the projected cost for each
 20 individual of providing such services."

Senators Byars, Suttle, and Price filed the following amendment to
LB 1149:

AM3502

(Amendments to Standing Committee amendments, AM3477)

- 1 1. On page 2, line 26, after "eligibility" insert "."
- 2 The department shall not conduct a monthly review of eligibility
- 3 for families who have applied or are enrolled in the medical
- 4 assistance program".

Senators Byars and Suttle filed the following amendment to LB 1149:
 AM3501

(Amendments to Standing Committee amendments, AM3477)

- 1 1. On page 2, line 1, after "ineligibility" insert ". A
- 2 review of eligibility based on income by the department shall
- 3 consider an average family income based on no less than three
- 4 recent, consecutive months".

Senators Byars, Suttle, and Price filed the following amendment to
LB 1149:

AM3500

(Amendments to Standing Committee amendments, AM3477)

- 1 1. On page 1, line 24, strike "six" and insert "three".

Senators Byars, Suttle, and Price filed the following amendment to
LB 1149:

AM3497

(Amendments to Standing Committee amendments, AM3477)

- 1 1. On page 5, line 1, strike "2002" and insert "2005".

Senators Suttle and Byars filed the following amendment to LB 1149:
 (Amendment, AM3528, may be found in the Bill Books. The amendment
 has been printed separately and is on file in the Bill Room - Room 1102.)

Senators Byars, Suttle, and Price filed the following amendment to
LB 1149:
AM3514

(Amendments to Standing Committee amendments, AM3477)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new section:
- 3 "Section 1. (1) The Legislature finds that the Kids
- 4 Connection medical assistance program should be studied to
- 5 determine the following:
- 6 (a) The number of enrolled families between one hundred
- 7 fifty and one hundred eighty-five percent of the federal poverty
- 8 level;
- 9 (b) The number of families actually remaining on Kids
- 10 Connection while consistently earning above one hundred eighty-five
- 11 percent of the federal poverty level;
- 12 (c) The current caseloads for Kids Connection
- 13 caseworkers;
- 14 (d) The number of families that do not reenroll in Kids
- 15 Connection because their income exceeds one hundred eighty-five
- 16 percent of the federal poverty level;
- 17 (e) The administrative costs of reviewing eligibility for
- 18 Kids Connection on a six-month basis; and
- 19 (f) The costs and benefits of passive reenrollment for
- 20 families.
- 21 (2) A task force is created to carry out the purposes of
- 22 this section. The task force shall consist of:
- 23 (a) Two representatives of the Department of Health and
- 1 Human Services appointed by the Director of Health and Human
- 2 Services;
- 3 (b) Two members of the Health and Human Services
- 4 committee of the Legislature appointed by the Chairperson of the
- 5 Executive Board of the Legislative Council;
- 6 (c) Two members of the medical community with experience
- 7 in serving the health care needs of children enrolled in Kids
- 8 Connection appointed by the Governor; and
- 9 (d) Two representatives of child advocacy groups
- 10 appointed by the Governor.
- 11 (3) The task force shall upon the conclusion of its study
- 12 make a report of its findings, together with its recommendations,
- 13 no later than December 1, 2002, to the Governor and the Legislative
- 14 Council or Legislature.
- 15 (4) The task force shall terminate on July 1, 2003."

SELECT FILE

LEGISLATIVE RESOLUTION 6CA. Senator Raikes offered the
following amendment:

FA1038

Amend AM3288

page 3, line 25, strike "operated" and insert "regulated" and strike "or" and insert "and operated by".

Senator Raikes moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Raikes requested a roll call vote on his amendment.

Voting in the affirmative, 12:

| | | | |
|----------|----------|---------------|------------|
| Aguilar | Foley | Kruse | Robak |
| Baker | Hartnett | Pedersen, Dw. | Schimek |
| Chambers | Janssen | Raikes | Wickersham |

Voting in the negative, 30:

| | | | | |
|----------|----------|--------------|----------|------------|
| Beutler | Byars | Jensen | Price | Suttle |
| Bourne | Coordsen | Jones | Quandahl | Synowiecki |
| Brashear | Dierks | Kremer | Redfield | Thompson |
| Brown | Engel | Kristensen | Schrock | Tyson |
| Bruning | Erdman | Landis | Smith | Vrtiska |
| Burling | Hudkins | Pederson, D. | Stuhr | Wehrbein |

Present and not voting, 7:

| | | | |
|----------|------------|----------|----------|
| Bromm | Cudaback | Maxwell | Preister |
| Connealy | Cunningham | McDonald | |

The Raikes amendment lost with 12 ayes, 30 nays, and 7 present and not voting.

The Chair declared the call raised.

Senator Schimek moved for a call of the house. The motion prevailed with 45 ayes, 0 nays, and 4 not voting.

Senator Schimek requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 20:

| | | | | |
|---------|----------|------------|----------|------------|
| Aguilar | Byars | Cunningham | Maxwell | Suttle |
| Beutler | Chambers | Hartnett | McDonald | Synowiecki |
| Bourne | Connealy | Janssen | Preister | Thompson |
| Bromm | Cudaback | Kruse | Robak | Wehrbein |

Voting in the negative, 26:

| | | | | |
|----------|---------|---------------|----------|------------|
| Baker | Engel | Kremer | Quandahl | Vrtiska |
| Brashear | Erdman | Kristensen | Raikes | Wickersham |
| Bruning | Foley | Landis | Redfield | |
| Burling | Hudkins | Pedersen, Dw. | Smith | |
| Coordsen | Jensen | Pederson, D. | Stuhr | |
| Dierks | Jones | Price | Tyson | |

Present and not voting, 3:

Brown Schimek Schrock

Failed to advance to E & R for engrossment with 20 ayes, 26 nays, and 3 present and not voting.

The Chair declared the call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 443. Introduced by Bromm, 23; Baker, 44.

PURPOSE: Currently, emergency medical technicians in the State of Nebraska are required to take the National Registry Test in order to receive an EMT-B license. The test requires extensive hours of preparation and has a low passage rate. This study should examine the effect of this requirement and other requirements for EMT certification, especially with relation to recruitment and retention of EMT's in volunteer and rural fire departments.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 444. Introduced by Hartnett, 45.

PURPOSE: Over the course of the past several legislative sessions, the Urban Affairs Committee has been called upon to review several legislative proposals dealing broadly with the structure of local municipal government: The roles of the mayor and city council, the duties and functions of the various municipal officers, the powers granted to the city administrator, the distinctions between classes of municipalities and the powers granted to them, and the desirability of crafting a meaningful constitutional amendment to define the powers of a municipality in adopting or amending a home rule

charter, as proposed in LR 20CA, heard by the committee in the 2001 legislative session.

While this list is not comprehensive, it summarizes some of the key issues in local municipal government operation, issues which have not been addressed in any structured, cohesive, or comprehensive manner for several decades.

The purpose of this study will be to review the existing statutes governing the structure and operations of the various classes of municipalities, as opposed to the forms of power or authority granted to them, to identify key issues and problems and determine (1) if significant structural revisions are appropriate and (2) if appropriate, what form such revisions should take.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 445. Introduced by Hartnett, 45.

PURPOSE: To Investigate the various economic development programs that operate by providing sales or income tax credits, such as the Employment and Investment Growth Act, the Invest Nebraska Act, and the Quality Jobs Act, to determine how the benefits are used and what factors operate to determine how and when the credits are used. The results of the study should be used to develop alternative incentive strategies or amendments to existing programs to make them more useful or cost effective.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 446. Introduced by Hartnett, 45.

PURPOSE: State law gives authority to cities and villages to adopt building codes, plumbing codes, electrical codes, fire prevention codes, and other codes relating to building or construction. Under state law, cities and villages that adopt building codes are required to adopt the Uniform

Building Code, although they can make modifications to accommodate local conditions. The three model building code organizations, including the organization that developed the Uniform Building Code, have engaged in a process to unify, coordinate, and integrate the various building codes and have completed the 2000 International Codes to replace the existing building codes. LB 811 was introduced by the Urban Affairs Committee in the 2001 legislative session to amend the state building code to reflect these developments. Resulting comment and testimony from local building officials and other interested parties have revealed the need for further review of the proposed changes and investigation of the potential consequences of adoption of some of the specialized codes which are a part of the family of codes involved. This study would address these issues and determine whether, and in what fashion, the state building code should be amended, whether cities and villages should adopt some or all of the 2000 International Codes as their building codes, what other options are available to cities and villages, and what state laws need to be amended to accommodate any changes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 447. Introduced by Hartnett, 45.

PURPOSE: Since the adoption in 1980 of the Nebraska Visitors Development Act, counties in Nebraska have been authorized to collect a lodging tax of two percent on hotel and motel occupancy charges to create funding for promotional activities to encourage tourism in the area. Since 1989, Douglas County has been authorized to collect up to an additional two percent and can use the funds collected to improve visitor attractions and facilities in the county.

Over the course of the past three legislative sessions, several bills have been introduced for the purpose of extending the authority now granted only to Douglas County to use some or all of the locally collected lodging tax revenue for capital improvements to visitor attractions and facilities in other counties. With regard to each proposal, concerns were raised about the potential detrimental impact of such activities in different parts of the state.

Recent discussions on LB 732 (2001) and LB 1240 (2002) have revealed new interest in providing additional revenue for local tourism activities, the need to provide funding for facility improvements, and the importance of maintaining a secure, dedicated revenue stream for promotional activities.

This study would investigate the current status of the local lodging tax,

the amount of revenue it generates, and the manner in which that revenue is used. It would endeavor to determine the appropriate statutory rationale for permitting these funds to be devoted to capital improvement purposes and would seek to establish whether, in the interests of good public policy and in accomplishing the stated goals of the act, additional changes should be made. Additionally, the study would endeavor to determine what additional sources of funding would be appropriate for local tourism activities and what other states in similar circumstances are doing to meet their own local needs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 448. Introduced by Hartnett, 45.

PURPOSE: With the passage of the constitutional amendment and the enabling legislation to permit the taxation of real property owned by political subdivisions but devoted to other than public purposes, it is important to determine from the experience of the county assessors who have been engaged in implementing the statutory changes:

- (1) The amount of property being identified as taxable;
- (2) The manner in which the taxable property has been identified;
- (3) The difficulties identified in implementing the law; and
- (4) Changes to existing statutes necessary to better carry out the purposes of the law.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 449. Introduced by Hartnett, 45.

PURPOSE: This study will provide the opportunity for the Urban Affairs Committee of the Legislature to investigate and review matters and issues arising during the interim which are within its jurisdiction and which may be

the subject of bills to be introduced in the 2003 legislative session. This would provide the opportunity for a careful review of proposed legislation and the drafting of such legislation before time constraints and the pace of legislative activity makes studied review more problematic. This process has also served to facilitate review of bills during the session and has helped the committee avoid the need for committee amendments which slow down the consideration of bills by the full Legislature.

This study will involve:

(1) A review of legislation considered by the Urban Affairs Committee during the 2001 and 2002 legislative sessions which was either killed by the committee or held in committee to determine what action by the committee in the upcoming biennium might be warranted with regard to the particular subjects of individual bills;

(2) A review of problems, concerns, or legislation proposed for introduction by senators or other parties for study, technical discussion, or conceptual refinement before the start of the next legislative session; and

(3) The conducting of at least one public hearing to provide an opportunity for public comment and discussion with members of the committee and the public on issues involving matters within the committee's jurisdiction.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 450. Introduced by Hartnett, 45.

PURPOSE: To review the impact of both levy lids and budget lids for cities experiencing increased population growth. Both the cities and school districts in such areas are required to provide increased services, yet they are limited by levy and budget lids in providing such services.

The study should include the issue of exempting the operating costs of new facilities constructed since 1998 with voter-approved bond issues, such as libraries, fire stations, and school buildings.

The study should further include the treatment of increased sales taxes and growth in the property tax base under the levy and budget lids.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 276. E & R amendment, AM7190, found on page 1030, was adopted.

Senator Redfield withdrew her pending amendment, AM3215, found on page 1069.

Senator Redfield renewed her pending amendment, AM3275, found on page 1111.

The Redfield amendment was adopted with 36 ayes, 0 nays, and 13 present and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1073. E & R amendment, AM7197, found on page 1043, was adopted.

Senator Smith reoffered his amendment, AM3158, found on page 1012.

Senator Smith asked unanimous consent to replace his pending amendment, AM3158, found on page 1012, with a substitute amendment. No objections. So ordered.

Senator Smith withdrew his pending amendment, AM3158, found on page 1012.

Senator Smith renewed his substitute pending amendment, AM3424, printed separately and referred to on page 1314.

Senator Maxwell asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Thompson requested a ruling of the Chair on whether the Smith amendment is germane to the bill.

The Chair ruled the Smith amendment is not germane to the bill.

Senator Smith challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator Dierks moved the previous question. The question is, "Shall the

debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Senator Smith moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator Smith requested a roll call vote, in reverse order, on his motion to overrule the Chair.

Voting in the affirmative, 21:

| | | | | |
|----------|------------|----------|----------|------------|
| Baker | Connealy | Foley | Redfield | Wickersham |
| Bourne | Coordsen | Jones | Schrock | |
| Bruning | Cunningham | Kremer | Smith | |
| Burling | Engel | McDonald | Tyson | |
| Chambers | Erdman | Quandahl | Vrtiska | |

Voting in the negative, 25:

| | | | | |
|----------|----------|------------|--------------|------------|
| Aguilar | Byars | Janssen | Maxwell | Schimek |
| Beutler | Cudaback | Jensen | Pederson, D. | Suttle |
| Brashear | Dierks | Kristensen | Preister | Synowiecki |
| Bromm | Hartnett | Kruse | Price | Thompson |
| Brown | Hudkins | Landis | Raikes | Wehrbein |

Present and not voting, 3:

Pedersen, Dw. Robak Stuhr

The Smith motion to overrule the Chair failed with 21 ayes, 25 nays, and 3 present and not voting.

The Chair was sustained.

Senator Smith asked unanimous consent to replace his pending amendment, AM3159, found on page 1014, with a substitute amendment. No objections. So ordered.

Senator Smith withdrew his pending amendment, AM3159, found on page 1014.

Senator Smith renewed his substitute pending amendment, AM3470, found on page 1307.

Senators Aguilar, Maxwell, and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

SENATOR CUDABACK PRESIDING

Senator Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Smith requested a record vote on his amendment.

Voting in the affirmative, 9:

| | | | | |
|--------|---------|----------|-------|---------|
| Bourne | Bruning | Connealy | Robak | Vrtiska |
| Brown | Burling | Preister | Smith | |

Voting in the negative, 11:

| | | | |
|--------|---------|---------------|----------|
| Byars | Hudkins | Pedersen, Dw. | Redfield |
| Dierks | Janssen | Pederson, D. | Wehrbein |
| Engel | Landis | Price | |

Present and not voting, 25:

| | | | | |
|----------|------------|----------|----------|------------|
| Baker | Cudaback | Jensen | Quandahl | Suttle |
| Beutler | Cunningham | Jones | Raikes | Synowiecki |
| Brashear | Erdman | Kremer | Schimek | Thompson |
| Bromm | Foley | Kruse | Schrock | Tyson |
| Chambers | Hartnett | McDonald | Stuhr | Wickersham |

Excused and not voting, 4:

| | | | |
|---------|---------|------------|---------|
| Aguilar | Coorsen | Kristensen | Maxwell |
|---------|---------|------------|---------|

The Smith amendment lost with 9 ayes, 11 nays, 25 present and not voting, and 4 excused and not voting.

Senator Smith withdrew his pending amendment, AM3178, found on page 1014.

Senator Schimek withdrew her pending amendment, AM2940, found on page 1015.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 407. E & R amendment, AM7176, found on page 981, was adopted.

Senator Bruning renewed his pending amendment, AM3200, found on page 1140.

Senators Dw. Pedersen and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

The Bruning amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Senator Wickersham renewed his pending amendment, AM3218, found on page 1146.

The Wickersham amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Senator Janssen renewed his pending amendment, AM3201, found on page 1171.

The Janssen amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1021. E & R amendment, AM7181, found on page 983, was adopted.

Senator Byars withdrew his pending amendment, AM3131, printed separately and referred to on page 1049.

Senator Jensen renewed the Jensen-Byars pending amendment, AM3219, printed separately and referred to on page 1066.

Senator Jensen offered the following amendment to the Jensen-Byars pending amendment:
AM3309

(Amendments to AM3219)

- 1 1. On page 18, line 16; and page 19, line 7, after
- 2 "licensed" insert "funeral director and".

Senator Aguilar asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Jensen withdrew his amendment, AM3309.

Senator Jensen withdrew the Jensen-Byars amendment, AM3219.

Senator Schimek renewed her pending amendment, AM3362, found on page 1195.

SPEAKER KRISTENSEN PRESIDING

The Schimek amendment was adopted with 26 ayes, 1 nay, 20 present and not voting, and 2 excused and not voting.

Senator Jensen offered the following amendment:
(Amendment, AM3055, is on file in the Clerk's Office - Room 2018.)

Senator Beutler offered the following amendment to the Jensen pending amendment:

FA1041

Amend AM3055

On page 8, line 20 after "would" insert "intentionally"

On page 8, line 24, after the first "a" insert "intentional"

The Beutler amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

The Jensen amendment, as amended, was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Senator Jensen offered the following amendment:

AM3106

- 1 1. Insert the following new sections:
- 2 "Sec. 66. Section 71-4301, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 71-4301. As used in For purposes of sections 71-4301 to
- 5 71-4307, unless the context otherwise requires, **swimming pool means**
- 6 **Swimming pool shall mean** any artificial basin of water **which has**
- 7 **been wholly designed, modified, improved, constructed, or installed**
- 8 **solely for the purpose of public swimming, wading, diving,**
- 9 **recreation, or instruction. Swimming pool includes, but is not**
- 10 **limited to, a pool serving a community, a subdivision, an apartment**
- 11 **complex, a condominium, a club, a camp, a school, an institution, a**
- 12 **park, a manufactured home park, a hotel, a motel, a recreational**
- 13 **area, or a water park. Swimming pool includes a spa, hot tub, or**
- 14 **whirlpool or similar device which (1) is designed for recreational**
- 15 **use and not to be drained, cleaned, and refilled after each**
- 16 **individual use and (2) may consist of elements, including, but not**
- 17 **limited to, hydrojet circulation, hot water, cold water, mineral**
- 18 **baths, air induction systems, or any combination thereof. Swimming**
- 19 **pool does not include an artificial lake, a pool at a private**
- 20 **residence and which is equipped with equipment to filter and**
- 21 **disinfect, and shall include pools for community use, pools at**
- 22 **apartments or housing developments having five or more living**
- 23 **units, clubs, camps, schools, institutions, park and recreation**
- 24 **areas, motels, hotels and other commercial establishments.**
- 1 **Sections 71-4301 to 71-4307 shall not apply to pools at private**
- 2 **residences intended only for the use of the owner and guests, or a**
- 3 **pool operated exclusively for medical treatment, physical therapy,**
- 4 **water rescue training, or training of divers.**
- 5 Sec. 67. Section 71-4302, Reissue Revised Statutes of
- 6 Nebraska, is amended to read:
- 7 71-4302. The Department of Health and Human Services
- 8 Regulation and Licensure shall prepare, adopt, and have printed
- 9 minimum sanitary and safety requirements in the form of regulations
- 10 for the design, construction, equipment, and operation of swimming

11 pools and bather preparation facilities. Such requirements shall
 12 include, but not be limited to, provisions for waiver or variance
 13 of design standards and the circumstances under which such waiver
 14 or variance may be granted.

15 Sec. 68. Section 71-4305, Reissue Revised Statutes of
 16 Nebraska, is amended to read:

17 71-4305. (1) The Department of Health and Human Services
 18 Regulation and Licensure shall make at least one inspection every
 19 year of each swimming pool to determine that such swimming pool
 20 complies with the minimum sanitary and safety requirements.

21 (2) The owner and operator of any swimming pool shall
 22 submit such operation and analytical records as may be requested at
 23 any time by the Department of Health and Human Services Regulation
 24 and Licensure to determine the sanitary and safety condition of the
 25 swimming pool.

26 (3) ~~The distinction between Class A and Class B swimming~~
 27 ~~pools shall be prescribed by regulation by the Department of Health~~
 1 and Human Services Regulation and Licensure shall adopt and
 2 promulgate rules and regulations which classify swimming pools on
 3 the basis of criteria deemed appropriate by the department. The
 4 department shall charge engineering firms, swimming pool owners and
 5 operators, and other appropriate parties fees established by rules
 6 and regulations ~~regulation~~ for the review of plans and
 7 specifications of a swimming pool, the issuance of a license or
 8 permit, the provision of swimming pool operator testing services,
 9 the inspection of a swimming pool, and any other services rendered
 10 at a rate which defrays no more than the actual cost of the
 11 services provided. All fees shall be paid as a condition of annual
 12 renewal of licensure or of continuance of licensure.

13 All fees collected under this section shall be ~~deposited~~
 14 ~~in~~ remitted to the State Treasurer for credit to the Department of
 15 Health and Human Services Regulation and Licensure Cash Fund. The
 16 Department of Health and Human Services Regulation and Licensure
 17 shall not charge a municipal corporation an inspection fee for an
 18 inspection of a swimming pool owned by such municipal
 19 corporation."

20 2. Renumber the remaining sections and correct internal
 21 references and the repealer accordingly.

The Jensen amendment was adopted with 26 ayes, 0 nays, 21 present and
 not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

SELECT COMMITTEE REPORTS Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 391, 470, 470A, and
 1172.

Enrollment and Review Change to LB 391

The following changes, required to be reported for publication in the Journal, have been made:

ER9124

1. In the Raikes et al. amendment, AM2837:
 - a. On page 1, line 15, "after" has been struck and "before" inserted; and in line 16 "is" has been inserted after "(b)" and "does not" has been inserted after "or"; and
 - b. On page 2, line 10, "the second" has been inserted after "strike".

Enrollment and Review Change to LB 470

The following changes, required to be reported for publication in the Journal, have been made:

ER9125

1. In lieu of the Bromm-Jones amendment, FA1037, in the Kristensen amendment, AM3384, on page 1, line 3, "officers, including carrier enforcement officers as prescribed in sections 60-1301 to 60-1309 and section 4 of this act and officers of the Nebraska State Patrol as prescribed in sections 81-2001 to 81-2009 and section 3 of this act assigned to the carrier enforcement division" has been inserted after "eighty-eight".
2. In the Kristensen amendment, AM3384, on page 1, line 1, "The" has been struck and "Through June 30, 2005, the" inserted; and in line 3 "through June 30, 2005" has been struck.

Enrollment and Review Change to LB 1172

The following changes, required to be reported for publication in the Journal, have been made:

ER9126

1. In the Raikes amendment, AM3375, on page 1, line 24; and page 2, line 27, an underscored comma has been inserted after "act".
2. The E & R amendments have been struck.
3. On page 1, line 4, "to provide severability;" has been inserted after the semicolon.

(Signed) Philip Erdman, Chairperson

NOTICE OF COMMITTEE HEARING

Appropriations
Room 1003

Wednesday, April 10, 2002

1:00 PM

Bond Issue - Wayne & Peru State Colleges residence hall improvements

(Signed) Roger R. Wehrbein, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 451. Introduced by Byars, 30; Suttle, 10; Price, 26; Maxwell, 9.

PURPOSE: To study the Kids Connection medical assistance program in order to determine the following:

(1) The number of enrolled families between one hundred fifty percent and one hundred eighty-five percent of the federal poverty level;

(2) The number of families actually remaining on Kids Connection while consistently earning above one hundred eighty-five percent of the federal poverty level;

(3) The current caseloads for Kids Connection caseworkers;

(4) The number of families that do not reenroll in Kids Connection because their income exceeds one hundred eighty-five percent of the federal poverty level;

(5) The administrative costs of reviewing eligibility for Kids Connection on a six-month basis; and

(6) The costs and benefits of passive reenrollment for families.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That a task force shall be convened to carry out the purposes of this resolution. The task force shall consist of:

(a) Two representatives of the Department of Health and Human Services appointed by the Director of Health and Human Services;

(b) Two members of the Health and Human Services Committee of the Legislature appointed by the Chairperson of the Executive Board of the Legislative Council;

(c) Two members of the medical community with experience in serving the health care needs of children enrolled in Kids Connection appointed by the Governor; and

(d) Two representatives of child advocacy groups appointed by the Governor.

2. That the task force shall upon the conclusion of its study make a report of its findings, together with its recommendations, no later than December 1, 2002, to the Governor and the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 452. Introduced by Coordsen, 32.

PURPOSE: LB 1049 received a great deal of attention, but there was not the time during the short session to evaluate alternatives to that proposed by the bill. The purpose of this study is to evaluate and determine whether an alternative method under the Administrative Procedures Act is warranted for bringing forth a claim. The alternatives to evaluate include, but should not be limited to, a central hearing panel, a process similar to the small claims court process, and a different standard of review on an appeal.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 453. Introduced by Bromm, 23.

PURPOSE: To investigate the need for the reorganization and the recodification of the motor vehicle titling and registration laws in Chapter 60, articles 1 and 3.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 454. Introduced by Coordsen, 32; Tyson, 19.

WHEREAS, the Presidential Award for Excellence in Mathematics and Science Teaching is the highest award for science and mathematics educators; and

WHEREAS, Nancy Kunkel, a Thayer Central teacher, was selected from more than 600 national finalists to be one of up to 216 teachers to receive the award; and

WHEREAS, Nancy Kunkel began teaching at Hebron Public Schools in 1978, spending many years as a first-grade teacher, a kindergarten teacher, and a fourth-grade teacher; and

WHEREAS, as an award recipient, Nancy Kunkel received a \$7,500 grant for her school and a trip to Washington D.C. to receive the award.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its congratulations to Nancy Kunkel, recipient of the Presidential Award for Excellence in Mathematics and Science Teaching.

2. That a copy of this resolution be presented to Nancy Kunkel.

Laid over.

LEGISLATIVE RESOLUTION 455. Introduced by Stuhr, 24.

PURPOSE: To examine state policies relating to education and career preparation programs in Nebraska. This study shall include, but not be limited to, the following:

- (1) Delivery systems of career and technical education in Nebraska on the secondary and postsecondary levels; and
- (2) Articulation agreements between secondary and postsecondary institutions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 456. Introduced by Beutler, 28.

PURPOSE: To examine the feasibility and desirability of reducing General Fund appropriations to the Public Service Commission and to assess the costs of administering the commission's regulatory functions to the regulated entities. Input shall be solicited from both the commission and regulated entities, and the study shall include the following:

- (1) A summary of the commission's existing regulatory costs and expenses for each area of the commission's regulatory jurisdiction, including the source of any existing funding;
- (2) At least two proposed fee schedules for each regulatory program administered by the commission, including a summary of the projected impact on regulated entities;
- (3) The projected increases in the costs of administering the commission's programs over time and an examination of alternative methods for adjusting fee schedules over time which address the costs and benefits of each method; and
- (4) A review of how other states fund the costs of regulating the telecommunications industry and other utilities within the jurisdiction of the commission.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this

resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENTS - Print in Journal

Senator Wickersham filed the following amendment to LB 1085:
AM3531

(Amendments to AM3440)

- 1 1. On page 9, line 11, strike "line 26," and insert
- 2 "line 10, after '2002' insert ', section 168(k) or 1400L of the
- 3 Internal Revenue Code of 1986, as amended,;' in line 26"; and in
- 4 line 15 strike "2006" and insert "2005".

Senator Wickersham filed the following amendment to LB 1085:
FA1042

Amend AM3440

On page 4, line 25 after "or" insert "sells or".

SELECT FILE

LEGISLATIVE BILL 1139. E & R amendment, AM7186, found on page 1029, was adopted.

Senator Landis renewed his pending amendment, AM3287, found on page 1171.

The Landis amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Senator Beutler offered the following amendment:

FA1040

On page 9, line 19, after the period insert: "The actuarial statement shall include a confirmation that the stop-loss insurance policy required by section 9 of this act is in force."; and on line 20, strike "may" and insert "shall".

The Beutler amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1003. E & R amendment, AM7187, printed separately and referred to on page 1034, was adopted.

Senator Kremer reoffered his amendment, AM3038, found on page 869 and considered on page 965.

Senator Kremer asked unanimous consent to replace his pending amendment, AM3038, found on page 869, with a substitute amendment. No objections. So ordered.

Senator Kremer withdrew his pending amendment, AM3038, found on page 869.

Senator Kremer renewed his substitute pending amendment, AM3126, found on page 1020.

Senator Beutler renewed his pending amendment, AM3510, found on page 1345, to the Kremer pending amendment.

Senator Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

SENATOR CONNEALY PRESIDING

Senator Dierks moved the previous question. The question is, "Shall the debate now close?" The motion failed with 6 ayes, 15 nays, and 28 not voting.

Senator Suttle asked unanimous consent to be excused. No objections. So ordered.

Senator Beutler requested a division of the question on his amendment.

The Chair sustained the division of the question.

The first Beutler amendment, to the Kremer pending amendment, is as follows:

FA1045

(Amendments to AM3126)

- 1 1. On page 2, line 15, after "threatened" insert "or, if
- 2 the subject species' range extends over more than five counties, in
- 3 a newspaper of statewide circulation distributed in the county"; in
- 4 line 17 strike "and state agencies" and insert ", the Department of
- 5 Agriculture, the Department of Environmental Quality, and the
- 6 Department of Natural Resources"; and in line 19 strike "county,"
- 7 and strike the second comma.

Senator Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

The first Beutler amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

The second Beutler amendment, to the Kremer pending amendment, is as follows:

FA1046

(Amendments to AM3126)

- 8 2. On page 3, line 3, after the semicolon insert "and";
 9 and strike beginning with the semicolon in line 12 through "37-807"
 10 in line 21.
- 11 3. On page 4 strike beginning with "and" in line 1
 12 through "subsection" in line 2; and strike beginning with "and" in
 13 line 5 through the comma in line 7.

The second Beutler amendment lost with 0 ayes, 26 nays, 20 present and not voting, and 3 excused and not voting.

Senator Preister offered the following amendment to the Kremer pending amendment:

FA1043

Amend AM3126

delete section (iii) on page 2 lines 18 through 21.

The Preister amendment lost with 5 ayes, 18 nays, 23 present and not voting, and 3 excused and not voting.

Senator Preister offered the following amendment to the Kremer pending amendment:

FA1048

Amend AM3126

delete the words "Governor and" on page 2 line 17.

The Preister amendment was adopted with 26 ayes, 8 nays, 13 present and not voting, and 2 excused and not voting.

The Kremer amendment, AM3126, as amended, was adopted with 28 ayes, 4 nays, 15 present and not voting, and 2 excused and not voting.

Senator Beutler renewed his pending amendment, AM3343, found on page 1314.

SPEAKER KRISTENSEN PRESIDING

Senator Schrock offered the following amendment to the Beutler pending amendment:

AM3518

(Amendments to AM3343)

- 1 1. On page 1, line 10, strike "At", show as stricken,
 2 and insert "Until January 1, 2006, at"; and in line 12 strike "
 3 and not", show as stricken, and insert ". On and after January 1,
 4 2006, at least three members of the commission shall be actually
 5 engaged in agricultural pursuits and at least two of such members
 6 shall reside on a farm or ranch. Not".

The Schrock amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Senator Erdman offered the following amendment to the Beutler pending amendment:

FA1049

Amend AM3343

Strike new language on page 1 lines 19-22.

Senators Landis and Bourne asked unanimous consent to be excused until their return. No objections. So ordered.

Senator Erdman withdrew his amendment.

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1149A. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1149, Ninety-seventh Legislature, Second Session, 2002; and to reduce appropriations.

AMENDMENTS - Print in Journal

Senator Bourne filed the following amendment to LB 1168:
AM3513

- 1 1. Insert the following new sections:
- 2 "Sec. 5. (1) No Class I railroad company shall allow the
- 3 operation of any freight train or locomotive in over-the-road
- 4 movements in this state unless the freight train or locomotive has
- 5 a crew of at least two railroad company employees.
- 6 (2) For purposes of sections 5 to 7 of this act:
- 7 (a) Class I has the meaning as in 49 C.F.R. 1201, as such
- 8 regulation existed on January 1, 2002;
- 9 (b) Over-the-road movements means the transport of
- 10 locomotives attached to freight cars or other locomotives and does
- 11 not include hostler and helper movements or mechanical or
- 12 incidental movements; and
- 13 (c) Railroad company means any individual, partnership,
- 14 firm, limited liability company, corporation, company, society, or
- 15 association managing, maintaining, operating, or in possession of a
- 16 railroad in whole or in part within this state whether as owner or
- 17 contractor. The term also includes any form of nonhighway ground
- 18 transportation that runs on rails or electromagnetic guideways and
- 19 any entity providing such transportation.

- 20 Sec. 6. Section 5 of this act does not apply if the
21 United States Secretary of Transportation, through the Federal
22 Railroad Administration, prescribes a regulation or issues an order
23 covering the subject matter of the state requirement.
- 24 Sec. 7. Any railroad company that violates section 5 of
1 this act is subject to a first offense fine of not less than one
2 hundred dollars, a second offense fine of not less than two hundred
3 fifty dollars, and a third offense fine of five hundred dollars.
4 All fines shall apply to each freight train or locomotive operated
5 on each day of operation in this state, shall be enforced by the
6 Public Service Commission, and shall be remitted to the State
7 Treasurer for credit to the permanent school fund.
- 8 Sec. 8. Section 74-1415.04, Reissue Revised Statutes of
9 Nebraska, is amended to read:
- 10 74-1415.04. No investment in any acquisition,
11 rehabilitation or improvement, operation, or rail facility
12 construction project ~~shall be approved unless the council's~~
13 ~~investment is secured by a first lien on any combination of real~~
14 ~~and personal property the value of which is at least one hundred~~
15 ~~twenty percent of the amount of the investment. in which the~~
16 council loans funds shall be approved unless the borrower provides
17 a guarantee and collateral for the loan which is acceptable to the
18 council as sufficient security to protect the interests of the
19 council.
- 20 Sec. 9. Section 74-1415.05, Reissue Revised Statutes of
21 Nebraska, is amended to read:
- 22 74-1415.05. The council shall not acquire any property
23 or ~~invest loan funds~~ in any acquisition, rehabilitation or
24 improvement, operation, or rail facility construction project
25 unless an independent certified appraiser verifies that the value
26 of the property proposed to be acquired or to be held as security
27 is at least ~~one hundred twenty percent of the purchase price to be~~
1 paid equal to the amount the council determines is sufficient to
2 protect the interests of the council. The council shall select the
3 independent certified appraiser. The entity requesting the
4 financial assistance shall bear the cost of the appraisal.
- 5 Sec. 10. If any section in this act or any part of any
6 section is declared invalid or unconstitutional, the declaration
7 shall not affect the validity or constitutionality of the remaining
8 portions, therefor, such portions shall be severable.
- 9 Sec. 11. Original sections 74-1415.04 and 74-1415.05,
10 Reissue Revised Statutes of Nebraska, are repealed."
11 2. Insert underscoring in the original sections and all
12 amendments thereto.
13 3. Renumber the remaining section accordingly.

Senator Beutler filed the following amendment to LB 1303:
FA944
Amend AM3134

Substitute a period for the comma on line 14, page 4 and strike all language after the comma

Strike lines 15 and 16 on page 4

Senator Beutler filed the following amendment to LB 1236:

AM3523

(Amendments to Standing Committee amendments, AM2946)

- 1 1. On page 3, line 27, strike "eleven" and insert
- 2 "thirteen".
- 3 2. On page 4, line 3, strike the second "and"; in line 8
- 4 after "large" insert "; and
- 5 (c) The chancellor of the University of Nebraska-Lincoln
- 6 or his or her designee and the chairperson of the Nebraska Arts
- 7 Council"; and in line 27 after the period insert "No member of the
- 8 Legislature may serve on the board.".

Senator Robak filed the following amendment to LB 1303:

AM3522

(Amendments to Standing Committee amendments, AM3134)

- 1 1. Insert the following new sections:
- 2 "Sec. 10. Section 60-601, Revised Statutes Supplement,
- 3 2001, is amended to read:
- 4 60-601. Sections 60-601 to 60-6,374 and section 11 of
- 5 this act shall be known and may be cited as the Nebraska Rules of
- 6 the Road.
- 7 Sec. 11. It is unlawful to use nitrous oxide in any
- 8 motor vehicle operated on any highway in this state.".
- 9 2. On page 5, line 21, strike "and"; and in line 22
- 10 after the last comma insert "and section 60-601, Revised Statutes
- 11 Supplement, 2001.".
- 12 3. Renumber the remaining sections accordingly.

Senator Bromm filed the following amendment to LB 1105:

AM3451

- 1 1. Strike sections 23 and 459 and insert:
- 2 "Sec. 23. (1) The commission shall implement the federal
- 3 Telecommunications Act of 1996, as such act existed on January 1,
- 4 2002, including section 252 of the act which establishes specific
- 5 procedures for negotiation and arbitration of interconnection
- 6 agreements between telecommunications companies. Interconnection
- 7 agreements approved by the commission pursuant to section 252 of
- 8 the act may contain such enforcement mechanisms and procedures that
- 9 the commission determines to be consistent with the establishment
- 10 of fair competition in Nebraska telecommunications markets.
- 11 (2) The commission shall not mandate any arrangement that
- 12 requires interconnecting telecommunications companies to engage in
- 13 mutual recovery of costs through offsetting of reciprocal
- 14 obligations. This subsection shall not prohibit telecommunications
- 15 companies from entering voluntary agreements to engage in such an

16 agreement.

17 (3) In addition, the commission may administratively fine
 18 pursuant to section 75-156 any person who violates any enforcement
 19 mechanism or procedure established pursuant to this section. The
 20 authority granted to the commission pursuant to this section shall
 21 be broadly construed in a manner consistent with the federal
 22 Telecommunications Act of 1996.

23 Sec. 485. Section 75-109, Revised Statutes Supplement,
 24 2000, as amended by section 9, Legislative Bill 435, Ninety-seventh
 1 Legislature, Second Session, 2002, is amended to read:

2 75-109. (4) Except as provided in the Agricultural
 3 Suppliers Lease Protection Act and sections section 19-4603,
 4 86-803, and 86-808 and sections 25 and 42 of this act, the
 5 commission shall regulate and exercise general control as provided
 6 by law over all common and contract carriers engaged in the
 7 transportation of freight or passengers for hire or furnishing
 8 telecommunications services for hire in Nebraska intrastate
 9 commerce.

10 (2) The commission is authorized to do all things
 11 reasonably necessary and appropriate to implement the federal
 12 Telecommunications Act of 1996, Public Law 104-104, including 47
 13 U.S.C. 251 et seq., as such sections existed on the effective date
 14 of this act, including section 252 of the act which establishes
 15 specific procedures for negotiation and arbitration of
 16 interconnection agreements between telecommunications companies.
 17 Interconnection agreements approved by the commission pursuant to
 18 section 252 of the act may contain such enforcement mechanisms and
 19 procedures that the commission determines to be consistent with the
 20 establishment of fair competition in Nebraska telecommunications
 21 markets. In addition, the commission may administratively fine
 22 pursuant to section 75-156 any person who violates any enforcement
 23 mechanism or procedure established pursuant to this subsection.
 24 The authority granted to the commission pursuant to this subsection
 25 shall be broadly construed in a manner consistent with the federal
 26 Telecommunications Act of 1996."

27 2. On page 7, lines 14 and 15; page 58, lines 6 and 7;
 1 page 64, line 7; page 88, lines 9 and 10; page 95, lines 6 and 7;
 2 page 114, line 2; page 147, line 1; and page 178, lines 15 and 16,
 3 16 and 17, and 19 and 20, strike "the operative date of this
 4 section" and insert "January 1, 2002".

5 3. On page 39, line 6, strike "(2)" and insert "(3)".

6 4. On page 51, strike beginning with "applicable" in
 7 line 11 through "act" in line 14, show as stricken, and insert
 8 "federal regulations for changing long distance service under
 9 subpart K of 47 C.F.R. part 64, as such regulations existed on
 10 January 1, 2002".

11 5. On page 51, line 23; page 86, line 27; and page 178,
 12 line 19, strike "section" and insert "regulation".

13 6. On page 53, strike beginning with "the" in line 13

14 through "Commission" in line 14, show as stricken, and insert "47
15 C.F.R. 64.1100, 64.1120, 64.1130, and 64.1190, as such regulations
16 existed on January 1, 2002,"; and strike beginning with "any" in
17 line 17 through "act" in line 18, show as stricken, and insert "the
18 federal regulations for changing long distance service under
19 subpart K of 47 C.F.R. part 64, as such regulations existed on
20 January 1, 2002".

21 7. On page 58, line 6, strike "425, as such regulation"
22 and insert "part 425, as such regulations"; in line 26 after the
23 second "of" insert "(i)"; and in line 27 strike "47 C.F.R. 64.1100"
24 and insert "(ii) the federal regulations for changing long distance
25 service under subpart K of 47 C.F.R. part 64, as such regulations
26 existed on January 1, 2002".

27 8. On page 59, strike lines 1 and 2.

1 9. On page 76, line 26; and page 153, lines 8 and 17,

2 strike "sections" and insert "regulations".

3 10. On page 88, strike beginning with "under" in line 7
4 through "rules" in line 9 and insert "for satellite communications
5 under 47 C.F.R. part 25, for remote pickup broadcast stations under
6 subpart D of 47 C.F.R. part 74, for aural broadcast auxiliary
7 stations under subpart E of 47 C.F.R. part 74, for television
8 broadcast auxiliary stations under subpart F of 47 C.F.R. part 74,
9 or for fixed microwave services under 47 C.F.R. part 101, as such
10 regulations"; and in line 11 after "under" insert "47 C.F.R.".

11 11. On page 89, line 9; page 90, line 15; page 91, lines
12 2, 7, and 15; page 92, line 23; page 94, line 27; page 95, line 8;
13 page 96, line 7; page 97, lines 8, 16, 22, and 25; page 98, lines 5
14 and 18; page 103, lines 1, 9, and 26; page 104, line 18; page 107,
15 line 2; page 111, line 22; page 113, lines 12 and 24; and page 115,
16 lines 9 and 20, strike "152" and insert "133".

17 12. On page 90, line 6, strike "152 to 157" and insert
18 "133 to 177".

19 13. On page 92, strike beginning with "engage" in line 5
20 through "section" in line 12, show the old matter as stricken, and
21 insert "intercept or receive, or to assist in the interception or
22 receipt of:

23 (A) Any communications service offered over a cable
24 system as provided in 47 U.S.C. 553, as such section existed on
25 January 1, 2002; or

26 (B) Any satellite cable programming for private viewing
27 as provided in 47 U.S.C. 605, as such section existed on January 1,
1 2002".

2 14. On page 95, strike beginning with "under" in line 5

3 through "rules" in line 6, show the old matter as stricken, and

4 insert "for remote pickup broadcast stations under subpart D of 47
5 U.S.C. part 74, as such regulations".

6 15. Strike beginning with "under" on page 113, line 27,

7 through "rules" on page 114, line 1, show the old matter as

8 stricken, and insert "for remote pickup broadcast stations under

- 9 subpart D of 47 U.S.C. part 74, as such regulations".
- 10 16. On page 128, strike beginning with "in" in line 3
11 through "procedure" in line 4 and insert "in section 25-534".
- 12 17. On page 178, line 14, strike "defined" and insert
13 "referenced"; and in line 16 strike the second "section" and insert
14 "regulation".
- 15 18. On page 308, line 21, strike "413" and insert "410".

Senator Bromm filed the following amendment to LB 1105:
AM3452

- 1 1. Insert the following new sections:
- 2 "Sec. 433. Section 28-515, Reissue Revised Statutes of
3 Nebraska, is amended to read:
- 4 28-515. (1) A person commits theft if he or she obtains
5 services, which he or she knows are available only for
6 compensation, by deception or threat or by false token or other
7 means to avoid payment for the service. Services include labor,
8 professional service, telephone service, electric service, cable
9 television service, or other public service, accommodation in
10 hotels, restaurants, or elsewhere, admission to exhibitions, and
11 use of vehicles or other movable property. When compensation for
12 service is ordinarily paid immediately upon the rendering of such
13 service, as in the case of hotels and restaurants, refusal to pay
14 or absconding without payment or offer to pay gives rise to a
15 presumption that the service was obtained by deception as to
16 intention to pay.
- 17 (2) A person commits theft if, having control over the
18 disposition of services of others to which he or she is not
19 entitled, he or she diverts such services to his or her own benefit
20 or to the benefit of another not entitled thereto.
- 21 (3) ~~For purposes of this subsection, telecommunications~~
22 ~~service shall include, but not be limited to, telephone service and~~
23 ~~cable television service, and device shall include, but not be~~
24 ~~limited to, instrument, apparatus, equipment, and plans or~~
1 instructions for making or assembling the same.
- 2 It shall be a Class II misdemeanor for any person to:
- 3 (a) Knowingly make or possess any device designed to or
4 commonly used to obtain telecommunications service fraudulently
5 from a licensed cable television franchisee with the intent to use
6 such device in the commission of an offense described in subsection
7 (1) of this section;
- 8 (b) Knowingly tamper with, interfere with, or connect to
9 any cables, wires, converters, or other devices used for the
10 distribution of telecommunications services by any mechanical,
11 electrical, acoustical, or other means without authority from the
12 operator of the service with the intent of obtaining
13 telecommunications service fraudulently; or
- 14 (c) Sell, give, transfer, or offer or advertise for sale
15 a device which such person knows or should know is intended to be

16 used for the purpose of obtaining telecommunications service
17 fraudulently.

18 Sec. 434. (1) It is unlawful for any person to:

19 (a) Knowingly make or possess any device designed to or
20 commonly used to obtain telecommunications service fraudulently
21 from a licensed cable television franchisee with the intent to use
22 such device in the commission of an offense described in subsection
23 (1) of section 28-515;

24 (b) Knowingly tamper with, interfere with, or connect to
25 any cables, wires, converters, or other devices used for the
26 distribution of telecommunications service by any mechanical,
27 electrical, acoustical, or other means without authority from the
1 operator of the service with the intent of obtaining
2 telecommunications service fraudulently; or

3 (c) Sell, give, transfer, or offer or advertise for sale
4 a device which such person knows or should know is intended to be
5 used for the purpose of obtaining telecommunications service
6 fraudulently.

7 (2) For purposes of this section:

8 (a) Telecommunications service includes, but is not
9 limited to, telephone service and cable television service; and

10 (b) Device includes, but is not limited to, instrument,
11 apparatus, equipment, and plans or instructions for making or
12 assembling the instrument, apparatus, or equipment.

13 (3) A violation of this section is a Class II
14 misdemeanor.

15 Sec. 435. Section 86-329, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 ~~86-329.~~ (1) Any person who connects It is unlawful for
18 any person:

19 (a) To connect any instrument, device, or contrivance
20 with any wire supplying or intended to supply electricity or
21 electric current or ~~connects to connect~~ any pipe or conduit
22 supplying gas or water, without the knowledge and consent of the
23 supplier of such products, in such manner that any portion thereof
24 may be supplied to any instrument by or at which electricity,
25 electric current, gas, or water may be consumed without passing
26 through the meter made or provided for measuring or registering the
27 amount or quantity thereof passing through it;

1 (b) To ~~;~~ and any person who knowingly uses use or
2 knowingly ~~permits permit~~ the use of electricity, electric current,
3 gas, or water obtained unlawfully pursuant to this section;

4 (c) To reconnect in the above-mentioned unauthorized
5 ways, shall be deemed guilty of a Class III misdemeanor.

6 (2) When electrical, gas, or water service has been
7 disconnected pursuant to sections ~~70-1601 to 70-1615~~, any person
8 who reconnects such service without the knowledge and consent of
9 the supplier of such service if the service has been disconnected
10 pursuant to sections ~~70-1601 to 70-1615~~; or

11 (d) To willfully injure, alter, or by any instrument,
12 device, or contrivance in any manner interfere with or obstruct the
13 action or operation of any meter made or provided for measuring or
14 registering the amount or quantity of electricity, electric
15 current, gas, or water passing through it, without the knowledge
16 and consent of the supplier of the electricity, electric current,
17 gas, or water passing or intended to pass through such meter.
18 (2) Proof of the existence of any wire, pipe, or conduit
19 connection or reconnection or of any injury, alteration,
20 interference, or obstruction of a meter is prima facie evidence of
21 the guilt of the person in possession of the premises where such
22 connection, reconnection, injury, alteration, interference, or
23 obstruction is proved to exist.

24 (3) A violation of this section is a Class III
25 misdemeanor. shall be deemed guilty of a Class III misdemeanor.
26 Sec. 473. Section 70-301, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 70-301. Any public power district, corporation, or
2 municipality that is now or may hereafter be engaged in the
3 generation or transmission, or both, of electric energy for sale to
4 the public for light and power purposes or the production or
5 distribution, or both, of ethanol for use as fuel may acquire
6 right-of-way over and upon lands, except railroad right-of-way and
7 depot grounds, for the construction of pole lines or underground
8 lines necessary for the conduct of such business and for the
9 placing of all poles and constructions for the necessary adjuncts
10 thereto, in the same manner as railroad corporations may acquire
11 right-of-way for the construction of railroads. Such district,
12 corporation, or municipality shall give public notice of the
13 proposed location of such pole lines or underground lines with a
14 voltage capacity of thirty-four thousand five hundred volts or more
15 which involves the acquisition of rights or interests in more than
16 ten separately owned tracts by causing to be published a map
17 showing the proposed line route in a legal newspaper of general
18 circulation within the county where such line is to be constructed
19 at least thirty days before negotiating with any person, firm, or
20 corporation to acquire easements or property for such purposes and
21 shall consider all objections which may be filed to such location.
22 After securing approval from the Public Service Commission and
23 having complied with sections ~~86-304 to 86-334~~ 413 to 416 and 471
24 to 476 of this act, such public power districts, corporations, and
25 municipalities shall have the right to condemn a right-of-way over
26 and across railroad right-of-way and depot grounds for the purpose
27 of crossing the same. The procedure to condemn property shall be
1 exercised in the manner set forth in sections 76-704 to 76-724.

2 Sec. 475. Section 86-306, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 ~~86-306.~~ (1) Any electric wire ~~All such wires~~ shall be
5 placed at least eighteen feet above all road crossings. Any

6 ~~electric~~ ; and all such poles and wires shall be so placed as not
 7 to interfere with the public use of any of such highways, and if
 8 whenever practicable, the poles shall be set upon the line of such
 9 highways.

10 (2) If any person engaged in distributing, generating, or
 11 transmitting electric current for power or other purposes by means
 12 of wires seeks to construct an electric wire Where such persons,
 13 associations, or corporations seek to carry one or more of such
 14 wires over and across the any railroad track or tracks, telegraph
 15 wires, or right-of-way rights-of-way of any railroad company in
 16 this state, where the same and the electric wire intersects and
 17 crosses streets, highways, alleys, and other public thoroughfares,
 18 or elsewhere, such person and railroad company such persons,
 19 associations, or corporations shall first endeavor to agree by a
 20 contract as to the manner and kind of crossing to be constructed,
 21 The contract shall at a minimum meet the requirements of sections
 22 75-706 and 75-707 as to terms and conditions of such construction
 23 or placement, which in no case shall be less than twenty seven feet
 24 above the top of the rails of any railroad tracks, and shall
 25 include the compensation, if any, to be awarded as damages. If no
 26 contract is reached, the person agreement can be had with any such
 27 railroad company as to the manner and kind of crossing, or
 1 compensation to be awarded, then such persons, associations, or
 2 corporations may proceed to have the same ascertained and
 3 determined in the manner set forth in sections 76-704 to 76-724.
 4 Sec. 476. Section 86-307, Reissue Revised Statutes of
 5 Nebraska, is amended to read:

6 86-307. If any such person or persons, associations or
 7 corporations, so engaged in distributing, generating, or and
 8 transmitting electric current for power or other purposes by means
 9 of wires, shall construct or place the same constructs or places
 10 electric wires over the railroad tracks, telegraph wires, or
 11 right-of-way rights-of-way of any railroad company without having
 12 first complied with the provisions in violation of section 86-306,
 13 such person or persons, associations or corporations, upon
 14 conviction thereof shall be punished by a fine of not exceeding
 15 five hundred dollars 472 of this act, section 75-708 shall apply.
 16 Sec. 487. Except as otherwise specifically provided by
 17 law, the Public Service Commission shall have jurisdiction, as
 18 prescribed, over the following subjects:

- 19 (1) Common carriers, generally, pursuant to sections
 20 75-101 to 75-158;
 21 (2) Grain pursuant to the Grain Dealer Act and the Grain
 22 Warehouse Act and sections 89-1,104 to 89-1,108;
 23 (3) Manufactured homes and recreational vehicles pursuant
 24 to the Uniform Standard Code for Manufactured Homes and
 25 Recreational Vehicles;
 26 (4) Modular housing units pursuant to the Nebraska
 27 Uniform Standards for Modular Housing Units Act;

1 (5) Motor carrier registration and safety pursuant to
2 sections 75-301 to 75-322, 75-369.03, 75-370, 75-371, 75-383, and
3 75-384;
4 (6) Pipeline carriers and rights-of-way pursuant to
5 sections 57-1301 to 57-1307 and 75-501 to 75-503;
6 (7) Railroad carrier safety pursuant to sections 74-918,
7 74-919, 74-1323, and 75-401 to 75-430;
8 (8) Telecommunications carriers pursuant to the Automatic
9 Dialing-Announcing Devices Act, the Emergency Telephone
10 Communications Systems Act, the Enhanced Wireless 911 Services Act,
11 the Intrastate Pay-Per-Call Regulation Act, the Nebraska
12 Telecommunications Regulation Act, the Nebraska Telecommunications
13 Universal Service Fund Act, the Telecommunications Relay System
14 Act, the Telephone Consumer Slamming Prevention Act and sections
15 348 to 352 of this act;
16 (9) Transmission lines and rights-of-way pursuant to
17 sections 70-301 and 75-702 to 75-724; and
18 (10) Water service pursuant to the Water Service
19 Regulation Act.
20 Sec. 490. Section 75-117, Reissue Revised Statutes of
21 Nebraska, is amended to read:
22 75-117. Any motor carrier or regulated motor carrier as
23 defined in section 75-302 or common carrier which fails, neglects,
24 or refuses to comply with any order of the commission shall be
25 guilty of a Class IV misdemeanor. Each day during which such
26 failure, neglect, or refusal continues shall constitute a separate
27 offense. If a motion is filed for a ~~rehearing~~ reconsideration or
1 to set aside the order or if the order is appealed, the carrier
2 shall not be subject to such penalty during the pendency of such
3 motion or such appeal.
4 Sec. 494. Section 75-132.01, Revised Statutes
5 Supplement, 2001, is amended to read:
6 75-132.01. (1) Notwithstanding the provisions of section
7 75-131, the commission shall have exclusive original jurisdiction
8 over any action concerning a violation of any provision of (a)
9 ~~section 75-109, 75-604, 75-609, 75-609.01, or 86-801 to 86-810 by a~~
10 ~~telecommunications company~~ the Automatic Dialing-Announcing Devices
11 Act, the Emergency Telephone Communications Systems Act, the
12 Enhanced Wireless 911 Services Act, the Intrastate Pay-Per-Call
13 Regulation Act, the Nebraska Telecommunications Regulation Act, the
14 Nebraska Telecommunications Universal Service Fund Act, the
15 Telecommunications Relay System Act, the Telephone Consumer
16 Slamming Prevention Act by any person providing telecommunications
17 service for a fee in Nebraska intrastate commerce pursuant to such
18 acts or (b) sections ~~86-2301 to 86-2307~~ 348 to 352 of this act by
19 an agency or political subdivision of the state.
20 (2) After all administrative remedies before the
21 commission have been exhausted, any interested party to an action
22 may appeal in accordance with the Administrative Procedure Act.

23 (3) If the commission enters an order declining
24 jurisdiction under subsection (1) of this section, any interested
25 person may petition the district court of the county in which such
26 alleged violation has occurred. If it appears to the court, after
27 a hearing, that a provision of such acts or sections has been
1 violated, the court may issue an injunction or other proper process
2 to restrain the telecommunications company and its directors,
3 officers, employees, or agents or the agency or political
4 subdivision of the state from continuing such violation and may
5 order additional relief. Any party to the case shall have the
6 right to appeal the decision of the district court to the Court of
7 Appeals under the rules provided by law for appeals in civil cases.

8 ~~(4) For purposes of this section, telecommunications~~
9 ~~company has the same meaning as in section 86-802.~~
10 Sec. 497. Section 75-137, Revised Statutes Supplement,
11 2000, is amended to read:

12 75-137. The procedure to obtain reversal, modification,
13 or vacation of an order entered by the commission shall be (1) by
14 filing a notice of appeal with the commission within thirty days
15 after the date of the mailing of a copy of the order by the
16 commission to the party appealing or (2) by filing a motion for
17 rehearing reconsideration within ten days after the date of the
18 mailing of a copy of the order by the commission to the party
19 appealing. If the commission overrules the motion for rehearing
20 reconsideration, a notice of appeal shall be filed with the
21 commission within thirty days after the date of the mailing of a
22 copy of the order overruling the motion to the party appealing.
23 When the commission fails to enter an order ruling on the motion
24 for rehearing reconsideration within thirty days after such motion
25 is filed, the appeal may be perfected by filing a notice of appeal
26 before the commission enters an order ruling on the motion for
27 rehearing reconsideration, and the review by the court shall be the
1 same as if the commission had overruled the motion for rehearing
2 reconsideration. Oral arguments on a motion for rehearing
3 reconsideration shall be granted when requested and such arguments
4 shall be heard by a majority of the commission. An appeal shall be
5 deemed perfected and the court shall have jurisdiction of the cause
6 when a notice of appeal has been filed and the docket fee required
7 by section 33-103 has been deposited in the office of the executive
8 director of the commission. After being perfected, no appeal shall
9 be dismissed without notice, and no step other than the filing of
10 such notice of appeal and the depositing of such docket fee shall
11 be deemed jurisdictional."

12 2. In the Bromm amendment, AM3382:

13 a. Strike sections 432, 444, 446, 447, and 463;

14 b. On page 362, line 22, strike "432 to 434" and insert
15 "434 to 437";

16 c. On page 363, line 1, after "(8)" insert "Section 487
17 of this act to Chapter 75, article 1;

18 (9)"; in line 3 strike "(9)" and insert "(10)"; in line 7
 19 after "25-2503," insert "28-515,"; in line 8 after "75-101," insert
 20 "75-117,"; and in line 22 after "75-134," insert "75-137,"; and
 21 d. On page 364, line 9, after "86-203," insert "86-208
 22 to 86-211, 86-330, 86-331,".
 23 3. Renumber the remaining sections and correct internal
 24 references accordingly.

Senator Bromm filed the following amendment to LB 1105:
 AM3538

1 1. Insert the following new section:
 2 "Sec. 467. Section 60-6,304, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 60-6,304. (1) No vehicle shall be driven or moved on any
 5 highway unless the vehicle is so constructed or loaded as to
 6 prevent its contents from dropping, sifting, leaking, or otherwise
 7 escaping from the vehicle.
 8 (2) No person shall transport any sand, gravel, rock less
 9 than two inches in diameter, or refuse in any ~~motor~~ vehicle on any
 10 hard-surfaced state highway if such material protrudes above the
 11 sides of that part of the vehicle in which it is being transported
 12 unless such material is enclosed or completely covered with canvas
 13 or similar covering.
 14 (3) No person shall drive or move a motor vehicle,
 15 trailer, or semitrailer upon any highway unless the cargo or
 16 contents carried by the motor vehicle, trailer, or semitrailer are
 17 properly distributed and adequately secured to prevent the falling
 18 of cargo or contents from the vehicle. The tailgate, doors,
 19 tarpaulins, and any other equipment used in the operation of the
 20 motor vehicle, trailer, or semitrailer or in the distributing or
 21 securing of the cargo or contents carried by the motor vehicle,
 22 trailer, or semitrailer shall be secured to prevent falling from
 23 the vehicle. The means of securement to the motor vehicle,
 24 trailer, or semitrailer must be either tiedowns and tiedown
 1 assemblies of adequate strength or sides, sideboards, or stakes and
 2 a rear endgate, endboard, or stakes strong enough and high enough
 3 to assure that cargo or contents will not fall from the vehicle.
 4 (4) Any person who violates any provision of ~~this~~
 5 subsection (2) or (3) of this section shall be guilty of a Class IV
 6 misdemeanor."
 7 2. In the E & R amendment, AM7216, on page 3, line 1,
 8 after "60-6,241," insert "60-6,304,".
 9 3. Renumber the remaining sections and correct internal
 10 references accordingly.

Senator Bromm filed the following amendment to LB 1105:
 (Amendment, AM3533, may be found in the Bill Books. The amendment
 has been printed separately and is on file in the Bill Room - Room 1102.)

VISITORS

Visitors to the Chamber were Senator Aguilar's brother, Dru Duering, and Rich Griffin from Grand Island; 35 fourth-grade students and teachers from St. Johns School, Lincoln; 11 elementary students and teacher from Doniphan-Trumbull Schools; and 45 fourth-grade students and teachers from Morton Elementary School, Lexington.

The Doctor of the Day was Dr. Virginia Hoefer from Lincoln.

ADJOURNMENT

At 7:52 p.m., on a motion by Senator Coordsen, the Legislature adjourned until 9:00 a.m., Thursday, April 4, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIRST DAY - APRIL 4, 2002

LEGISLATIVE JOURNAL

**NINETY-SEVENTH LEGISLATURE
SECOND SESSION**

FIFTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 4, 2002

PRAYER

The prayer was offered by Senator McDonald.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Landis and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fiftieth day was approved.

SELECT FILE

LEGISLATIVE BILL 1003. Senator Beutler renewed his pending amendment, AM3343, found on page 1314 and considered on page 1400, as amended.

Senator Erdman offered the following amendment to the Beutler pending amendment:

FA1050

Amend AM3343

Reinstate stricken language (seven) on page 1 line 5 and page 3 line 2 and 3
Reinstate stricken language on page 3 line 5 insert comma after Lancaster
add Sarpy

Strike new language on page 3 line 26.

Senator Erdman asked unanimous consent to replace his pending amendment, FA1050, found in this day's Journal, with a substitute amendment. No objections. So ordered.

Senator Erdman withdrew his pending amendment, FA1050, found in this day's Journal.

Senator Redfield offered the following substitute amendment to the Beutler pending amendment:
AM3543

(Amendments to AM3343)

- 1 1. Strike section 2 and insert the following new
- 2 section:
- 3 "Sec. 2. Section 37-102, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 37-102. For purposes of section 37-101, the state is
- 6 hereby divided into ~~seven~~ five districts. The limits and
- 7 designations of the ~~seven~~ five districts shall be as follows:
- 8 (1) District No. 1. The counties of Richardson, Pawnee,
- 9 Nemaha, Johnson, Otoe, Cass, ~~Lancaster~~ Sarpy, Saunders, Butler,
- 10 Gage, Seward, Saline, ~~and Jefferson, Washington, Dodge, Colfax,~~
- 11 Platte, Merrick, Nance, Boone, Madison, Stanton, Cuming, Burt,
- 12 Thurston, Wayne, Pierce, Antelope, Knox, Cedar, Dixon, and Dakota;
- 13 (2) District No. 2. ~~The counties of Sarpy and Douglas~~
- 14 County;
- 15 (3) District No. 3. ~~The counties of Washington, Dodge,~~
- 16 Colfax, Platte, Merrick, Nance, Boone, Madison, Stanton, Cuming,
- 17 Burt, Thurston, Wayne, Pierce, Antelope, Knox, Cedar, Dixon, and
- 18 Dakota Lancaster County;
- 19 (4) District No. 4. The counties of ~~Thayer, Nuckolls,~~
- 20 ~~Webster, Adams, Clay, Fillmore, York, Polk, Hamilton, Hall,~~
- 21 Buffalo, Kearney, and Franklin Thayer, Nuckolls, Webster, Adams,
- 22 Clay, Fillmore, York, Polk, Hamilton, Hall, Buffalo, Kearney,
- 23 Franklin, Harlan, Furnas, Red Willow, Hitchcock, Dundy, Chase,
- 1 Hayes, Frontier, Gosper, Phelps, Dawson, Lincoln, and Perkins; and
- 2 (5) District No. 5. The counties of Howard, Greeley,
- 3 Wheeler, Sherman, Valley, Garfield, Holt, Boyd, Keya Paha, Rock,
- 4 Brown, Loup, Blaine, Custer, Logan, McPherson, Arthur, Grant,
- 5 Hooker, Thomas, Cherry, Deuel, Garden, Keith, Sheridan, Cheyenne,
- 6 Morrill, Box Butte, Dawes, Sioux, Scotts Bluff, Banner, and
- 7 Kimball, Harlan, Furnas, Red Willow, Hitchcock, Dundy, Chase,
- 8 Hayes, Frontier, Gosper, Phelps, Dawson, Lincoln, and Perkins;
- 9 (6) District No. 6. The counties of Howard, Greeley,
- 10 Wheeler, Sherman, Valley, Garfield, Holt, Boyd, Keya Paha, Rock,
- 11 Brown, Loup, Blaine, Custer, Logan, McPherson, Arthur, Grant,
- 12 Hooker, Thomas, and Cherry; and
- 13 (7) District No. 7. The counties of Deuel, Garden,
- 14 Keith, Sheridan, Cheyenne, Morrill, Box Butte, Dawes, Sioux, Scotts
- 15 Bluff, Banner, and Kimball.
- 16 2. On page 1, line 5, strike both occurrences of "eight"
- 17 and insert "five"; and in line 12 strike "four", show as stricken,
- 18 and insert "three".
- 19 3. On page 2, line 2, after the period insert

20 "The members of the commission appointed prior to the
 21 effective date of this act, shall represent the newly established
 22 districts for the balance of their terms, with each member
 23 representing the district as prior to the effective date of this
 24 act, except that the members representing districts 6 and 7 shall
 25 represent district 5 and the member representing district 5 shall
 26 represent district 4."

SPEAKER KRISTENSEN PRESIDING

Senator Bruning moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

The Redfield amendment lost with 15 ayes, 24 nays, 9 present and not voting, and 1 excused and not voting.

Senator Erdman offered the following amendment to the Beutler pending amendment:
 FA1039

(Amendments to AM3343)

- 1 1. On page 2, line 22, strike "a full five-year term",
- 2 show as stricken, and insert "two consecutive terms";

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Senator Erdman moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Senator Erdman requested a roll call vote on his amendment.

Voting in the affirmative, 15:

| | | | | |
|----------|----------|---------|----------|------------|
| Baker | Cudaback | Hudkins | Kremer | Stuhr |
| Byars | Dierks | Jensen | McDonald | Vrtiska |
| Coordsen | Erdman | Jones | Redfield | Wickersham |

Voting in the negative, 25:

| | | | | |
|----------|------------|---------------|---------|------------|
| Aguilar | Engel | Pedersen, Dw. | Raikes | Suttle |
| Bromm | Hartnett | Pederson, D. | Robak | Synowiecki |
| Bruning | Kristensen | Preister | Schimek | Thompson |
| Chambers | Kruse | Price | Schrock | Tyson |
| Connealy | Landis | Quandahl | Smith | Wehrbein |

Present and not voting, 7:

| | | | |
|---------|---------|---------|---------|
| Beutler | Brown | Foley | Maxwell |
| Bourne | Burling | Janssen | |

Absent and not voting, 1:

Cunningham

Excused and not voting, 1:

Brashear

The Erdman amendment lost with 15 ayes, 25 nays, 7 present and not voting, 1 absent and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senators Byars and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Thompson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

Senator Beutler moved for a call of the house. The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Senator Beutler requested a roll call vote on his amendment, AM3343, as amended.

Voting in the affirmative, 30:

| | | | | |
|----------|----------|---------------|----------|------------|
| Beutler | Connealy | Kremer | Preister | Schimek |
| Bourne | Coordsen | Kristensen | Price | Schrock |
| Brashear | Engel | Kruse | Quandahl | Suttle |
| Bromm | Foley | Landis | Raikes | Synowiecki |
| Brown | Hartnett | Maxwell | Redfield | Thompson |
| Chambers | Janssen | Pedersen, Dw. | Robak | Vrtiska |

Voting in the negative, 14:

| | | | | |
|---------|------------|---------|----------|------------|
| Baker | Cunningham | Hudkins | McDonald | Tyson |
| Bruning | Dierks | Jensen | Smith | Wickersham |
| Burling | Erdman | Jones | Stuhr | |

Present and not voting, 3:

Aguilar Cudaback Pederson, D.

Excused and not voting, 2:

Byars Wehrbein

The Beutler amendment, as amended, was adopted with 30 ayes, 14 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Schrock asked unanimous consent to replace his pending amendment, AM3119, found on page 968, with a substitute amendment. No objections. So ordered.

Senator Schrock withdrew his pending amendment, AM3119, found on page 968.

Senator Schrock offered the following substitute amendment:
AM3544

(Amendments to E & R amendments, AM7187)

- 1 1. Insert the following new sections:
- 2 "Section 1. The Legislature finds that there are
- 3 significant issues relating to the laws of Nebraska governing the
- 4 management and use of Nebraska surface water and ground water. The
- 5 issues to be examined are: (1) A review of Laws 1996, LB 108, to
- 6 determine what, if any, changes are needed to adequately address
- 7 Nebraska's conjunctive use management issues; (2) an evaluation of
- 8 the utility of allowing temporary water transfers and, if deemed
- 9 useful, development of draft legislation and procedures for
- 10 authorizing and implementing a temporary water transfer law; (3) an
- 11 evaluation of the utility of authorizing additional types of
- 12 permanent water transfers and, if deemed useful, development of
- 13 draft legislation and procedures for authorizing and implementing
- 14 additional types of permanent water transfers; (4) a determination
- 15 as to the usefulness of water leasing or transfers and development
- 16 of a potential water banking system that would facilitate the
- 17 temporary or permanent transfer of water uses; and (5) a
- 18 determination as to what other ways, if any, inequities between
- 19 surface water users and ground water users need to be addressed and
- 20 potential actions the state could take to address any such
- 21 inequities. To address such issues, the Governor shall appoint a
- 22 Water Policy Task Force as provided in section 2 of this act.
- 23 Sec. 2. (1) The members of the Water Policy Task Force
 - 1 shall include: (a) Twenty irrigators, with at least one irrigator
 - 2 from each of the state's thirteen river basins, giving
 - 3 consideration to maintaining a balance between surface water users
 - 4 and ground water users. Three irrigators shall be selected from
 - 5 the Republican River Basin, two irrigators shall be selected from

6 the North Platte River Basin, two irrigators shall be selected from
7 the middle Platte River Basin, two irrigators shall be selected
8 from the Loup River Basin, two irrigators shall be selected from
9 the Elkhorn River Basin, two irrigators shall be selected from the
10 Big Blue River Basin, one irrigator shall be selected from the
11 South Platte River Basin, one irrigator shall be selected from the
12 lower Platte River Basin, one irrigator shall be selected from the
13 Little Blue River Basin, one irrigator shall be selected from the
14 Nemaha River Basin, one irrigator shall be selected from the
15 Niobrara River Basin, one irrigator shall be selected from the
16 White Hat River Basin, and one irrigator shall be selected from the
17 Missouri tributaries basin; (b) three representatives from
18 differing agricultural organizations; (c) three representatives
19 from differing environmental organizations; (d) two representatives
20 from differing recreational organizations; (e) three
21 representatives to represent the state at large; (f) five
22 representatives suggested for the Governor's consideration by the
23 Nebraska Association of Resources Districts; (g) four
24 representatives suggested for the Governor's consideration by the
25 Nebraska Power Association; (h) five representatives suggested for
26 the Governor's consideration by the League of Nebraska
27 Municipalities, with consideration given to maintaining a balance
1 between larger and smaller municipalities; and (i) such other
2 members as the Governor deems appropriate to provide the task force
3 with adequate and balanced representation. The Governor shall
4 notify the Legislature upon completion of the appointments.
5 (2) Additional members of the task force shall be: (a)
6 One representative from the Department of Natural Resources to
7 coordinate as appropriate with other state agencies; (b) one
8 representative from the Attorney General's office; (c) the
9 chairperson of the Natural Resources Committee of the Legislature;
10 and (d) the vice chairperson of the Natural Resources Committee of
11 the Legislature. Other members of the Natural Resources Committee
12 of the Legislature may participate as desired.
13 Sec. 3. On behalf of the Water Policy Task Force, the
14 Natural Resources Committee of the Legislature shall contract for
15 the services of a meeting facilitator and such other assistance as
16 the task force deems necessary within the limits of the funds
17 appropriated. Such contract shall have the approval of the
18 Executive Board of the Legislative Council. In making its
19 selection for facilitator, the Natural Resources Committee shall
20 consult with the Attorney General's office and the Department of
21 Natural Resources.
22 Sec. 4. The Water Policy Task Force shall select an
23 executive committee. The executive committee shall consist of
24 three representatives from irrigation interests; one representative
25 from an agricultural organization; one representative from an
26 environmental organization; one representative from a recreational
27 organization; one representative of the state at large; one

1 representative of natural resources districts; one representative
2 of the Nebraska Power Association; one representative of
3 municipalities; one representative of the Department of Natural
4 Resources; one representative of the Attorney General's office; and
5 the chairperson and vice chairperson of the Natural Resources
6 Committee of the Legislature. Each executive committee member
7 shall be responsible for representing the rest of his or her
8 interest group on the executive committee. The executive committee
9 shall be responsible for developing the operating rules of the task
10 force and for developing proposals and recommendations to be
11 considered by the entire task force. The executive committee shall
12 apply for a grant of a minimum of three hundred fifty thousand
13 dollars from the Nebraska Environmental Trust Fund prior to the
14 application deadline of September 9, 2002, for grants to be awarded
15 and funded in 2003.

16 Sec. 5. The Water Policy Task Force shall meet at least
17 four times each year to consider the proposals and recommendations
18 of the executive committee and any other additional times as the
19 executive committee determines to be necessary to accomplish the
20 objectives established in section 1 of this act.

21 Sec. 6. The Water Policy Task Force shall discuss the
22 issues described in section 1 of this act and such related issues
23 as it deems appropriate, shall identify options for resolution of
24 such issues, and shall make recommendations to the Legislature and
25 the Governor relating to any water policy changes the task force
26 deems desirable.

27 The task force shall complete its work within eighteen
1 months after the Governor notifies the Legislature that all members
2 of the task force have been appointed and a meeting facilitator has
3 been selected.

4 Sec. 7. The Water Policy Task Force Cash Fund is
5 created. The fund shall be administered by the Department of
6 Natural Resources and expended at the direction of the Water Policy
7 Task Force. The fund shall consist of funds appropriated by the
8 Legislature, money received as gifts, grants, and donations, and
9 transfers authorized under sections 2-1579 and 66-1519. Any money
10 in the fund available for investment shall be invested by the state
11 investment officer pursuant to the Nebraska Capital Expansion Act
12 and the Nebraska State Funds Investment Act.

13 Sec. 8. Section 2-1575, Revised Statutes Supplement,
14 2000, is amended to read:
15 2-1575. Sections 2-1575 to 2-1585 and section 10 of this
16 act shall be known and may be cited as the Nebraska Soil and Water
17 Conservation Act.

18 Sec. 9. Section 2-1576, Reissue Revised Statutes of
19 Nebraska, is amended to read:
20 2-1576. The Legislature recognizes and hereby declares
21 that it is the public policy of this state to properly conserve,
22 protect, and utilize the water and related land resources of the

23 state, to better utilize surface waters and available
24 precipitation, to encourage ground water recharge to protect the
25 state's dwindling ground water supply, to protect the quality of
26 surface water and ground water resources, and to reduce soil
27 erosion and sediment damages. The Legislature further declares
1 that it is in the public interest of this state to financially
2 assist in encouraging water and related land resource conservation
3 and protection measures on privately owned ~~agricultural,~~
4 ~~horticultural, or silvicultural~~ land and that this will produce
5 long-term benefits for the general public.

6 Sec. 10. Payments may be made from the Nebraska Soil and
7 Water Conservation Fund to owners of private land which is being
8 converted to urban use for the purpose of controlling erosion and
9 sediment loss from construction and development. As a condition
10 for receiving any funds pursuant to this section, the landowner
11 shall agree in writing that the erosion and sediment control
12 practices will be installed prior to the land-disturbing activity,
13 when possible, and that the practices will be adequately maintained
14 or replaced at the landowner's expense until ninety-five percent of
15 the site is permanently stabilized. Payments made pursuant to this
16 section shall be in accordance with and conditional upon such terms
17 as are established by the commission. Such terms may be different
18 from those established by section 2-1579 for payments relating to
19 other types of projects and practices.

20 Sec. 11. Section 2-1579, Revised Statutes Supplement,
21 2000, is amended to read:

22 2-1579. (1) Except as provided in subsection (2) of this
23 section, expenditures may be made from the Nebraska Soil and Water
24 Conservation Fund as grants to individual landowners of not to
25 exceed seventy-five percent of the actual cost of eligible projects
26 and practices for soil and water conservation or water quality
27 protection, with priority given to those projects and practices
1 providing the greatest number of public benefits.

2 (2) The department shall reserve at least two percent of
3 the funds credited to the fund for grants to landowners ordered by
4 a natural resources district pursuant to the Erosion and Sediment
5 Control Act to install permanent soil and water conservation
6 practices. Such funds shall be made available for ninety percent
7 of the actual cost of the required practices and shall be granted
8 on a first-come, first-served basis until exhausted. Applications
9 not served shall receive priority in ensuing fiscal years.

10 (3) The commission shall determine which specific
11 projects and practices are eligible for the funding assistance
12 authorized by this section and shall adopt, by reference or
13 otherwise, appropriate standards and specifications for carrying
14 out such projects and practices. A natural resources district
15 assisting the department in the administration of the program may,
16 with commission approval, further limit the types of projects and
17 practices eligible for funding assistance in that district.

18 (4) As a condition for receiving any cost-share funds
19 pursuant to this section, the landowner shall be required to enter
20 into an agreement that if a conservation practice is terminated or
21 a project is removed, altered, or modified so as to lessen its
22 effectiveness, without prior approval of the department or its
23 delegated agent, for a period of ten years after the date of
24 receiving payment, the landowner shall refund to the fund any
25 public funds used for the practice or project. When deemed
26 necessary by the department or its delegated agent, the landowner
27 may as a further condition for receiving such funds be required to
1 grant a right of access for the operation and maintenance of any
2 eligible project constructed with such assistance. Acceptance of
3 money from the fund shall not in any other manner be construed as
4 affecting land ownership rights unless the landowner voluntarily
5 surrenders such rights.

6 (5) To the extent feasible, the department and the
7 commission shall administer the fund so that federal funds
8 available within the state for the same general purposes are
9 supplemented and not replaced with state funds.

10 (6) Within five days after the effective date of this
11 act, the State Treasurer shall transfer two hundred fifty thousand
12 dollars from the General Fund to the Water Policy Task Force Cash
13 Fund. It is the intent of the Legislature that General Fund
14 appropriation to the Department of Natural Resources, Program 304,
15 for fiscal year 2002-03 be reduced by two hundred fifty thousand
16 dollars.

17 Sec. 38. Section 66-1519, Revised Statutes Supplement,
18 2001, is amended to read:

19 66-1519. There is hereby created the Petroleum Release
20 Remedial Action Cash Fund to be administered by the department.
21 Revenue from the following sources shall be remitted to the State
22 Treasurer for credit to the fund:

23 (1) The fees imposed by sections 66-1520 and 66-1521;

24 (2) Money paid under an agreement, stipulation,
25 cost-recovery award under section 66-1529.02, or settlement; and

26 (3) Money received by the department in the form of

27 gifts, grants, reimbursements, property liquidations, or
1 appropriations from any source intended to be used for the purposes
2 of the fund.

3 Money in the fund may only be spent for: (a)

4 Reimbursement for the costs of remedial action by a responsible
5 person or his or her designated representative and costs of

6 remedial action undertaken by the department in response to a

7 release first reported after July 17, 1983, and on or before June

8 30, 2005, including reimbursement for damages caused by the

9 department or a person acting at the department's direction while

10 investigating or inspecting or during remedial action on property

11 other than property on which a release or suspected release has

12 occurred; (b) payment of any amount due from a third-party claim;

13 (c) fee collection expenses incurred by the State Fire Marshal; (d)
 14 direct expenses incurred by the department in carrying out the
 15 Petroleum Release Remedial Action Act; (e) other costs related to
 16 fixtures and tangible personal property as provided in section
 17 66-1529.01; (f) interest payments as allowed by section 66-1524;
 18 (g) expenses incurred by the technical advisory committee created
 19 in section 81-15,189 in carrying out its duties pursuant to section
 20 81-15,190; (h) claims approved by the State Claims Board authorized
 21 under section 66-1531; and (i) methyl tertiary butyl ether testing,
 22 to be conducted randomly at terminals within the state for up to
 23 two years ending June 30, 2003. The amount expended on the testing
 24 shall not exceed forty thousand dollars. The testing shall be
 25 conducted by the Department of Agriculture. The department may
 26 enter into contractual arrangements for such purpose. The results
 27 of the tests shall be made available to the Department of

1 Environmental Quality.

2 Transfers may be made from the Petroleum Release Remedial
 3 Action Cash Fund to the Water Policy Task Force Cash Fund at the
 4 direction of the Legislature. Any money in the fund Petroleum
 5 Release Remedial Action Cash Fund available for investment shall be
 6 invested by the state investment officer pursuant to the Nebraska
 7 Capital Expansion Act and the Nebraska State Funds Investment Act.
 8 Within fifteen days after the effective date of this act,
 9 the State Treasurer shall transfer one hundred fifty thousand
 10 dollars from the Petroleum Release Remedial Action Cash Fund to the
 11 Water Policy Task Force Cash Fund."

12 2. Renumber the remaining sections, correct internal
 13 references, and amend the repealer accordingly.

Senator Beutler offered the following amendment to the Schrock pending amendment:

FA1056

Amend AM3544

On page 3, line 11 strike "Natural Resources Committee of the"

Senators Cunningham and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

The Beutler amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

The Schrock amendment, as amended, was adopted with 27 ayes, 2 nays, 18 present and not voting, and 2 excused and not voting.

Senator Chambers withdrew his pending amendment, FA927, found on page 1038.

Senator Schrock withdrew his pending amendment, AM3227, found on page 1058.

Senator Schrock renewed his pending amendment, AM3486, found on page 1308.

Senator Coordsen offered the following amendment to the Schrock pending amendment:

AM3549

(Amendments to AM3486)

- 1 1. On page 1, line 12, strike "reasonable suspicion" and
- 2 insert "probable cause"; and in line 20 after "may" insert ", upon
- 3 the issuance of a search warrant in accordance with section
- 4 29-814.01".

SENATOR CUDABACK PRESIDING

Senators Schimek, Engel, Brashear, Erdman, and Cunningham asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Coordsen moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Coordsen requested a roll call vote on his amendment.

Voting in the affirmative, 26:

| | | | | |
|---------|----------|----------|------------|---------|
| Baker | Chambers | Jones | Quandahl | Tyson |
| Beutler | Coordsen | Kremer | Redfield | Vrtiska |
| Bourne | Cudaback | Kruse | Smith | |
| Bromm | Dierks | Maxwell | Stuhr | |
| Burling | Hudkins | McDonald | Suttle | |
| Byars | Janssen | Price | Synowiecki | |

Voting in the negative, 12:

| | | | |
|---------|---------------|--------------|------------|
| Aguilar | Kristensen | Pederson, D. | Schrock |
| Brown | Landis | Preister | Thompson |
| Bruning | Pedersen, Dw. | Raikes | Wickersham |

Present and not voting, 5:

| | | | | |
|----------|-------|----------|--------|----------|
| Connealy | Foley | Hartnett | Jensen | Wehrbein |
|----------|-------|----------|--------|----------|

Excused and not voting, 6:

| | | |
|------------|--------|---------|
| Brashear | Engel | Robak |
| Cunningham | Erdman | Schimek |

The Coordsen amendment was adopted with 26 ayes, 12 nays, 5 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

VISITORS

Visitors to the Chamber were FFA members from across the state; Anne Doering from Franklin; 42 fourth-grade students and teachers from Plattsmouth; 40 fourth-grade students and teachers from Golden Hills Elementary School, Papillion; Senator Dw. Pedersen's daughter, son-in-law, and grandchildren, Michaela, Emanuel, Chalie, Cameron, Caleb Dwite, and Clayton Jackson from Omaha; and 43 fourth-grade students and teachers from Dakota City.

RECESS

At 12:10 p.m., on a motion by Senator McDonald, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Kristensen presiding.

ROLL CALL

The roll was called and all members were present except Senators Bourne, Jensen, Dw. Pedersen, and Robak who were excused until they arrive.

AMENDMENTS - Print in Journal

Senator Baker filed the following amendment to LB 1085:
AM3525

(Amendments to AM3494)

- 1 1. On page 41, line 25, strike "77-2704.04," and the
- 2 second comma.

Senator Baker filed the following amendment to LB 1062:
AM3475

(Amendments to E & R amendments, AM7214)

- 1 1. Insert the following new sections:
- 2 "Sec. 4. Section 44-3,144, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 44-3,144. For purposes of sections 44-3,144 to 44-3,150:
- 5 (1) Authorized attorney has the same meaning as in
- 6 section 43-512;
- 7 (2) Child means an individual to whom or on whose behalf
- 8 a legal duty of support is owed by an obligor;
- 9 (3) Department ~~shall mean~~ means the Department of Health
- 10 and Human Services;

11 ~~(2)~~ (4) Employer means an individual, a firm, a
12 partnership, a corporation, an association, a union, a political
13 subdivision, a state agency, or any agent thereof who pays income
14 to an obligor on a periodic basis and has or provides health care
15 coverage to the obligor-employee;

16 (5) Health care coverage means a health benefit plan or
17 combination of plans, other than public medical assistance
18 programs, that provide medical care or benefits;

19 ~~(6)~~ Insurer shall mean means an entity insurer as defined
20 in section 44-103 offering a group health plan as defined in 29
21 U.S.C. 1167, as such section existed on January 1, 2002; ; a health
22 maintenance organization, an entity offering a service benefit
23 plan, and an insurer as defined in section 44-103; and

1 (7) Medical support means the provision of health care
2 coverage, contribution to the cost of health care coverage,
3 contribution to expenses associated with the birth of a child,
4 other uninsured medical expenses of a child, or any combination
5 thereof;

6 ~~(3)~~ (8) Medical assistance program shall mean means the
7 program established pursuant to sections 68-1018 to 68-1025;

8 (9) National medical support notice means a uniform
9 administrative notice issued by the county attorney, authorized
10 attorney, or department to enforce the medical support provisions
11 of a support order;

12 (10) Obligee has the same meaning as in section 43-3341;

13 (11) Obligor has the same meaning as in section 43-3341;

14 (12) Plan administrator means the person or entity that
15 administers health care coverage for an employer;

16 (13) Qualified medical child support order means an order
17 that meets the requirements of 29 U.S.C. 1169, as such section
18 existed on January 1, 2002; and

19 (14) Uninsured medical expenses means the reasonable and
20 necessary health-related expenses that are not paid by health care
21 coverage.

22 Sec. 5. Section 44-3,145, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 44-3,145. An insurer shall not deny enrollment of a
25 child under the health care coverage of the ~~child's parent~~ obligor
26 on the ground that:

27 (1) The child was born out of wedlock;

1 (2) The child is not claimed as a dependent on the
2 ~~parent's obligor's~~ federal income tax return; or

3 (3) The child does not reside with the ~~parent~~ obligor or
4 in the insurer's service area.

5 Sec. 6. Section 44-3,146, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 44-3,146. (1) An insurer shall, in any case in which a
8 ~~parent~~ an obligor is required by a court or administrative order to
9 provide health care coverage for a child and the ~~parent~~ obligor is

10 eligible for family health care coverage through the insurer:

11 (a) Permit ~~such parent~~ an obligor to enroll under such
12 family health care coverage any such child who is otherwise
13 eligible for such coverage without regard to any enrollment season
14 restriction;

15 (b) If ~~such a parent~~ an obligor is covered but fails to
16 make application to obtain coverage for such child, enroll such
17 child under such family health care coverage upon application by
18 (i) the ~~child's other parent~~ obligee without regard to any
19 enrollment season restriction, (ii) in any case in which services
20 are provided under Title IV-D of the federal Social Security Act,
21 as ~~amended~~ such act existed on January 1, 2002, the county attorney
22 or authorized attorney without regard to any enrollment season
23 restriction, or (iii) in any case in which services are not
24 provided under Title IV-D of the federal Social Security Act, as
25 ~~amended~~ such act existed on January 1, 2002, the department without
26 regard to any enrollment season restriction; and

27 (c) Not cancel or eliminate health care coverage for any
1 such child unless the insurer is provided satisfactory written
2 evidence that (i) such court or administrative order is no longer
3 in effect or (ii) the child is or will be enrolled in comparable
4 health care coverage through another insurer which will take effect
5 not later than the effective date of such cancellation or
6 elimination.

7 (2) An employer doing business in this state shall, in
8 any case in which a ~~parent~~ an obligor is required by a court or
9 administrative order to provide health care coverage for a child
10 and the ~~parent~~ obligor is eligible for family health care coverage
11 through the employer:

12 (a) Permit ~~such parent~~ an obligor to enroll under such
13 family health care coverage any such child who is otherwise
14 eligible for such coverage without regard to any enrollment season
15 restriction;

16 (b) If ~~such a parent~~ an obligor is covered but fails to
17 make application to obtain coverage for such child, enroll such
18 child under such family health care coverage upon application by
19 (i) the ~~child's other parent~~ obligee without regard to any
20 enrollment season restriction, (ii) in any case in which services
21 are provided under Title IV-D of the federal Social Security Act,
22 as ~~amended~~ such act existed on January 1, 2002, the county attorney
23 or authorized attorney without regard to any enrollment season
24 restriction, or (iii) in any case in which services are not
25 provided under Title IV-D of the federal Social Security Act, as
26 ~~amended~~ such act existed on January 1, 2002, the department without
27 regard to any enrollment season restriction; and

1 (c) Not cancel or eliminate health care coverage for any
2 such child unless (i) the employer is provided satisfactory written
3 evidence that (A) such court or administrative order is no longer
4 in effect or (B) the child is or will be enrolled in comparable

5 health care coverage which will take effect not later than the
6 effective date of such cancellation or elimination or (ii) the
7 employer has eliminated family health care coverage for all of its
8 employees.

9 Upon enrollment pursuant to this subsection, premiums
10 shall be deducted from the ~~parent's~~ obligor's compensation and
11 remitted directly to the insurer. The amount withheld shall not
12 exceed the maximum amount permitted to be withheld under section
13 303(b) of the federal Consumer Credit Protection Act, as such act
14 existed on January 1, 2002. Amounts withheld pursuant to the
15 Income Withholding for Child Support Act shall have priority over
16 amounts withheld pursuant to this subsection. An employer
17 receiving a national medical support notice shall transmit the
18 notice to the plan administrator within twenty business days after
19 receipt of the notice from the county attorney, authorized
20 attorney, or department.

21 (3) If an obligor is ordered to provide health care
22 coverage for a child in any case in which services are provided
23 under Title IV-D of the federal Social Security Act, as such act
24 existed on January 1, 2002, the county attorney, authorized
25 attorney, or department shall send a national medical support
26 notice to any employer of the obligor within two business days
27 after receipt of information regarding employment under the New
1 Hire Reporting Act. A notice to enroll national medical support
2 notice sent by the county attorney, authorized attorney, or
3 department to an insurer or employer pursuant to this section shall
4 have the same effect as an enrollment application signed by the
5 parent obligor. Prior to sending a notice to enroll, the The
6 county attorney, authorized attorney, or department shall send a
7 copy of the national medical support notice to the parent of intent
8 to enforce the court or administrative order obligor by mail at his
9 or her last-known address stating:

10 (a) The court or administrative order upon which the
11 enforcement action is being taken;

12 (b) That if the county attorney, authorized attorney, or
13 department sends a national medical support notice to enroll a
14 child to an employer, the county attorney, authorized attorney, or
15 department will also direct the employer to withhold from the
16 employee's compensation the employee's share of the premium for
17 health care coverage; and

18 (c) That within fifteen days after receiving the notice
19 the ~~parent~~ obligor may request a hearing to contest the enforcement
20 action based upon evidence that (i) there is an error in the
21 identity of the obligor, (ii) he or she has enrolled the child in
22 an insurance plan providing coverage required by the order, (iii)
23 the parties have stipulated to, and the court or administrative
24 order specifically provides for, an alternative to employer-based
25 health care coverage, or (iv) or evidence that the premium cost to
26 the ~~parent~~ obligor exceeds the amount stated in subsection (2) of

27 this section or is otherwise unreasonable.

1 If a hearing is requested, the department shall hold the
 2 hearing within fifteen days after the request, and the department
 3 shall notify the ~~parent obligor~~ of its decision within fifteen days
 4 after the date the hearing is held. Notice to enroll A national
 5 medical support notice sent by the county attorney, authorized
 6 attorney, or department to the ~~parent's insurer or obligor's~~
 7 employer shall not be held in abeyance pending the outcome of the
 8 hearing.

9 (4) The remedy provided in this section shall be in
 10 addition to and not in substitution for any other remedy and shall
 11 apply without regard to when the order was issued.

12 (5) An insurer or employer shall, upon request by the
 13 county attorney, authorized attorney, or department, provide the
 14 county attorney, authorized attorney, or department with the
 15 following information regarding a ~~parent an obligor~~ required by a
 16 court or administrative order to provide health care coverage for a
 17 child: (a) The social security number; (b) the address; (c) whether
 18 the ~~parent obligor~~ has health care coverage and, if so, the policy
 19 name and number and the names of the persons covered; and (d) the
 20 cost to the ~~parent obligor~~ of enrolling.

21 (6) Upon receipt of a copy of a court or administrative
 22 order requiring a ~~parent an obligor~~ to provide health care coverage
 23 for a child, an insurer or employer shall provide the ~~child's other~~
 24 ~~parent obligee~~ upon written request the information necessary to
 25 file an application pursuant to this section.

26 (7) A completed national medical support notice issued by
 27 the county attorney, authorized attorney, or department that
 1 complies with this section is a qualified medical child support
 2 order for the purposes of the federal Employee Retirement Income
 3 Security Act of 1974 (ERISA), 29 U.S.C. 1169(a), as such section
 4 existed on January 1, 2002.

5 (8) Upon the termination of employment of an obligor
 6 subject to this section, the employer shall promptly notify the
 7 county attorney, authorized attorney, or department of the
 8 termination of employment in the same manner as required for income
 9 withholding cases in accordance with subdivision (6) of section
 10 43-1723 of the Income Withholding for Child Support Act.

11 (9) When there is no longer a current child support order
 12 in effect for an obligor subject to this section, the county
 13 attorney, authorized attorney, or department shall promptly notify
 14 the employer that the order is no longer in effect.

15 Sec. 7. Section 44-3,149, Reissue Revised Statutes of
 16 Nebraska, is amended to read:

17 44-3,149. An insurer shall, in any case in which a child
 18 has health care coverage through the insurer of a ~~noncustodial~~
 19 ~~parent the obligor~~:

20 (1) Provide such information to the ~~custodial parent~~
 21 ~~obligor~~ as may be necessary for the child to obtain benefits

22 through such coverage;

23 (2) Permit the ~~eustodial parent obligor~~ or the provider,
24 with the ~~eustodial parent's obligor's~~ approval, to submit claims
25 for covered services without the approval of the ~~noneustodial~~
26 ~~parent obligor~~; and

27 (3) Make payment on claims submitted in accordance with
1 subdivision (2) of this subsection directly to such ~~eustodial~~
2 ~~parent obligor~~, the provider, or the department pursuant to section
3 68-1026."

4 2. On page 81, line 21, strike beginning with "Sections"
5 through "64" and insert "Sections 2, 3, 8, 10, 11, 16 to 64, and
6 68"; and in line 23 after the period insert "Sections 4 to 7 and 69
7 of this act become operative on July 1, 2002.

8 Sec. 69. Original sections 44-3,144, 44-3,145, 44-3,146,
9 and 44-3,149, Reissue Revised Statutes of Nebraska, are repealed."

10 3. Renumber the remaining sections and correct internal
11 references accordingly.

Senator Landis filed the following amendment to LB 957:
AM3481

(Amendments to E & R amendments, AM7219)

1 1. Insert the following new section:
2 "Sec. 14. Section 10-126, Revised Statutes Supplement,
3 2001, is amended to read:
4 10-126. (1) All bonds of indebtedness, issued after
5 September 7, 1947, by any county, precinct, city, village, school
6 district, drainage district, or irrigation district or any other
7 municipal corporation or governmental subdivision of the state
8 shall be redeemable at the option of the governmental subdivision
9 or municipal corporation issuing such bonds at any time on or after
10 five years from the date of issuance, except that this provision
11 shall not apply to (a) bonds of public power districts, public
12 power and irrigation districts, metropolitan utilities districts,
13 cities of the metropolitan and primary classes, and housing
14 authorities of any city or village, (b) issues of revenue bonds
15 exceeding one million dollars of cities of the first and second
16 classes and of villages, ~~or~~ (c) issues of bonds exceeding ten
17 million dollars of any school district of one thousand or more
18 students in membership as provided in the fall school district
19 membership report pursuant to subsection (4) of section 79-528
20 immediately preceding the issuance of bonds, or (d) bonds issued by
21 the Board of Regents of the University of Nebraska or the Board of
22 Trustees of the Nebraska State Colleges. Bonds of a district
23 created under Chapter 31 or 39 shall in addition, after annexation
1 of the district by any municipality, be redeemable at the option of
2 the annexing municipality at any time after annexation of such
3 district if at the time of redemption at least five years have
4 elapsed from date of issuance. Such condition shall be plainly set
5 forth in all bonds of any governmental subdivision of the state or

6 municipal corporation hereafter issued to which it applies.
 7 (2) The issuer, except districts organized under Chapter
 8 31 or 39, of any such bonds of indebtedness, when the total amount
 9 of bonds at par value authorized as a single issue is five hundred
 10 thousand dollars or more, may agree to pay a call premium of not to
 11 exceed four percent of the par value for the redemption of such
 12 bonds. Districts organized under Chapter 31 or 39 may agree to pay
 13 a call premium of not to exceed two percent of the par value of
 14 such bonds when a single issue is five hundred thousand dollars or
 15 more, and bonds of such districts shall have no other bond
 16 redemption call or prepayment restrictions except as provided in
 17 this section. Bonds listed in subdivisions (1)(a) through ~~(1)(e)~~
 18 (1)(d) of this section may contain such provisions with respect to
 19 their redemption as the public power district, public power and
 20 irrigation district, metropolitan utilities district, city,
 21 village, housing authority, ~~or~~ school district, Board of Regents,
 22 or Board of Trustees shall provide.

23 (3) All bonds issued which do not provide a special
 24 procedure for calling and prepayments shall be called by a
 25 resolution passed by the governing body of the obligor, which
 26 resolution shall designate the bond or bonds to be prepaid by
 27 stating the date of the bonds, the purpose for which the bonds were
 1 issued, the bond numbers of the bonds so called, and the date set
 2 for prepayment. The issuer of any bonds which are required by this
 3 section to be issued subject to an option of redemption shall, at
 4 least thirty days prior to the date set for prepayment of such
 5 bonds, send notice by mail of the call to each holder of the called
 6 bonds as shown in its records. A true copy of the resolution shall
 7 be filed by the obligor with the paying agent on or before the call
 8 date.

9 (4) If the obligor deposits sufficient funds with the
 10 paying agent to pay the called bonds and accrued interest to date
 11 of call in full on or before the call date, the bonds shall cease
 12 to be a liability of the obligor, otherwise the call shall be
 13 revoked, and the bonds continue in effect the same as though no
 14 call had been made."

15 2. Renumber the remaining sections and correct internal
 16 references accordingly. Correct the operative date and repealer
 17 sections so that the section added by this amendment becomes
 18 operative three calendar months after the adjournment of this
 19 legislative session.

SELECT FILE

LEGISLATIVE BILL 873. E & R amendment, AM7191, found on page 1035, was adopted.

Senator Chambers withdrew his pending motion, found on page 997, to indefinitely postpone.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 912. E & R amendment, AM7195, found on page 1035, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 932. Advanced to E & R for engrossment.
LEGISLATIVE BILL 951. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1018. E & R amendment, AM7193, found on page 1035, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1094. E & R amendment, AM7194, found on page 1035, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1148. Advanced to E & R for engrossment.

LEGISLATIVE BILL 649. E & R amendment, AM7206, found on page 1173, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 970. Advanced to E & R for engrossment.

LEGISLATIVE BILL 977. E & R amendment, AM7207, found on page 1177, was adopted.

Senator Aguilar renewed his pending amendment, AM3374, found on page 1213.

The Aguilar amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1071. E & R amendment, AM7208, found on page 1177, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 684. Advanced to E & R for engrossment.

GENERAL FILE**LEGISLATIVE BILL 647.** Title read. Considered.

The Standing Committee amendment, AM2438, found on page 422, was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 989. Title read. Considered.

The Standing Committee amendment, AM2516, printed separately and referred to on page 450, was considered.

Senator Wickersham offered the following amendment to the Standing Committee amendment:

AM3555

(Amendments to Standing Committee amendments, AM2516)

1 1. Insert the following new sections:

2 "Section 1. Section 39-2215, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 39-2215. (1) There is hereby created in the state

5 treasury a special fund to be known as the Highway Trust Fund.

6 (2) All funds credited to the Highway Trust Fund pursuant

7 to sections 66-4,140, 66-4,147, 66-669, and 66-6,108, and related

8 penalties and interest, shall be allocated as provided in such

9 sections. The State Treasurer shall make the transfer to the

10 General Fund required by section 66-499.

11 (3) All other motor vehicle fuel taxes, diesel fuel

12 taxes, compressed fuel taxes, and alternative fuel taxes related to

13 highway use retained by the state, all motor vehicle registration

14 fees retained by the state other than those fees credited to the

15 State Recreation Road Fund pursuant to section 60-302, and other

16 highway-user taxes imposed by state law and allocated to the

17 Highway Trust Fund, except for the proceeds of the sales and use

18 taxes derived from motor vehicles, trailers, and semitrailers

19 credited to the fund pursuant to section 77-27,132, are hereby

20 irrevocably pledged for the terms of the bonds issued prior to

21 January 1, 1988, to the payment of the principal, interest, and

22 redemption premium, if any, of such bonds as they mature and become

23 due at maturity or prior redemption and for any reserves therefor

1 and shall, as received by the State Treasurer, be deposited in the

2 fund for such purpose.

3 (4) Of the money in the fund specified in subsection (3)

4 of this section which is not required for the use specified in such

5 subsection, (a) an amount equal to three dollars times the number

6 of motorcycles registered during the previous month shall be placed

7 in the Motorcycle Safety Education Fund, (b) an amount to be
8 determined annually by the Legislature through the appropriations
9 process may be transferred to the Motor Fuel Tax Enforcement and
10 Collection Cash Fund for use as provided in section 66-738 on a
11 monthly or other less frequent basis as determined by the
12 appropriation language, (c) an amount to be determined annually by
13 the Legislature through the appropriations process shall be
14 transferred to the License Plate Cash Fund as needed to meet the
15 current obligations associated with the manufacture of license
16 plates and stickers or tabs provided for in sections 60-311,
17 60-311.02, and 60-1804, as certified by the Director of Motor
18 Vehicles, and (d) the remaining money may be used for the purchase
19 for retirement of the bonds issued prior to January 1, 1988, in the
20 open market.

21 (5) The State Treasurer shall monthly transfer, from the
22 proceeds of the sales and use taxes credited to the Highway Trust
23 Fund and any money remaining in the fund after the requirements of
24 subsections (2) through (4) of this section are satisfied, (a)
25 thirty thousand dollars to the Grade Crossing Protection Fund and
26 (b) the amount calculated pursuant to section 13-1210 for financing
27 the operating costs of public transportation systems to the Highway
1 Cash Fund.

2 (6) Except as provided in subsection (7) of this section,
3 the balance of the Highway Trust Fund shall be allocated
4 fifty-three and one-third percent, less the amount provided for in
5 section 39-847.01, to the Department of Roads, twenty-three and
6 one-third percent, less the amount provided for in section
7 39-847.01, to the various counties for road purposes, and
8 twenty-three and one-third percent to the various municipalities
9 for street purposes. If bonds are issued pursuant to subsection
10 (2) of section 39-2223, the portion allocated to the Department of
11 Roads shall be credited monthly to the Highway Restoration and
12 Improvement Bond Fund, and if no bonds are issued pursuant to such
13 subsection, the portion allocated to the department shall be
14 credited monthly to the Highway Cash Fund. The portions allocated
15 to the counties and municipalities shall be credited monthly to the
16 Highway Allocation Fund and distributed monthly as provided by law.
17 Vehicles accorded prorated registration pursuant to section
18 60-305.09 shall not be included in any formula involving motor
19 vehicle registrations used to determine the allocation and
20 distribution of state funds for highway purposes to political
21 subdivisions.

22 (7) If it is determined by December 20 of any year that a
23 county will receive from its allocation of state-collected highway
24 revenue and from any funds relinquished to it by municipalities
25 within its boundaries an amount in such year which is less than
26 such county received in state-collected highway revenue in calendar
27 year 1969, based upon the 1976 tax rates for highway-user fuels and
1 registration fees, the Department of Roads shall notify the State

2 Treasurer that an amount equal to the sum necessary to provide such
 3 county with funds equal to such county's 1969 highway allocation
 4 for such year shall be transferred to such county from the Highway
 5 Trust Fund. Such makeup funds shall be matched by the county as
 6 provided in sections 39-2501 to 39-2510. The balance remaining in
 7 the fund after such transfer shall then be reallocated as provided
 8 in subsection (6) of this section.

9 (8) The State Treasurer shall disburse the money in the
 10 Highway Trust Fund as directed by resolution of the commission.
 11 All disbursements from the fund shall be made upon warrants drawn
 12 by the Director of Administrative Services. Any money in the fund
 13 available for investment shall be invested by the state investment
 14 officer pursuant to the Nebraska Capital Expansion Act and the
 15 Nebraska State Funds Investment Act and the earnings, if any,
 16 credited to the fund.

17 Sec. 2. Section 49-801.01, Revised Statutes Supplement,
 18 2001, is amended to read:

19 49-801.01. Except as provided by Article VIII, section
 20 1B, of the Constitution of Nebraska and in sections 77-2701.01,
 21 77-2714 to 77-27,123, 77-27,191, 77-4103, 77-4104, 77-4108,
 22 77-5509, 77-5515, 77-5527 to 77-5529, and 77-5539, any reference to
 23 the Internal Revenue Code refers to the Internal Revenue Code of
 24 1986 as it exists on ~~February 7, 2001~~ the effective date of this
 25 act.

26 Sec. 21. Since an emergency exists, this act takes
 27 effect when passed and approved according to law."

1 2. On page 26, line 27, strike "28-1425" and insert
 2 "39-2215".

3 3. On page 27, line 2, strike "and"; and in line 4 after
 4 the comma insert "and section 49-801.01, Revised Statutes
 5 Supplement, 2001,".

6 4. Renumber the remaining sections and correct internal
 7 references accordingly.

The Wickersham amendment was adopted with 27 ayes, 0 nays, 20 present
 and not voting, and 2 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 27
 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 17 present and not
 voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1003. The Schrock pending amendment, AM3486,
 found on page 1308 and considered in this day's Journal, as amended, was
 renewed.

The Schrock amendment, as amended, lost with 0 ayes, 23 nays, 24 present and not voting, and 2 excused and not voting.

Senators Foley and Byars asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Beutler offered the following amendment:
AM3542

(Amendments to AM3126)

1 1. On page 3, line 2, strike "region" and insert "game
2 and parks commissioner district"; and after line 21 insert the
3 following new paragraph:
4 "The inadvertent failure to provide notice as required by
5 subdivision (3)(b) of this section shall not prohibit the listing
6 of a species and shall not be deemed to be a violation of the
7 Administrative Procedure Act or the Nongame and Endangered Species
8 Conservation Act.".

The Beutler amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1168. E & R amendment, AM7189, found on page 1035, was adopted.

Senator D. Pederson withdrew his pending amendment, AM3168, found on page 1016.

Senator Connealy renewed his pending amendment, AM3350, found on page 1208.

The Connealy amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

The Bourne pending amendment, AM3513, found on page 1401, was withdrawn.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1054. E & R amendment, AM7192, found on page 1035, was adopted.

Senator Schimek renewed her pending amendment, AM3167, found on page 1014.

The Schimek amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Senator Schimek renewed her pending amendment, AM3377, found on page 1226.

The Schimek amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1236. E & R amendment, AM7204, found on page 1126, was adopted.

Senator Beutler renewed his pending amendment, AM3523, found on page 1403.

Senator Kremer asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Wickersham offered the following amendment to the Beutler pending amendment:

FA1057

Strike all of the Beutler Amendment, AM3523 and insert:

- 1 1. On page 3, strike beginning with "The" in line 2
- 2 through the period in line 9 and all amendments thereto.
- 3 2. On page 4, line 27, strike "board" and insert
- 4 "Nebraska State Fair Board" and after the period insert "No member
- 5 of the Legislature may serve on the board.".
- 6 3. On page 5, line 6, after the period insert
- 7 "(5) The chairperson of the Nebraska Arts Council, the
- 8 Director of Agriculture, the Director of Economic Development, the
- 9 chancellor of the University of Nebraska-Lincoln, the vice
- 10 chancellor of the University of Nebraska Institute of Agriculture
- 11 and Natural Resources, the mayor of the city of Lincoln, the
- 12 chairperson of the county board of Lancaster County, and the
- 13 chairperson of the State Fair Foundation, or their designees, shall
- 14 be ex officio members of the Nebraska State Fair Board.".

Senator Kruse asked unanimous consent to be excused. No objections. So ordered.

Senator Wickersham withdrew his amendment.

Senator Wickersham offered the following amendment to the Beutler pending amendment:

FA1058

Strike all of the Beutler Amendment, AM3523 and insert:

- 1 1. On page 3, strike beginning with "The" in line 2
- 2 through the period in line 9 and all amendments thereto.
- 3 2. On page 4, line 27, strike "board" and insert
- 4 "Nebraska State Fair Board" and after the period insert "No member

5 of the Legislature may serve on the board."
6 3. On page 5, line 6, after the period insert
7 "(5) The chairperson of the Nebraska Arts Council, the
9 chancellor of the University of Nebraska-Lincoln, or their designees, shall
14 be ex officio members of the Nebraska State Fair Board.".

The Wickersham amendment was adopted with 25 ayes, 5 nays, 16 present and not voting, and 3 excused and not voting.

The Beutler amendment, as amended, was adopted with 25 ayes, 4 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1303. Senator Bromm renewed his pending amendment, AM3446, found on page 1315.

The Bromm amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Senator Beutler renewed his pending amendment, FA944, found on page 1402.

Senator McDonald asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Beutler withdrew his amendment.

Senator Chambers offered the following amendment:

FA1059

Amend AM3134

Page 4, in line 8 strike "a" and after "appropriate" insert "to defray the cost of"

The Chambers amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Senator Smith asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

LEGISLATIVE BILL 1126. Advanced to E & R for engrossment.

LEGISLATIVE RESOLUTION 4CA. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1110. Advanced to E & R for engrossment.

LEGISLATIVE BILL 863. E & R amendment, AM7217, found on page 1332, was adopted.

Advanced to E & R for engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 29, 276, 384, 460, 564, 687, 935, 1040, 1073, and 1089.

Enrollment and Review Change to LB 276

The following changes, required to be reported for publication in the Journal, have been made:

ER9131

1. On page 1, the matter beginning with "crimes" in line 1 through line 9 and all amendments thereto have been struck and "personal information; to amend sections 28-608, 28-620, and 84-712.05, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 2000; to change provisions and penalties relating to criminal impersonation and financial transaction devices; to provide for restitution; to prohibit the printing of payment card numbers and the use of scanning devices or reencoders as prescribed; to provide penalties; to change provisions relating to public records; to harmonize provisions; and to repeal the original sections." inserted.

Enrollment and Review Change to LB 384

The following changes, required to be reported for publication in the Journal, have been made:

ER9129

1. In the Quandahl et al. amendment, AM3283:
 - a. Sections 26, 27, 28, 29, and 30 have been renumbered as sections 29, 30, 26, 27, and 28, respectively.
 - b. On page 4, line 1; and page 9, line 2, "taking" has been struck and "condemnation" inserted;
 - c. On page 9, line 10, an underscored comma has been inserted after "power";
 - d. On page 13, line 1, "(b)" has been struck and "(2)" inserted; in line 2 the first "the" has been struck and "this" inserted; and in line 8 "addition" has been struck and "additional" inserted; and
 - e. On page 28, line 19, "subdivisions" has been struck and "subsections" inserted.
2. In the E & R amendments, AM7184, on page 21, line 3, "18-2520, 18-2523," has been inserted after the last comma; in line 4 ", and section 18-2528, Revised Statutes Supplement, 2000" has been inserted after

"Nebraska"; and in line 6 "an operative date" has been struck and "operative dates" inserted.

Enrollment and Review Change to LB 564

The following changes, required to be reported for publication in the Journal, have been made:

ER9136

1. In the E & R amendments, AM7188, on page 5, line 8, the second "or" has been struck and shown as stricken; in line 15 the new matter has been struck, "of any offense" has been reinstated, and "in" has been struck and shown as stricken; the matter beginning with "state" in line 15 through "offense" in line 18 has been struck and the old matter shown as stricken; in line 20 "by any state, territory, commonwealth, or other jurisdiction of the United States, by the United States Government, or by court martial or other military tribunal" has been inserted after "section"; and in line 25 "subdivisions" has been struck, shown as stricken, and "subdivision" inserted and "and" has been struck, shown as stricken, and "or" inserted.

Enrollment and Review Change to LB 687

The following changes, required to be reported for publication in the Journal, have been made:

ER9130

1. In the Stuhr amendment AM3316:

a. On page 1, line 5; and page 2, line 20, the first "the" has been struck; and

b. On page 8, line 26, "in line 16 strike the new matter;" has been inserted after the semicolon.

2. In the E & R amendments, AM7196:

a. On page 4, line 16; and page 34, line 10, "contributions" has been struck and "contribution credits" inserted;

b. On page 64, line 24, "23-2307," has been struck; and in line 25 "84-1308," has been struck; and

c. On page 65, line 2, "member contributions and" has been struck; in lines 5 and 6 "to provide operative dates;" has been struck; in line 6 "and" has been struck; and in line 8 "; and to declare an emergency" has been inserted after "Nebraska".

Enrollment and Review Change to LB 935

The following changes, required to be reported for publication in the Journal, have been made:

ER9127

1. In the Vrtiska amendment, AM3112, on page 5, line 11, "shall" has been struck and shown as stricken.

2. On page 1, the matter beginning with "32-933" in line 1 through line 8 and all amendments thereto have been struck and "10-703.01, 29-1401.02, 32-303, 32-552, 32-802, 32-819, 32-933, 32-941, 32-942, 32-943, 32-946,

32-950, 32-954, 32-956, and 79-552, Reissue Revised Statutes of Nebraska, and sections 29-1401 and 32-1027, Revised Statutes Supplement, 2000; to provide for review and adjustment of boundaries of school board election districts; to change and eliminate provisions relating to wages for election workers, petition procedures, registration of voters, notice of election, correcting errors on ballots, and absentee ballots; to harmonize provisions; to repeal the original sections; and to outright repeal sections 29-1401.01 and 32-1029, Reissue Revised Statutes of Nebraska." inserted.

Enrollment and Review Change to LB 1073

The following changes, required to be reported for publication in the Journal, have been made:

ER9134

1. In the E & R amendments, AM7197:

a. The following new section has been inserted:

"Sec. 3. Section 71-1907, Revised Statutes Supplement, 2000, is amended to read:

71-1907. Any person furnishing foster care who is subject to licensure under section 71-1902, when transporting in a motor vehicle any children for whom care is being furnished, shall use an approved child passenger restraint system for each child, except that an occupant protection system as defined in section 60-6,265 may be used for any child ~~weighing forty or more pounds~~ six years of age or older.

Any person violating this section shall be guilty of an infraction as defined in section 29-431 and shall have his or her license to furnish foster care revoked or suspended by the Department of Health and Human Services.

For purposes of this section, approved child passenger restraint system shall mean a restraint system which meets Federal Motor Vehicle Safety Standard 213 as developed by the National Highway Traffic Safety Administration, as such standard existed on the effective date of this act, as of July 17, 1982.;

b. On page 3, line 27, "and 60-6,268" has been struck and ", 60-6,268, and 71-1907" inserted; and

c. The remaining section has been renumbered.

2. On page 1, line 1, "the Nebraska Rules of the Road" has been struck and "occupant protection systems" inserted; and in line 2 "and 60-6,268" has been struck and ", 60-6,268, and 71-1907" inserted.

Enrollment and Review Change to LB 1089

The following changes, required to be reported for publication in the Journal, have been made:

ER9128

1. Because of the adoption of the Bronm et al. amendment, AM3331, in the Jensen amendment, AM2695, on page 1, the matter beginning with the semicolon in line 7 through "stricken" in line 8 has been struck and lines 9 and 10 have been struck.

2. In the E & R amendments, AM7182:
 - a. Amendments 1, 4, and 9 have been struck; and
 - b. On page 1, the matter beginning with the semicolon in line 4 through the quotation mark in line 5 has been struck.
3. On page 1, line 3; and page 42, line 7, "and" has been inserted before "sections".
4. On page 8, line 17, an underscored comma has been inserted after "8-1516".
5. On page 10, line 16, the paragraphing has been struck.
6. On page 14, line 27, "~~for~~" has been struck and "to establish" inserted; and in lines 27 and 28 "to be established" has been struck.

(Signed) Philip Erdman, Chairperson

AMENDMENTS - Print in Journal

Senator Baker filed the following amendment to LB 1149:
AM3504

(Amendments to Standing Committee amendments, AM3477)

- 1 1. Strike amendment 1 and all amendments thereto and
- 2 insert the following new amendment:
- 3 "1. Strike the original sections and insert the
- 4 following new sections:
- 5 'Section 1. Section 68-1020, Revised Statutes
- 6 Supplement, 2001, is amended to read:
- 7 68-1020. (1) Medical assistance shall be paid on behalf
- 8 of dependent children, aged persons, blind individuals, and
- 9 disabled individuals, as defined in sections 43-504 and 68-1002 to
- 10 68-1005, and on behalf of all individuals less than twenty-one
- 11 years of age who are eligible under section 1905(a) of the federal
- 12 Social Security Act, as such section existed on ~~September 1, 2001~~
- 13 the effective date of this act.
- 14 (2) The Director of Finance and Support shall adopt and
- 15 promulgate rules and regulations governing provision of such
- 16 medical assistance benefits to qualified individuals:
- 17 (a) Who are presumptively eligible as allowed under 42
- 18 U.S.C. 1396a, as such section existed on ~~September 1, 2001~~ the
- 19 effective date of this act, and sections 1920A and 1920B of the
- 20 federal Social Security Act, as such sections existed on ~~September~~
- 21 ~~1, 2001~~ the effective date of this act;
- 22 (b) Who have income at or below one hundred eighty-five
- 23 percent of the Office of Management and Budget poverty line, as
- 1 allowed under Title XIX and Title XXI of the federal Social
- 2 Security Act, as such titles existed on ~~September 1, 2001~~ the
- 3 effective date of this act, without regard to resources, including
- 4 all children under nineteen years of age and pregnant women as
- 5 allowed under 42 U.S.C. 1396a, as such section existed on ~~September~~
- 6 ~~1, 2001~~ the effective date of this act, and section 2110 of the
- 7 federal Social Security Act, as such section existed on ~~September~~

8 ~~1, 2001~~ the effective date of this act. Children described in this
9 subdivision shall remain eligible for a ~~twelve-month~~ six-month
10 period of time from the date of eligibility prior to
11 redetermination of eligibility; or

12 (c) Who are medically needy caretaker relatives as
13 allowed under section 1905(a)(ii) of the federal Social Security
14 Act, as such section existed on ~~September 1, 2001~~ the effective
15 date of this act, and who have children with allocated income as
16 follows:

17 (i) At or below one hundred fifty percent of the Office
18 of Management and Budget poverty line with eligible children one
19 year of age or younger;

20 (ii) At or below one hundred thirty-three percent of the
21 Office of Management and Budget poverty line with eligible children
22 over one year of age and under six years of age; or

23 (iii) At or below one hundred percent of the Office of
24 Management and Budget poverty line with eligible children six years
25 of age or more and under fifteen years of age.

26 (3) As allowed pursuant to 42 U.S.C. 1396a(10)(A)(ii),
27 as such section existed on ~~September 1, 2001~~ the effective date of
1 this act, medical assistance shall be paid on behalf of disabled
2 persons as defined in section 68-1005 who are in families whose net
3 income is less than two hundred fifty percent of the Office of
4 Management and Budget income poverty line applicable to a family of
5 the size involved and who but for earnings in excess of the limit
6 established under 42 U.S.C. 1396d(q)(2)(B) of the federal Social
7 Security Act, as such section existed on ~~September 1, 2001~~ the
8 effective date of this act, would be considered to be receiving
9 federal Supplemental Security Income. The Department of Health and
10 Human Services shall apply for a waiver to disregard any unearned
11 income that is contingent upon a trial work period in applying the
12 Supplemental Security Income standard. Such disabled persons shall
13 be subject to payment of premiums as a percentage of the family's
14 net income beginning at not less than two hundred percent of the
15 Office of Management and Budget net income poverty line. Such
16 premiums shall be graduated based on family income and shall not be
17 less than two percent or more than ten percent of family net
18 income.

19 (4) As allowed pursuant to 42 U.S.C. 1396a(10)(A)(ii),
20 as such section existed on ~~September 1, 2001~~ the effective date of
21 this act, medical assistance shall be paid on behalf of persons
22 who:

23 (a) Have been screened for breast and cervical cancer
24 under the Centers for Disease Control and Prevention breast and
25 cervical cancer early detection program established under Title XV
26 of the federal Public Health Service Act, 42 U.S.C. 300k et seq.,
27 as such sections existed on ~~September 1, 2001~~ the effective date of
1 this act, in accordance with the requirements of section 1504 of
2 such act, 42 U.S.C. 300n, as such section existed on ~~September 1,~~

- 3 ~~2001~~ the effective date of this act, and who need treatment for
 4 breast or cervical cancer, including precancerous and cancerous
 5 conditions of the breast or cervix;
 6 (b) Are not otherwise covered under creditable coverage,
 7 as defined in section 2701(c) of the federal Public Health Service
 8 Act, 42 U.S.C. 300gg(c), as such section existed on ~~September 1,~~
 9 ~~2001~~ the effective date of this act;
 10 (c) Have not attained sixty-five years of age; and
 11 (d) Are not eligible for medicaid under any mandatory
 12 categorically needy eligibility group.
 13 Sec. 2. Original section 68-1020, Revised Statutes
 14 Supplement, 2001, is repealed.
 15 Sec. 3. Since an emergency exists, this act takes effect
 16 when passed and approved according to law.'".

Senator Byars filed the following amendment to LB 1062:
 AM3541

(Amendments to E & R amendments, AM7214)

- 1 1. On page 46, lines 2 and 3, strike "as a child care
 2 program" and insert "to provide child care to thirteen or more
 3 children".

Senator Landis filed the following amendment to LB 957:
 AM3562

(Amendments to E & R amendments, AM7219)

- 1 1. Insert the following new section:
 2 "Sec. 23. Section 52-1601, Revised Statutes Supplement,
 3 2000, is amended to read:
 4 52-1601. (1) Prior to July 1, 2001, the Secretary of
 5 State shall compile lien information received by his or her office
 6 pursuant to subsection (2) of section 9-414, Uniform Commercial
 7 Code, into a master lien list in alphabetical order according to
 8 the last name of the individual against whom such lien is filed or,
 9 in the case of an entity doing business other than as an
 10 individual, the first word in the name of the debtor. Such master
 11 lien list shall contain the name and address of the debtor, the
 12 name and address of the lienholder, and the type of such lien.
 13 (2) On and after July 1, 2001, the Secretary of State
 14 shall compile lien information relative to liens created under
 15 Chapter 52, articles 2, 5, 7, 9, 11, 12, and 14, and Chapter 54,
 16 article 2, received by his or her office pursuant to subsection ~~(b)~~
 17 ~~(a)~~ of section 9-530, Uniform Commercial Code, into a master lien
 18 list in alphabetical order according to the last name of the
 19 individual against whom such lien is filed or, in the case of an
 20 entity doing business other than as an individual, the first word
 21 in the name of the debtor. Such master lien list shall contain the
 22 name and address of the debtor, the name and address of the
 23 lienholder, and the type of such lien."
 1 2. Renumber the remaining sections and correct internal

2 references accordingly. Correct the operative date and repealer
3 sections so that the section added by this amendment becomes
4 operative on its effective date.

Senator Bromm filed the following amendment to LB 1290:
AM3554

1 1. On page 2, line 16, after the period insert
2 "Employees of regional library systems shall be deemed state
3 employees solely for purposes of this coverage, and the total cost
4 of coverage provided to such employees shall be paid by the
5 system.".

Senator Kristensen filed the following amendment to LB 1062:
AM3548

(Amendments to E & R amendments, AM7214)

1 1. Insert the following new section:
2 "Sec. 4. Section 43-3342.05, Revised Statutes
3 Supplement, 2000, is amended to read:
4 43-3342.05. (1) The State Disbursement and Child Support
5 Advisory Commission is created. Commission members shall include:
6 (a) ~~One~~ Two district court ~~judge~~ judges whose
7 jurisdiction includes domestic relations;
8 (b) ~~One representative of the Governor's office~~ member of
9 the Nebraska State Bar Association who practice domestic relations;
10 (c) One county attorney who works in child support;
11 (d) One professional who works in the field of economics
12 or mathematics or another field of expertise relevant to child
13 support; ~~One district court clerk~~;
14 (e) ~~One child support worker~~;
15 (f) ~~One member~~ (e) Two members of the Legislature;
16 (g) ~~One employer, with more than seventy-five employees,~~
17 ~~who provides income withholding~~;
18 (h) ~~One employer, with less than twenty five employees,~~
19 ~~who provides income withholding~~;
20 (i) (f) One custodial parent who has a court order to
21 receive child support;
22 (j) (g) One noncustodial parent who is under a support
23 order to pay child support;
1 (k) (h) The vendor operating the State Disbursement Unit
2 or his or her designee as an ex officio member;
3 (i) The State Court Administrator or his or her designee
4 as an ex officio member; and
5 (k) (j) The director of the Title IV-D Division or his or
6 her designee as an ex officio member.
7 (2)(a) The terms of all members on the State Disbursement
8 Advisory Commission, as established by Legislative Bill 972 (2000),
9 shall terminate on June 30, 2002. The Executive Board of the
10 Legislative Council shall appoint the members of the ~~commission~~
11 State Disbursement and Child Support Advisory Commission under

12 subdivisions (1)(a) through ~~(1)(j)~~ (1)(g) of this section. ~~The~~
 13 ~~initial members of the commission shall be appointed no later than~~
 14 ~~June 1, 2000.~~ Members shall serve terms of two years, except that
 15 the initial terms of members appointed for terms commencing on July
 16 1, 2002, under subdivisions (1)(f) through ~~(1)(j)~~ (1)(g) of this
 17 section shall be one year to provide for staggered terms for
 18 commission members. In the case of a vacancy, a successor shall be
 19 appointed for the unexpired term by the Executive Board of the
 20 Legislative Council. Members whose terms have expired shall
 21 continue to serve until their successors have been appointed. The
 22 commission shall select a chairperson, annually, from its
 23 membership. A chairperson may serve more than one year. Members
 24 shall serve without compensation but shall be reimbursed for their
 25 actual and necessary expenses incurred in the performance of their
 26 duties as provided in sections 81-1174 to 81-1177.

27 (b) If determined to be necessary to perform the duties
 1 of the commission, the commission may hire, contract, or otherwise
 2 obtain the services of consultants, researchers, aides, and other
 3 necessary support staff with prior approval of the chairperson of
 4 the Executive Board of the Legislative Council.

5 (c) For administrative purposes, the commission shall be
 6 managed and administered by the Legislative Council.

7 (3) The commission shall meet at least quarterly. The
 8 duties of the commission shall include, but are not limited to:

9 (a) Recommending to the department, if appropriate, ways
 10 to improve or enhance the effectiveness of the State Disbursement
 11 Unit and the Customer Service Unit;

12 (b) Recommending performance indicators for the State
 13 Disbursement Unit and the Customer Service Unit;

14 (c) Recommending legislation which would clarify and
 15 improve state law regarding support for children as it relates to
 16 the State Disbursement Unit; ~~and~~

17 (d) Addressing any child support issues generally as such
 18 issues effect the State of Nebraska and its citizens;

19 (e) Reviewing the child support guidelines adopted by the
 20 Supreme Court and recommending, if appropriate, any amendments to
 21 the guidelines. Whenever practicable, the commission shall base
 22 its recommendations on economic data and statistics collected in
 23 the State of Nebraska. In reviewing the guidelines and formulating
 24 recommendations, the commission may conduct public hearings around
 25 the state;

26 (f) Monitoring federal legislation and making
 27 recommendations for changing state law as needed; and

1 (g) Presenting an annual report reports, as deemed
 2 necessary, of its activities and recommendations to the Supreme
 3 Court and the Executive Board of the Legislative Council, by
 4 January 1 of each year.

5 (4) The Supreme Court shall review the commission's
 6 reports. The Supreme Court may amend the child support guidelines

7 established pursuant to section 42-364.16 based upon the
 8 commission's recommendations.

9 Sec. 66. The following sections are outright repealed:

10 Sections 42-383 to 42-386, Revised Statutes Supplement, 2000."

11 2. Strike beginning with page 5, line 23, through page

12 6, line 2, show as stricken, and insert

13 "(2) The unit may collect a fee equal to the actual cost

14 of processing, and if applicable, the actual cost of collecting,

15 any payment made with insufficient funds. After a payor has

16 originated two payments made with insufficient funds within a

17 period of one year, the unit shall issue a notice to the originator

18 that, for the following year, any payment shall be required to be

19 paid by cash, guaranteed funds, or wire funds transfer. After a

20 payor has originated three payments made with insufficient funds,

21 the unit shall issue a notice to the originator that all future

22 payments shall be paid by cash, guaranteed funds, or wire funds

23 transfer."

24 3. Renumber the remaining sections and correct internal

25 references accordingly and correct the operative date section and

26 the repealer so that the sections added by this amendment become

27 operative on their effective date with the emergency clause.

Senator Beutler filed the following amendment to LB 1086:

AM3485

(Amendments to E & R amendments, AM7213)

1 1. Strike section 2 and insert the following new

2 sections:

3 "Sec. 2. Section 32-1603, Revised Statutes Supplement,

4 2001, is amended to read:

5 32-1603. For purposes of the Campaign Finance Limitation

6 Act, the definitions found in sections 49-1404 to 49-1444 shall be

7 used, except that:

8 (1) Covered elective office means (a) the Legislature in

9 any election period and (b) the Governor, State Treasurer,

10 Secretary of State, Attorney General, Auditor of Public Accounts,

11 the Public Service Commission, the Board of Regents of the

12 University of Nebraska, and the State Board of Education if

13 designated as covered for a given election period pursuant to

14 section 32-1611;

15 (2) Election period means (a) the period beginning

16 January 1 of the calendar year prior to the year of the election in

17 which the candidate is seeking office through the end of the

18 calendar year of such election for covered elective offices listed

19 in subdivision (1)(a) of this section and (b) the period beginning

20 July 1 of the calendar year prior to the year of the election in

21 which the candidate is seeking office through the end of the

22 calendar year of such election for covered elective offices listed

23 in subdivision (1)(b) of this section;

1 (3) Expenditure means (a) the purchase for campaign

2 activities of ~~(a)~~ (i) services from a communications medium,
3 including production costs, ~~(b)~~ (ii) printing, photography, graphic
4 arts, or advertising services, ~~(c)~~ (iii) office supplies, ~~(d)~~ (iv)
5 postage and other commercial delivery services, ~~(e)~~ (v) meals,
6 lodging, and travel expenses, and ~~(f)~~ (vi) staff salaries and (b)
7 repayment of loans to the candidate committee made for any of the
8 purposes listed in subdivision (a) of this subdivision;

9 (4) General election period means the period beginning
10 with the day following the end of the primary election period
11 through the end of the election period;

12 (5) Primary election period means the period beginning
13 with the first day of the election period through the thirty-fifth
14 day following the primary election; and

15 (6) Unrestricted spending means expenditures or transfers
16 of funds authorized under subdivision (1)(f), ~~or (h)~~, or (i) of
17 section 49-1446.01.

18 Sec. 3. Section 32-1604, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 32-1604. (1) If the office is designated as covered for
21 a given election period pursuant to section 32-1611, any candidate
22 for Governor, Lieutenant Governor, State Treasurer, Secretary of
23 State, Attorney General, Auditor of Public Accounts, the Public
24 Service Commission, the Board of Regents of the University of
25 Nebraska, or the State Board of Education may qualify for public
26 funds to be used for the election period if he or she limits his or
27 her campaign spending for the election period and meets the other
1 requirements prescribed in this section.

2 (2) In any election period, any candidate for the
3 Legislature may qualify for public funds to be used for the
4 election period if he or she limits his or her campaign spending
5 for the election period and meets the other requirements prescribed
6 in this section.

7 (3) To qualify for public funds for the election period,
8 a candidate for Governor shall limit his or her spending, other
9 than unrestricted spending, for the election period to one million
10 five hundred thousand dollars, a candidate for Lieutenant Governor,
11 State Treasurer, Secretary of State, Attorney General, or Auditor
12 of Public Accounts shall limit his or her spending, other than
13 unrestricted spending, for the election period to one hundred fifty
14 thousand dollars, a candidate for the Legislature shall limit his
15 or her spending, other than unrestricted spending, for the election
16 period to seventy-three thousand dollars, and a candidate for the
17 Public Service Commission, the Board of Regents of the University
18 of Nebraska, or the State Board of Education shall limit his or her
19 spending, other than unrestricted spending, for the election period
20 to fifty thousand dollars, and such candidates shall limit their
21 spending, other than unrestricted spending, for the primary
22 election period to not exceed fifty percent of the limits provided
23 in this subsection for the election period.

24 (4) Each candidate for a covered elective office desiring
25 to receive public funds pursuant to this section shall (a)
26 beginning the first day of the election period, raise an amount
27 equal to at least twenty-five percent of the spending limitation
1 for the office from persons who are residents of Nebraska and (b)
2 file with the Nebraska Accountability and Disclosure Commission an
3 affidavit pursuant to section 32-1604.01 indicating his or her
4 intent to abide by the spending limitations and his or her
5 agreement to personally act as a guarantor for the lawful use of
6 such funds and to be held personally liable to the State of
7 Nebraska for any such funds not repaid to the state as required by
8 law. Money raised prior to filing the affidavit shall not count
9 toward the qualifying amount established in this subsection. Money
10 raised prior to the first day of the election period shall not
11 count toward the qualifying amount established in this subsection.
12 At least sixty-five percent of the qualifying amount established in
13 this subsection shall be received from individuals. For purposes
14 of this section, a business, corporation, partnership, limited
15 liability company, or association shall be deemed a resident if it
16 has an office in this state and transacts business in this state.

17 (5)(a) Except as otherwise provided in section
18 32-1604.01, any candidate for a covered elective office who does
19 not file an affidavit pursuant to subsection (4) of this section
20 shall file with the commission an affidavit indicating his or her
21 intent not to abide by the spending limitations of this section and
22 shall include a reasonable estimate of his or her maximum
23 expenditures as defined in sections 32-1603 and 49-1419 for the
24 primary election period. The estimate of expenditures for the
25 primary election period may be amended up to thirty days prior to
26 the primary election by filing a subsequent affidavit. A candidate
27 nominated for a covered elective office in the primary election
1 shall file an estimate of expenditures for the general election
2 period on or before the fortieth day following the primary
3 election. The estimate of expenditures for the general election
4 period may be amended up to sixty days prior to the general
5 election by filing a subsequent affidavit.

6 (b) A candidate for a covered elective office whose
7 estimated maximum expenditures exceed the spending limitations of
8 this section as set forth in the affidavit filed under subdivision
9 (5)(a) of this section shall file an affidavit with the commission
10 when forty percent of his or her estimated maximum expenditures has
11 been spent for the primary election period or when his or her
12 expenditures for the primary election period exceed the spending
13 limitation set forth in this section for the primary election
14 period, whichever occurs first. The candidate shall file a second
15 affidavit with the commission when forty percent of his or her
16 estimated maximum expenditures has been spent for the general
17 election period or when his or her expenditures for the general
18 election period exceed the spending limitation set forth in this

- 19 section for the general election period, whichever occurs first.
 20 Each affidavit shall be filed no later than ~~five~~ two days after the
 21 forty percent has been expended or the respective spending
 22 limitation has been exceeded. The affidavit may be filed by hand
 23 delivery, facsimile transmission, telegraph, express delivery
 24 service, or any other written means of communication. If the
 25 filing is made by a means which does not include the original
 26 signature of the affiant, an affidavit which includes the original
 27 signature shall be filed with the commission within fourteen days
 1 after the forty percent has been expended or the respective
 2 spending limitation has been exceeded. A candidate who
 3 intentionally fails to file the required affidavit within either
 4 five-day two-day period shall be guilty of a Class II misdemeanor.
 5 (6) If an affidavit required under subdivision (5)(b) of
 6 this section is not filed, no public funds shall be distributed to
 7 the candidates for such office who have qualified for public funds
 8 for the election period unless preelection campaign statements
 9 filed pursuant to subdivisions (1)(a) and (b) of section 49-1459 or
 10 audits by the commission conducted pursuant to section 49-14,122
 11 reveal that a candidate has made expenditures requiring the filing
 12 of an affidavit under subdivision (5)(b) of this section."
 13 2. On page 5, line 10, strike "section" and insert
 14 "sections 32-1604 and".
 15 3. Renumber the remaining sections accordingly.

Senator Beutler filed the following amendment to LB 642:
 AM3381

- 1 1. On page 2, line 3, after "maltreatment" insert "as
 2 determined by the county coroner or county attorney"; in line 6
 3 strike the second "a" and insert "an examining"; and in line 16
 4 after the second "fatality" insert "and is convicted or acquitted
 5 of the charged offense or a lesser offense".
 6 2. On page 3, strike beginning with "Is" in line 24
 7 through "(5)" in line 28.
 8 3. On page 4, line 2, strike "(6)" and insert "(4)"; and
 9 in line 3 strike "(7)" and insert "(5)".

GENERAL FILE

LEGISLATIVE BILL 1278. Title read. Considered.

SENATOR COORDSEN PRESIDING

Senator Erdman asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, AM3080, printed separately and referred to on page 993, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Senator Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 876. Title read. Considered.

The corrected Standing Committee amendment, AM2941, printed separately and referred to on page 771, was considered.

Senator Brashear renewed his pending amendment, AM2963, found on page 843, to the Standing Committee amendment.

The Brashear amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Senator Kristensen renewed his pending amendment, AM3183, printed separately and referred to on page 1097, to the Standing Committee amendment.

Senator Stuhr asked unanimous consent to be excused until she returns. No objections. So ordered.

The Kristensen amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Senator Brashear offered the following amendment:
AM3545

- 1 1. In the Standing Committee corrected amendments,
- 2 AM2941:
- 3 a. On page 32, line 27, before "A" insert "(1)"; and
- 4 b. On page 33, after line 11 insert:
- 5 "(2) A court automation and training fee of three dollars
- 6 shall be taxed as costs on each case filed in each separate
- 7 juvenile court and district court, including appeals to such
- 8 courts, on each case filed in each county court, and on each appeal
- 9 and original action filed in the Court of Appeals and the Supreme
- 10 Court. Such fee shall be remitted to the State Treasurer on forms
- 11 prescribed by the State Treasurer within ten days after the close
- 12 of each month for credit to the Court Automation and Training Fund.
- 13 (3) The Court Automation and Training Fund is created.
- 14 The State Court Administrator shall administer the fund which shall
- 15 be used to help pay the costs involved in court automation and in
- 16 training court staff and employees. Any money in the fund
- 17 available for investment shall be invested by the state investment

18 officer pursuant to the Nebraska Capital Expansion Act and the
 19 Nebraska State Funds Investment Act."

Senator Brashear withdrew his amendment.

Advanced to E & R for review with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 1115. Title read. Considered.

The Standing Committee amendment, AM2986, found on page 991, was considered.

Senator Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Aguilar offered the following amendment to the Standing Committee amendment:

AM3536

(Amendments to Standing Committee amendments, AM2986)

- 1 1. On page 2, lines 7 and 9, strike "defendant" and
- 2 insert "offender".

The Aguilar amendment was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Senator Aguilar offered the following amendment to the Standing Committee amendment:

AM3508

(Amendments to Standing Committee amendments, AM2986)

- 1 1. Insert the following new sections:
- 2 "Sec. 5. Laws 2001, LB 543, section 159, as amended by
- 3 section 98, Legislative Bill 1, Ninety-seventh Legislature, First
- 4 Special Session, 2001, and section 96, Legislative Bill 1309,
- 5 Ninety-seventh Legislature, Second Session, 2002, is amended to
- 6 read:
- 7 Sec. 159. AGENCY NO. 46 -- DEPARTMENT OF CORRECTIONAL
- 8 SERVICES
- 9 Program No. 200 - Operations
- 10
- 11 GENERAL FUND FY2001-02 FY2002-03
- 12 CASH FUND 1,782,737 582,737
- 13 FEDERAL FUND est. 409,015 240,182
- 14 REVOLVING FUND est. 16,151,137 16,284,555
- 15 PROGRAM TOTAL 125,511,088 135,403,829
- 16 SALARY LIMIT 64,921,080 73,278,432
- 17 The salary limitations provided by this section do not
- 18 include Revolving Fund salaries. There are no salary limitations
- 19 for Revolving Fund program classifications 390 and 563.

- 20 The Department of Administrative Services shall monitor
 21 the appropriations and expenditures for this program according to
 22 the following program classifications:
 23 No. 260 - Nebraska Correctional Youth Facility
 1 No. 300 - Tecumseh Correctional Center
 2 No. 367 - Community-Based Services
 3 No. 368 - Lincoln Community Corrections Center
 4 No. 369 - Omaha Community Corrections Center
 5 No. 370 - Central Office
 6 No. 372 - Nebraska State Penitentiary
 7 No. 373 - Nebraska Center for Women - York
 8 No. 375 - Diagnostic and Evaluation Center
 9 No. 376 - Lincoln Correctional Center
 10 No. 377 - Omaha Correctional Center
 11 No. 378 - Hastings Correctional Center
 12 No. 383 - Correctional Treatment Facility
 13 No. 386 - McCook Incarceration Work Camp
 14 No. 389 - Adult Parole Administration
 15 No. 390 - Federal Surplus Property
 16 No. 495 - Department Central Warehouse
 17 No. 563 - Correctional Industries
 18 Revolving Fund expenditures shall not be limited to the
 19 amounts shown.
 20 The unexpended General Fund appropriation balance
 21 existing on June 30, 2001, is hereby reappropriated.
 22 ~~No funds for community-based services are included in the~~
 23 ~~appropriation to this program for FY2002-03. Funds for~~
 24 community-based services are included in the appropriation to this
 25 program for FY2002-03, including funding for drug court program
 26 services.
 27 There is included in the appropriation to this program
 1 for FY2001-02 \$275,000 General Funds for state aid, which shall
 2 only be used for such purpose. There is included in the
 3 appropriation to this program for FY2002-03 ~~\$269,500~~ \$0- General
 4 Funds for state aid, which shall only be used for such purpose.
 5 It is intended that the Department of Correctional
 6 Services shall maintain a Department Contingency Fund and a
 7 Department Equipment Fund.
 8 Sec. 6. Original Laws 2001, LB 543, section 159, as
 9 amended by section 98, Legislative Bill 1, Ninety-seventh
 10 Legislature, First Special Session, 2001, and section 96,
 11 Legislative Bill 1309, Ninety-seventh Legislature, Second Session,
 12 2002, is repealed.".

SENATOR WICKERSHAM PRESIDING

Senator Preister asked unanimous consent to be excused. No objections. So ordered.

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Aguilar moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Senator Aguilar requested a roll call vote on his amendment.

Voting in the affirmative, 29:

| | | | | |
|----------|------------|---------|----------|------------|
| Aguilar | Connealy | Janssen | McDonald | Smith |
| Baker | Cudaback | Jensen | Price | Synowiecki |
| Brashear | Cunningham | Jones | Quandahl | Tyson |
| Burling | Dierks | Kremer | Robak | Vrtiska |
| Byars | Erdman | Landis | Schimek | Wehrbein |
| Chambers | Hudkins | Maxwell | Schrock | |

Voting in the negative, 8:

| | | | |
|----------|---------------|----------|------------|
| Engel | Pedersen, Dw. | Redfield | Thompson |
| Hartnett | Raikes | Stuhr | Wickersham |

Present and not voting, 7:

| | | | |
|---------|----------|--------------|--------|
| Beutler | Bruning | Foley | Suttle |
| Bromm | Coordsen | Pederson, D. | |

Absent and not voting, 1:

Brown

Excused and not voting, 4:

| | | | |
|--------|------------|-------|----------|
| Bourne | Kristensen | Kruse | Preister |
|--------|------------|-------|----------|

The Aguilar amendment was adopted with 29 ayes, 8 nays, 7 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Brown asked unanimous consent to be excused. No objections. So ordered.

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

The Standing Committee amendment, as amended, was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Senator Dw. Pedersen requested a record vote on the advancement of the bill.

Voting in the affirmative, 36:

| | | | | |
|----------|------------|----------|------------|------------|
| Aguilar | Connealy | Hudkins | Quandahl | Thompson |
| Baker | Coordsen | Janssen | Raikes | Tyson |
| Brashear | Cudaback | Jensen | Redfield | Wehrbein |
| Bromm | Cunningham | Jones | Robak | Wickersham |
| Bruning | Dierks | Kremer | Schrock | |
| Burling | Engel | Landis | Smith | |
| Byars | Erdman | Maxwell | Suttle | |
| Chambers | Foley | McDonald | Synowiecki | |

Voting in the negative, 0.

Present and not voting, 8:

| | | | |
|----------|---------------|---------|---------|
| Beutler | Pedersen, Dw. | Price | Stuhr |
| Hartnett | Pederson, D. | Schimek | Vrtiska |

Excused and not voting, 5:

| | | | | |
|--------|-------|------------|-------|----------|
| Bourne | Brown | Kristensen | Kruse | Preister |
|--------|-------|------------|-------|----------|

Advanced to E & R for review with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 488. Title read. Considered.

The Standing Committee amendment, AM2603, found on page 583, was considered.

Senator Landis withdrew his pending amendment, AM2945, found on page 884.

Senator Bromm withdrew his pending amendment, AM3092, found on page 964.

Senator Landis renewed his pending amendment, AM3143, found on page 1019, to the Standing Committee amendment.

The Landis amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Senator Chambers withdrew his pending amendments, FA923, FA924, FA925, FA926, FA940, FA941, FA942, and FA943, found on pages 1038 and 1069.

Senator Landis renewed his pending amendment, AM3425, found on page 1246, to the Standing Committee amendment.

The Landis amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Senator Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 488A. Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Senator Dierks asked unanimous consent to be excused. No objections. So ordered.

SPEAKER KRISTENSEN PRESIDING

LEGISLATIVE BILL 847. Title read. Considered.

The Standing Committee amendment, AM2395, found on page 469, was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 35 ayes, 1 nay, 7 present and not voting, and 6 excused and not voting.

Senator Stuhr asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 1033. Title read. Considered.

The Standing Committee amendment, AM2761, found on page 643, was considered.

Senator Jensen renewed his pending amendment, AM3321, found on page 1359, to the Standing Committee amendment.

The Jensen amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 426. Title read. Considered.

Senator D. Pederson asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment, AM1009, found on page 1151, First Session, 2001, was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Senator Connealy renewed his pending amendment, AM3081, found on page 1246.

The Connealy amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 25 ayes, 4 nays, 13 present and not voting, and 7 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 876A. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 876, Ninety-seventh Legislature, Second Session, 2002.

LEGISLATIVE BILL 1033A. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1033, Ninety-seventh Legislature, Second Session, 2002.

AMENDMENTS - Print in Journal

Senator Coordsen filed the following amendment to LB 1303:
AM3561

(Amendments to Standing Committee amendments, AM3134)

1. On page 1, line 18, before "The" insert "(1)"; in

2 lines 19 and 21 after "program" insert "for persons charged with a
 3 criminal offense"; and in line 22 after "29-3603" insert ". The
 4 county attorney of any county shall establish a pretrial diversion
 5 program for persons charged with a minor traffic violation with the
 6 concurrence of the county board. Any city attorney shall establish
 7 a pretrial diversion program for persons charged with a minor
 8 traffic violation with the concurrence of the governing body of the
 9 city. Such programs shall be established pursuant to section
 10 29-3603".

Senator Schimek filed the following amendment to LB 1086:
 AM3574

(Amendments to E & R amendments, AM7213)

- 1 1. On page 1, line 5, after "any" insert "radio,
 2 television, or print media".

Senator Engel filed the following amendment to LB 1085:
 AM3576

(Amendments to AM3385)

- 1 1. On page 1, strike the new matter in lines 15 through
 2 19 and insert
 3 "(4) Commencing on the operative date of this section,
 4 and until July 1, 2004, the rate of the sales tax levied pursuant
 5 to section 77-2703 shall be five percent on sales of motor
 6 vehicles, trailers, and semitrailers as defined in section 60-301
 7 and five and one-half percent on all other transactions; and
 8 (5) Commencing July 1, 2004, the rate of the sales tax
 9 levied pursuant to section 77-2703 shall be five percent.".

UNANIMOUS CONSENT - Add Cointroducers

Senator Bruning asked unanimous consent to have his name added as cointroducer to LB 847. No objections. So ordered.

Senator Redfield asked unanimous consent to have her name added as cointroducer to LB 488. No objections. So ordered.

VISITORS

Visitors to the Chamber were 45 fourth-grade students and sponsors from Morton Elementary School, Hastings; 6 fourth-grade students and sponsor from Hanover Elementary School, Hastings; and Olexandr Oliynyk and Volodymyr Gumennyk from Ukraine and Tatyana Novikov and Mary Lynn Reiser from the University of Nebraska at Omaha.

The Doctor of the Day was Dr. William Doering from Franklin.

MOTION - Adjournment

Senator Coordsen moved to adjourn. The motion prevailed with 24 ayes, 10 nays, 8 present and not voting, and 7 excused and not voting, and at 7:25 p.m., the Legislature adjourned until 9:00 a.m., Friday, April 5, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SECOND DAY - APRIL 5, 2002**LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE
SECOND SESSION****FIFTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, April 5, 2002

PRAYER

The prayer was offered by Reverend Norm Nelson, St. Peter's Lutheran Church, Pender, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senator Brown who was excused; and Senators Bromm, Byars, Cunningham, Dierks, Landis, McDonald, Dw. Pedersen, Raikes, Schrock, and Tyson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-first day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 5, 2002, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

McGuire & Norby
Johnson & Johnson
Syngenta

Thompson, Nancy
Friends of the Constitution (Withdrawn 04/03/2002)

REPORTS

The following reports were received by the Legislature:

Auditor of Public Accounts

Nebraska Accountability and Disclosure Commission - FY 2001
Nebraska Department of Administrative Services - Program 101 - Office of the Chief Information Officer - FY 2001
Nebraska Department of Aeronautics - FY 2001
Nebraska Department of Environmental Quality - Clean Water State Revolving Fund Program - FY 2001
Management Letter - Nebraska Department of Environmental Quality - Clean Water State Revolving Fund Program - FY 2001
Nebraska Department of Environmental Quality - Drinking Water State Revolving Fund Program - FY 2001
Management Letter - Nebraska Department of Environmental Quality - Drinking Water State Revolving Fund Program - FY 2001
Nebraska Department of Health and Human Services Regulation and Licensure - FY 2001
Nebraska Health and Human Services System - Program 371 - Geneva Youth Rehabilitation and Treatment Center - FY 2001
Nebraska Health and Human Services System - Program 510 - Veterans' Home Administration - FY 2001
Nebraska Health and Human Services System - Program 520 - Norfolk Veterans' Home - FY 2001
Nebraska Library Commission - FY 2001
Nebraska Public Employees Retirement Systems - School Employees, Judges, and State Patrol Retirement Plans - FY 2001
University of Nebraska performed by Deloitte & Touche - FY 2001
Nebraska Wheat Development, Utilization, and Marketing Board FY 2001 (7/1/01-12/31/01)

Nebraska Retirement Systems Committee

Actuarial study of the Legislative Nebraska Retirement Systems Committee as of January 1, 2002

Property Assessment and Taxation

2001 Annual Report

ATTORNEY GENERAL'S OPINIONOpinion #02011

DATE: April 4, 2002

SUBJECT: Validity of Amendment to Nonprofit Corporation Act Granting Nonprofit Corporations Organized to Own or Furnish a Civic, Cultural, or Convention Facility for the Use of or in Trust for a Governmental Body the Same Property and Sales Tax Exemptions as the Governmental Body.

REQUESTED BY: Senator Ray Aguilar
Nebraska Legislature

WRITTEN BY: Don Stenberg, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion concerning the validity of a proposed amendment to the Nebraska Nonprofit Corporation Act. The bill in question, LB 1246, would amend Neb. Rev. Stat. § 21-1927 (Cum. Supp. 2000) to allow nonprofit corporations organized to erect, own, lease, furnish, or manage a "civic, cultural, or convention area or facility for the use or benefit in whole or in part of any governmental body . . . or for the purpose of holding such property in trust for such body" the same exemption from property or sales and use taxes provided to the governmental body. You ask whether the proposed amendment is "in conflict with any Constitutional provisions or other state statutes regarding property built and used by or for a municipality or government entity?"¹

Prior to 1998, Article VIII, § 2, of the Nebraska Constitution exempted from taxation all property owned by the state and its governmental subdivisions, regardless of the use made of the property. See *Platte Valley Public Power and Irrigation Dist. v. County of Lincoln*, 144 Neb. 584, 14 N.W.2d 202 (1944); Report of Attorney General 1975-76 214 (Opinion No. 149) (December 15, 1975). In 1998, the voters approved an amendment to Article VIII, § 2 (LR45CA), which limited the property tax exemption for government property to property used for "public purposes." Article VIII, § 2, now provides, in pertinent part:

(1) The property of the state and its governmental subdivisions shall constitute a separate class of property and shall be exempt from taxation to the extent such property is used by the state or governmental subdivision for public purposes authorized to the state or governmental subdivision by this Constitution or the Legislature. To the extent such property is not used for the authorized public purposes, the Legislature may classify such property, exempt such classes, and impose or authorize some or all of such property to be subject to property taxes or payments in lieu of property taxes except as provided by law; . . .

To implement the changes to Article VIII, § 2, accomplished by the adoption of LR45CA, the Legislature in 1999 enacted LB 271. LB 271 amended several existing statutory provisions and added a number of new provisions in order to effectuate the constitutional mandate that certain property of the state and its governmental subdivisions be subject to tax. Section 77-202 was amended to provide, in part:

¹ Since your request does not specify any particular statutory provisions with which the bill may conflict, we will generally limit our inquiry to the constitutional issues presented by the proposed legislation.

(1) The following property shall be exempt from property taxes:

(a) Property of the state and its governmental subdivisions to the extent used or being developed for use by the state or governmental subdivision for a public purpose. For purposes of this subdivision, public purpose means use of the property (i) to provide public services with or without cost to the recipient, including the general operation of government, public education, public safety, transportation, public works, civil and criminal justice, public health and welfare, developments by a public housing authority, parks, culture, recreation, community development, and cemetery purposes, or (ii) to carry out the duties and responsibilities conferred by law with or without consideration. Public purpose does not include leasing of property to a private party unless the lease of the property is at fair market value for a public purpose.

Section 1 of LB 271 eliminated language contained in § 21-1927 providing that certain nonprofit corporations (including those incorporated "for the purpose of providing for, erecting, owning, leasing, furnishing, and managing any building . . . for the use or benefit in whole or in part of any governmental, religious, social, educational, scientific, fraternal, or charitable society or societies, body or bodies . . . or for the purpose of holding property of any nature in trust for such society, body or institutions . . .") were, "as to the ownership and taxation of their property," entitled to "all the rights, privileges, and exemptions of the body . . . for whose use or benefit or for whom in trust such property [was] held." The effect of the language previously contained in § 21-1927 was to allow nonprofit corporations incorporated for such purposes the same taxable status with respect to property ownership as the entity which they were organized to benefit. The amendment proposed under LB 1246 would add language to § 21-1927 similar to that removed by LB 271, but would limit the property tax exemption to nonprofit corporations which erect, own, lease, furnish, or manage a "civic, cultural, or convention area or facility for the use or benefit in whole or in part of any governmental body . . . or for the purpose of holding such property in trust for such body. . . ." LB 1246 would also add language granting such nonprofit corporations the same rights, privileges, and exemptions of the governmental body with respect to sales and use taxes.

A. Property Tax Exemption

With regard to the property tax exemption proposed under LB 1246, the initial constitutional question which arises is whether granting such an exemption to nonprofit corporations engaged in providing, owning or furnishing a convention center or facility for the benefit and use of a governmental body involves a "public purpose" within the meaning of Article VIII, § 2, as amended. While the Constitutional provision does not define "public purpose," the Nebraska Supreme Court has noted "[a] public purpose has for its objective the promotion of the public health, safety, morals, security, prosperity, contentment, and the general welfare of all the

inhabitants." *State ex rel. Douglas v. Nebraska Mortgage Finance Fund*, 204 Neb. 445, 458, 283 N.W.2d 12, 21 (1979). Courts from other jurisdictions have found that convention center facilities serve a "public purpose." See *City of Shreveport v. Chasse Gas Corp.*, 794 So. 2d 962 (La. Ct. App. 2001) (Economic development, in the form of convention center and hotel, constituted "public purpose" sufficient to justify exercise of power of expropriation.); *State v. Osceola County*, 752 So. 2d 530, 539 (Fla. 2000) (Construction of convention center served public purpose sufficient to validate bond issuance because it "would, among other things, promote gainful employment, promote outside business interests and tourism, and provide a forum for educational, recreational, and entertainment activities."); *State v. City of Miami*, 379 So. 2d 651, 653 (Fla. 1980) (Approving issuance of bonds because convention center-garage "serve[d] a valid purpose purpose" by "provid[ing] a forum for educational, civic, and commercial activities and organizations.")²

While the Constitution does not define "public purpose" with regard to the exemption for property of the state and its government subdivisions, the Legislature, as noted, has done so by adopting LB 271 in 1999. "[P]ublic purpose" is defined to mean "use of the property (i) to provide public services with or without cost to the recipient, including the general operation of government, public education, public safety, transportation, public works, civil and criminal justice, public health and welfare, developments by a public housing authority, parks, culture, recreation, community development, and cemetery purposes. . . ." Neb. Reb. Stat. § 77-202(1)(a) (Cum. Supp. 2000). The ownership and operation of a civic, cultural, or

² It should be noted that the Florida Supreme Court, while recognizing that convention centers serve a "public purpose" for purposes of bond issuance, has not extended the "public purpose" analysis in bond validation cases to claims for property tax exemption by private parties leasing government owned property on the ground that the property is used for a "public purpose." *Sebring Airport Authority v. McIntyre*, 783 So. 2d 238 (Fla. 2001) (Holding statute creating property tax exemption for private, profit-making enterprises leasing government property unconstitutional and thus ineffective to grant exemption to private party leasing government property for raceway). In *Sebring*, the Florida Supreme Court interpreted the Florida Constitution to authorize property tax exemptions only for property used for "public purposes" which satisfy what it termed a "governmental-governmental" standard as opposed to a "governmental-proprietary" standard. *Id.* at 247-48. Under this analysis, the Court held unconstitutional the Florida Legislature's attempt to provide an exemption for government property leased to a private party to be used for propriety, for-profit activities. The amendment proposed by LB 1246, however, does not involve an attempt to extend an exemption to a for-profit entity seeking to use government property for a proprietary purpose; rather, it allows a nonprofit corporation to build or maintain a convention center for a government body, which we believe qualifies as a "public purpose."

convention center or facility reasonably can be said to fall within the category of providing for the "public health and welfare," as well as "culture," "recreation," and "community development." Convention centers and facilities provide a place for the public to access and engage in a variety of commercial, educational, and social activities, all of which constitute a "public purpose." Indeed, the public purpose served by convention centers or facilities is evidenced by the inclusion of such structures as qualified projects for community development purposes. Neb. Rev. Stat. § 18-2103(12) (1997) ("[C]onvention and civic centers" within definition of "[r]edevlopment project for purpose of Community Development Law); Neb. Rev. Stat. § 18-2603(2) (Cum. Supp. 2000) ("[C]onvention and tourism facilities" included in definition of "infrastructure project" for purposes of the Municipal Infrastructure Redevelopment Act.). The Legislature has also deemed it appropriate to provide financial assistance programs to aid in the development of convention facilities or areas. Neb. Rev. Stat. §§ 13-2601 to 13-2612 (Cum. Supp. 2000) (Convention Center Facility Financing Assistance Act); Neb. Rev. Stat. §§ 13-2701 to 13-2710 (Local Civic, Cultural, and Convention Center Financing Act). Thus, we conclude the ownership and operation of a civic, cultural, or convention center or facility by a nonprofit corporation for the benefit of a governmental body constitutes a "public purpose."

Of potentially greater concern, however, is the fact that LB 1246 limits the exemption to nonprofit corporations owning or furnishing buildings in the nature of civic, cultural, or convention centers or facilities on behalf of governmental bodies. By singling out nonprofit corporations engaged in this specific activity for special treatment, the proposed legislation may establish an arbitrary or unreasonable classification in violation of Neb. Const. art. III, § 18.

Art. III, § 18 of the Nebraska Constitution provides, as is pertinent:

The Legislature shall not pass local or special laws in any of the following cases, that is to say:

* * *

Granting to any corporation, association, or individual any special or exclusive privileges, immunity, or franchise whatever . . . In all other cases where a general law can be made applicable, no special law shall be enacted.

A legislative act violates art. III, § 18 if the act (1) creates a totally arbitrary and unreasonable method of classification, or (2) creates a permanently closed class. *Bergan Mercy Health System v. Haven*, 260 Neb. 846, 620 N.W.2d 339 (2000); *Mapco v. State Board of Equalization*, 238 Neb. 565, 471 N.W.2d 734 (1991); *Haman v. Marsh*, 237 Neb. 699, 467 N.W.2d 836 (1991). The classification created by LB 1246 must be tested under that standard.

The first part of the special legislation test involves a determination as to whether a statutory classification is totally arbitrary and unreasonable. In that context, the classification must bear a reasonable and substantial relation to the legitimate objects and purposes of the legislation. *Pick v. Nelson*, 247 Neb. 487, 528 N.W.2d 309 (1995). As stated in the Haman case:

A legislative classification, in order to be valid, must be based upon some reason of public policy, some substantial difference of situation or circumstances, that would naturally suggest the justice or expediency of diverse legislation with respect to the objects to be classified. Classifications for the purpose of legislation must be real and not illusive; they cannot be based on distinctions without a substantial difference . . . Classification is proper if the special class has some reasonable distinction from other subjects of like general character, which distinction bears some reasonable relation to the legitimate objectives and purposes of the legislation. The question is always whether the things or persons classified by the act form by themselves a proper and legitimate class with reference to the purpose of the act.

Haman v. Marsh, 237 Neb. 699, 711, 467 N.W.2d 836, 846 (1991) (quoting *State ex rel. Douglas v. Marsh*, 207 Neb. 598, 300 N.W.2d 181 (1980))(emphasis in original).

By singling out nonprofit corporations organized to own or furnish convention or civic centers or facilities on behalf of governmental bodies for tax exemption, LB 1246 draws a distinction between nonprofit corporations organized for these specific purposes, and other nonprofit corporations. A question may exist as to whether a "substantial difference of situation or circumstances" exists to distinguish between nonprofit corporations organized for the purpose of providing convention or civic centers or facilities for governmental bodies, and nonprofit corporations which are formed to provide other public buildings for governmental bodies. Limiting the exemption to nonprofit corporations engaged in providing civic or convention centers or facilities could be construed as an unreasonable and unduly narrow classification, in that other worthy public works could also be provided to government bodies by providing such an exemption, which are not accorded similar treatment under LB 1246.

B. Sales Tax Exemption

LB 1246 also would grant to qualifying nonprofit corporations incorporated to erect, own or furnish civic, cultural, or convention area or facilities for a governmental body the "exemptions relating to . . . sales and use taxes . . . of the body . . . for whose use or benefit or for whom in trust such property is held." Sales and use taxes are "excise taxes," not property taxes. See *State v. Galyen*, 221 Neb. 497, 500, 378 N.W.2d 182, 185 (1985) ("Excise tax" is "[a] tax imposed on the performance of an act. . . . Tax laid on manufacture, sale, or consumption of commodities. . . ." (quoting *Black's*

Law Dictionary (5th ed. 1979) at 506)). Thus, the Constitutional provisions and restrictions pertaining to property taxes and exemptions from property taxes in Neb. Const. art. VIII, §§ 1 and 2, are not applicable to sales and use taxes. See *State v. Galyen*, 221 Neb. at 502-03, 378 N.W.2d at 186-87 (Excise tax not subject to requirement of uniformity and proportionality in art. VIII, § 1).

Nebraska's current sales and use tax statutes provide an exemption for purchases by specified governmental units, including "the state, . . . public educational institutions recognized or established under the provisions of Chapter 85 . . .," and "any county, township, city, village, rural or suburban fire protection district, city airport authority, county airport authority, joint airport authority, natural resources district, or joint entity or agency formed to fulfill the purposes described in the Integrated Solid Waste Management Act . . . , or public schools established under Chapter 79." Neb. Rev. Stat. § 77-2704.15(1) (Cum. Supp. 2000). Pursuant to Nebraska Department of Revenue ["NDOR"] regulations, purchases by nonprofit corporations created for purposes identified in § 21-1927 are not exempt from sales and use tax. NDOR Reg-1-093.06M.³

The issue raised by the proposal under LB 1246 to grant nonprofit corporations engaged in owning or holding civic, cultural, or convention center facilities for a governmental body the same sales and use tax exemption the government body would enjoy if purchasing property directly is again one of reasonableness of the classification. While the Legislature has the power to classify, it cannot do so in an arbitrary or unreasonable manner. "Classifications for the purpose of legislation must be real and not illusive; they cannot be based on distinctions without a substantial difference." *City of Scottsbluff v. Tiemann*, 185 Neb. 256, 266, 175 N.W.2d 74, 81 (1970).

As we noted in analyzing whether the property tax exemption in LB 1246 establishes a reasonable classification, a question may exist as to whether a "substantial difference of situation or circumstances" exists to distinguish between nonprofit corporations organized for the purpose of providing convention or civic centers or facilities for governmental bodies, and nonprofit corporations which could be formed to provide other public buildings for governmental bodies. Limiting the sales and use tax exemption, as well as the property tax exemption, to nonprofit corporations engaged in providing civic or convention centers or facilities could be

³ The regulation refers to § 21-1903, the predecessor to current § 21-1927. The regulations, last revised in 1994, have not been updated since former § 21-1903 was recodified in 1996 at § 21-1927. Also, § 21-1927 was amended in 1999 to eliminate the language providing nonprofit corporations the same "rights, privileges, and exemptions" of bodies for whose use or benefit or for whom in trust certain property was held. 1999 Neb. Laws, LB 271, § 1.

construed as an unreasonable and unduly narrow classification, in that other public buildings could also be provided to government bodies by providing such an exemption, which are not accorded similar treatment under LB 1246.

C. Conclusion

In conclusion, we believe that the ownership or furnishing of a civic, cultural, or convention center or facility by a nonprofit corporation for the use or benefit of a governmental body constitutes a "public purpose" within the meaning of Neb. Const. art. VIII, § 2, and Neb. Rev. Stat. § 77-202(1)(a). Thus, to the extent LB 1246 seeks to provide a property tax exemption for a facility of this nature if held for such purpose by a nonprofit corporation for a governmental body, it is consistent with the "public purpose" requirement imposed by the Constitution, and the statutory definition of "public purpose" in § 77-202(1)(a). There is some question, however, as to whether limiting the property tax exemption (as well as the proposed sales and use tax exemption) to nonprofit corporations organized to provide only these limited types of civic, cultural, or convention center facilities creates an unreasonable classification prohibited by Neb. Const. art. III, § 18.

Sincerely,
DON STENBERG
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

pc: Patrick O'Donnell
Clerk of the Legislature
07-416-18

GENERAL FILE

LEGISLATIVE BILL 687A. Title read. Considered.

Senator Stuhr offered the following amendment:
AM3577

1 1. On page 2, line 7, strike "515" and insert "41".

The Stuhr amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 947. E & R amendment, AM7203, found on page 1119, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1085. E & R amendment, AM7211, printed separately and referred to on page 1238, was adopted.

Senator Brashear renewed his pending amendment, AM3494, printed separately and referred to on page 1332.

Senator Aguilar asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

AMENDMENTS - Print in Journal

Senator Hartnett filed the following amendment to LB 994:
AM3564

(Amendments to Standing Committee amendments, AM2625)

- 1 1. Insert the following new section:
- 2 "Sec. 13. Section 77-1380, Revised Statutes Supplement,
- 3 2000, is amended to read:
- 4 77-1380. (1) For each land manual area there is created
- 5 an agricultural and horticultural land valuation board. Each
- 6 county in a land manual area shall appoint one person to serve on
- 7 the board. The appointment shall be made by the county board for a
- 8 term of four years commencing on the second Tuesday after the first
- 9 Thursday in January. Vacancies occurring during a term shall be
- 10 filled by appointment by the county board of the county from which
- 11 the vacancy occurred for the unexpired term. Upon expiration of a
- 12 term of office, a member shall continue to serve until his or her
- 13 successor has been appointed. Members shall serve without
- 14 compensation but shall be entitled to the actual and necessary
- 15 expenses incurred in the performance of their duties.
- 16 Reimbursement for mileage shall be as provided in section 23-1112.
- 17 (2) After reasonable notice and hearing, members of an
- 18 agricultural and horticultural land valuation board may be removed
- 19 by the Tax Equalization and Review Commission for inefficiency,
- 20 neglect of duty, misconduct, or incapacity to carry out the duties
- 21 of a board member.
- 22 (3) ~~On the first Monday~~ During the first ten days of
- 23 February each year, each board shall meet and elect a chairperson,
- 1 vice-chairperson, and secretary from its members. A majority of
- 2 the members of a board shall constitute a quorum for the
- 3 transaction of business. All actions of a board shall require the
- 4 assenting vote of a majority of the members except adjournment. A
- 5 board shall keep records of its proceedings and any proceedings in
- 6 court arising out of or founded upon any board action pursuant to
- 7 section 77-1381. On or before February 15 each year, each
- 8 chairperson shall issue a written order to all county assessors

- 9 within the land manual area to report data on the assessed
 10 valuations of agricultural and horticultural land, level of value,
 11 and any other information deemed appropriate for the board to
 12 perform its duties. No order from the chairperson shall require
 13 the county assessor to provide the requested data before March 20
 14 or after April 1. Copies of all reports received by the
 15 chairperson in response to his or her order shall be transmitted to
 16 all members of the board upon receipt, but not later than five days
 17 prior to any meeting of the board held after April 1.
 18 (4) Prior to any meeting of the board held after April 1,
 19 members of the board may transmit to the chairperson for referral
 20 to the other members of the board any proposals for action to be
 21 taken pursuant to the authority granted to the board by subsections
 22 (3) and (4) of section 77-1381."
 23 2. On page 19, line 27, strike "and".
 24 3. On page 20, line 1, after the first comma insert "and
 25 77-1380,".
 26 4. Renumber the remaining sections accordingly.

Senator Wickersham filed the following amendment to LB 994:
 AM3565

(Amendments to Standing Committee amendments, AM2625)

- 1 1. Insert the following new sections:
 2 "Sec. 7. Section 77-415, Revised Statutes Supplement,
 3 2000, is amended to read:
 4 77-415. The Property Tax Administrator shall, between
 5 January 15 and March 15, prepare and administer an annual course of
 6 training which shall be attended by all county assessors and may be
 7 attended by members of the county board of equalization from each
 8 county in the state. Such course shall be designed to impart a
 9 thorough knowledge of the methods for the valuation of real and
 10 tangible personal property and to develop the essential
 11 administrative skills for the proper discharge of the duties of
 12 such offices. The county assessor may designate an employee of his
 13 or her office to attend the course on his or her behalf. The
 14 county assessor may, in writing, request permission not to attend
 15 or send an employee to attend the course. The request shall be
 16 addressed to the Property Tax Administrator thirty days prior to
 17 the date of the course and specify the reasons why the official or
 18 an employee cannot attend. The Property Tax Administrator may
 19 waive the thirty-day requirement for good cause shown. The
 20 Property Tax Administrator shall, in writing, grant or deny the
 21 request within ten days after receipt.
 22 Sec. 8. Section 77-1315, Revised Statutes Supplement,
 23 2001, is amended to read:
 1 77-1315. (1) The county assessor shall, after March 20
 2 and on or before June 1, implement adjustments to the real property
 3 assessment roll for actions of the agricultural and horticultural
 4 land valuation board and the Tax Equalization and Review

5 Commission.

6 (2) On or before June 1, the county assessor shall notify
7 the ~~record~~ owner of record as of May 20 of every item of real
8 property which has been assessed at a value different than in the
9 previous year. Such notice shall be given by first-class mail
10 addressed to such owner's last-known address. It shall identify
11 the item of real property and state the old and new valuation, the
12 date of convening of the county board of equalization, the dates
13 for filing a protest, and the average level of value of all classes
14 and subclasses of real property in the county as determined by the
15 Tax Equalization and Review Commission.

16 (3) Immediately upon completion of the assessment roll,
17 the county assessor shall cause to be published in a newspaper of
18 general circulation in the county a certification that the
19 assessment roll is complete and notices of valuation changes have
20 been mailed and provide the final date for filing valuation
21 protests with the county board of equalization.

22 (4) The county assessor shall annually, on or before June
23 6, post in his or her office and, as designated by the county
24 board, mail to a newspaper of general circulation and to licensed
25 broadcast media in the county the assessment ratios as found in his
26 or her county as determined by the Tax Equalization and Review
27 Commission and any other statistical measures, including, but not
1 limited to, the assessment-to-sales ratio, the coefficient of
2 dispersion, and the price-related differential.

3 Sec. 18. Section 77-5004, Revised Statutes Supplement,
4 2001, is amended to read:

5 77-5004. (1) Each commissioner shall be a qualified
6 voter and resident of the state and, for each commissioner
7 representing a congressional district, a resident of the district
8 he or she represents.

9 (2) Each commissioner shall devote his or her full time
10 and efforts to the discharge of his or her duties and shall not
11 hold any other office under the laws of this state, any city or
12 county in this state, or the United States Government while serving
13 on the commission. Each commissioner shall possess:

14 (a) Appropriate knowledge of terms commonly used in or
15 related to real property appraisal and of the writing of appraisal
16 reports;

17 (b) Adequate knowledge of depreciation theories, cost
18 estimating, methods of capitalization, and real property appraisal
19 mathematics;

20 (c) An understanding of the principles of land economics,
21 appraisal processes, and problems encountered in the gathering,
22 interpreting, and evaluating of data involved in the valuation of
23 real property, including complex industrial properties and
24 mass-appraisal techniques;

25 (d) Knowledge of the law relating to taxation, civil and
26 administrative procedure, due process, and evidence in Nebraska;

- 27 (e) At least thirty hours of successfully completed class
1 hours in courses of study, approved by the Real Estate Appraiser
2 Board, which relate to appraisal and which include a fifteen-hour
3 course in the Uniform Standards of Professional Appraisal Practice.
4 If a commissioner has not received such training prior to his or
5 her appointment, such training shall be completed within one year
6 after appointment; and
- 7 (f) Such other qualifications and skills as reasonably
8 may be requisite for the effective and reliable performance of the
9 commission's duties.
- 10 (3) One commissioner shall possess any certification or
11 training required to become a licensed real estate appraiser as set
12 forth in section 76-2230.
- 13 (4) Prior to January 1, 2002, the chairperson, and on and
14 after January 1, 2002, at least two commissioners, shall have been
15 engaged in the practice of law in the State of Nebraska for at
16 least five years, which may include prior service as a judge, and
17 shall be currently admitted to practice before the Nebraska Supreme
18 Court.
- 19 (5) No commissioner or employee of the commission shall
20 hold any position of profit or engage in any occupation or business
21 interfering with or inconsistent with his or her duties as a
22 commissioner or employee. A person is not eligible for appointment
23 and may not hold the office of commissioner or be appointed by the
24 commission to or hold any office or position under the commission
25 if he or she holds any official office or position.
- 26 (6)(a) Each commissioner who meets the requirements of
27 subsection (4) of this section on or after January 1, 2002, shall
1 annually attend a seminar or class of at least two days' duration,
2 sponsored that is:
- 3 (i) Sponsored by a recognized assessment or appraisal
4 organization, in each of these areas: Utility and railroad
5 appraisal; appraisal of complex industrial properties; appraisal of
6 other hard to assess properties; and mass appraisal, residential or
7 agricultural appraisal, or assessment administration; or
8 (ii) Pertaining to management, law, civil or
9 administrative procedure, or other knowledge or skill necessary for
10 performing the duties of the office.
- 11 (b) Each commissioner who does not meet the requirements
12 of subsection (4) of this section on or after January 1, 2002,
13 shall within two years after his or her appointment attend at least
14 thirty hours of instruction that constitutes training for judges or
15 administrative law judges.
- 16 (7) The commissioners shall be considered employees of
17 the state for purposes of sections 81-1301 to 81-1391 and 84-1601
18 to 84-1615.
- 19 (8) The commissioners shall be reimbursed as prescribed
20 in sections 81-1174 to 81-1177 for their actual and necessary
21 expenses in the performance of their official duties pursuant to

22 the Tax Equalization and Review Commission Act. Mileage expenses
 23 incurred while traveling in the line of duty to and from a
 24 commissioner's primary residence to the commission office as well
 25 as living expenses for any commissioner whose residence is located
 26 more than eighty miles from the commission office shall be
 27 reimbursed by the state if:

1 (a) The commission has adopted and promulgated rules and
 2 regulations establishing guidelines for allowable reimbursement of
 3 mileage and living expenses, except that the reimbursement rate for
 4 mileage shall not exceed the rate established by the Department of
 5 Administrative Services pursuant to section 81-1176;

6 (b) The commissioner complies with the request procedures
 7 for reimbursement set forth in such guidelines; and

8 (c) The total amounts authorized for reimbursement of
 9 such mileage and living expenses in any fiscal year shall not cause
 10 the total expenses to exceed the total funds appropriated to the
 11 program established for commissioners' expenses."

12 2. On page 9, line 8, after the period insert "The
 13 county clerk shall issue a certificate of title for a mobile home
 14 or cabin trailer but shall not deliver the certificate of title
 15 unless the certificate required under this subsection accompanies
 16 the application for certificate of title for the mobile home or
 17 cabin trailer, except that the failure of the application to be
 18 accompanied by such certificate shall not prevent the notation of
 19 the lien on the face of the certificate of title to the mobile home
 20 or cabin trailer pursuant to section 60-110 and delivery to the
 21 holder of the first lien.".

22 3. On page 19, line 27, after the third comma insert
 23 "77-415,".

24 4. On page 20, line 1, after "sections" insert
 25 "77-1315,"; and in line 2 after the second comma insert "77-5004,".

26 5. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 1085. Senator Baker renewed his pending amendment, AM3525, found on page 1426, to the Brashear pending amendment, AM3494.

Senator Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER KRISTENSEN PRESIDING

Senators Cudaback and Price asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Hartnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Baker moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Senator Baker requested a roll call vote on his amendment.

Voting in the affirmative, 25:

| | | | | |
|----------|------------|------------|----------|------------|
| Aguilar | Cunningham | Janssen | Kruse | Stuhr |
| Baker | Dierks | Jensen | McDonald | Tyson |
| Burling | Erdman | Jones | Redfield | Vrtiska |
| Connealy | Foley | Kremer | Schrock | Wehrbein |
| Coordsen | Hudkins | Kristensen | Smith | Wickersham |

Voting in the negative, 17:

| | | | | |
|----------|----------|---------------|------------|----------|
| Beutler | Bruning | Maxwell | Quandahl | Thompson |
| Bourne | Byars | Pedersen, Dw. | Schimek | |
| Brashear | Hartnett | Pederson, D. | Suttle | |
| Bromm | Landis | Preister | Synowiecki | |

Present and not voting, 1:

Engel

Excused and not voting, 6:

| | | |
|----------|----------|--------|
| Brown | Cudaback | Raikes |
| Chambers | Price | Robak |

The Baker amendment was adopted with 25 ayes, 17 nays, 1 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Janssen offered the following amendment to the Brashear pending amendment:

AM3578

(Amendments to AM3494)

- 1 1. Strike section 16 and insert the following new
- 2 section:
- 3 "Sec. 16. Section 77-2704.24, Reissue Revised Statutes
- 4 of Nebraska, is amended to read:
- 5 77-2704.24. Sales and use taxes shall not be imposed on
- 6 the gross receipts from the sale, lease, or rental of and the
- 7 storage, use, or other consumption in this state of food or food
- 8 products for human consumption which are eligible for purchase with

9 food coupons issued by the United States Department of Agriculture
 10 pursuant to regulations in effect on October 1, 1983, regardless of
 11 whether the retailer from which the foods are purchased is
 12 participating in the food stamp program.
 13 For purposes of this section, food ~~shall~~ does not include
 14 (1) meals or other food prepared for immediate consumption on or
 15 off the premises of the retailer, (2) and shall not include foods
 16 sold through vending machines, and (3) candy, gum, bottled water in
 17 containers of thirty-two ounces or less, and pop."

Senators Landis, Dierks, Dw. Pedersen, and Aguilar asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Janssen moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Janssen requested a roll call vote on his amendment.

Voting in the affirmative, 15:

| | | | | |
|----------|----------|---------|----------|---------|
| Baker | Coordsen | Janssen | Kruse | Smith |
| Burling | Cudaback | Jensen | McDonald | Stuhr |
| Connealy | Hudkins | Kremer | Price | Vrtiska |

Voting in the negative, 26:

| | | | | |
|----------|------------|--------------|------------|------------|
| Beutler | Cunningham | Landis | Schimek | Wehrbein |
| Bourne | Engel | Maxwell | Schrock | Wickersham |
| Brashear | Foley | Pederson, D. | Suttle | |
| Bromm | Hartnett | Quandahl | Synowiecki | |
| Bruning | Jones | Raikes | Thompson | |
| Byars | Kristensen | Redfield | Tyson | |

Present and not voting, 2:

| | |
|--------|----------|
| Erdman | Preister |
|--------|----------|

Excused and not voting, 6:

| | | |
|---------|----------|---------------|
| Aguilar | Chambers | Pedersen, Dw. |
| Brown | Dierks | Robak |

The Janssen amendment lost with 15 ayes, 26 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senators Landis and Maxwell asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

NOTICE OF COMMITTEE HEARING
Natural Resources
Room 1525

Tuesday, April 16, 2002

1:00 PM

Louis E. Lamberty - Nebraska Power Review Board

(Signed) Ed Schrock, Chairperson

ANNOUNCEMENT

The Banking, Commerce and Insurance Committee has scheduled a meeting to take the testimony of state officials and members of the public with regard to AM3592 to LB 1092. The meeting will be held on Wednesday, April 10, 2002, at 12:00 p.m., in Room 1507, State Capitol.

AMENDMENT - Print in Journal

Senator Landis filed the following amendment to LB 1092:
(Amendment, AM3592, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

BILLS ON FIRST READING

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

LEGISLATIVE BILL 989A. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 989, Ninety-seventh Legislature, Second Session, 2002.

LEGISLATIVE BILL 1003A. Introduced by Schrock, 38.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1003, Ninety-seventh Legislature, Second Session, 2002; and to reduce appropriations.

SELECT FILE

LEGISLATIVE BILL 1085. Senator Jensen offered the following amendment to the Brashear pending amendment:
AM3593

(Amendments to AM3494)

1 1. On page 5, strike lines 15 through 22 and renumber
2 the remaining subdivisions accordingly.

SENATOR CUDABACK PRESIDING

Senator Jensen requested a record vote on his amendment.

Voting in the affirmative, 6:

| | | |
|---------|----------|-------|
| Burling | Jensen | Stuhr |
| Hudkins | Redfield | Tyson |

Voting in the negative, 14:

| | | | | |
|----------|----------|--------------|----------|------------|
| Beutler | Engel | Pederson, D. | Schimek | Wehrbein |
| Brashear | Janssen | Price | Suttle | Wickersham |
| Bromm | McDonald | Raikes | Thompson | |

Present and not voting, 22:

| | | | | |
|----------|------------|------------|----------|------------|
| Baker | Coordsen | Foley | Kruse | Synowiecki |
| Bourne | Cudaback | Hartnett | Preister | Vrtiska |
| Bruning | Cunningham | Jones | Quandahl | |
| Byars | Dierks | Kremer | Schrock | |
| Connealy | Erdman | Kristensen | Smith | |

Excused and not voting, 7:

| | | | |
|---------|----------|---------------|-------|
| Aguilar | Chambers | Maxwell | Robak |
| Brown | Landis | Pedersen, Dw. | |

The Jensen amendment lost with 6 ayes, 14 nays, 22 present and not voting, and 7 excused and not voting.

Senator Brashear moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

The Brashear pending amendment, AM3494, printed separately and referred to on page 1332, as amended, was renewed.

Senator Brashear requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 17:

| | | | | |
|---------|----------|--------------|----------|------------|
| Beutler | Hartnett | Maxwell | Raikes | Wickersham |
| Bromm | Janssen | Pederson, D. | Schimek | |
| Byars | Kruse | Price | Thompson | |
| Foley | Landis | Quandahl | Wehrbein | |

Voting in the negative, 23:

| | | | | |
|----------|------------|------------|----------|------------|
| Aguilar | Coordsen | Hudkins | McDonald | Synowiecki |
| Bourne | Cunningham | Jensen | Redfield | Tyson |
| Bruning | Dierks | Jones | Schrock | Vrtiska |
| Burling | Engel | Kremer | Smith | |
| Connealy | Erdman | Kristensen | Stuhr | |

Present and not voting, 5:

| | | | | |
|-------|----------|----------|----------|--------|
| Baker | Brashear | Cudaback | Preister | Suttle |
|-------|----------|----------|----------|--------|

Excused and not voting, 4:

| | | | |
|-------|----------|---------------|-------|
| Brown | Chambers | Pedersen, Dw. | Robak |
|-------|----------|---------------|-------|

The Brashear amendment, as amended, lost with 17 ayes, 23 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Jensen renewed his pending amendment, AM3503, found on page 1333.

Senators Tyson and Maxwell asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

SELECT COMMITTEE REPORTS **Enrollment and Review**

Correctly Engrossed

The following bills were correctly engrossed: LBs 649, 684, 873, 912, 932, 951, 970, 977, 1018, 1071, 1094, and 1148.

(Signed) Philip Erdman, Chairperson

MOTION - Print in Journal

Senator Brashear filed the following motion to LB 1085:
Reconsider the vote on AM3494.

VISITORS

Visitors to the Chamber were Kevin, Cinda, and Kalena Ross from Bayard; 18 foreign exchange students from Germany, staying in Spencer; 45 fourth-grade students and teachers from Plattsmouth; David, Nancy, and Jon

Petersen and Jared Dudden from Bayard; Andrew Sachau, Cody Gensler, Tom O'Quinn, and Rob Bock from Allen; 21 fourth-grade students and teacher from Nemaha Valley Elementary School, Cook; Don Haws from North Platte; 18 foreign exchange students from Germany, attending Omaha Schools; 38 fourth-grade students and teachers from Wisner-Pilger Elementary School, Wisner; 65 fourth-grade students and teachers from Pershing Elementary School, Lexington; Joel, Aimee, and Natalie Long from Omaha; Senator Dw. Pedersen's wife, Priscilla, from Elkhorn, and daughter and son-in-law, Megan and Michael Nelson, from Hastings; Tim Kolb and Susan Adam from Franklin; 35 eighth-grade students and sponsor from Guardian Angel Junior High School, West Point; and 100 fourth-grade students, teachers, and sponsors from Falls City.

The Doctor of the Day was Dr. William Doering from Franklin.

ADJOURNMENT

At 2:23 p.m., on a motion by Senator Coordsen, the Legislature adjourned until 9:00 a.m., Monday, April 8, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-THIRD DAY - APRIL 8, 2002

LEGISLATIVE JOURNAL

**NINETY-SEVENTH LEGISLATURE
SECOND SESSION**

FIFTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 8, 2002

PRAYER

The prayer was offered by Senator Dierks.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

The roll was called and all members were present except Senators Coordsen, Landis, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-second day was approved.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 348 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 348.

GENERAL FILE

LEGISLATIVE BILL 876A. Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1085. Senator Jensen renewed his pending

amendment, AM3503, found on page 1333 and considered on page 1479.

SENATOR CUDABACK PRESIDING

Senator Janssen offered the following amendment to the Jensen pending amendment:

AM3605

(Amendments to AM3503)

1 1. Strike section 1 and insert the following new
 2 section:
 3 "Section 1. Section 77-2602, Revised Statutes
 4 Supplement, 2001, is amended to read:
 5 77-2602. (1) Every person engaged in distributing or
 6 selling cigarettes at wholesale in this state shall pay to the Tax
 7 Commissioner of this state a special privilege tax. This shall be
 8 in addition to all other taxes. It shall be paid prior to or at
 9 the time of the sale, gift, or delivery to the retail dealer in the
 10 several amounts as follows: On each package of cigarettes
 11 containing not more than twenty cigarettes, ~~thirty-four~~ fifty-four
 12 cents per package; and on packages containing more than twenty
 13 cigarettes, the same tax as provided on packages containing not
 14 more than twenty cigarettes for the first twenty cigarettes in each
 15 package and a tax of one-twentieth of the tax on the first twenty
 16 cigarettes on each cigarette in excess of twenty cigarettes in each
 17 package. Commencing July 1, 1994, and continuing until July 1,
 18 ~~2009~~ 2002, the State Treasurer shall place the equivalent of
 19 twenty-one cents of such tax less three million dollars each fiscal
 20 year of proceeds of such tax in the General Fund. Commencing July
 21 1, 2002, and continuing until July 1, 2009, the State Treasurer
 22 shall place the equivalent of thirty-nine cents of such tax less
 23 three million dollars each fiscal year of proceeds of such tax in
 1 the General Fund. Commencing July 1, 2009, and continuing until
 2 July 1, 2016, the State Treasurer shall place the equivalent of
 3 thirty-nine cents of such tax in the General Fund. Commencing July
 4 1, ~~2009~~ 2016, the State Treasurer shall place the equivalent of
 5 ~~twenty-one~~ forty-one cents of such tax in the General Fund. For
 6 purposes of this section, the equivalent of a specified number of
 7 cents of the tax shall mean that portion of the proceeds of the tax
 8 equal to the specified number divided by ~~thirty-four~~ fifty-four.
 9 The State Treasurer shall distribute the remaining proceeds of such
 10 tax in the following order:
 11 (a) First, beginning July 1, 1980, the State Treasurer
 12 shall place the equivalent of one cent of such tax in the Nebraska
 13 Outdoor Recreation Development Cash Fund. For fiscal year
 14 distributions occurring after FY 1998-99, the distribution under
 15 this subdivision shall not be less than the amount distributed
 16 under this subdivision for FY 1997-98. Any money needed to increase
 17 the amount distributed under this subdivision to the FY 1997-98
 18 amount shall reduce the ~~twenty-one cent~~ distribution to the General

19 Fund;

20 (b) Second, beginning July 1, 1993, the State Treasurer
21 shall place the equivalent of three cents of such tax in the
22 Department of Health and Human Services Finance and Support Cash
23 Fund to carry out sections 81-637 to 81-640. For fiscal year
24 distributions occurring after FY1998-99, the distribution under
25 this subdivision shall not be less than the amount distributed
26 under this subdivision for FY1997-98. Any money needed to increase
27 the amount distributed under this subdivision to the FY1997-98

1 amount shall reduce the ~~twenty-one-cent~~ distribution to the General
2 Fund;

3 (c) Third, beginning July 1, 2001, and continuing until
4 July 1, 2002, the State Treasurer shall place the equivalent of
5 five cents of such tax in the Building Renewal Allocation Fund.
6 Beginning on July 1, 2002, and continuing until July 1, 2016, the
7 State Treasurer shall place the equivalent of seven cents of such
8 tax in the Building Renewal Allocation Fund. Beginning on July 1,
9 2016, and continuing until all the purposes of the Deferred
10 Building Renewal Act have been fulfilled, the State Treasurer shall
11 place the equivalent of five cents of such tax in the Building
12 Renewal Allocation Fund. The Legislature shall appropriate each
13 fiscal year all sums inuring to the fund, plus interest earnings
14 for the Task Force for Building Renewal to be used to carry out its
15 duties and to fulfill the purposes of the Deferred Building Renewal
16 Act. Unexpended balances existing at the end of each fiscal year
17 shall be, and are hereby, reappropriated. For fiscal year
18 distributions occurring after FY1998-99, the distribution under
19 this subdivision shall not be less than five-sevenths of the amount
20 distributed under this subdivision for FY1997-98. Any money needed
21 to increase the amount distributed under this subdivision to
22 five-sevenths of the FY1997-98 amount shall reduce the
23 ~~twenty-one-cent~~ distribution to the General Fund;

24 (d) Fourth, until July 1, 2002, and beginning July 1,
25 2016, the State Treasurer shall place the difference between the
26 equivalent of thirteen cents of such tax and the sum of the amounts
27 distributed pursuant to subdivisions (a) through (c) and (f)
1 through (h) of this subsection in a special fund to be known as the
2 Nebraska Capital Construction Fund. Beginning July 1, 2002, and
3 continuing until July 1, 2016, the State Treasurer shall place the
4 difference between the equivalent of fifteen cents of such tax and
5 the sum of the amounts distributed pursuant to subdivisions (a)
6 through (c) and (f) through (h) of this subsection in the Nebraska
7 Capital Construction Fund;

8 (e) Fifth, beginning July 1, 1994, and continuing until
9 July 1, 2009, the State Treasurer shall place in the Municipal
10 Infrastructure Redevelopment Fund the sum of three million dollars
11 each fiscal year to carry out the Municipal Infrastructure
12 Redevelopment Fund Act. The Legislature shall appropriate the sum
13 of three million dollars each year for fiscal year 1994-95 through

14 fiscal year 2008-09;

15 (f) Sixth, beginning July 1, 2001, the State Treasurer

16 shall place the equivalent of two cents of such tax in the

17 Information Technology Infrastructure Fund;

18 (g) Seventh, beginning July 1, 2001, and continuing until

19 June 30, 2016, the State Treasurer shall place one million dollars

20 each fiscal year in the City of the Primary Class Development Fund.

21 If necessary, the State Treasurer shall reduce the distribution of

22 tax proceeds to the General Fund pursuant to this subsection by

23 such amount required to fulfill the one million dollars to be

24 distributed pursuant to this subdivision; and

25 (h) Eighth, beginning July 1, 2001, and continuing until

26 June 30, 2016, the State Treasurer shall place one million five

27 hundred thousand dollars each fiscal year in the City of the

1 Metropolitan Class Development Fund. If necessary, the State

2 Treasurer shall reduce the distribution of tax proceeds to the

3 General Fund pursuant to this subsection by such amount required to

4 fulfill the one million five hundred thousand dollars to be

5 distributed pursuant to this subdivision.

6 (2) The Legislature hereby finds and determines that the

7 projects funded from the Municipal Infrastructure Redevelopment

8 Fund and the Building Renewal Allocation Fund are of critical

9 importance to the State of Nebraska. It is the intent of the

10 Legislature that the allocations and appropriations made by the

11 Legislature to such funds or, in the case of allocations for the

12 Municipal Infrastructure Redevelopment Fund, to the particular

13 municipality's account not be reduced until all contracts and

14 securities relating to the construction and financing of the

15 projects or portions of the projects funded from such funds or

16 accounts of such funds are completed or paid or, in the case of the

17 Municipal Infrastructure Redevelopment Fund, the earlier of such

18 date or July 1, 2009, and that until such time any reductions in

19 the cigarette tax rate made by the Legislature shall be

20 simultaneously accompanied by equivalent reductions in the amount

21 dedicated to the General Fund from cigarette tax revenue. Any

22 provision made by the Legislature for distribution of the proceeds

23 of the cigarette tax for projects or programs other than those to

24 (a) the General Fund, (b) the Nebraska Outdoor Recreation

25 Development Cash Fund, (c) the Department of Health and Human

26 Services Finance and Support Cash Fund, (d) the Municipal

27 Infrastructure Redevelopment Fund, (e) the Building Renewal

1 Allocation Fund, (f) the Information Technology Infrastructure

2 Fund, (g) the City of the Primary Class Development Fund, and (h)

3 the City of the Metropolitan Class Development Fund shall not be

4 made a higher priority than or an equal priority to any of the

5 programs or projects specified in subdivisions (a) through (h) of

6 this subsection."

Senator Dierks moved the previous question. The question is, "Shall the

debate now close?" The motion prevailed with 25 ayes, 9 nays, and 15 not voting.

The Janssen amendment lost with 14 ayes, 27 nays, and 8 present and not voting.

The Jensen amendment, AM3503, found on page 1333, was renewed.

Senator Vrtiska moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 7 nays, and 11 not voting.

Senator Jensen moved for a call of the house. The motion prevailed with 42 ayes, 0 nays, and 7 not voting.

Senator Jensen requested a roll call vote on his amendment.

Voting in the affirmative, 32:

| | | | | |
|---------|----------|--------------|----------|----------|
| Aguilar | Connealy | Kremer | Quandahl | Suttle |
| Baker | Cudaback | Kruse | Raikes | Thompson |
| Beutler | Dierks | Landis | Redfield | Vrtiska |
| Brown | Foley | McDonald | Schimek | Wehrbein |
| Bruning | Hudkins | Pederson, D. | Schrock | |
| Burling | Jensen | Preister | Smith | |
| Byars | Jones | Price | Stuhr | |

Voting in the negative, 16:

| | | | |
|----------|------------|---------------|------------|
| Bourne | Coordsen | Hartnett | Robak |
| Brashear | Cunningham | Janssen | Synowiecki |
| Bromm | Engel | Kristensen | Tyson |
| Chambers | Erdman | Pedersen, Dw. | Wickersham |

Present and not voting, 1:

Maxwell

The Jensen amendment was adopted with 32 ayes, 16 nays, and 1 present and not voting.

The Chair declared the call raised.

Senator D. Pederson offered the following amendment:
FA1061

(Amendments to E & R amendments, AM7211)

Insert new section:

3 "Section 1. Section 77-2701.02, Revised Statutes

4 Supplement, 2000, is amended to read:

5 77-2701.02. Pursuant to section 77-2715.01:
 6 (1) Until July 1, 1998, ~~or April 15, 1998, whichever is~~
 7 ~~later~~, the rate of the sales tax levied pursuant to section 77-2703
 8 shall be five percent;
 9 (2) Commencing July 1, 1998, ~~or April 15, 1998, whichever~~
 10 ~~is later~~, and until July 1, 1999, the rate of the sales tax levied
 11 pursuant to section 77-2703 shall be four and one-half percent; ~~and~~
 12 (3) Commencing July 1, 1999, and until the operative date
 13 of this section, the rate of the sales tax levied pursuant to
 14 section 77-2703 shall be five percent;
 15 (4) Commencing on the operative date of this section, and
 16 until July 1, 2004, the rate of the sales tax levied pursuant to
 17 section 77-2703 shall be five and one-half percent; and
 18 (5) Commencing July 1, 2004, the rate of the sales tax
 19 levied pursuant to section 77-2703 shall be five percent.
 20 Sec. 2. This act becomes operative on July 1, 2002.
 21 Sec. 3. Original section 77-2701.02, Revised Statutes
 22 Supplement, 2000, is repealed."

Senator Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Engel offered the following amendment to the D. Pederson pending amendment:

AM3576

(Amendments to AM3385)

1 1. On page 1, strike the new matter in lines 15 through
 2 19 and insert
 3 "(4) Commencing on the operative date of this section,
 4 and until July 1, 2004, the rate of the sales tax levied pursuant
 5 to section 77-2703 shall be five percent on sales of motor
 6 vehicles, trailers, and semitrailers as defined in section 60-301
 7 and five and one-half percent on all other transactions; and
 8 (5) Commencing July 1, 2004, the rate of the sales tax
 9 levied pursuant to section 77-2703 shall be five percent."

Senator Maxwell asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Robak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

The Engel amendment lost with 10 ayes, 21 nays, 17 present and not voting, and 1 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 647. Placed on Select File as amended.

E & R amendment to LB 647:

AM7220

- 1 1. In the Standing Committee amendments, AM2438,
- 2 renumber section 4 as section 2.
- 3 2. On page 1, strike beginning with "sections" in line 1
- 4 through line 5 and insert "section 79-1217, Revised Statutes
- 5 Supplement, 2001; to change provisions relating to board
- 6 membership; to harmonize provisions; and to repeal the original
- 7 section."

LEGISLATIVE BILL 989. Placed on Select File as amended.

(E & R amendment, AM7226, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 687A. Placed on Select File.

Correctly Engrossed

The following bill was correctly engrossed: LB 407.

Enrollment and Review Change to LB 407

The following changes, required to be reported for publication in the Journal, have been made:

ER9132

1. In the Wickersham amendment, AM3218, amendment 2 has been struck.

2. In the E & R amendments, AM7176:

a. On page 1, the matter beginning with "21" in line 4 through "66" in line 5 has been struck and "19, 22 to 27, 30, 32 to 46, 49, 50, 54, 55, 60, 63, 66, and 67" inserted;

b. On page 2, line 9, "25, 30, 37, and 41" has been struck and "26, 31, 38, and 42" inserted; in line 10 "25" has been struck and "26" inserted; in lines 13 and 20 "37" has been struck and "38" inserted; and in line 26 "52" has been struck and "53" inserted;

c. On page 3, line 15, "60" has been struck and "61" inserted; and in line 21 "72-1246," has been inserted after the first comma; and

d. On page 4, line 9, "to change and eliminate powers and duties of the state investment officer;" has been inserted after the first semicolon; and in line 13 "section" has been struck and "sections 72-1247 and" inserted.

3. In the Standing Committee amendments, AM2886:

a. On page 18, lines 12 and 17; page 27, line 24; page 28, line 2; page 52, lines 6 and 11; page 81, lines 18 and 23; and page 97, lines 8 and 13, "Internal Revenue Code" has been struck and "code" inserted;

- b. On page 18, line 16; page 28, line 1; page 52, line 10; page 81, line 22; and page 97, line 12, "(b)" has been struck and "408(b)" inserted;
- c. On page 47, line 8, "of" has been inserted before "section";
- d. On page 89, line 5, an underscored comma has been inserted after "employees"; and in line 6 the comma has been struck, shown as stricken, and "and" inserted;
- e. On page 106, line 19, "72-1246," has been inserted after "sections"; and
- f. On page 107, line 1, "section" has been struck and "sections 72-1247 and" inserted.

(Signed) Philip Erdman, Chairperson

AMENDMENTS - Print in Journal

Senator Wickersham filed the following amendment to LB 1033A:
AM3613

- 1 1. Strike the original section and insert the following
- 2 new section:
- 3 "Section 1. There is hereby appropriated (1) \$8,104 from
- 4 the General Fund for FY2002-03 and (2) \$13,688 from the General
- 5 Fund for FY2003-04 to the Department of Health and Human Services
- 6 Regulation and Licensure, for Program 178, to aid in carrying out
- 7 the provisions of Legislative Bill 1033, Ninety-seventh
- 8 Legislature, Second Session, 2002.
- 9 Total expenditures for permanent and temporary salaries
- 10 and per diems from funds appropriated in this section shall not
- 11 exceed \$4,353 for FY2002-03 or \$8,706 for FY2003-04."

Senator Schrock filed the following amendment to LB 1003A:
AM3614

- 1 1. On page 2, line 4, strike "331" and insert "334".

ANNOUNCEMENT

Senator Janssen announced the General Affairs Committee will hold an executive session Tuesday, April 9, 2002, at 8:15 a.m., in Room 1510.

VISITORS

Visitors to the Chamber were Girl Scouts from Sidney, Alliance, Crawford, and Bridgeport; members of the Saskatchewan Parliament, David Forbes, Doreen Eagles, and Dennis Allchurch and Illene Grossman from Chicago; 45 fourth-grade students and teachers from Norman Rockwell Elementary School, Omaha; 50 fourth-grade students and teachers from Meadows Elementary School, Omaha; 44 fifth-grade students and teachers from Howard Elementary School, Fremont; former Senator Dan Lynch from Omaha; and 60 sophomores and sponsors from across the state.

RECESS

At 11:51 a.m., on a motion by Speaker Kristensen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senators Brashear, Brown, Bruning, Jensen, Kristensen, Landis, Dw. Pedersen, Robak, and Wehrbein who were excused until they arrive.

ATTORNEY GENERAL'S OPINIONOpinion #02012

DATE: April 5, 2002

SUBJECT: The Constitutionality of LB 1011, a Bill to Authorize Creation of the Position of Counsel to the Legislature

REQUESTED BY: Senator Adrian Smith
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Steve Grasz, Deputy Attorney General

I. Introduction

You have requested a legal analysis of the constitutionality of LB 1011 (Ninety-seventh Nebraska Legislature). This bill authorizes the Executive Board of the Legislative Council to create the position of Counsel to the Legislature. Among other duties, the legislation provides that such counsel may provide legal representation to the Legislature and its staff in litigation, and may initiate or intervene in litigation on behalf of the Legislature or its members. Under the bill all determinations as to negotiating, initiating, settling or otherwise proceeding with such litigation are placed in the hands of the Executive Board.

LB 1011 provides, in part, as follows:

Section 1. The Executive Board of the Legislative Council may, as deemed necessary, employ a Counsel to the Legislature and direct the scope of such employment as provided in sections 1 to 10 of this act.

Sec. 4. The duties and responsibilities of the Counsel to the Legislature shall be to:

(1) Provide legal representation to the Legislature as an institution, to any member of the Legislature, or to any legislative staff member when such institution or person is sued or named as a party to litigation in his or her official capacity;

(2) Provide legal representation to the Legislature as an institution, to any member of the Legislature, or to any legislative staff member when such institution or person is initiating litigation or intervening as a party to a lawsuit;

....

Sec. 6. Any determination made in regards to negotiating, initiating, settling, or otherwise proceeding with litigation shall be authorized by the Executive Board of the Legislative Council prior to any action by the Counsel to the Legislature.

LB 1011 also expressly removes from the codified powers of the Attorney General the authority and duty to represent the legislative branch of government in litigation. LB 1011 would add to existing statutes the language underlined below:

84-202. The Department of Justice shall have the general control and supervision of all actions and legal proceedings in which the State of Nebraska may be a party or may be interested, and shall have charge and control of all the legal business of all departments and bureaus of the state, or of any office thereof, which requires the services of attorney or counsel in order to protect the interests of the state except as provided in sections 1 to 10 of this act.

84-205. The duties of the Attorney General shall be:

(1) To appear and defend actions and claims against the state except as provided in sections 1 to 10 of this act;

....

(10) To appear for the state and prosecute and defend all civil or criminal actions and proceedings in the Court of Appeals or Supreme Court in which the state is interested or a party except as provided in sections 1 to 10 of this act.

LB 1011 (Ninety-seventh Nebraska Legislature).

Based on the provisions of the bill set forth above, we believe your request presents two issues of state constitutional law. The first is whether

LB 1011 violates the separation of powers provision of article II, section 1 of the Nebraska Constitution by authorizing the exercise of executive powers by the legislative branch. The second is whether LB 1011 violates article IV, section 1 of the Nebraska Constitution by infringing on the constitutional authority of the Nebraska Attorney General. As the answer to the first question is dispositive, we will discuss only that issue in this opinion.

II. Analysis of the LB 1011

A. The Separation of Powers is a Fundamental and Important Component of Nebraska State Government.

The Nebraska Supreme Court has commented extensively on the history and importance of the constitutional separation of powers. According to the Court, "The purpose . . . is to establish the permanent framework of our system of government and to assign to the three departments their respective powers and duties, and to establish certain fixed principles upon which our government is to be conducted." *State v. Philipps*, 246 Neb. 610, 614, 521 N.W.2d 913 (1994). The Court has repeatedly emphasized the fundamental importance of the separation of powers:

The division of governmental powers into executive, legislative and judicial in this country is a subject familiar, not only to lawyers and students, but is a part of the common knowledge of the citizen. It represents, probably, the most important principle of government declaring and guaranteeing the liberties of the people. . . .

Searle v. Jensen, 118 Neb. 835, 841, 226 N.W. 464 (1929) (emphasis added).

Montesquieu suggested a government with legislative, executive and judicial departments, each independent of the other. The framers of the American Constitution and the people of Nebraska adopted that plan. It has been regarded by statesmen and philosophers as an outstanding advancement in the science of government. Throughout the judicial history of the present system the courts have scrupulously respected the prerogatives of the legislative and executive departments. . . .

State ex rel. Sorensen v. State Bank of Minatare, 123 Neb. 109, 114, 242 N.W. 278 (1932).

As the Nebraska Supreme Court stated 116 years ago, "It cannot be denied that one great object of written constitutions is to keep the departments of government as distinct as possible; and for this purpose to impose restraints designed to have that effect." *State ex rel. City of Lincoln v. Babcock*, 19 Neb. 230, 239, 27 N.W. 98 (1886) (quoting "Webster, in his speech on the Independence of the Judiciary, vol. 3, p. 26") (emphasis added).

B. Nebraska's Constitution Contains an Express Provision Requiring the Separation of Governmental Powers.

Nebraska's Constitution expressly divides state government into three spheres of power and then prohibits the exercise of any power belonging to one sphere by either of the others:

The powers of the government of this state are divided into three distinct departments, the legislative, executive, and judicial, and no person or collection of persons being one of these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted.

Neb. Const. art. II, § 1 (emphasis added).

Thus, on its face, article II, section 1 of the Nebraska Constitution requires a stringent separation of the three branches of government.

C. Nebraska's Separation of Powers Provision is More Rigorous than Other Jurisdictions' and has been Strictly Construed by the Nebraska Supreme Court.

Article II, section 1 of Nebraska's Constitution requires a more rigorous separation of powers than is required in many other jurisdictions. For example, as noted by the Nebraska Supreme Court, "The federal separation of powers principle is inferred from the overall structure of the U.S. Constitution. In contrast, Neb. Const. art. II, § 1, prohibits one department of government from encroaching on the duties and prerogatives of the others or from improperly delegating its own duties and prerogatives, except as the Constitution itself otherwise directs or permits. . . . Thus, the federal doctrine is not as rigorous as that imposed by the Constitution of this state." Philipps, 246 Neb. at 614.

Furthermore, the separation of powers doctrine has been strictly construed by the Nebraska Supreme Court. *State ex rel. Meyer v. State Bd. of Equalization and Assessment*, 185 Neb. 490, 176 N.W.2d 920 (1970). With regard to article II, section 1, the Nebraska Supreme Court has stated, "Nebraska's Constitution contains an absolute prohibition upon the exercise of the executive, legislative and judicial powers by the same person or the same group of persons. It has remained a part of the Constitution unchanged since 1875. It is more certain and positive than the provisions of the Federal constitution and those of some of the states, which merely definitely divided the three powers of government, *Laverty v. Cochran*, 132 Neb. 118, 120-121, 271 N.W. 354 (1937) (emphasis added).

D. Article II, Section 1 Operates as a Limitation on Legislative Power.

When analyzing whether a piece of legislation oversteps legislative authority, one must start with the proposition that the Nebraska Legislature has plenary authority. *State ex rel. Stenberg v. Moore*, 249 Neb. 589, 595, 544 N.W.2d 344 (1996). This broad authority exists because the "Nebraska Constitution is not a grant, but, rather is a restriction on legislative power, and the Legislature may legislate upon any subject not inhibited by the Constitution." *Id.*

The legislative authority of the Nebraska Unicameral is, therefore, extensive. However, it is not limitless. "The people of the state, by adopting a Constitution, have put it beyond the power of the legislature to pass laws in violation thereof." *State ex rel. Randall v. Hall*, 125 Neb. 236, 242-243, 249 N.W. 756 (1933) (discussing the importance and history of the separation of powers doctrine). See also *Laverty*, 132 Neb. at 121 ("[T]he Constitution is still recognized as the supreme law of the state and as a limitation of power of all departments and all officials."); *State ex rel. Meyer v. State Bd. of Equalization & Assessment*, 185 Neb. at 500 ("There is one thing, however, which [the Legislature] cannot do, and this is inherent in Article II, section 1, Constitution of Nebraska. It cannot through the power of appropriation exercise or invade the constitutional rights and powers of the executive branch of government. . . .").

Thus, the authority of the Legislature, while very broad, is subject to any limitations contained in the Nebraska Constitution. One such constitutional limitation on the authority of the Legislature is article II, section 1. The Nebraska Supreme Court has repeatedly held that article II, section 1 prohibits one department of government from encroaching on the duties and prerogatives of the others or exercising any power belonging to another branch, except as the Constitution itself otherwise directs or permits. *State v. Divis*, 256 Neb. 328, 332, 589 N.W.2d 537 (1999); *In re Interest of Constance G.*, 254 Neb. 96, 101, 575 N.W.2d 133 (1998); *State ex rel. Shepherd v. Nebraska Equal Opportunity Comm'n*, 251 Neb. 517, 532, 557 N.W.2d 684 (1997).

As the Nebraska Supreme Court has emphasized, "[T]he separation of powers clause serves as the beam from which our system of checks and balances is suspended." *Shepherd*, 251 Neb. at 524. See also *State ex rel. Spire v. Conway*, 238 Neb. 766, 472 N.W.2d 403 (1991); *State ex rel. Sorensen v. State Bd. of Equalization and Assessment*, 123 Neb. at 114, 242 N.W. at 281 ("It is an imperative duty of the judicial department of government to protect its jurisdiction at the boundaries of power fixed by the Constitution."); *Searle v. Yensen*, 118 Neb. at 842 ("Otherwise a confusion and duplication of powers would result, against which [article II, section 1] is directed."); *Op. Att'y Gen. No. 92004* (Jan. 9, 1992).

Thus, article II, section 1 operates as a limitation on the power of the Nebraska Legislature to legislate.

E. Under Article II, Section 1, the Legislature May Not Enact Laws Authorizing the Legislative Branch to Exercise Any Power Properly Belonging to the Executive Branch.

Under the Nebraska Supreme Court's strict interpretation of article II, section 1, the key issue presented here is whether LB 1011 authorizes the exercise of any executive power or function by the legislative branch. Similar questions have been addressed by the Nebraska Supreme Court for over 100 years. For example, a number of Nebraska cases have involved the question of whether the Legislature may regulate the practice of law. As stated in one such case, "The issue to be determined is whether the court must acquiesce in the qualifications for admission to the bar as prescribed by the Legislature. Does the legislative or judicial department have authority to prescribe rules for admission to the bar?" *State ex rel. Ralston v. Turner*, 141 Neb. 556, 559, 4 N.W.2d 302 (1942). In *Turner*, the Court concluded the "Power to admit applicants to practice law is judicial, not legislative, and invested in courts only. . . ." *Id.* at 568 (quoting *In re Cate*, 273 Pac. 617). See also *State ex rel. Wright v. Barlow*, 131 Neb. 294, 268 N.W. 95 (1936).

Other cases have involved questions of executive authority. In *In re Railroad Commissioners*, 15 Neb. 679, 50 N.W. 276 (1884), the Court discussed the constitutionality of the creation of the office of Railway Commissioner by the Legislature. The Court concluded the office would fall under the executive branch as its duties "would be to aid in carrying the laws into effect." *Id.* at 682.¹ See also *State ex rel. Shepherd*, 251 Neb. at 532, 557 N.W.2d at 695 (declaring a statute unconstitutional which granted executive authority to the Public Counsel).

Thus, the analysis of LB 1011 under article II, section 1 entails the delineation of the powers of the respective branches of government and the identification of what powers are affected by LB 1011. "[G]enerally judicial power is the authority to hear and determine a controversy as to rights and upon such determination to render a judgment binding upon the disputants." *Laverty v. Cochran*, 132 Neb. 118, 122, 271 N.W. 354 (1937). Judicial

¹The Court then concluded the creation of the office would violate what was then article V, § 26 of the Nebraska Constitution. This provision, in amended form, is now Article IV, § 27. It provides: "No executive state office other than herein provided shall be created except by a two-thirds majority all of members elected to the Legislature." Neb. Const. art. IV, § 27. Thus, if LB 1011 were amended so as to make the new Counsel to the Legislature an independent executive official, the bill would avoid review under article II, section 1. However, its creation would require a two-thirds vote, and the Legislature could not appoint the Counsel or control the office. See *Shepherd*, 251 Neb. at 532. Furthermore, the legislation would still be subject to review as a violation of the constitutional authority of the Attorney General. LB 1011, however, clearly provides for control of the Counsel position by the Legislature and is, therefore, subject to scrutiny under Article II, section 1.

power is not implicated by LB 1011. Legislative power is the power to enact legislation and make law. *Williams v. Buffalo County*, 181 Neb. 233, 239, 147 N.W.2d 776, 781 (1967). Executive power entails carrying into effect the laws enacted by the legislature. See *State ex rel. Morris v. Marsh*, 183 Neb. 521, 546, 162 N.W.2d 262, 277 (1968).

F. Litigation is an Executive Function in State Government and is a Duty Properly Belonging to the Executive Branch.

As set forth above, LB 1011 removes significant litigation authority from the Attorney General and transfers it to the Counsel to the Legislature and the Executive Board of the Legislative Council. The question, then, is whether this litigation authority is a function of the executive branch such that its transfer to the legislative branch would violate article II, section 1.

There is no question that the Nebraska Attorney General is an executive branch officer. See *State ex rel. Caldwell v. Peterson*, 153 Neb. 402, 407, 45 N.W.2d 122 (1950). This fact has been undisputed since the state Constitution was adopted. See 1885-86 Report of the Attorney General 3 ("The Constitution of 1875 makes the Attorney General an executive officer of the State. . . ."). The Counsel to the Legislature, as proposed by LB 1011, is clearly part of the Legislative branch. The bill expressly provides that the Counsel is to be employed by the Executive Board of the Legislative Council. (LB 1011, section 1). It further provides that all major decisions regarding litigation are to be made by the Executive Board of the Legislative Council (LB 1011, section 6). The Executive Board consists of eight members of the Legislature. See Neb. Rev. Stat § 50-401.01 (Cum. Supp. 2001). The Legislative Council consists of "all of the members of the Legislature" pursuant to Neb. Rev. Stat. § 50-401. See *Spire v. Conway*, 238 Neb. at 782 ("It is beyond debate that a senator is a member of the legislative branch and exercises the powers of that branch."). See also *State ex rel. Shepherd*, 251 Neb. at 525, 557 N.W.2d at 691 (concluding the Public Counsel [Ombudsman] is an officer of the legislative branch).

Since LB 1011 transfers litigation authority from an executive officer to the legislative branch, the determination upon which the constitutionality of LB 1011 rests, under article II, section 1, is whether litigation is an executive function.

As discussed above, executive power entails carrying into effect the laws passed by the Legislature. In general, "the executive department is that which is charged with carrying the laws into effect and securing their due observance." *Black's Law Dictionary* 678 (rev. 4th ed. 1968). See also *State ex rel. Morris v. Marsh*, 183 Neb. 521, 546, 162 N.W.2d 262, 277 (1968) ("The Nebraska Constitution provides for a republican form of government, for a bill of rights and for the separation of powers. It authorizes the executive branch to place the powers of government in operation . . .") (emphasis added).

Litigation must necessarily be a function of the executive branch since its effect is to carry laws into effect and secure their due observance. The fact that litigation is not expressly mentioned in the Nebraska Constitution as a duty of the Attorney General is not surprising. See *State v. Babcock*, 19 Neb. at 239. Nor does the absence of such a provision in the Constitution make the performance of litigation by the legislative branch fair game. As the Nebraska Supreme Court has repeatedly stated with regard to the regulation of the practice of law, "The Constitution does not, by any express grant, cast the power to define and regulate the practice of law in any of the three departments of government. In the absence of an express grant of this power to any one of the three departments, it must be exercised by the department to which it naturally belongs because 'It is a fundamental principle of constitutional law that each department of government, whether federal or state, "has, without any express grant, the inherent right to accomplish all objects naturally within the orbit of that department, not expressly limited by the fact of the existence of a similar power elsewhere or the express limitations of the Constitution." . . .'" *State v. Joubert*, 246 Neb. 287, 295, 518 N.W.2d 887 (1994) (quoting *In re Integration of Nebraska State Bar Ass'n.*, 133 Neb. 283, 285, 275 N.W. 265, 266 (1937)) (emphasis added).

Nebraska case law supports the proposition that litigation is an executive function by which the Attorney General enforces or carries into effect the laws and places the powers of government in operation. As the Nebraska Supreme Court has stated, "The attorney general is given executive powers in regard to various matters committed to his care." *State ex rel. Sorensen v. State Bd. of Equalization and Assessment*, 123 Neb. at 261. "Ordinarily the attorney general, both under the common law and by statute, is empowered to make any disposition of the State's litigation which he deems for its best interest." *Id.* (quoting *State v. Finch*, 128 Kan. 665). "The attorney general is, generally speaking, the attorney for the state. It is his duty to devote his time and energies to that employment, as it is the duty of attorneys generally to appear and defend the rights of their clients in the litigation in which they are employed. He is given executive powers in regard to various matters committed to his care." *Follmer v. State*, 94 Neb. 217, 220, 142 N.W. 908 (1913) (emphasis added).

The Nebraska Supreme has been wary of encroachment on the executive power to litigate. In rejecting the court's own ability to direct the disposition of one case by the factual determinations of another, the Nebraska Supreme Court stated:

In examining prosecutorial discretion we would of necessity have to independently gather evidence. The gathering of evidence is not a judicial function but one of the executive. We would then determine what charges we think should have been filed. Again, this is an executive function of the prosecutor. We would make a judgment about the chances of a conviction as against an acquittal, again an executive function. We would need to weigh the advisability of a plea bargain to secure a conviction on

a lesser charge in order to avoid a likely acquittal of all charges. These are all clearly executive and not judicial functions.

State v. Moore, 210 Neb. 457, 475, 316 N.W.2d 33, 43 (1982), cert. den., 456 U.S. 984 (1982) (emphasis added).

Other state and federal court decisions also support the principle that litigation is an executive function. The United States Supreme Court noted: "Legislative power, as distinguished from executive power, is the authority to make laws, but not to enforce them or appoint the agents charged with the duty of such enforcement. The latter are executive functions." *Springer v. Government of the Philippine Islands*, 277 U.S. 189, 202, 48 S. Ct. 480 (1928).

In a case involving the constitutionality of legislation that is similar, in many respects, to LB 1011, the Supreme Court of Arizona specifically concluded that "conducting litigation on behalf of the state . . . is an executive function, because doing so carries out the purposes of the Legislature." *State ex rel. Woods v. Block*, 189 Ariz. 269, 277, 942 P.2d 428, 436 (1997) (emphasis added). In *Woods*, the court concluded a "Constitutional Defense Council," which was controlled by the Legislature and which conducted litigation, was unconstitutional because the Legislature was exercising an executive function. *Id.* at 278, 942 P.2d at 437.

A more detailed discussion of *Woods* is helpful to the analysis of LB 1011. In *Woods*, the court held that, despite the limited constitutional power of the Attorney General of Arizona, *id.* at 431 ("In Arizona [unlike Nebraska], the Attorney General has no common law powers"), a legislatively created position called the Constitutional Defense Council ("CDC") (whose powers included initiating and pursuing any action concerning a law, regulation, order, policy or decision of the federal government and hiring outside legal counsel to pursue such actions) was unconstitutional under Arizona's separation of powers clause [which is very similar to Nebraska's article II, section 1].

The court found that the CDC was "a legislatively created or controlled body." *Id.* at 435. It further concluded that the CDC's functions were executive in nature:

The United States Supreme Court has held that litigation conducted on behalf of the United States is 'subject to the direction, and within the control of, the Attorney General.' *Buckley v. Valeo*, 424 U.S.1,139 . . . (1976) (quoting *Confiscation Cases*, 74 U.S. 454, 458-59 (1868)). In the same respect, conducting litigation on behalf of the State, as authorized by the Legislature, is an executive function, because doing so carries out the purposes of the Legislature.

Id. at 436. See also id. at 436 ("The Legislature's actions . . . show its intent to take over an executive function by eliminating the Attorney General from the litigation process. . . .").

In conclusion, the court stated,

CDC performs an executive function, yet is controlled by members appointed by representatives of the Legislature. . . . The practical result of the legislation is to create conflict between an executive agency and a legislative agency performing an executive function. All of the . . . factors support a finding that CDC is a legislative body performing an executive function. [The statute] is therefore unconstitutional because it violates the express terms of [the separation of powers provision] of the Arizona Constitution.

Id. at 437.

A Nebraska Court reached the same conclusion with respect to a statute attempting to transfer duties from the state auditor to a legislatively created position. In *State v. Primeau*, Doc. 496, Page 039 (Dist. Ct. Lancaster Co. 1994) the court discussed the separation of powers doctrine under the Nebraska Constitution as well as relevant case law:

In *Giss v. Jordan*, 82 Ariz. 152, 309 P.2d 779 (1957), the Supreme Court of Arizona held that statutory provisions relating to reimbursement of members of the Legislature for expenses, which provided that such claims were exempt from review by the State Auditor, were unconstitutional as an attempt to transfer to the Legislature the function of auditing delegated by the Constitution to the executive department. This case is directly applicable to any attempt by the Nebraska Legislature to prevent the State Auditor from auditing legislative records, expense accounts or other claims paid from state treasury. The Arizona Constitution is identical to that of Nebraska in its designation of the auditor as an executive official whose duties "shall be as prescribed by law." Id. at 784. The Giss court framed the issue before it as whether "the auditing of claims against the state is a function or power properly belonging to the executive rather than the legislative department." Id. at 785. (This is the same language the Nebraska Constitution contains with respect to the separation of powers in Article II, §1). The court in *Giss* concluded that auditing of the expenses of member of the Legislature is an executive function which is vested in the State Auditor. Id. at 787.

Following this analysis, the court declared the Nebraska statute unconstitutional as a violation of article II, section 1. See also *Op. Att'y Gen. No. 93012* (March 4, 1993) (concluding this bill would be declared unconstitutional).

It is true the Legislature may take a keen interest in the enforcement, interpretation or defense of the laws it passes. However, the fact that the

Legislature takes such an interest does not make litigation concerning such laws a legislative function. See *Shepherd*, 251 Neb. at 532 ("The legislature can neither enforce the laws which it has the power to make, nor . . . appoint the agents charged with the duty of such enforcement."). Furthermore, the fact that the Attorney General may be called upon to litigate at the request of the Legislature does not transform or negate the executive nature of litigation. Even in a dispute between the Legislature and an executive branch officer the Attorney General may properly bring an action on behalf of the Legislature. In *State ex rel. Meyer*, 185 Neb. at 491, the Attorney General brought an action "at the express request of the Legislature" seeking "to have certain appropriations vetoed by the Governor declared void and to uphold certain personal service limitations placed in the appropriation bills by the Legislature." See also *State ex rel. Stenberg v. Moore*, 253 Neb. 535, 571 N.W.2d 317 (1997) (action brought at request of Legislature to determine retirement benefits of certain school employees).

Thus, we believe there is little or no doubt the Nebraska Supreme Court would find that litigation is an executive function in state government. Our conclusion regarding the respective roles of the legislative and executive branches in this regard is not novel or new. As former Attorney General Robert Spire stated:

[I]t is the function of the Legislature to enact legislation, and not to interpret or enforce existing statutory provisions. Consequently, it would serve no valid legislative purpose to issue an opinion to a legislator concerning the interpretation and enforcement of a particular statute, when the Legislature has no authority in this regard. This responsibility is the function of the executive branch of the government and under our separation powers doctrine it is essential that no one branch encroach upon the powers reserved to another.

Op. Att'y Gen. No. 157 (Dec. 24, 1985).²

III. Conclusion

As the Nebraska Supreme Court has stated on many occasions, "In accordance with constitutional provisions separating the departments of government, the legislature cannot interfere with, or exercise any powers properly belonging to, the executive department." *State ex rel. Shepherd*, 251 Neb at 532, 557 N.W.2d at 695 (quoting 16 C.J.S. Constitutional Law § 134 at 434 (1984)). Since LB 1011 authorizes legislative officials to exercise powers properly belonging to the executive branch, the bill violates the separation of powers provision of the Nebraska Constitution, and we

²The fact that litigation is an executive function, rather than legislative, is underscored by the fact that the Nebraska Legislature would rarely have standing to bring a lawsuit on its own. See *Raines v. Byrd*, 521 U.S. 811, 117 S. Ct. 2312 (1997).

therefore conclude the bill would be found unconstitutional by the Nebraska Supreme Court.

Sincerely,
 DON STENBERG
 Attorney General
 (Signed) Steve Grasz
 Deputy Attorney General

cc: Patrick J. O'Donnell
 Clerk of the Legislature
 3-262-6

ANNOUNCEMENT

The Chair announced today is Senator Erdman's birthday.

SELECT FILE

LEGISLATIVE BILL 1085. The D. Pederson pending amendment, FA1061, found on page 1485, was renewed.

Senator D. Pederson withdrew his amendment.

Senator Wickersham offered the following amendment:
 AM3608

(Amendments to E & R amendments, AM7211)

- 1 1. Insert the following new sections:
- 2 "Sec. 2. Section 77-2702.09, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 77-2702.09. Occasional sale shall mean:
- 5 (1) A sale, but not a lease or rental, of property which
- 6 is the subject of any intercompany sale or transfer involving any
- 7 parent, subsidiary, or brother-sister company relationship under
- 8 section 77-2704.28 and which was either originally acquired prior
- 9 to June 1, 1967, or, if acquired thereafter, the seller or
- 10 transferor directly or indirectly has previously paid a sales or
- 11 use tax thereon, including:
- 12 (a) From one corporation to another corporation pursuant
- 13 to a reorganization. For purposes of this subdivision,
- 14 reorganization shall mean a statutory merger or consolidation or
- 15 the acquisition by a corporation of substantially all of the
- 16 properties of another corporation when the consideration is solely
- 17 all or a part of the voting stock of the acquiring corporation or
- 18 of its parent or subsidiary corporation;
- 19 (b) In connection with the winding up, dissolution, or
- 20 liquidation of a corporation only when there is a distribution of
- 21 the property of such corporation to the shareholders in kind if the
- 22 portion of the property so distributed to the shareholder is

- 23 substantially in proportion to the share of stock or securities
1 held by the shareholder;
- 2 (c) To a corporation for the purpose of organization of
3 such corporation or the contribution of additional capital to such
4 corporation when the former owners of the property transferred are
5 immediately after the transfer in control of the corporation and
6 the stock or securities received by each is substantially in
7 proportion to his or her interest in the property prior to the
8 transfer;
- 9 (d) To a partnership in the organization of such
10 partnership if the former owners of the property transferred are
11 immediately after the transfer members of such partnership and the
12 interest in the partnership received by each is substantially in
13 proportion to his or her interest in the property prior to the
14 transfer;
- 15 (e) From a partnership to the members thereof when made
16 in kind in the dissolution of such partnership if the portion of
17 the property so distributed to the members of the partnership is
18 substantially in proportion to the interest in the partnership held
19 by the members;
- 20 (f) To a limited liability company in the organization of
21 such limited liability company if the former owners of the property
22 transferred are immediately after the transfer members of such
23 limited liability company and the interest in the limited liability
24 company received by each is substantially in proportion to his or
25 her interest in the property prior to the transfer;
- 26 (g) From a limited liability company to the members
27 thereof when made in kind in the dissolution of such limited
1 liability company if the portion of the property so distributed to
2 the members of the limited liability company is substantially in
3 proportion to the interest in the limited liability company held by
4 the members;
- 5 (h) From one limited liability company to another limited
6 liability company pursuant to a reorganization; or
- 7 (i) Any transaction between two persons that qualifies as
8 a tax-free transaction under the Internal Revenue Code;
- 9 (2) A sale of household goods, and personal effects, and
10 services if each of the following conditions is met and if any one
11 condition is not met then the entire gross receipts shall be
12 subject to the tax imposed by section 77-2703:
- 13 (a) Such sales are by an individual at his or her
14 residence or if more than one individual's property is involved
15 such sales are by one of the individuals involved at the residence
16 of one of the individuals;
- 17 (b) Such sales do not occur at any residence for more
18 than three days during a calendar year;
- 19 (c) Such individual or individuals or any member of any
20 of their households does not conduct or engage in a trade or
21 business in which similar items are sold or services provided;

22 (d) Such property sold was originally acquired for and
23 used for personal use or the service provided may be performed at
24 any individual residence without specialized equipment or supplies;
25 and

26 (e) Such property is not otherwise excepted from the
27 definition of occasional sale;

1 (3) Commencing with any transaction occurring on or after
2 October 1, 1985, any sale of business or farm machinery and
3 equipment if each of the following conditions is met and if any one
4 condition is not met the entire gross receipts shall be subject to
5 the tax imposed by section 77-2703:

6 (a) Such machinery or equipment was used by the seller or
7 seller's predecessor in a sale described in subdivision (1) of this
8 section as a depreciable capital asset in connection with the farm
9 or business for a period of at least one year;

10 (b) Such property was originally acquired prior to June
11 1, 1967, or if acquired thereafter, the seller or seller's
12 predecessor in a sale described in subdivision (1) of this section
13 directly or indirectly has previously paid a sales or use tax
14 thereon; and

15 (c) Such property is not otherwise excepted from the
16 definition of occasional sale;

17 (4) Commencing October 1, 1985, a sale by an organization
18 created exclusively for religious purposes or an agent of the
19 organization for such sale if each of the following conditions is
20 met and if any one condition is not met then the entire gross
21 receipts shall be subject to the tax imposed by section 77-2703:

22 (a) All sales occur during an activity conducted by such
23 organization or, if more than one organization is involved, by one
24 of the organizations owning property being sold;

25 (b) The organization only sells property it owns or
26 provides the service during one such activity in a calendar year;
27 and

1 (c) The activity does not last longer than three
2 consecutive days; and

3 (5) Any sale that is made in connection with the sale to
4 a single buyer of all or substantially all of a trade or business
5 if the seller or seller's predecessor in a sale described in
6 subdivision (1) of this section directly or indirectly has
7 previously paid a sales or use tax thereon. This subdivision shall
8 apply to any transaction occurring on or after October 1, 1985.

9 Commencing October 1, 1985, occasional sale shall not
10 include any sale directly by or any sale which is supervised or
11 aided by an auctioneer or an agent or employee of an auctioneer.

12 Except for a sale listed in subdivision (1) of this
13 section, an occasional sale shall not mean any sale of motor
14 vehicles, trailers, and semitrailers as defined in section 60-301
15 or, on or after January 1, 1997, any sale of a motorboat as defined
16 in section 37-1204.

17 Sec. 3. Section 77-2702.11, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 77-2702.11. Purchase shall mean any transfer of title or
20 possession, exchange, barter, lease, or rental, conditional or
21 otherwise, in any manner or by any means, of property for a
22 consideration, including a transfer of the possession of property
23 in which the seller retains the title as security for the payment
24 of the price and a transfer for a consideration of property which
25 has been produced, fabricated, or printed to the special order of
26 the customer. Purchase shall also mean the provision of a service
27 for a consideration.

1 Sec. 6. Section 77-2702.15, Revised Statutes Supplement,
2 2000, is amended to read:

3 77-2702.15. Sale shall mean any transfer of title or
4 possession or segregation in contemplation of transfer of title or
5 possession, exchange, barter, lease, or rental, conditional or
6 otherwise, in any manner or by any means, of property for a
7 consideration or the provision of service for a consideration.

8 Sale shall include, but not be limited to:

9 (1) The producing, fabricating, processing, printing, or
10 imprinting of property for a consideration for consumers who
11 furnish either directly or indirectly the materials used in the
12 producing, fabricating, processing, printing, or imprinting;

13 (2) The furnishing and distributing of property for a
14 consideration by social clubs and fraternal organizations to their
15 members or others;

16 (3) The furnishing, preparing, or serving for a
17 consideration of food, meals, or drinks;

18 (4) A transaction whereby the possession of property is
19 transferred but the seller retains the title as security for the
20 payment of the price;

21 (5) A transfer for a consideration of the title or
22 possession of property which has been produced, fabricated, or
23 printed to the special order of the customer; and

24 (6) The renting or furnishing for periods of less than
25 thirty days of any room or rooms, lodgings, or accommodations in
26 any hotel, motel, inn, tourist camp, tourist cabin, or any other
27 place, except a health care facility licensed under the Health Care

1 Facility Licensure Act in which rooms, lodgings, or accommodations
2 are regularly furnished for a consideration or a facility operated
3 by an educational institution established under Chapter 79 or
4 Chapter 85 in which rooms are regularly used to house students for
5 a consideration for periods in excess of thirty days.

6 Sec. 13. Section 77-2704.30, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 77-2704.30. The use tax imposed in the Nebraska Revenue
9 Act of 1967 shall not apply to:

10 (1) The use in this state of materials and replacement
11 parts which are acquired outside this state and which are moved

12 into this state for use directly in the repair, installation, or
13 application and maintenance or manufacture of motor vehicles,
14 watercraft, railroad rolling stock, whether owned by a railroad or
15 by any person, whether a common or contract carrier or otherwise,
16 or aircraft engaged as common or contract carriers; and
17 (2) The storage, use, or consumption of property which is
18 acquired outside this state, the sale, lease, or rental or the
19 storage, use, or consumption of which property and any associated
20 labor would be exempt from the sales or use tax were it purchased
21 within this state.

22 Sec. 14, Section 77-2704.31, Revised Statutes
23 Supplement, 2001, is amended to read:

24 77-2704.31. If any person who causes property or service
25 to be brought into this state has already paid a tax in another
26 state with respect to the sale or use of such property or service
27 in an amount less than the tax imposed by sections 13-319, 13-2813,
1 77-2703, and 77-27,142, the provisions of subsection (2) of section
2 77-2703 shall apply, but at a rate measured by the difference only
3 between the rate imposed by such sections and the rate by which the
4 previous tax on the sale or use was computed. If such tax imposed
5 and paid in such other state is equal to or more than the tax
6 imposed by such sections, then no use tax shall be due in this
7 state on such property if such other state, territory, or
8 possession grants a reciprocal exclusion or exemption to similar
9 transactions in this state."

10 2. On page 5, line 9; and page 14, line 10, after
11 "returned" insert "or rejected".

12 3. On page 6, line 24, after "property" insert "and any
13 associated labor".

14 4. On page 7, line 27; and page 11, line 13, after
15 "estate" insert "and any associated labor".

16 5. On page 10, lines 11 and 14, after "property" insert
17 "or services"; and in line 21 after "parts" insert "and any
18 associated labor".

19 6. On page 15, line 23, strike "and" and insert an
20 underscored comma; and in line 25 after "state" insert ", and for
21 business services under subdivision (4)(d) of section 77-2702.07 if
22 the services are performed at a location that is within this state
23 for a customer located within this state".

24 7. On page 28, lines 15 and 16, strike the new matter;
25 and in line 16 after "property" insert "and any associated labor,
26 or the gross receipts from the provision of services within this
27 state,".

1 8. On page 37, line 26, strike "not"; and in line 27
2 after the period insert "Twenty percent of the total amount of
3 bonus depreciation added back by this subsection may be subtracted
4 in the first taxable year beginning or deemed to begin on or after
5 January 1, 2006, under the Internal Revenue Code of 1986, as
6 amended, and twenty percent in each of the next four following

7 taxable years."

8 9. On page 39, strike lines 5 through 16 and insert

9 "(c) Beginning with school fiscal year 2002-03 through

10 school fiscal year 2004-05, school districts and multiple-district

11 school systems may, upon a three-fourths majority vote of the

12 school board of the school district, the board of the unified

13 system, or the school board of the high school district of the

14 multiple-district school system that is not a unified system,

15 exceed the maximum levy prescribed by subdivision (2)(a) of this

16 section in an amount equal to the net difference between the amount

17 of state aid that would have been provided under the Tax Equity and

18 Educational Opportunities Support Act without the changes made by

19 Legislative Bill 898, Ninety-seventh Legislature, Second Session,

20 2002, for the ensuing school fiscal year for the school district or

21 multiple-district school system and the amount provided under the

22 act as amended by Legislative Bill 898, Ninety-seventh Legislature,

23 Second Session, 2002. The State Department of Education shall

24 certify to the school districts and multiple-district school

25 systems the amount by which the maximum levy may be exceeded

26 pursuant to subdivision (2)(c) of this section on or before May 15,

27 2002, for school fiscal year 2002-03, February 15, 2003, for school

1 fiscal year 2003-04, and February 15, 2004, for school fiscal year

2 2004-05."

3 10. Renumber the remaining sections and correct the

4 repealer and the operative date section so that the sections added

5 by this amendment become operative October 1, 2002.

Senator Wickersham offered the following amendment to his pending amendment:

FA1062

Amend AM3608

On page 9 line 1, after "37" insert "line 10, after "2002" insert ", under Section 168(K) or Section 1400L of the Internal Revenue Code of 1986 as amended" and on line 5 strike "2006" and insert "2005"

The Wickersham amendment was adopted with 26 ayes, 1 nay, and 22 present and not voting.

Senator Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

MESSAGES FROM THE GOVERNOR

April 8, 2002

Patrick J. O'Donnell
Clerk of the Legislature

State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 1310e was received in my office on April 3, 2002.

This bill was signed by me on April 8, 2002, and delivered to the Secretary of State.

Sincerely,
(Signed) Mike Johanns
Governor

April 8, 2002

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

Dear Mr. President and Senators:

With this letter and attachment, I am returning LB 1309 with line-item reductions. The General Fund amounts vetoed in LB 1309 total 74.3 million dollars for the current 2001-2003 biennium and represent a reduction of an additional 130.4 million dollars of continuing obligations for the 2003-2005 biennium. In addition, I have reduced the fiscal year 2002-03 transfer from the Securities Act Cash Fund to the General Fund provided for in LB 1309 by 13.0 million dollars. A list of the individual vetoes is included as an attachment to this letter. All amounts vetoed are General Funds.

In October I called you into a special session and recommended over 173 million dollars in budget actions including 138 million dollars in reduced General Fund appropriations for the 2001-2003 biennium. You enacted 171 million dollars of changes to the current biennium budget with the single largest item being an across-the-board reduction of four percent in fiscal year 2001-02 and five percent in fiscal year 2002-03 in General Fund appropriations for most State agencies. On January 15, 2002, and on February 28, 2002, I recommended further budget actions totaling 176.7 million dollars, including 90.1 million dollars in reduced General Fund appropriations. Additional across-the-board reductions of three percent in fiscal year 2002-03 General Fund appropriations for most State agencies were again the single largest item in these recommendations. My February 28, 2002, recommendations also indicated support for specific General Fund revenue measures and continued opposition to an increase in the sales and income tax rates.

In LB 1309 you have presented me with specific changes to appropriations for the current 2001-03 biennium. Your total reductions to current General Fund appropriations for the current biennium are approximately 18.0 million dollars less than my previous recommendations. You are currently considering an increase in sales and income tax rates. My line-item reductions offer you the alternative of further reductions in General Fund spending. While some of these line-item reductions reinstate my previous recommendations, most of them, by necessity, represent significant program modifications or eliminations. I have also reduced the transfer from the Securities Act Cash Fund to the General Fund in fiscal year 2002-03 by 13.0 million dollars in order to reserve additional funds to protect our State from a possible further decline in forecasted tax receipts. I believe that Nebraskans are asking us for greater spending restraint and I remain opposed to an increase in the sales and income tax rates.

I understand the very difficult nature of the work that remains during these final seven days of this legislative session. I am confident that you will conclude the very serious consideration and necessary decision-making related to the State budget prior to the end of this legislative session.

I appreciate your hard work. I urge you to sustain my line-item reductions in LB 1309.

Sincerely,
(Signed) Mike Johanns
Governor

Attachment

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 952A. Introduced by Burling, 33.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 952, Ninety-seventh Legislature, Second Session, 2002.

SELECT COMMITTEE REPORTS **Enrollment and Review**

Correctly Engrossed

The following bills and resolution were correctly engrossed: LBs 863, 947, 1003, 1054, 1110, 1126, 1139, 1168, 1236, and LR 4CA.

Enrollment and Review Change to LB 863

The following changes, required to be reported for publication in the Journal, have been made:

ER9141

1. On page 23, line 3, "shall mean" has been struck, shown as stricken, and "means" inserted.

Enrollment and Review Change to LB 1003

The following changes, required to be reported for publication in the Journal, have been made:

ER9140

1. In the Schrock amendment, AM3544, on page 8, line 13, "the" has been inserted after "that".

2. In the Beutler amendment, FA1045, on page 1, line 4, "the" has been struck.

3. In the E & R amendments, AM7187:

a. Section 38 has been struck and the following new section inserted:

"Sec. 53. Original sections 2-1576, 37-101, 37-102, 37-453, 37-491, 37-4,105, 37-4,106, 37-528, 37-608, and 37-806, Reissue Revised Statutes of Nebraska, sections 2-1575, 2-1579, 37-201, 37-202, 37-406, 37-440, 37-525, 37-724, 54-2302, 54-2305, 54-2322, 72-2005, 72-2006, 72-2008, 72-2010, 72-2011, 81-15,167, 81-15,170, 81-15,175, and 81-15,176, Revised Statutes Supplement, 2000, and sections 37-407, 37-426, 37-455, 49-1401, 49-1493, and 66-1519, Revised Statutes Supplement, 2001, are repealed."; and

b. On page 32, line 4, "2-1576, 37-101, 37-102," has been inserted after "sections"; in line 5 "and 37-608" has been struck and "37-608, and 37-806" inserted; in line 6 "2-1575, 2-1579," has been inserted after "sections"; in line 10 "and 49-1493" has been struck and "49-1493, and 66-1519" inserted; in line 11 "to create the Water Policy Task Force; to state findings; to provide powers and duties; to create a fund; to provide for payments from the Nebraska Soil and Water Conservation Fund; to provide for fund transfers;" has been inserted after the semicolon and "membership on the Game and Parks Commission," has been inserted after the second "to"; and in line 14 "procedures for determination of a species to be endangered or threatened," has been inserted after the last comma.

Enrollment and Review Change to LB 1054

The following changes, required to be reported for publication in the Journal, have been made:

ER9137

1. In the Schimek amendment, AM3377, on page 9, line 10, "(a)" has been struck and "(i)" inserted; in line 11 "(b)" has been struck and "(ii)" inserted; in line 12 "(c)" has been struck and "(iii)" inserted; in line 13 "(d)" has been struck and "(iv)" inserted; and in line 15 "(e)" has been struck and "(v)" inserted.

2. On page 1, line 1, "civil rights" has been struck and "government" inserted and "19-616," has been inserted after "sections"; in line 3 "32-1303, 32-1304," has been inserted after the first comma; in line 4 "32-231," has been inserted after the second comma and "32-628," has been inserted after the last comma; in line 7 "to provide for vacancies in office for unexcused absences from municipal meetings;" has been inserted after the semicolon; in line 9 "recall petitions," has been inserted before "absentee" and a semicolon has been inserted before "to"; and in line 10 "to change and provide penalties;" has been inserted after the first semicolon.

3. On page 24, line 16, "19-616," has been inserted after "sections"; in line 17 "32-1303, 32-1304," has been inserted after "32-1119,"; and in line 19 "32-628," has been inserted after "32-236,." Sections have been renumbered and internal references corrected to reflect all adopted amendments.

Enrollment and Review Change to LB 1139

The following changes, required to be reported for publication in the Journal, have been made:
ER9133

1. In the E & R amendments, AM7186, on page 1, line 15, "to nullify an exclusion;" has been struck.

2. In the Standing Committee amendments, AM2460:

a. On page 12, line 4, "priorities" has been struck, shown as stricken, and "priority" inserted;

b. On page 15, line 21, "Class 2" has been struck and "subdivision (2) of this section" inserted;

c. On page 25, line 4, "that" has been struck; in line 5 "Does" has been struck and "That does" inserted; in line 9 "Is" has been struck and "That is" inserted; and in line 11 "subsection" has been struck and "subdivision" inserted;

d. On page 26, line 2, "under" has been struck and "in" inserted;

e. On page 35, line 15, "though" has been struck, shown as stricken, and "through" inserted;

f. On page 42, line 20, "as" has been inserted after "operation";

g. On page 43, line 24, an underscored comma has been inserted after the first "deferred";

h. On page 44, line 25, an underscored comma has been inserted after "fee";

i. On page 50, line 25, the first "and" has been struck;

j. On page 52, line 7, "services" has been struck and "service" inserted;

k. On page 53, line 14, the first "and" has been struck and an underscored comma inserted; and in line 15 an underscored comma has been inserted after the first "section";

l. On page 69, line 16, "of this section" has been inserted before "for";

m. On page 70, lines 9 and 13, "subsection" has been struck, shown as stricken, and "subdivision" inserted; and

n. On page 71, lines 5 and 9, "subsection" has been struck and "subdivision" inserted.

3. On page 5, line 15, "Copies" has been struck and "A copy" inserted.
4. On page 8, line 7, "a" has been inserted after "against".
5. On page 9, line 2, an underscored comma has been inserted after "shall" and "type".

Enrollment and Review Change to LB 1236

The following changes, required to be reported for publication in the Journal, have been made:

ER9138

1. In the Wickersham amendment, FA1058, on page 1, line 7, the comma has been struck and "and" inserted.
2. In the Standing Committee amendments, AM2946:
 - a. On page 1, line 22, "the" has been inserted before "Nebraska";
 - b. On page 3, line 27, "eleven members, as" has been struck; and
 - c. On page 4, line 1, "follows" has been struck and "the following members" inserted.

Enrollment and Review Change to LR 4CA

The following changes, required to be reported for publication in the Journal, have been made:

ER9139

1. On page 1, line 2, "FIRST" has been struck and "SECOND" inserted.

(Signed) Philip Erdman, Chairperson

SELECT FILE

LEGISLATIVE BILL 1085. The Wickersham pending amendment, AM3608, found on page 1500, as amended, was renewed.

Senator Wickersham moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Senator Wickersham requested a roll call vote on his amendment, as amended.

Voting in the affirmative, 31:

| | | | | |
|----------|----------|---------------|--------------|------------|
| Beutler | Connealy | Jensen | Pederson, D. | Vrtiska |
| Bourne | Coordsen | Jones | Price | Wehrbein |
| Brashear | Cudaback | Kremer | Raikes | Wickersham |
| Bromm | Dierks | Kristensen | Schrock | |
| Bruning | Engel | Kruse | Smith | |
| Burling | Hartnett | Landis | Synowiecki | |
| Byars | Janssen | Pedersen, Dw. | Thompson | |

Voting in the negative, 0.

Present and not voting, 18:

| | | | | |
|----------|------------|----------|----------|--------|
| Aguilar | Cunningham | Maxwell | Redfield | Suttle |
| Baker | Erdman | McDonald | Robak | Tyson |
| Brown | Foley | Preister | Schimek | |
| Chambers | Hudkins | Quandahl | Stuhr | |

The Wickersham amendment, as amended, was adopted with 31 ayes, 0 nays, and 18 present and not voting.

The Chair declared the call raised.

Pending.

EASE

The Legislature was at ease from 3:08 p.m. until 3:31 p.m.

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 1278. Placed on Select File as amended.
(E & R amendment, AM7223, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 876. Placed on Select File as amended.

E & R amendment to LB 876:

AM7222

1 1. In the Standing Committee amendments, AM2941:
2 a. Insert the following new sections:
3 "Sec. 39. Section 25-2151, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 25-2151. If, in the case mentioned in section 25-2150,
6 there shall be any default subsequent to such decree in the payment
7 of any portion or installment of the principal, or any interest due
8 upon such mortgage, the court may, upon the petition complaint of
9 the complainant, by a further order, founded upon such first
10 decree, direct a sale of so much of the mortgaged premises to be
11 made, under such decree, as will be sufficient to satisfy the
12 amount so due, with the costs of such petition complaint and
13 subsequent proceedings thereon, and the same proceedings may be had
14 as often as a default shall happen.
15 Sec. 54. Section 25-2211, Reissue Revised Statutes of
16 Nebraska, is amended to read:
17 25-2211. The trial docket shall be made out by the clerk
18 of the court at least twelve days before the first day of each term
19 of the court; and the actions shall be set for particular days in
20 the order in which the issues were made up, whether of law or of

21 fact, and so arranged that the cases set for each day shall be
 22 tried as nearly as may be on that day. For the purpose of
 23 arranging the docket, an issue shall be considered as made up when
 24 either party is in default of a pleading. If the defendant fails
 1 to answer, ~~or demur~~, the cause for the purpose of this section
 2 shall be deemed to be at issue upon questions of fact, but in every
 3 such case the plaintiff may move for and take such judgment as he
 4 ~~or she~~ is entitled to, on the defendant's default, on or after the
 5 day on which ~~said the~~ action ~~shall be~~ is set for trial. No
 6 witnesses shall be subpoenaed in any case while the cause stands
 7 upon issue of law; ~~and whenever~~ Whenever the court shall ~~regard~~
 8 ~~regards~~ the ~~demurrer answer~~ in any case as frivolous, and put in
 9 for delay only, no leave to answer or reply shall be given, unless
 10 upon payment of all costs then accrued in the action; ~~PROVIDED,~~
 11 ~~when~~ When the number of actions to be docketed shall ~~exceed~~ exceeds
 12 three hundred, the judge or judges of the district court for the
 13 county may, by rule or order, classify them in such manner as they
 14 may deem expedient; and cause them to be placed according to such
 15 classifications upon different dockets; and the respective dockets
 16 may be proceeded with and causes thereon tried, heard, or otherwise
 17 disposed of, concurrently by one or more of the judges; ~~and~~
 18 ~~provision~~ Provision may be made by rule of court that issues of
 19 fact shall not be for trial at any term when the number of pending
 20 actions shall ~~exceed~~ exceeds three hundred, except upon such
 21 previous notice of trial as may be prescribed thereby.
 22 Sec. 88. Sections 1, 4, 55, 59 to 63, 72, 73, 78, 80,
 23 and 89 of this act become operative three calendar months after
 24 adjournment of this legislative session. Sections 3, 64 to 71, 86,
 25 88, 91, and 93 of this act become operative on their effective
 26 date. The other sections of this act become operative on January
 27 1, 2003.";

- 1 b. On page 23, line 2, after "awarded" insert an
- 2 underscored comma;
- 3 c. On page 33, line 26, strike the first "or" and insert
- 4 an underscored comma;
- 5 d. On page 45, line 8, strike "71-1442" and insert
- 6 "76-1442";
- 7 e. On page 48, line 19, after the fourth comma insert
- 8 "25-2151,"; and in line 21 after "25-2210," insert "25-2211,"; and
- 9 f. Renumber remaining sections and correct internal
- 10 references accordingly.
- 11 2. In the Kristensen amendment, AM3183:
- 12 a. Strike section 86;
- 13 b. On page 9, line 16, strike "a term", show as
- 14 stricken, and insert "terms"; and
- 15 c. On page 10, line 27, after "amounts" insert an
- 16 underscored comma.
- 17 3. On page 1, strike beginning with "civil" in line 1
- 18 through line 17 and insert "law; to amend sections 24-209, 25-217,

19 25-318, 25-321, 25-323, 25-328, 25-330, 25-331, 25-501, 25-503.01,
 20 25-504.01, 25-516.01, 25-531, 25-1002, 25-1063, 25-1064.01,
 21 25-1075, 25-1085, 25-1102, 25-1321, 25-1715, 25-2005, 25-2124,
 22 25-2125, 25-2137 to 25-2140, 25-2142, 25-2143, 25-2148, 25-2151,
 23 25-2162, 25-2170, 25-2171, 25-2178, 25-21108, 25-21,113,
 24 25-21,115, 25-21,124, 25-21,134, 25-21,156, 25-21,202, 25-21,206,
 25 25-21,223, 25-2210, 25-2211, 25-2221, 25-2226, 29-3920, 33-107.01,
 26 42-351, 44-2833, 44-2840, 44-2841, 44-2842, 76-1441, 76-1442,
 27 77-1904, and 77-1906, Reissue Revised Statutes of Nebraska,
 1 sections 25-519, 25-525, 25-1506, 25-2002, 25-2704, 25-2805,
 2 45-103, 60-4,105, 76-1002, 77-1917, and 81-1316, Revised Statutes
 3 Supplement, 2000, and sections 13-518, 25-2924, 25-2925, 25-2928,
 4 29-2709, 29-3921, 29-3927, 29-3931, 29-3932, 29-3933, 29-4121, and
 5 29-4122, Revised Statutes Supplement, 2001; to change and eliminate
 6 general civil procedure pleading provisions; to rename the County
 7 Revenue Assistance Fund; to change provisions relating to the
 8 Commission on Public Advocacy, reimbursement to counties, court
 9 holidays, distribution of court reports, a legal services fee,
 10 court jurisdiction in dissolution of marriage proceedings, interest
 11 on decrees and judgments, and trust deeds; to change and terminate
 12 provisions relating to settlement escrow; to harmonize provisions;
 13 to provide duties for the Revisor of Statutes; to provide operative
 14 dates; to repeal the original sections; to outright repeal sections
 15 25-801 to 25-823, 25-832 to 25-838, 25-841 to 25-856, 25-2175,
 16 77-1905, and 77-1907, Reissue Revised Statutes of Nebraska; and to
 17 declare an emergency."
 18 4. On page 2, strike lines 1 through 3.

LEGISLATIVE BILL 1115. Placed on Select File as amended.
 E & R amendment to LB 1115:
 AM7224

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 "Section 1. The Legislature finds and declares that drug
 4 use contributes to crime in Nebraska, costs millions of dollars in
 5 lost productivity, and contributes to the burden placed upon law
 6 enforcement, court, and correctional systems in Nebraska.
 7 The Legislature also finds and declares that drug court
 8 programs are effective in reducing recidivism of criminal behavior
 9 of persons who participate in and complete drug court programs.
 10 The Legislature recognizes that a drug court program offers a
 11 person charged with certain offenses an alternative component of
 12 the traditional criminal justice or juvenile justice proceedings.
 13 Sec. 2. For purposes of sections 1 to 4 of this act,
 14 drug court program means a program supervised by a court, subject
 15 to any rules promulgated by the Supreme Court for procedures to be
 16 implemented in the administration of such program within the court
 17 system, that has special calendars or dockets designed to achieve a
 18 reduction in substance abuse and recidivism of criminal behavior

19 among nonviolent, substance abusing offenders by increasing their
 20 likelihood for successful rehabilitation through early, continuous,
 21 and intense judicially supervised treatment, mandatory periodic
 22 drug testing, case management, and the use of appropriate sanctions
 23 and other rehabilitation services.

24 Sec. 3. In those jurisdictions where a drug court

1 program has been or will be created, the drug court program's local
 2 governing body may enter into interlocal agreements with local and
 3 state agencies for implementation and management of the drug court
 4 program and may provide funds in advance of the rendition of drug
 5 court program services.

6 Sec. 4. In a case involving criminal activity in which

7 the offender is participating in a court-ordered drug treatment
 8 program, a judge of any court of this state may:

9 (1) Order drug testing for the offender;

10 (2) Impose jail time as a sanction for noncompliance with
 11 the drug treatment program; or

12 (3) Impose any other condition deemed reasonably

13 necessary to assure compliance with the drug treatment program.

14 Sec. 5. Laws 2001, LB 543, section 159, as amended by

15 section 98, Legislative Bill 1, Ninety-seventh Legislature, First

16 Special Session, 2001, and section 96, Legislative Bill 1309,

17 Ninety-seventh Legislature, Second Session, 2002, is amended to

18 read:

19 Sec. 159. AGENCY NO. 46 -- DEPARTMENT OF CORRECTIONAL
 20 SERVICES

21 Program No. 200 - Operations

| | FY2001-02 | FY2002-03 |
|------------------------|-------------|-------------|
| 23 GENERAL FUND | 107,168,199 | 118,296,355 |
| 24 CASH FUND | 1,782,737 | 582,737 |
| 25 FEDERAL FUND est. | 409,015 | 240,182 |
| 26 REVOLVING FUND est. | 16,151,137 | 16,284,555 |
| 27 PROGRAM TOTAL | 125,511,088 | 135,403,829 |
| 1 SALARY LIMIT | 64,921,080 | 73,278,432 |

2 The salary limitations provided by this section do not

3 include Revolving Fund salaries. There are no salary limitations

4 for Revolving Fund program classifications 390 and 563.

5 The Department of Administrative Services shall monitor

6 the appropriations and expenditures for this program according to

7 the following program classifications:

8 No. 260 - Nebraska Correctional Youth Facility

9 No. 300 - Tecumseh Correctional Center

10 No. 367 - Community-Based Services

11 No. 368 - Lincoln Community Corrections Center

12 No. 369 - Omaha Community Corrections Center

13 No. 370 - Central Office

14 No. 372 - Nebraska State Penitentiary

15 No. 373 - Nebraska Center for Women - York

16 No. 375 - Diagnostic and Evaluation Center

17 No. 376 - Lincoln Correctional Center
 18 No. 377 - Omaha Correctional Center
 19 No. 378 - Hastings Correctional Center
 20 No. 383 - Correctional Treatment Facility
 21 No. 386 - McCook Incarceration Work Camp
 22 No. 389 - Adult Parole Administration
 23 No. 390 - Federal Surplus Property
 24 No. 495 - Department Central Warehouse
 25 No. 563 - Correctional Industries
 26 Revolving Fund expenditures shall not be limited to the
 27 amounts shown.

1 The unexpended General Fund appropriation balance
 2 existing on June 30, 2001, is hereby reappropriated.
 3 ~~No funds for community-based services are included in the~~
 4 ~~appropriation to this program for FY2002-03. Funds for~~
 5 community-based services are included in the appropriation to this
 6 program for FY2002-03, including funding for drug court program
 7 services.

8 There is included in the appropriation to this program
 9 for FY2001-02 \$275,000 General Funds for state aid, which shall
 10 only be used for such purpose. There is included in the
 11 appropriation to this program for FY2002-03 ~~\$269,500 \$-0-~~ General
 12 Funds for state aid, which shall only be used for such purpose.

13 It is intended that the Department of Correctional
 14 Services shall maintain a Department Contingency Fund and a
 15 Department Equipment Fund.

16 Sec. 6. Original Laws 2001, LB 543, section 159, as
 17 amended by section 98, Legislative Bill 1, Ninety-seventh
 18 Legislature, First Special Session, 2001, and section 96,
 19 Legislative Bill 1309, Ninety-seventh Legislature, Second Session,
 20 2002, is repealed."

21 2. On page 1, line 1, after the semicolon insert "to
 22 amend Laws 2001, LB 543, section 159, as amended by section 98,
 23 Legislative Bill 1, Ninety-seventh Legislature, First Special
 24 Session, 2001, and section 96, Legislative Bill 1309,
 25 Ninety-seventh Legislature, Second Session, 2002;"; and in line 2
 26 before the period insert "; to provide additional powers concerning
 27 participants in court-ordered drug treatment programs; to change an
 1 appropriation; and to repeal the original section".

LEGISLATIVE BILL 488. Placed on Select File as amended.

E & R amendment to LB 488:

AM7228

1 1. In the Standing Committee amendments, AM2603:
 2 a. On page 5, lines 10 and 11, strike "Director of Motor
 3 Vehicles" and insert "director"; and
 4 b. On page 6, line 27, strike "department" and insert
 5 "Department of Motor Vehicles".
 6 2. On page 1, strike beginning with "the" in line 1

7 through line 15 and insert "motor vehicles; to amend sections
8 60-302 and 60-1515, Revised Statutes Supplement, 2001; to provide
9 for additional registration fees; to create the motor vehicle
10 insurance data base; to provide duties; to provide immunity; to
11 create an unfair insurance trade practice; to create a task force;
12 to harmonize provisions; to provide a duty for the Revisor of
13 Statutes; and to repeal the original sections."

LEGISLATIVE BILL 488A. Placed on Select File.

LEGISLATIVE BILL 847. Placed on Select File as amended.

(E & R amendment, AM7225, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 1033. Placed on Select File as amended.

E & R amendment to LB 1033:

AM7221

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 71-5178, Revised Statutes
- 4 Supplement, 2001, is amended to read:
- 5 71-5178. The department, with the approval of the board,
- 6 shall adopt and promulgate rules and regulations necessary to:
- 7 (1) Implement the Emergency Medical Services Act;
- 8 (2) Create the following certification classifications of
- 9 out-of-hospital emergency care providers: (a) First responder; (b)
- 10 emergency medical technician; (c) emergency medical
- 11 technician-intermediate; and (d) emergency medical
- 12 technician-paramedic. The rules and regulations creating the
- 13 classifications shall include the practices and procedures
- 14 authorized for each classification, training and testing
- 15 requirements, recertification requirements, and other criteria and
- 16 qualifications for each classification determined to be necessary
- 17 for protection of public health and safety;
- 18 (3) Provide for curricula which will allow
- 19 out-of-hospital emergency care providers and users of automated
- 20 external defibrillators as defined in section 71-51,102 to be
- 21 trained for the delivery of practices and procedures in units of
- 22 limited subject matter which will encourage continued development
- 23 of abilities and use of such abilities through additional
- 24 authorized practices and procedures;
- 1 (4) Establish procedures and requirements for
- 2 applications for examination, certification, or recertification in
- 3 any of the certification classifications created pursuant to the
- 4 Emergency Medical Services Act;
- 5 (5) Provide for the licensure of basic life support
- 6 services and advanced life support services. The rules and
- 7 regulations providing for licensure shall include standards and

8 requirements for: Vehicles, equipment, maintenance, sanitation,
9 inspections, personnel, training, medical direction, records
10 maintenance, practices and procedures to be provided by employees
11 or members of each classification of service, and other criteria
12 for licensure established by the department with the approval of
13 the board;

14 (6) Authorize emergency medical services to provide
15 differing practices and procedures depending upon the
16 qualifications of out-of-hospital emergency care providers
17 available at the time of service delivery. No emergency medical
18 service shall be licensed to provide practices or procedures
19 without the use of personnel certified to provide the practices or
20 procedures;

21 (7) Authorize out-of-hospital emergency care providers to
22 perform any practice or procedure which they are authorized to
23 perform with an emergency medical service other than the service
24 with which they are affiliated when requested by the other service
25 and when the patient for whom they are to render services is in
26 danger of loss of life;

27 (8) Provide for the approval, inspection, review, and
1 termination of approval of training agencies and establish minimum
2 standards for services provided by training agencies. All training
3 for certification shall be provided through an approved or
4 accredited training agency;

5 (9) Provide for the minimum qualifications of a physician
6 medical director in addition to the licensure required by
7 subdivision (10) of section 71-5175;

8 (10) Provide for the use of physician medical directors,
9 qualified physician surrogates, model protocols, standing orders,
10 operating procedures, and guidelines which may be necessary or
11 appropriate to carry out the purposes of the act. The model
12 protocols, standing orders, operating procedures, and guidelines
13 may be modified by the physician medical director for use by any
14 out-of-hospital emergency care provider or emergency medical
15 service before or after adoption;

16 (11) Establish criteria for approval of organizations
17 issuing cardiopulmonary resuscitation certification which shall
18 include criteria for instructors, establishment of certification
19 periods and minimum curricula, and other aspects of training and
20 certification;

21 (12) Establish recertification and renewal requirements
22 for out-of-hospital emergency care providers and emergency medical
23 services and provide for compliance with recertification
24 requirements by one of the following methods: (a) Continuing
25 education; (b) achieving a department-prescribed level of
26 performance on a written and practical skills test; or (c)
27 verification by a physician medical director or qualified physician
1 surrogate that the applicant is qualified for recertification. The
2 recertification requirements for out-of-hospital emergency care

3 providers shall allow recertification at the same or any lower
4 level of certification for which the out-of-hospital emergency care
5 provider is determined to be qualified;

6 (13) Establish criteria for deployment and use of
7 automated external defibrillators as necessary for the protection
8 of the public health and safety; ~~and~~

9 (14) Create certification, recertification, and renewal
10 requirements for emergency medical service instructors. The rules
11 and regulations shall include the practices and procedures for
12 certification, recertification, and renewal; ~~and~~

13 (15) Establish criteria for emergency medical
14 technicians-intermediate and emergency medical
15 technicians-paramedic performing activities within their scope of
16 practice at a hospital or health clinic under subsection (3) of
17 section 71-5184. Such criteria shall include, but not be limited
18 to: (a) Requirements for the orientation of registered nurses,
19 physician assistants, and physicians involved in the supervision of
20 such personnel; (b) supervisory and training requirements for the
21 physician medical director or other person in charge of the medical
22 staff at such hospital or health clinic; and (c) a requirement that
23 such activities shall only be performed at the discretion of, and
24 with the approval of, the governing authority of such hospital or
25 health clinic. For purposes of this subdivision, health clinic has
26 the definition found in section 71-416 and hospital has the
27 definition found in section 71-419.

1 All certificates and licenses issued under the act shall
2 expire at midnight on December 31 the third year after issuance.

3 Sec. 2. Section 71-5184, Revised Statutes Supplement,
4 2000, is amended to read:

5 71-5184. (1) An out-of-hospital emergency care provider
6 other than a first responder as classified under section 71-5178
7 may not assume the duties incident to the title or practice the
8 skills of an out-of-hospital emergency care provider unless he or
9 she is employed by or serving as a volunteer member of an emergency
10 medical service licensed by the department.

11 (2) An out-of-hospital emergency care provider may only
12 practice the skills he or she is authorized to employ and which are
13 covered by the certificate issued to such provider pursuant to
14 section 71-5181.

15 (3) An emergency medical technician-intermediate or an
16 emergency medical technician-paramedic may volunteer or be employed
17 at a hospital as defined in section 71-419 or a health clinic as
18 defined in section 71-416 to perform activities within his or her
19 scope of practice within such hospital or health clinic under the
20 supervision of a registered nurse, a physician assistant, or a
21 physician. Such activities shall be performed in a manner
22 established in rules and regulations adopted and promulgated by the
23 department with approval of the board, except as provided in
24 subdivision (7) of section 71-5178.

25 Sec. 3. Original section 71-5184, Revised Statutes
26 Supplement, 2000, and section 71-5178, Revised Statutes Supplement,
27 2001, are repealed."

- 1 2. On page 1, strike lines 2 through 4 and insert
- 2 "section 71-5184, Revised Statutes Supplement, 2000, and section
- 3 71-5178, Revised Statutes Supplement, 2001; to change scope of
- 4 practice provisions; to provide for rules and regulations; and to
- 5 repeal the original sections."

LEGISLATIVE BILL 426. Placed on Select File as amended.

E & R amendment to LB 426:

AM7227

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Sections 1 to 10 of this act shall be known
- 4 and may be cited as the Peace Officer Employer-Employee Relations
- 5 Act.
- 6 Sec. 2. (1) The Legislature finds and declares that
- 7 effective law enforcement is dependent upon the maintenance of
- 8 stable relations between peace officers and their employers.
- 9 Moreover, the existence of stable relations between peace officers
- 10 and their employers will enhance law enforcement services provided
- 11 to the citizens of Nebraska.
- 12 (2) The purpose of the Peace Officer Employer-Employee
- 13 Relations Act is to prescribe certain rights for peace officers,
- 14 particularly when they are placed under investigation by their
- 15 employer.
- 16 (3) The act only applies to administrative actions and
- 17 does not apply to criminal investigations of a peace officer except
- 18 as provided in section 8 of this act.
- 19 Sec. 3. For purposes of the Peace Officer
- 20 Employer-Employee Relations Act, peace officer means any employee
- 21 of a police or sheriff's department that is part of or administered
- 22 by any political subdivision of the state who is responsible for
- 23 the prevention and detection of crime and the enforcement of the
- 24 laws of the state.
- 1 Sec. 4. When any peace officer is under investigation by
- 2 his or her employer for alleged actions that could result in
- 3 administrative sanctions being levied against the peace officer,
- 4 the following requirements shall be adhered to:
- 5 (1) Any interrogation of the peace officer shall be
- 6 conducted when the peace officer is on duty or during his or her
- 7 normal waking hours unless the urgency of the investigation
- 8 requires otherwise;
- 9 (2) Any interrogation of the peace officer shall be
- 10 conducted at the employer's facility unless the urgency of the
- 11 investigation requires otherwise;
- 12 (3) Prior to commencement of any interrogation session:
- 13 (a) The peace officer shall be informed of the name and

- 14 rank of the person in charge of the interrogation and all other
15 persons who will be present during the interrogation;
- 16 (b) The peace officer shall be informed of the nature of
17 the investigation, and the names of all known complainants shall be
18 disclosed to the peace officer unless the chief administrator of
19 the peace officer's employer determines that the identification of
20 the complainant should not be disclosed because it is necessary for
21 the protection of an informant or because disclosure would
22 jeopardize or compromise the integrity or security of the
23 investigation; and
- 24 (c) A reasonable attempt shall be made to notify the
25 peace officer's commanding officer of the pending interrogation;
- 26 (4) A peace officer shall be informed of the nature of
27 the investigation and shall receive a copy of the written formal
1 complaint against him or her at least twenty-four hours prior to
2 his or her interrogation by the employer. The twenty-four-hour
3 period may be waived if the complaint alleges intoxication or drug
4 incapacitation during on-duty status. The peace officer shall be
5 permitted to have either his or her choice of an attorney or other
6 representation or both present during the interrogation. If the
7 peace officer is not able to obtain and consult with his or her
8 attorney or other representation, the peace officer may be granted
9 up to an additional twenty-four hours by the employer. The peace
10 officer being interrogated shall be made aware of the fact that any
11 statement may be used by the employer as part of the investigation.
12 The employer shall tape record the entire interrogation, and the
13 peace officer shall be made aware that a recording is being made.
14 The only tape recording of the interrogation allowed shall be by
15 the employer;
- 16 (5) The combined duration of a peace officer's work shift
17 and any interrogation session shall not exceed fourteen hours
18 within a twenty-four-hour period unless the urgency of the
19 investigation requires otherwise;
- 20 (6) There shall not be more than two interrogators at any
21 given time;
- 22 (7) A peace officer shall be allowed time to attend to
23 physical necessities as they occur in the course of an
24 interrogation;
- 25 (8) A peace officer shall not be subjected to offensive
26 language or illegal coercion by his or her interrogator in the
27 course of an interrogation;
- 1 (9) The complete interrogation shall be published as a
2 transcript, and any recesses called during the interrogation shall
3 be noted in the transcript; and
- 4 (10) An accurate copy of the recorded interrogation or
5 the transcript shall be provided to the peace officer upon his or
6 her written request after the investigation is complete and no
7 later than five days before a scheduled hearing.
- 8 Sec. 5. After reviewing all the information collected in

9 the course of an investigation of a peace officer, the chief
10 administrator of the peace officer's employer may order the peace
11 officer to submit to a polygraph examination administered by a
12 licensed polygraph examiner if:

13 (1) All other reasonable investigative means have been
14 exhausted; and

15 (2) The peace officer has been advised of the chief
16 administrator's reasons for ordering the polygraph examination.

17 Sec. 6. When any peace officer is under investigation
18 for an administrative matter, the peace officer shall be permitted
19 to produce any relevant documents, witnesses, or other evidence to
20 support his or her case and he or she may cross-examine any adverse
21 witnesses during any grievance process or appeal involving
22 disciplinary action.

23 Sec. 7. (1) No document containing comments adverse to a
24 peace officer shall be entered into his or her personnel file
25 unless the peace officer has read and signed the document. When a
26 peace officer refuses to sign a document containing such adverse
27 comments, the document may be entered into the peace officer's
1 personnel file if:

2 (a) The peace officer's refusal to sign the document is
3 noted on the document by the chief administrator of the peace
4 officer's employer; and

5 (b) The notation is witnessed by a third party.

6 (2) A peace officer may file a written response to any
7 document containing adverse comments entered into his or her
8 personnel file, and the response shall be filed with the peace
9 officer's employer within thirty days after the document is entered
10 into the personnel file. A peace officer's written response shall
11 be attached to the document.

12 Sec. 8. When any peace officer is under administrative
13 investigation and a determination is made to commence a criminal
14 investigation, the peace officer shall be immediately notified of
15 the investigation and shall be afforded all the protections set
16 forth in the United States Constitution and the Constitution of
17 Nebraska.

18 Sec. 9. A peace officer shall not be subjected to any
19 retaliation by his or her employer due to his or her lawful
20 exercise of his or her rights under the Peace Officer
21 Employer-Employee Relations Act.

22 Sec. 10. If an employer violates any part of the Peace
23 Officer Employer-Employee Relations Act, the peace officer shall
24 have the right to petition the district court for monetary damages,
25 attorney's fees, costs of the action, and equitable relief."

LEGISLATIVE BILL 876A. Placed on Select File.

(Signed) Philip Erdman, Chairperson

SELECT FILE

LEGISLATIVE BILL 1085. Senators Kristensen and Wickersham offered the following amendment:

AM3624

1 1. Insert the following new sections:

2 "Section 1. Section 77-2701.02, Revised Statutes

3 Supplement, 2000, is amended to read:

4 77-2701.02. Pursuant to section 77-2715.01:

5 (1) Until July 1, 1998, ~~or April 15, 1998, whichever is~~

6 ~~later~~, the rate of the sales tax levied pursuant to section 77-2703

7 shall be five percent;

8 (2) Commencing July 1, 1998, ~~or April 15, 1998, whichever~~

9 ~~is later~~, and until July 1, 1999, the rate of the sales tax levied

10 pursuant to section 77-2703 shall be four and one-half percent; and

11 (3) Commencing July 1, 1999, and until the start of the

12 first calendar quarter after the operative date of this section,

13 the rate of the sales tax levied pursuant to section 77-2703 shall

14 be five percent;

15 (4) Commencing on the start of the first calendar quarter

16 after the operative date of this section, and until the start of

17 the fifth calendar quarter after the operative date of this

18 section, the rate of the sales tax levied pursuant to section

19 77-2703 shall be five and one-half percent; and

20 (5) Commencing on the start of the fifth calendar quarter

21 after the operative date of this section, the rate of the sales tax

22 levied pursuant to section 77-2703 shall be five percent.

23 Sec. 2. Section 77-2602, Revised Statutes Supplement,

24 2001, is amended to read:

1 77-2602. (1) Every person engaged in distributing or

2 selling cigarettes at wholesale in this state shall pay to the Tax

3 Commissioner of this state a special privilege tax. This shall be

4 in addition to all other taxes. It shall be paid prior to or at

5 the time of the sale, gift, or delivery to the retail dealer in the

6 several amounts as follows: On each package of cigarettes

7 containing not more than twenty cigarettes, ~~thirty-four~~ sixty-four

8 cents per package; and on packages containing more than twenty

9 cigarettes, the same tax as provided on packages containing not

10 more than twenty cigarettes for the first twenty cigarettes in each

11 package and a tax of one-twentieth of the tax on the first twenty

12 cigarettes on each cigarette in excess of twenty cigarettes in each

13 package. Commencing July 1, 1994, and continuing until July 1,

14 2009, the State Treasurer shall place the equivalent of twenty-one

15 cents of such tax less three million dollars each fiscal year of

16 proceeds of such tax in the General Fund. Commencing July 1, 2009,

17 the State Treasurer shall place the equivalent of twenty-one cents

18 of such tax in the General Fund. For purposes of this section, the

19 equivalent of a specified number of cents of the tax shall mean

20 that portion of the proceeds of the tax equal to the specified

21 number divided by ~~thirty-four~~ sixty-four. The State Treasurer
22 shall distribute the remaining proceeds of such tax in the
23 following order:

24 (a) First, beginning July 1, 1980, the State Treasurer
25 shall place the equivalent of one cent of such tax in the Nebraska
26 Outdoor Recreation Development Cash Fund. For fiscal year
27 distributions occurring after FY1998-99, the distribution under
1 this subdivision shall not be less than the amount distributed
2 under this subdivision for FY1997-98. Any money needed to increase
3 the amount distributed under this subdivision to the FY1997-98
4 amount shall reduce the ~~twenty-one-cent~~ distribution to the General
5 Fund;

6 (b) Second, beginning July 1, 1993, the State Treasurer
7 shall place the equivalent of three cents of such tax in the
8 Department of Health and Human Services Finance and Support Cash
9 Fund to carry out sections 81-637 to 81-640. For fiscal year
10 distributions occurring after FY1998-99, the distribution under
11 this subdivision shall not be less than the amount distributed
12 under this subdivision for FY1997-98. Any money needed to increase
13 the amount distributed under this subdivision to the FY1997-98
14 amount shall reduce the ~~twenty-one-cent~~ distribution to the General
15 Fund;

16 (c) Third, beginning July 1, 2001, and continuing until
17 October 1, 2002, the State Treasurer shall place the equivalent of
18 five cents of such tax in the Building Renewal Allocation Fund.
19 Beginning October 1, 2002, and continuing until October 1, 2004,
20 the State Treasurer shall place the equivalent of seven cents of
21 such tax in the Building Renewal Allocation Fund. Beginning
22 October 1, 2004, and continuing until all the purposes of the
23 Deferred Building Renewal Act have been fulfilled, the State
24 Treasurer shall place the equivalent of five cents of such tax in
25 the Building Renewal Allocation Fund. The Legislature shall
26 appropriate each fiscal year all sums inuring to the fund, plus
27 interest earnings for the Task Force for Building Renewal to be
1 used to carry out its duties and to fulfill the purposes of the
2 Deferred Building Renewal Act. Unexpended balances existing at the
3 end of each fiscal year shall be, and are hereby, reappropriated.
4 For fiscal year distributions occurring after FY1998-99, the
5 distribution under this subdivision shall not be less than
6 five-sevenths of the amount distributed under this subdivision for
7 FY1997-98. Any money needed to increase the amount distributed
8 under this subdivision to five-sevenths of the FY1997-98 amount
9 shall reduce the ~~twenty-one-cent~~ distribution to the General Fund;

10 (d) Fourth, until October 1, 2002, and beginning on
11 October 1, 2004, the State Treasurer shall place the difference
12 between the equivalent of thirteen cents of such tax and the sum of
13 the amounts distributed pursuant to subdivisions (a) through (c)
14 and (f) through (h) of this subsection in a special fund to be
15 known as the Nebraska Capital Construction Fund. Beginning October

16 1, 2002, and continuing until October 1, 2004, the State Treasurer
17 shall place the difference between the equivalent of forty-three
18 cents of such tax and the sum of the amounts distributed pursuant
19 to subdivisions (a) through (c) and (f) through (i) of this
20 subsection in the Nebraska Capital Construction Fund;

21 (e) Fifth, beginning July 1, 1994, and continuing until
22 July 1, 2009, the State Treasurer shall place in the Municipal
23 Infrastructure Redevelopment Fund the sum of three million dollars
24 each fiscal year to carry out the Municipal Infrastructure
25 Redevelopment Fund Act. The Legislature shall appropriate the sum
26 of three million dollars each year for fiscal year 1994-95 through
27 fiscal year 2008-09;

1 (f) Sixth, beginning July 1, 2001, the State Treasurer
2 shall place the equivalent of two cents of such tax in the
3 Information Technology Infrastructure Fund;

4 (g) Seventh, beginning July 1, 2001, and continuing until
5 June 30, 2016, the State Treasurer shall place one million dollars
6 each fiscal year in the City of the Primary Class Development Fund.
7 If necessary, the State Treasurer shall reduce the distribution of
8 tax proceeds to the General Fund pursuant to this subsection by
9 such amount required to fulfill the one million dollars to be
10 distributed pursuant to this subdivision; ~~and~~

11 (h) Eighth, beginning July 1, 2001, and continuing until
12 June 30, 2016, the State Treasurer shall place one million five
13 hundred thousand dollars each fiscal year in the City of the
14 Metropolitan Class Development Fund. If necessary, the State
15 Treasurer shall reduce the distribution of tax proceeds to the
16 General Fund pursuant to this subsection by such amount required to
17 fulfill the one million five hundred thousand dollars to be
18 distributed pursuant to this subdivision; and

19 (i) Ninth, beginning October 1, 2002, and continuing
20 until October 1, 2004, the State Treasurer shall place the
21 equivalent of twenty-eight cents of such tax each fiscal year in
22 the Cash Reserve Fund.

23 (2) The Legislature hereby finds and determines that the
24 projects funded from the Municipal Infrastructure Redevelopment
25 Fund and the Building Renewal Allocation Fund are of critical
26 importance to the State of Nebraska. It is the intent of the
27 Legislature that the allocations and appropriations made by the
1 Legislature to such funds or, in the case of allocations for the
2 Municipal Infrastructure Redevelopment Fund, to the particular
3 municipality's account not be reduced until all contracts and
4 securities relating to the construction and financing of the
5 projects or portions of the projects funded from such funds or
6 accounts of such funds are completed or paid or, in the case of the
7 Municipal Infrastructure Redevelopment Fund, the earlier of such
8 date or July 1, 2009, and that until such time any reductions in
9 the cigarette tax rate made by the Legislature shall be
10 simultaneously accompanied by equivalent reductions in the amount

11 dedicated to the General Fund from cigarette tax revenue. Any
12 provision made by the Legislature for distribution of the proceeds
13 of the cigarette tax for projects or programs other than those to
14 (a) the General Fund, (b) the Nebraska Outdoor Recreation
15 Development Cash Fund, (c) the Department of Health and Human
16 Services Finance and Support Cash Fund, (d) the Municipal
17 Infrastructure Redevelopment Fund, (e) the Building Renewal
18 Allocation Fund, (f) the Information Technology Infrastructure
19 Fund, (g) the City of the Primary Class Development Fund, ~~and~~ (h)
20 the City of the Metropolitan Class Development Fund, and (i) the
21 Cash Reserve Fund shall not be made a higher priority than or an
22 equal priority to any of the programs or projects specified in
23 subdivisions (a) through ~~(h)~~ (i) of this subsection.

24 Sec. 15. Section 77-4008, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 77-4008. (1) Commencing on or after January 1, 1988, a
27 tax is hereby imposed upon the first owner of tobacco products to
1 be sold in this state. ~~The Prior to October 1, 2002, and on and~~
2 ~~after October 1, 2004, the tax shall be fifteen percent, and on and~~
3 ~~after October 1, 2002, and continuing until October 1, 2004, the~~
4 ~~tax shall be twenty percent,~~ of (a) the purchase price of such
5 tobacco products paid by the first owner or (b) the price at which
6 a first owner who made, manufactured, or fabricated the tobacco
7 product sells the items to others. Such tax shall be in addition
8 to all other taxes.

9 (2) Whenever any person who is licensed under section
10 77-4009 purchases tobacco products from another person licensed
11 under section 77-4009, the seller shall be liable for the payment
12 of the tax.

13 (3) On and after October 1, 2002, and continuing until
14 October 1, 2004, the Tax Commissioner shall remit the amount
15 collected pursuant to this section to the State Treasurer, and the
16 State Treasurer shall credit three-fourths of such amount to the
17 General Fund and one-fourth of such amount to the Cash Reserve
18 Fund. On and after October 1, 2004, amounts collected shall be
19 used and distributed pursuant to section 77-4025.

20 Sec. 16. Section 77-4025, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 77-4025. There is hereby created a cash fund in the
23 Department of Revenue to be known as the Tobacco Products
24 Administration Cash Fund. Except as otherwise provided in section
25 77-4008, all All revenue collected or received by the Tax
26 Commissioner from the license fees and taxes imposed by the Tobacco
27 Products Tax Act shall be remitted to the State Treasurer for
1 credit to the Tobacco Products Administration Cash Fund. All costs
2 required for administration of the Tobacco Products Tax Act shall
3 be paid from such fund. Credits and refunds allowed under the act
4 shall be paid from the Tobacco Products Administration Cash Fund.
5 Any receipts, after credits and refunds, in excess of the amounts

6 sufficient to cover the costs of administration shall lapse to the
 7 General Fund. Any money in the Tobacco Products Administration
 8 Cash Fund available for investment shall be invested by the state
 9 investment officer pursuant to the Nebraska Capital Expansion Act
 10 and the Nebraska State Funds Investment Act.

11 Sec. 17. Sections 1, 12 to 14, 17, 18, and 21 of this
 12 act become operative on their effective date with the emergency
 13 clause. The other sections of this act become effective on October
 14 1, 2002.

15 Sec. 18. Original sections 77-2701.02, 77-2715.02, and
 16 77-2716, Revised Statutes Supplement, 2000, and section 77-3442,
 17 Revised Statutes Supplement, 2001, are repealed.

18 Sec. 19. Original sections 77-2702.16, 77-2702.17,
 19 77-2704.11, 77-2704.26, 77-2704.27, 77-4008, and 77-4025, Reissue
 20 Revised Statutes of Nebraska, sections 77-2702.07, 77-2702.13,
 21 77-2702.14, and 77-2703, Revised Statutes Supplement, 2000, and
 22 section 77-2702, Revised Statutes Supplement, 2001, are repealed."

23 2. Strike the Jensen amendment, AM3503.

24 3. In the E & R amendment, AM7211:

25 a. Strike sections 13 to 15;

26 b. On page 3, lines 14 through 16, reinstate the
 27 stricken matter;

1 c. On page 4, strike beginning with "(a)" in line 13
 2 through line 23 and insert

3 "(a) The gross income received for building cleaning and
 4 maintenance, pest control, and security;

5 (b) The gross income received for motor vehicle washing,
 6 waxing, towing, and painting;

7 (c) The gross income received for computer software
 8 training; and

9 (d) The gross income received for installing and applying
 10 tangible personal property if the sale of the property is subject
 11 to tax.";

12 d. On page 28, line 27, strike the new matter and insert
 13 "or application";

14 e. On page 29, line 1, strike "applied, or repaired" and
 15 insert "or applied"; and in line 3 strike "application, or repair"
 16 and insert "or application"; and

17 f. On page 31, line 5, strike "2002" and insert "2003,
 18 and for taxable years beginning or deemed to begin on or after
 19 January 1, 2004"; and in line 11 strike "2002" and insert "2003,
 20 and before January 1, 2004".

21 4. Renumber the remaining sections and correct internal
 22 references accordingly.

SENATOR SCHIMEK PRESIDING

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Kristensen moved for a call of the house. The motion prevailed with 44 ayes, 0 nays, and 5 not voting.

The Kristensen-Wickersham amendment was adopted with 29 ayes, 19 nays, and 1 present and not voting.

The Chair declared the call raised.

Senator Brashear withdrew his pending amendments, FA932, found on page 1039, and AM3216, AM3241, AM3240, AM3308, AM3317, and AM3338, printed separately and referred to on pages 1063, 1073, 1133, 1183, and 1185.

Senator D. Pederson withdrew his pending amendment, FA939, found on page 1063.

Senator D. Pederson withdrew the D. Pederson et al. pending amendment, AM3199, found on page 1073.

Senator Jensen withdrew his pending amendment, AM3211, found on page 1085.

Senator Kruse withdrew his pending amendments, AM3254 and AM3252, found on pages 1088 and 1090.

Senator Jensen withdrew his pending amendment, AM3210, found on page 1132.

Senator Hartnett withdrew his pending amendments, AM3329 and AM3390, found on pages 1183 and 1250.

Senator Raikes withdrew his pending amendments, AM3328 and AM3391, found on pages 1184 and 1251.

Senator Tyson withdrew his pending amendments, FA950, FA951, FA952, FA953, FA954, and FA955, found on page 1185.

Senator Stuhr withdrew the Stuhr-Kremer pending amendment, FA956, found on page 1186.

Senator Schrock withdrew his pending amendment, AM3355, found on page 1249.

Senator Kruse withdrew his pending amendments, AM3388 and AM3389, found on pages 1271 and 1274.

Senator Baker renewed his pending amendment, AM3357, found on page 1276.

Senator Baker withdrew his amendment.

Senator Baker withdrew his pending amendment, AM3356, found on page 1277.

Senator Vrtiska asked unanimous consent to replace his pending amendment, AM3303, found on page 1289, with a substitute amendment. No objections. So ordered.

Senator Vrtiska withdrew his pending amendment, AM3303, found on page 1289.

Senator Vrtiska offered the following substitute amendment:
AM3638

(Amendments to AM3624)

- 1 1. Insert the following new section:
- 2 "Section 1. Section 53-160, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 53-160. (1) For the purpose of raising revenue, a tax is
- 5 imposed upon the privilege of engaging in business as a
- 6 manufacturer or a wholesaler at a rate of ~~twenty-three~~ twenty-eight
- 7 cents per gallon on all beer; seventy-five cents per gallon for
- 8 wine containing not more than fourteen percent but not less than
- 9 five-tenths of one percent of alcohol by volume and one dollar and
- 10 thirty-five cents per gallon for wines and other dilute alcoholic
- 11 beverages containing more than fourteen percent of alcohol by
- 12 volume, except for wines produced in farm wineries; five cents per
- 13 gallon for wine produced in farm wineries; and three dollars per
- 14 gallon on alcohol and spirits manufactured and sold by such
- 15 manufacturer or shipped for sale in this state by such wholesaler
- 16 in the course of such business. The gallonage tax imposed by this
- 17 subsection shall be imposed only on alcoholic liquor upon which a
- 18 federal excise tax is imposed.
- 19 (2) Manufacturers or wholesalers of alcoholic liquor
- 20 shall be exempt from the payment of the gallonage tax on such
- 21 alcoholic liquor upon satisfactory proof, including bills of lading
- 22 furnished to the commission by affidavit or otherwise as the
- 23 commission may require, that such alcoholic liquor was manufactured
- 1 in this state but shipped out of the state for sale and consumption
- 2 outside this state.
- 3 (3) Dry wines or fortified wines manufactured or shipped
- 4 into this state solely and exclusively for sacramental purposes and
- 5 uses shall not be subject to the gallonage tax.
- 6 (4) The gallonage tax shall not be imposed upon any
- 7 alcoholic liquor, whether manufactured in or shipped into this
- 8 state, when sold to a licensed nonbeverage user for use in the
- 9 manufacture of any of the following when such products are unfit
- 10 for beverage purposes: Patent and proprietary medicines and
- 11 medicinal, antiseptic, and toilet preparations; flavoring extracts,

12 syrups, food products, and confections or candy; scientific,
 13 industrial, and chemical products, except denatured alcohol; or
 14 products for scientific, chemical, experimental, or mechanical
 15 purposes.

16 (5) The gallonage tax shall not be imposed upon the
 17 privilege of engaging in any business in interstate commerce or
 18 otherwise, which business may not, under the Constitution and
 19 statutes of the United States, be made the subject of taxation by
 20 this state.

21 (6) The gallonage tax shall be in addition to all other
 22 occupation or privilege taxes imposed by this state or by any
 23 municipal corporation or political subdivision thereof.

24 (7) The commission shall collect the gallonage tax and
 25 shall account for and remit to the State Treasurer at least once
 26 each week all money collected pursuant to this section. If any
 27 alcoholic liquor manufactured in or shipped into this state is sold
 1 to a licensed manufacturer or wholesaler of this state to be used
 2 solely as an ingredient in the manufacture of any beverage for
 3 human consumption, the tax imposed upon such manufacturer or
 4 wholesaler shall be reduced by the amount of the taxes which have
 5 been paid as to such alcoholic liquor so used under the Nebraska
 6 Liquor Control Act. The net proceeds of all revenue arising under
 7 this section shall be credited to the General Fund, except that
 8 beginning October 1, 2002, the State Treasurer shall credit the
 9 equivalent of five cents of the gallonage tax collected on beer to
 10 the Building Renewal Allocation Fund."

11 2. Renumber the remaining sections and correct internal
 12 references accordingly and correct the repealer and operative date
 13 section so that the section added by this amendment becomes
 14 operative on October 1, 2002.

Senator Vrtiska moved for a call of the house. The motion prevailed with 29
 ayes, 0 nays, and 20 not voting.

The Vrtiska amendment lost with 13 ayes, 30 nays, and 6 present and not
 voting.

The Chair declared the call raised.

Senator D. Pederson withdrew his pending amendment, AM3385, found on
 page 1249.

Senator Wickersham withdrew his pending amendments, AM3440,
 AM3531, and FA1042, found on pages 1308 and 1398.

Senator Redfield offered the following amendment:
 AM3629

(Amendments to E & R amendments, AM7211)

1 1. Strike section 10 and all amendments thereto and

2 insert the following new sections:

3 "Sec. 10. Section 77-2715.02, Revised Statutes

4 Supplement, 2000, is amended to read:

5 77-2715.02. (1) Whenever the primary rate is changed by
6 the Legislature under section 77-2715.01, the Tax Commissioner
7 shall update the rate schedules required in subsection (2) of this
8 section to reflect the new primary rate and shall publish such
9 updated schedules.

10 (2) The following rate schedules are hereby established
11 for the Nebraska individual income tax and shall be in the
12 following form:

13 (a) The income amounts for columns A and E shall be:

14 (i) \$0, \$2,400, \$17,000, and \$26,500, for single returns
15 and for each spouse electing for separate calculation of tax
16 liability under subsection (4) of section 77-2732;

17 (ii) \$0, \$4,000, \$30,000, and \$46,750, for married filing
18 joint returns;

19 (iii) \$0, \$3,800, \$24,000, and \$35,000, for
20 head-of-household returns;

21 (iv) \$0, \$2,000, \$15,000, and \$23,375, for married filing
22 separate returns; and

23 (v) \$0, \$500, \$4,700, and \$15,150, for estates and
1 trusts;

2 (b) The amount in column C shall be the total amount of
3 the tax imposed on income less than the amount in column A;

4 (c) The amount in column D shall be the rate on the
5 income in excess of the amount in column E;

6 (d) ~~The~~ For taxable years beginning or deemed to begin
7 before January 1, 2003, and on or after January 1, 2004, under the
8 Internal Revenue Code of 1986, as amended, the primary rate set by
9 the Legislature shall be multiplied by the following factors to
10 compute the tax rates for column D. The factors for the brackets,
11 from lowest to highest bracket, shall be .6784, .9432, 1.3541, and
12 1.8054;

13 (e) For taxable years beginning or deemed to begin on or
14 after January 1, 2003, and before January 1, 2004, under the
15 Internal Revenue Code of 1986, as amended, the primary rate set by
16 the Legislature shall be multiplied by the following factors to
17 compute the tax rates for column D. The factors for the brackets,
18 from lowest to highest bracket, shall be .6932, .9646, 1.3846, and
19 1.848;

20 (f) The amounts for column C shall be rounded to the
21 nearest dollar, and the amounts in column D shall be rounded to
22 hundredths of one percent; and

23 ~~(f)~~ (g) One rate schedule shall be established for each
24 federal filing status.

25 (3) The tax rate schedules shall use the format set forth
26 in this subsection.

27 A B C D E

1 Taxable income but not pay plus of the
2 over over amount over
3 (4) The tax rate applied to other federal taxes included
4 in the computation of the Nebraska individual income tax shall be
5 eight times the primary rate.
6 (5) The Tax Commissioner shall prepare, from the rate
7 schedules, tax tables which can be used by a majority of the
8 taxpayers to determine their Nebraska tax liability. The design of
9 the tax tables shall be determined by the Tax Commissioner. The
10 size of the tax table brackets may change as the level of income
11 changes. The difference in tax between two tax table brackets
12 shall not exceed fifteen dollars. The Tax Commissioner may build
13 the personal exemption credit and standard deduction amounts into
14 the tax tables.
15 (6) The Tax Commissioner may require by rule and
16 regulation that all taxpayers shall use the tax tables if their
17 income is less than the maximum income included in the tax tables.
18 Sec. 12. Section 77-2716.01, Revised Statutes
19 Supplement, 2000, is amended to read:
20 77-2716.01. (1) Every individual shall be allowed to
21 subtract from his or her income tax liability an amount for
22 personal exemptions. The amount allowed to be subtracted shall be
23 the credit amount for the year as provided in this section
24 multiplied by the number of exemptions allowed on the federal
25 return. For tax year 1993, the credit amount shall be sixty-five
26 dollars; for tax year 1994, the credit amount shall be sixty-nine
27 dollars; for tax year 1995, the credit amount shall be sixty-nine
1 dollars; for tax year 1996, the credit amount shall be seventy-two
2 dollars; for tax year 1997, the credit amount shall be eighty-six
3 dollars; for tax year 1998, the credit amount shall be eighty-eight
4 dollars; for tax year 1999, and each year thereafter, the credit
5 amount shall be adjusted for inflation by the method provided in
6 section 151 of the Internal Revenue Code of 1986, as amended. The
7 eighty-eight-dollar credit amount shall be adjusted for cumulative
8 inflation since 1998. If any credit amount is not an even dollar
9 amount, the amount shall be rounded to the nearest dollar. The
10 amount allowed for each personal exemption shall be reduced, but
11 not below zero, by five dollars for each five thousand dollars, or
12 portion thereof, that federal adjusted gross income exceeds ninety
13 thousand dollars for married filing joint returns, fifty-four
14 thousand dollars for single returns, seventy-five thousand dollars
15 for head-of-household returns, and for married filing separate
16 returns, one-half the amount stated in this subsection for married
17 filing joint returns. For nonresident individuals and partial-year
18 resident individuals, the personal exemption credit shall be
19 subtracted as specified in subsection (3) of section 77-2715. For
20 tax year 1994 and each tax year thereafter, the income levels
21 stated in this subsection shall be adjusted for inflation by the
22 method provided in section 151 of the Internal Revenue Code of

23 1986, as amended. If any income level in this subsection is not a
24 multiple of one thousand dollars, the amount shall be rounded to
25 the next highest multiple of one thousand dollars.

26 (2) Every For taxable years beginning or deemed to begin
27 before January 1, 2003, and on or after January 1, 2004, every
1 individual who did not itemize deductions on his or her federal
2 return shall be allowed to subtract from federal adjusted gross
3 income a standard deduction equal to the federal standard deduction
4 for the filing status used on the federal return except as the
5 amount is adjusted under section 77-2716.03.

6 (3) For taxable years beginning or deemed to begin on or
7 after January 1, 2003, and before January 1, 2004, every individual
8 who did not itemize deductions on his or her federal return shall
9 be allowed to subtract from federal adjusted gross income a
10 standard deduction of seven thousand eight hundred fifty dollars
11 for taxpayers filing married filing joint returns, three thousand
12 nine hundred twenty-five dollars for married filing separate
13 returns, six thousand nine hundred dollars for head-of-household
14 returns, and four thousand seven hundred dollars for single
15 returns.

16 (4) Every individual who itemized deductions on his or
17 her federal return shall be allowed to subtract from federal
18 adjusted gross income the greater of either the standard deduction
19 allowed in subsection (2) or (3) of this section or the amount
20 before the federal disallowance of his or her federal itemized
21 deductions, except for the amount deducted on the federal return
22 for state or local income taxes paid and the amount of any
23 adjustment required under section 77-2716.03.

24 (6) For taxable years beginning or deemed to begin on or
25 after January 1, 2003, and before January 1, 2004, taxpayers who
26 filed joint returns, itemized deductions on their federal returns,
27 and elected separate calculation of tax liability shall each be
1 allowed to claim a portion of the itemized deductions as allocated
2 in section 77-2732. One spouse may not subtract the standard
3 deduction and the other spouse claim itemized deductions. For
4 purposes of the adjustment under section 77-2716.03, the adjustment
5 shall be shared equally based on their joint income.

6 Sec. 13. Section 77-2732, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 77-2732. (1) If the federal tax liability of husband or
9 wife is determined on separate federal returns, their tax
10 liabilities in this state shall be separately determined.

11 (2) Except as provided in ~~subsection (3)~~ subsections (3)
12 and (4) of this section, if the federal tax liability of husband
13 and wife is determined on a joint federal return, their tax
14 liability shall be determined in this state jointly and their tax
15 liability shall be joint and several.

16 (3) If the federal tax liability of husband and wife is
17 determined on a joint federal return and either husband or wife is

18 a nonresident individual or partial-year resident individual and
19 the other a resident individual, separate taxes shall be determined
20 on their separate tax liabilities in this state on such forms as
21 the Tax Commissioner shall prescribe and their tax liability shall
22 be separate unless both elect to determine their joint tax
23 liability in this state as if both were resident individuals, in
24 which case their tax liability shall be joint and several. If a
25 husband and wife file a joint federal income tax return but
26 determine their tax liabilities in this state separately, they
27 shall compute their tax liabilities in this state as if their
1 federal tax liabilities had been determined separately.

2 (4) For taxable years beginning or deemed to begin on or
3 after January 1, 2003, and before January 1, 2004, a husband and
4 wife may elect to have their income tax liability calculated
5 separately on the same return developed by the Tax Commissioner.
6 The election shall result in the separate calculation of income tax
7 liability which is then summed, resulting in the total joint
8 liability of the married couple. The calculation for alternative
9 minimum tax shall be performed using the income, deductions, and
10 credits of both the husband and wife combined and any liability
11 shall be added to the combined liability of both. All credits
12 shall be applied against the joint liability. Upon election, the
13 following items shall be allocated to each spouse's separate tax
14 calculations as follows:

15 (a) Income shall be allocated to the spouse who earned
16 the income or who owned the property that produced the income.
17 Income from property held jointly shall be allocated equally
18 between the spouses;

19 (b) Adjustments to federal adjusted gross income provided
20 in section 77-2716 shall be allocated to the spouse earning the
21 income or owning the property that results in the adjustment.
22 Adjustments resulting from property held jointly shall be allocated
23 equally between the spouses;

24 (c) Federal itemized deductions allowed under section
25 77-2716.01 with respect to a trade or business shall be allocated
26 to the spouse to whom the expense is attributable; and

27 (d) Other federal itemized deductions allowed under
1 section 77-2716.01 shall be allocated equally between the spouses.

2 (5) During the time a claim for credit or refund may be
3 filed pursuant to section 77-2793, a husband and wife electing to
4 be taxed as if both were residents of this state may revoke the
5 election by each filing a separate return on such forms and in such
6 manner as may be required by the Tax Commissioner."

7 2. On page 43, line 9, strike "sections 77-2715.02 and
8 77-2716" and insert "section 77-2732, Reissue Revised Statutes of
9 Nebraska, sections 77-2715.02, 77-2716, and 77-2716.01".

10 3. Renumber the remaining sections and correct internal
11 references accordingly.

Senator Redfield moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Senator Redfield requested a record vote on her amendment.

Voting in the affirmative, 19:

| | | | | |
|---------|----------|---------------|----------|----------|
| Baker | Erdman | Jones | Redfield | Suttle |
| Brown | Foley | Kremer | Schimek | Thompson |
| Bruning | Hartnett | Pedersen, Dw. | Schrock | Tyson |
| Dierks | Jensen | Quandahl | Smith | |

Voting in the negative, 26:

| | | | | |
|----------|----------|--------------|------------|------------|
| Aguilar | Chambers | Janssen | Price | Wehrbein |
| Beutler | Connealy | Kristensen | Raikes | Wickersham |
| Bourne | Coordsen | Kruse | Robak | |
| Brashear | Cudaback | Landis | Stuhr | |
| Bromm | Engel | McDonald | Synowiecki | |
| Byars | Hudkins | Pederson, D. | Vrtiska | |

Present and not voting, 4:

| | | | |
|---------|------------|---------|----------|
| Burling | Cunningham | Maxwell | Preister |
|---------|------------|---------|----------|

The Redfield amendment lost with 19 ayes, 26 nays, and 4 present and not voting.

The Chair declared the call raised.

Senator Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Senators Wickersham and Kristensen offered the following amendment:
AM3630

(Amendments to AM3624)

- 1 1. On page 2, line 8, after "package" insert "until
- 2 October 1, 2004, and thirty-four cents per package commencing
- 3 October 1, 2004"; in line 21 strike "sixty-four" and insert "the
- 4 tax rate per package of cigarettes containing not more than twenty
- 5 cigarettes".

The Wickersham-Kristensen amendment was adopted with 34 ayes, 2 nays, 12 present and not voting, and 1 excused and not voting.

Senator Kruse offered the following amendment:
AM3634

(Amendments to AM3624)

- 1 1. Insert the following new section:

2 "Section 1. Section 53-160, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 53-160. (1) For the purpose of raising revenue, a tax is
5 imposed upon the privilege of engaging in business as a
6 manufacturer or a wholesaler at a rate of ~~twenty-three~~ thirty-seven
7 cents per gallon on all beer; ~~seventy-five~~ one dollar and
8 twenty-five cents per gallon for wine containing not more than
9 fourteen percent but not less than five-tenths of one percent of
10 alcohol by volume and ~~one dollar and thirty-five~~ two dollars and
11 twenty-five cents per gallon for wines and other dilute alcoholic
12 beverages containing more than fourteen percent of alcohol by
13 volume, except for wines produced in farm wineries; ~~five ten~~ cents
14 per gallon for wine produced in farm wineries; and ~~three dollars~~
15 four dollars and fifty-five cents per gallon on alcohol and spirits
16 manufactured and sold by such manufacturer or shipped for sale in
17 this state by such wholesaler in the course of such business. The
18 gallonage tax imposed by this subsection shall be imposed only on
19 alcoholic liquor upon which a federal excise tax is imposed.
20 (2) Manufacturers or wholesalers of alcoholic liquor
21 shall be exempt from the payment of the gallonage tax on such
22 alcoholic liquor upon satisfactory proof, including bills of lading
23 furnished to the commission by affidavit or otherwise as the
24 commission may require, that such alcoholic liquor was manufactured
25 in this state but shipped out of the state for sale and consumption
26 outside this state.
27 (3) Dry wines or fortified wines manufactured or shipped
28 into this state solely and exclusively for sacramental purposes and
29 uses shall not be subject to the gallonage tax.
30 (4) The gallonage tax shall not be imposed upon any
31 alcoholic liquor, whether manufactured in or shipped into this
32 state, when sold to a licensed nonbeverage user for use in the
33 manufacture of any of the following when such products are unfit
34 for beverage purposes: Patent and proprietary medicines and
35 medicinal, antiseptic, and toilet preparations; flavoring extracts,
36 syrups, food products, and confections or candy; scientific,
37 industrial, and chemical products, except denatured alcohol; or
38 products for scientific, chemical, experimental, or mechanical
39 purposes.
40 (5) The gallonage tax shall not be imposed upon the
41 privilege of engaging in any business in interstate commerce or
42 otherwise, which business may not, under the Constitution and
43 statutes of the United States, be made the subject of taxation by
44 this state.
45 (6) The gallonage tax shall be in addition to all other
46 occupation or privilege taxes imposed by this state or by any
47 municipal corporation or political subdivision thereof.
48 (7) The commission shall collect the gallonage tax and
49 shall account for and remit to the State Treasurer at least once
50 each week all money collected pursuant to this section. If any

1 alcoholic liquor manufactured in or shipped into this state is sold
 2 to a licensed manufacturer or wholesaler of this state to be used
 3 solely as an ingredient in the manufacture of any beverage for
 4 human consumption, the tax imposed upon such manufacturer or
 5 wholesaler shall be reduced by the amount of the taxes which have
 6 been paid as to such alcoholic liquor so used under the Nebraska
 7 Liquor Control Act.

8 (8) The State Treasurer shall credit the net proceeds of
 9 all revenue arising under this section shall be credited to the
 10 General Fund."

11 2. Renumber the remaining sections accordingly and
 12 correct the operative date section and the repealer so that the
 13 section added by this amendment becomes operative on October 1,
 14 2002.

Senator Hudkins asked unanimous consent to be excused until she returns.
 No objections. So ordered.

SENATOR CUDABACK PRESIDING

Senator Chambers offered the following amendment to the Kruse pending
 amendment:

FA1063

Amend AM3634

Page 1 line 6 strike "37" and insert "46"

Page 1 line 8 strike "25" and insert "50"

Page 1 line 11 strike "25" and insert "70"

Page 1 line 15 strike "4.55" and insert "6.00"

Senator Chambers moved for a call of the house. The motion prevailed with
 28 ayes, 0 nays, and 21 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 16:

| | | | |
|----------|--------|---------------|----------|
| Beutler | Foley | Kruse | Suttle |
| Burling | Jensen | Pedersen, Dw. | Thompson |
| Chambers | Jones | Preister | Vrtiska |
| Connealy | Kremer | Price | Wehrbein |

Voting in the negative, 22:

| | | | | |
|---------|------------|--------------|------------|------------|
| Aguilar | Byars | Janssen | Raikes | Tyson |
| Baker | Coordsen | Kristensen | Redfield | Wickersham |
| Bourne | Cunningham | Landis | Robak | |
| Bromm | Engel | Maxwell | Smith | |
| Bruning | Erdman | Pederson, D. | Synowiecki | |

Present and not voting, 10:

| | | | | |
|----------|----------|----------|----------|---------|
| Brashear | Cudaback | Hartnett | Quandahl | Schrock |
| Brown | Dierks | McDonald | Schimek | Stuhr |

Excused and not voting, 1:

Hudkins

The Chambers amendment lost with 16 ayes, 22 nays, 10 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Kruse moved for a call of the house. The motion prevailed with 45 ayes, 0 nays, and 4 not voting.

Senator Kruse requested a roll call vote on his amendment, AM3634.

Voting in the affirmative, 18:

| | | | | |
|----------|--------|---------------|----------|----------|
| Burling | Foley | Kruse | Price | Vrtiska |
| Chambers | Jensen | McDonald | Schimek | Wehrbein |
| Connealy | Jones | Pedersen, Dw. | Suttle | |
| Dierks | Kremer | Preister | Thompson | |

Voting in the negative, 22:

| | | | | |
|---------|------------|--------------|------------|------------|
| Baker | Coordsen | Kristensen | Raikes | Tyson |
| Bourne | Cunningham | Landis | Redfield | Wickersham |
| Bromm | Erdman | Maxwell | Robak | |
| Bruning | Hartnett | Pederson, D. | Smith | |
| Byars | Janssen | Quandahl | Synowiecki | |

Present and not voting, 8:

| | | | |
|---------|----------|----------|---------|
| Aguilar | Brashear | Cudaback | Schrock |
| Beutler | Brown | Engel | Stuhr |

Excused and not voting, 1:

Hudkins

The Kruse amendment lost with 18 ayes, 22 nays, 8 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Brashear withdrew his pending motion, found on page 1479, to reconsider the vote on AM3494.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 1085A. Title read. Considered.

Senator Wickersham offered the following amendment:
AM3633

- 1 1. On page 2, line 1, strike "\$159,100" and insert
- 2 "\$192,100".

Senator Smith requested a record vote on the Wickersham amendment.

Voting in the affirmative, 28:

| | | | | |
|----------|----------|----------|---------------|------------|
| Bourne | Connealy | Jensen | Pedersen, Dw. | Thompson |
| Brashear | Coordsen | Jones | Pederson, D. | Vrtiska |
| Bromm | Cudaback | Kremer | Preister | Wehrbein |
| Burling | Engel | Kruse | Raikes | Wickersham |
| Byars | Hartnett | Landis | Schrock | |
| Chambers | Janssen | McDonald | Stuhr | |

Voting in the negative, 12:

| | | | |
|------------|----------|----------|------------|
| Aguilar | Dierks | Redfield | Suttle |
| Baker | Erdman | Robak | Synowiecki |
| Cunningham | Quandahl | Smith | Tyson |

Present and not voting, 8:

| | | | |
|---------|---------|------------|---------|
| Beutler | Bruning | Kristensen | Price |
| Brown | Foley | Maxwell | Schimek |

Excused and not voting, 1:

Hudkins

The Wickersham amendment was adopted with 28 ayes, 12 nays, 8 present and not voting, and 1 excused and not voting.

Advanced to E & R for review with 25 ayes, 18 nays, 5 present and not voting, and 1 excused and not voting.

UNANIMOUS CONSENT - Member Excused

Senator Erdman asked unanimous consent to be excused until he returns. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

April 4, 2002

President, Speaker Kristensen
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Kristensen and Members:

Contingent upon your approval, the following individuals have been appointed to the Nebraska Information and Technology Commission.

APPOINTEES:

Trev Peterson, 6040 The Knolls, Lincoln NE 68512

*L. Dennis Smith, Varner Hall, 3835 Holdrege, Lincoln NE 68583

*Greg Adams, 24 Eastridge Dr North, York NE 68467

*Eric Brown, 48 North Shore Dr #8, Johnson Lake NE 68937

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

*Reappointment

RESOLUTION

LEGISLATIVE RESOLUTION 457. Introduced by Synowiecki, 7.

WHEREAS, Christy Neneman of the Creighton University Bluejays Women's Basketball team has been named Most Valuable Player of the Year by the Missouri Valley Conference; and

WHEREAS, Christy Neneman is the second sophomore in league history to earn Most Valuable Player honor; and

WHEREAS, Connie Yori, coach of the Creighton University Bluejays Women's Basketball team, has been named Rawlings Coach of the Year by the Missouri Valley Conference; and

WHEREAS, Coach Yori is in her tenth year coaching at Creighton and led the Bluejays to their first-ever Missouri Valley Conference crown.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its congratulations to Christy Neneman, Coach Connie Yori, and the Creighton University Bluejays Women's Basketball team on the Most Valuable Player award, Coach of the Year

award, and winning season.

2. That copies of this resolution be given to Christy Neneman, Connie Yori, and Creighton University.

Laid over.

AMENDMENTS - Print in Journal

Senator Bromm filed the following amendment to LB 1211:
AM3601

(Amendments to E & R amendments, AM7180)

- 1 1. On page 24, line 6, after the period insert "However,
- 2 no state funds shall be expended without approval by the
- 3 Legislature.".
- 4 2. On page 25, line 18, after "board" insert "No
- 5 state funds shall be expended by the executive board without
- 6 approval by the Legislature.".
- 7 3. On page 31, strike beginning with "It" in line 10
- 8 through the period in line 14 and insert "No general funds shall be
- 9 appropriated to the fund until legislation has been passed
- 10 identifying the share of the costs to be paid by the State of
- 11 Nebraska and specifically authorizing the transfer of funds.".

Senator Brashear filed the following amendment to LB 426:
AM3641

(Amendments to E & R amendments, AM7227)

- 1 1. On page 1, line 24, after the period insert "The act
- 2 does not apply to a police department in a city of the metropolitan
- 3 class."

ANNOUNCEMENTS

Senator Wehrbein announced the Appropriations Committee will meet Tuesday, April 9, 2002, at 12:30 p.m., in Room 1003.

Senator Engel announced the Legislative Program Evaluation Committee will meet April 9, 2002, at 8:00 a.m., in Room 2022.

SPEAKER KRISTENSEN PRESIDING

SELECT FILE

LEGISLATIVE BILL 905. Senator Chambers requested a machine vote on the adoption of the E & R amendment.

E & R amendment, AM7201, found on page 1125, was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Senator Baker renewed his pending amendment, AM3298, found on page 1179.

Senator McDonald asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Baker moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Baker requested a roll call vote on his amendment.

Voting in the affirmative, 11:

| | | | |
|---------|------------|----------|---------|
| Aguilar | Cunningham | Quandahl | Tyson |
| Baker | Kremer | Redfield | Vrtiska |
| Bruning | Landis | Smith | |

Voting in the negative, 25:

| | | | | |
|----------|----------|---------------|---------|------------|
| Beutler | Coordsen | Jones | Price | Suttle |
| Brashear | Dierks | Kristensen | Raikes | Synowiecki |
| Bromm | Engel | Kruse | Robak | Thompson |
| Byars | Janssen | Pedersen, Dw. | Schimek | Wehrbein |
| Chambers | Jensen | Pederson, D. | Stuhr | Wickersham |

Present and not voting, 10:

| | | | | |
|--------|----------|----------|----------|----------|
| Bourne | Burling | Cudaback | Hartnett | Preister |
| Brown | Connealy | Foley | Maxwell | Schrock |

Excused and not voting, 3:

| | | |
|--------|---------|----------|
| Erdman | Hudkins | McDonald |
|--------|---------|----------|

The Baker amendment lost with 11 ayes, 25 nays, 10 present and not voting, and 3 excused and not voting.

Senator Beutler requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 35:

| | | | | |
|----------|------------|------------|---------------|------------|
| Aguilar | Chambers | Hartnett | Maxwell | Stuhr |
| Beutler | Connealy | Janssen | Pedersen, Dw. | Suttle |
| Bourne | Coordsen | Jensen | Pederson, D. | Synowiecki |
| Brashear | Cudaback | Kremer | Preister | Thompson |
| Bromm | Cunningham | Kristensen | Price | Vrtiska |
| Bruning | Engel | Kruse | Raikes | Wehrbein |
| Byars | Foley | Landis | Schimek | Wickersham |

Voting in the negative, 7:

| | | | |
|---------|----------|-------|-------|
| Baker | Quandahl | Robak | Tyson |
| Burling | Redfield | Smith | |

Present and not voting, 4:

| | | | |
|-------|--------|-------|---------|
| Brown | Dierks | Jones | Schrock |
|-------|--------|-------|---------|

Excused and not voting, 3:

| | | |
|--------|---------|----------|
| Erdman | Hudkins | McDonald |
|--------|---------|----------|

Advanced to E & R for engrossment with 35 ayes, 7 nays, 4 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

SELECT COMMITTEE REPORT Enrollment and Review

LEGISLATIVE BILL 1085A. Placed on Select File.

(Signed) Philip Erdman, Chairperson

SELECT FILE

LEGISLATIVE BILL 1085A. Senator Chambers requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 27 ayes, 18 nays, 1 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 898. E & R amendment, AM7199, printed separately and referred to on page 1110, was adopted.

Senator Raikes offered the following amendment:
AM3604

(Amendments to E & R amendments, AM7199)

- 1 1. Insert the following new section:
- 2 "Section 1. Section 77-3442, Revised Statutes
- 3 Supplement, 2001, is amended to read:
- 4 77-3442. (1) Property tax levies for the support of
- 5 local governments for fiscal years beginning on or after July 1,
- 6 1998, shall be limited to the amounts set forth in this section
- 7 except as provided in section 77-3444.
- 8 (2)(a) Except as provided in subdivision (2)(b) of this
- 9 section, school districts and multiple-district school systems may
- 10 levy a maximum levy of (i) one dollar and ten cents per one hundred
- 11 dollars of taxable valuation of property subject to the levy until
- 12 fiscal year 2001-02 and (ii) one dollar per one hundred dollars of

13 taxable valuation of property subject to the levy for fiscal year
14 2001-02 and all subsequent fiscal years. Excluded from this
15 limitation are amounts levied to pay for sums agreed to be paid by
16 a school district to certificated employees in exchange for a
17 voluntary termination of employment and amounts levied to pay for
18 special building funds and sinking funds established for projects
19 commenced prior to April 1, 1996, for construction, expansion, or
20 alteration of school district buildings. For purposes of this
21 subsection, commenced means any action taken by the school board on
22 the record which commits the board to expend district funds in
23 planning, constructing, or carrying out the project.

1 (b) Federal aid school districts may exceed the maximum
2 levy prescribed by subdivision (2)(a) of this section only to the
3 extent necessary to qualify to receive federal aid pursuant to
4 Title VIII of Public Law 103-382, as such title existed on
5 September 1, 2001. For purposes of this subdivision, federal aid
6 school district means any school district which receives ten
7 percent or more of the revenue for its general fund budget from
8 federal government sources pursuant to Title VIII of Public Law
9 103-382, as such title existed on September 1, 2001.

10 (c) Beginning with school fiscal year 2002-03 through
11 school fiscal year 2004-05, school districts and multiple-district
12 school systems may, upon a three-fourths majority vote of the
13 school board of the school district, the board of the unified
14 system, or the school board of the high school district of the
15 multiple-district school system that is not a unified system,
16 exceed the maximum levy prescribed by subdivision (2)(a) of this
17 section in an amount equal to the net difference between the amount
18 of state aid that would have been provided under the Tax Equity and
19 Educational Opportunities Support Act without the changes made by
20 Legislative Bill 898, Ninety-seventh Legislature, Second Session,
21 2002, for the ensuing school fiscal year for the school district or
22 multiple-district school system and the amount provided under the
23 act as amended by Legislative Bill 898, Ninety-seventh Legislature,
24 Second Session, 2002. The State Department of Education shall
25 certify to the school districts and multiple-district school
26 systems the amount by which the maximum levy may be exceeded
27 pursuant to subdivision (2)(c) of this section on or before May 15,
1 2002, for school fiscal year 2002-03, February 15, 2003, for school
2 fiscal year 2003-04, and February 15, 2004, for school fiscal year
3 2004-05.

4 (3) Community colleges may levy a maximum levy on each
5 one hundred dollars of taxable property subject to the levy of (a)
6 eight cents for fiscal year 1998-99 and fiscal year 1999-2000 and
7 (b) seven cents for fiscal year 2000-01 and each fiscal year
8 thereafter.

9 (4) Natural resources districts may levy a maximum levy
10 of four and one-half cents per one hundred dollars of taxable
11 valuation of property subject to the levy.

12 (5) Educational service units may levy a maximum levy of
13 one and one-half cents per one hundred dollars of taxable valuation
14 of property subject to the levy.

15 (6)(a) Incorporated cities and villages which are not
16 within the boundaries of a municipal county may levy a maximum levy
17 of forty-five cents per one hundred dollars of taxable valuation of
18 property subject to the levy plus an additional five cents per one
19 hundred dollars of taxable valuation to provide financing for the
20 municipality's share of revenue required under an agreement or
21 agreements executed pursuant to the Interlocal Cooperation Act or
22 the Joint Public Agency Act. The maximum levy shall include
23 amounts levied to pay for sums to support a library pursuant to
24 section 51-201, museum pursuant to section 51-501, visiting
25 community nurse, home health nurse, or home health agency pursuant
26 to section 71-1637, or statue, memorial, or monument pursuant to
27 section 80-202.

1 (b) Incorporated cities and villages which are within the
2 boundaries of a municipal county may levy a maximum levy of ninety
3 cents per one hundred dollars of taxable valuation of property
4 subject to the levy. The maximum levy shall include amounts paid
5 to a municipal county for county services, amounts levied to pay
6 for sums to support a library pursuant to section 51-201, a museum
7 pursuant to section 51-501, a visiting community nurse, home health
8 nurse, or home health agency pursuant to section 71-1637, or a
9 statue, memorial, or monument pursuant to section 80-202.

10 (7) Sanitary and improvement districts which have been in
11 existence for more than five years may levy a maximum levy of forty
12 cents per one hundred dollars of taxable valuation of property
13 subject to the levy, and sanitary and improvement districts which
14 have been in existence for five years or less shall not have a
15 maximum levy. Unconsolidated sanitary and improvement districts
16 which have been in existence for more than five years and are
17 located in a municipal county may levy a maximum of eighty-five
18 cents per hundred dollars of taxable valuation of property subject
19 to the levy.

20 (8) Counties may levy or authorize a maximum levy of
21 fifty cents per one hundred dollars of taxable valuation of
22 property subject to the levy, except that five cents per one
23 hundred dollars of taxable valuation of property subject to the
24 levy may only be levied to provide financing for the county's share
25 of revenue required under an agreement or agreements executed
26 pursuant to the Interlocal Cooperation Act or the Joint Public
27 Agency Act. The maximum levy shall include amounts levied to pay
1 for sums to support a library pursuant to section 51-201 or museum
2 pursuant to section 51-501. The county may allocate up to fifteen
3 cents of its authority to other political subdivisions subject to
4 allocation of property tax authority under subsection (1) of
5 section 77-3443 and not specifically covered in this section to
6 levy taxes as authorized by law which do not collectively exceed

7 fifteen cents per one hundred dollars of taxable valuation on any
 8 parcel or item of taxable property. The county may allocate to one
 9 or more other political subdivisions subject to allocation of
 10 property tax authority by the county under subsection (1) of
 11 section 77-3443 some or all of the county's five cents per one
 12 hundred dollars of valuation authorized for support of an agreement
 13 or agreements to be levied by the political subdivision for the
 14 purpose of supporting that political subdivision's share of revenue
 15 required under an agreement or agreements executed pursuant to the
 16 Interlocal Cooperation Act or the Joint Public Agency Act. If an
 17 allocation by a county would cause another county to exceed its
 18 levy authority under this section, the second county may exceed the
 19 levy authority in order to levy the amount allocated.

20 (9) Municipal counties may levy or authorize a maximum
 21 levy of one dollar per one hundred dollars of taxable valuation of
 22 property subject to the levy. The municipal county may allocate
 23 levy authority to any political subdivision or entity subject to
 24 allocation under section 77-3443.

25 (10) Property tax levies for judgments obtained against a
 26 political subdivision which require or obligate a political
 27 subdivision to pay such judgment, to the extent such judgment is
 1 not paid by liability insurance coverage of a political
 2 subdivision, for preexisting lease-purchase contracts approved
 3 prior to July 1, 1998, for bonded indebtedness approved according
 4 to law and secured by a levy on property, and for payments by a
 5 public airport to retire interest-free loans from the Department of
 6 Aeronautics in lieu of bonded indebtedness at a lower cost to the
 7 public airport are not included in the levy limits established by
 8 this section.

9 (11) The limitations on tax levies provided in this
 10 section are to include all other general or special levies provided
 11 by law. Notwithstanding other provisions of law, the only
 12 exceptions to the limits in this section are those provided by or
 13 authorized by sections 77-3442 to 77-3444.

14 (12) Tax levies in excess of the limitations in this
 15 section shall be considered unauthorized levies under section
 16 77-1606 unless approved under section 77-3444.

17 (13) For purposes of sections 77-3442 to 77-3444,
 18 political subdivision means a political subdivision of this state
 19 and a county agricultural society."

20 2. On page 27, line 20, after "sections" insert
 21 "77-3442,".

22 3. Renumber the remaining sections and correct internal
 23 references accordingly.

SENATOR COORDSEN PRESIDING

The Raikes amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Senator Bourne offered the following amendment:
AM3326

(Amendments to E & R amendments, AM7199)

- 1 1. Insert the following new section:
- 2 "Section 1. It is the intent of the Legislature that
- 3 reductions in state aid required pursuant to this legislative bill
- 4 impact the quality of educational opportunities for students to the
- 5 least extent possible. In keeping with this principle, the
- 6 Legislature encourages school boards to make needed budget
- 7 reductions in budgeted expenditures in functions other than
- 8 classroom instruction."
- 9 2. Renumber the remaining sections and correct internal
- 10 references accordingly.

The Bourne amendment lost with 21 ayes, 18 nays, 7 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 898A. E & R amendment, AM7200, found on page 1110, was adopted.

Advanced to E & R for engrossment.

EASE

The Legislature was at ease from 7:52 p.m. until 8:28 p.m.

SENATOR DW. PEDERSEN PRESIDING

SELECT COMMITTEE REPORTS Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 898, 898A, 905, 1085, and 1085A.

Enrollment and Review Change to LB 898

The following changes, required to be reported for publication in the Journal, have been made:

ER9143

1. In the E & R amendments, AM7199:
 - a. On page 19, line 7, an underscored comma has been inserted after "year";
 - b. On page 27, the matter beginning with "the" in line 26 through "Act" in line 27 has been struck and "schools" inserted; and
 - c. On page 28, line 2, "77-3442," has been inserted after "sections"; and

in line 4 "to provide an exclusion to the property tax levy for certain schools;" has been inserted after the first semicolon.

Enrollment and Review Change to LB 1085

The following changes, required to be reported for publication in the Journal, have been made:

ER9142

1. On page 1, the matter beginning with "section" in line 1 through line 4 and all amendments thereto have been struck and "sections 77-2702.09, 77-2702.11, 77-2702.16, 77-2702.17, 77-2704.11, 77-2704.26, 77-2704.27, 77-2704.30, 77-4008, and 77-4025, Reissue Revised Statutes of Nebraska, sections 77-2701.02, 77-2702.07, 77-2702.13, 77-2702.14, 77-2702.15, 77-2703, 77-2715.02, and 77-2716, Revised Statutes Supplement, 2000, and sections 77-2602, 77-2704.31, and 77-3442, Revised Statutes Supplement, 2001; to change tax provisions for cigarettes and tobacco products; to subject services to sales tax as prescribed; to provide and eliminate certain sales tax exemptions; to change sales and income tax rates; to provide an adjustment to federal adjusted gross income; to provide an exclusion to the property tax levy for certain schools; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 77-2704.22, Reissue Revised Statutes of Nebraska; and to declare an emergency." inserted.

2. Changes have been made as necessary to correct internal references and the repealer and incorporate all adopted amendments.

(Signed) Philip Erdman, Chairperson

AMENDMENT - Print in Journal

Senator Landis filed the following amendment to LB 1062:
(Amendment, AM3618, is on file in the Clerk's Office - Room 2018.)

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 994A. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 994, Ninety-seventh Legislature, Second Session, 2002; and to declare an emergency.

VISITORS

Visitors to the Chamber were 33 fourth-grade students, teachers, and sponsors from Sutton; 106 fourth-grade students and teachers from Belmont Elementary School, Lincoln; and 30 eighth-grade students and teachers from Holy Ghost School, Omaha.

The Doctor of the Day was Dr. Joel Travis from Albion.

ADJOURNMENT

At 8:29 p.m., on a motion by Senator Erdman, the Legislature adjourned until 9:00 a.m., Tuesday, April 9, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FOURTH DAY - APRIL 9, 2002**LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE
SECOND SESSION****FIFTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 9, 2002

PRAYER

The prayer was offered by Senator Price.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Janssen, Landis, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-third day was approved.

SELECT FILE

LEGISLATIVE BILL 1211. Senator Beutler moved to indefinitely postpone.

SPEAKER KRISTENSEN PRESIDING

Senators Maxwell, Bruning, Redfield, McDonald, and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Beutler withdrew his motion to indefinitely postpone.

Senator Beutler offered the following amendment:
AM3643

(Amendments to E & R amendments, AM7180)

1 1. On page 30, line 7, after "by" insert "unanimous vote
2 of".

Senator Bromm offered the following amendment to the Beutler pending amendment:

FA1065

Amend AM3643

strike the word "unanimous" and insert "a 3/4".

Senators Stuhr and Synowiecki asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Bromm withdrew his amendment.

Senator Bromm offered the following amendment to the Beutler pending amendment:

FA1067

Amend AM3643

"A vote of 75% of the members if 4 or more, or by 2/3 of the members if less than 4 members of"

Senator Bromm moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Bromm amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Senators Kremer and McDonald asked unanimous consent to be excused until they return. No objections. So ordered.

SENATOR DW. PEDERSEN PRESIDING

Senator Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

The Beutler amendment, as amended, was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Senator Beutler offered the following amendment:

AM3460

(Amendments to E & R amendments, AM7180)

- 1 1. On page 31, strike beginning with "It" in line 10
- 2 through the period in line 14 and insert "No general funds shall be
- 3 appropriated to the fund until legislation has been passed
- 4 identifying the share of the costs to be paid by the State of
- 5 Nebraska and specifically authorizing the transfer of funds.".

Senator Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

The Beutler amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Senator Bromm withdrew his pending amendment, AM3601, found on page 1540.

Senator Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Wickersham offered the following amendment:

FA1066

Amend AM7180

Line 10 pg 30 starting with "the" strike all language through "district" in
Line 15 pg 30

Senators Price, Engel, Jensen, and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion failed with 13 ayes, 12 nays, and 24 not voting.

Senators Aguilar, Landis, McDonald, and Byars asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

AMENDMENTS - Print in Journal

Senators Raikes and Bromm filed the following amendment to LB 729:
AM3560

- 1 1. Insert the following new section:
- 2 "Sec. 7. Section 23-114.03, Revised Statutes Supplement,
- 3 2001, is amended to read:
- 4 23-114.03. Zoning regulations shall be adopted or
- 5 amended by the county board only after the adoption of the county
- 6 comprehensive development plan by the county board and the receipt
- 7 of the planning commission's specific recommendations or by
- 8 adopting temporary zoning as provided in sections 23-115 to
- 9 23-115.02. Such zoning regulations shall be consistent with an
- 10 adopted comprehensive development plan and designed for the purpose
- 11 of promoting the health, safety, morals, convenience, order,
- 12 prosperity, and welfare of the present and future inhabitants of
- 13 Nebraska, including, among others, such specific purposes as:
- 14 (1) Developing both urban and nonurban areas;
- 15 (2) Lessening congestion in the streets or roads;
- 16 (3) Reducing the waste of excessive amounts of roads;
- 17 (4) Securing safety from fire and other dangers;
- 18 (5) Lessening or avoiding the hazards to persons and

19 damage to property resulting from the accumulation or runoff of
20 storm or flood waters;

21 (6) Providing adequate light and air;

22 (7) Preventing excessive concentration of population and
23 excessive and wasteful scattering of population or settlement;

24 (8) Promoting such distribution of population, such
1 classification of land uses, and such distribution of land
2 development as will assure adequate provisions for transportation,
3 water flowage, water supply, drainage, sanitation, recreation, soil
4 fertility, food supply, and other public requirements;

5 (9) Protecting the tax base;

6 (10) Protecting property against blight and depreciation;

7 (11) Securing economy in governmental expenditures;

8 (12) Fostering the state's agriculture, recreation, and
9 other industries;

10 (13) Encouraging the most appropriate use of land in the
11 county; and

12 (14) Preserving, protecting, and enhancing historic
13 buildings, places, and districts.

14 Within the area of jurisdiction and powers established by
15 section 23-114, the county board may divide the county into
16 districts of such number, shape, and area as may be best suited to
17 carry out the purposes of this section and regulate, restrict, or
18 prohibit the erection, construction, reconstruction, alteration, or
19 use of nonfarm buildings or structures and the use, conditions of
20 use, or occupancy of land. All such regulations shall be uniform
21 for each class or kind of land or buildings throughout each
22 district, but the regulations in one district may differ from those
23 in other districts. Counties shall determine whether ~~nonfarm~~
24 buildings used as residences shall be subject to a county's
25 respective zoning regulations and permit requirements. An official
26 map or maps indicating the districts and regulations shall be
27 adopted, and within fifteen days after adoption of such regulations
1 or maps, they shall be published in book or pamphlet form or once
2 in a legal newspaper published in and of general circulation in the
3 county or, if none is published in the county, in a legal newspaper
4 of general circulation in the county. Such regulations shall also
5 be spread in the minutes of the proceedings of the county board and
6 such map or maps filed with the county clerk.

7 For purposes of this section and section 23-114.04,
8 nonfarm buildings are all buildings except those buildings utilized
9 for agricultural purposes on a farmstead of twenty acres or more
10 which produces one thousand dollars or more of farm products each
11 year."

12 2. On page 10, line 8, strike "section 17-1002" and
13 insert "sections 17-1002 and 23-114.03".

14 3. Renumber the remaining section accordingly.

Senator Jensen filed the following amendment to LB 1062:
AM3623

(Amendments to E & R amendments, AM7214)

- 1 1. Insert the following new section:
- 2 "Sec. 59. Section 71-7611.06, Revised Statutes
- 3 Supplement, 2001, is amended to read:
- 4 71-7611.06. (1) It is the intent of the Legislature to
- 5 appropriate five hundred thousand dollars in fiscal year 2001-02
- 6 from the Nebraska Health Care Cash Fund to the Legislative Council
- 7 for the purpose of an evaluation and planning study relating to the
- 8 ~~delivery of publicly funded health and human services in the State~~
- 9 of Nebraska to be directed by the Health and Human Services
- 10 Committee of the Legislature. ~~The chairperson of the committee~~
- 11 ~~shall submit a plan for the study to the Legislature on or before~~
- 12 ~~September 1, 2001, and the study shall be completed on or before~~
- 13 ~~January 1, 2003. The committee shall report its findings and~~
- 14 ~~recommendations to the Governor and to the Legislature on or before~~
- 15 ~~January 1, 2003. This section terminates on January 1, 2003.~~
- 16 (2) The Health and Human Services Committee of the
- 17 Legislature shall conduct research and provide recommendations
- 18 relating to, but not limited to, (a) the provision of prescription
- 19 drug assistance to persons in the State of Nebraska; (b) the
- 20 Nebraska Partnership for Health and Human Services Act; (c) the
- 21 state medical assistance program established in section 68-1018;
- 22 (d) the Welfare Reform Act; (e) the statewide public health system;
- 23 and (f) the Nebraska Health Care Funding Act. The committee shall
- 24 provide such recommendations to the Governor and to the Legislature
- 25 on or before December 1, 2002.
- 26 (3) This section terminates on January 1, 2003."
- 27 2. On page 81, line 26, strike the second "and"; and in
- 28 line 27 after the first comma insert "and 71-7611.06,".
- 29 3. Renumber the remaining sections and correct internal
- 30 references accordingly.

Senator Jensen filed the following amendment to LB 1021:
(Amendment, AM3516, is on file in the Clerk's Office - Room 2018.)

Senator Quandahl filed the following amendment to LB 957:
AM3649

(Amendments to E & R amendments, AM7219)

- 1 1. On page 55, line 24, after "and" insert "(a)"; and in
- 2 line 26 after "rewritten" insert "or (b) the holder of the loan
- 3 contract shall send notice to the buyer within fifteen business
- 4 days after cancellation of the name, address, and telephone number
- 5 of the insurance company which issued the insurance contract or the
- 6 party responsible for any refund and notice that the buyer may be
- 7 eligible for a refund. A copy of such notice shall be retained by
- 8 the holder of the loan contract".
- 9 2. On page 56, line 11, before "of" insert "after

10 payment of the sums due"; and in line 15 strike "installment" and
11 insert "loan".

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointments:

Adams, Greg - Nebraska Information and Technology Commission -
Transportation and Telecommunications

Brown, Eric - Nebraska Information and Technology Commission -
Transportation and Telecommunications

Peterson, Trev - Nebraska Information and Technology Commission -
Transportation and Telecommunications

Smith, L. Dennis - Nebraska Information and Technology Commission -
Transportation and Telecommunications

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

VISITORS

Visitors to the Chamber were a group of 46 from Columbus; seniors from Nebraska Christian School, Central City; 33 fourth-grade students, teachers, and Senator Bruning's mother-in-law, Judy Niemack, from Wood River; and government students from Westside High School, Omaha.

RECESS

At 12:02 p.m., on a motion by Senator Robak, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Kristensen presiding.

ROLL CALL

The roll was called and all members were present except Senators Beutler, Bourne, Brashear, Brown, Cudaback, Cunningham, Dierks, Engel, Foley, Kremer, Kruse, Dw. Pedersen, D. Pederson, Quandahl, Schrock, Thompson, and Wehrbein who were excused until they arrive.

AMENDMENT - Print in Journal

Senator Beutler filed the following amendment to LB 1211:
AM3468

(Amendments to AM3060)

- 1 1. On page 9, line 2, after "fund" insert ". The
- 2 commission shall be reimbursed from the fund for all costs related
- 3 to drafting, implementing, and enforcing the regulations and any
- 4 other services provided on behalf of customers pursuant to this
- 5 subdivision".

GENERAL FILE

LEGISLATIVE BILL 921. Title read. Considered.

The Standing Committee amendment, AM2469, found on page 429, was considered.

Senator Connealy offered the following amendment to the Standing Committee amendment:

AM3644

(Amendments to Standing Committee amendments, AM2469)

- 1 1. Strike amendment 1 and insert the following
- 2 amendments:
- 3 "1. Insert the following new section:
- 4 'Sec. 4. Since an emergency exists, this act takes
- 5 effect when passed and approved according to law.'
- 6 2. On page 5, lines 21 and 22, strike 'allocated by and'
- 7 and insert 'shared'; and in line 23 after 'contract' insert '. The
- 8 term professional employer agreement shall not include a contract
- 9 between a parent corporation, company, or other entity and a wholly
- 10 owned subsidiary'.
- 11 3. On page 10, line 22, strike 'and'; and in line 23
- 12 after '(32)' insert 'Wholly owned subsidiary means a corporation,
- 13 company, or other entity which has eighty percent or more of its
- 14 outstanding voting stock or membership owned or controlled,
- 15 directly or indirectly, by the parent entity; and
- 16 (33)'.
- 17 4. On page 20, line 17, after the period insert 'An
- 18 employee of a wholly owned subsidiary shall be considered to be
- 19 concurrently employed by the parent corporation, company, or other
- 20 entity and the wholly owned subsidiary whether or not both
- 21 companies separately provide remuneration.'.
- 22 2. Renumber the remaining amendment accordingly.

The Connealy amendment was adopted with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

Senator Connealy withdrew his pending amendment, AM2960, found on page 855.

Advanced to E & R for review with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 994. Title read. Considered.

The Standing Committee amendment, AM2625, printed separately and referred to on page 562, was considered.

Senator Wickersham withdrew his pending amendment, AM2895, found on page 752.

Senator Wickersham renewed his pending amendment, AM3565, found on page 1471, to the Standing Committee amendment.

The Wickersham amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Senator Kremer asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Hartnett withdrew his pending amendment, AM2984, found on page 808.

Senator Hartnett renewed his pending amendment, AM3564, found on page 1470, to the Standing Committee amendment.

The Hartnett amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Senator Wickersham offered the following amendment:
AM3655

1 1. Insert the following new section:

2 "Sec. 16. Section 77-3618, Revised Statutes Supplement,
3 2000, is amended to read:

4 77-3618. (1) The County Property Tax Relief Program is
5 created. The program shall be used to distribute money to county
6 governments to provide property tax relief and equalize county
7 capacity to pay for public services from property taxes. Funds
8 shall be distributed on or before September 1 each year by the
9 Department of Revenue according to the formula created in this
10 section.

11 (2) The department shall calculate the amount to be
12 distributed to each county as follows:

13 (a) The county capacity shall be determined for each
 14 county. This amount is the assessed value of the county for the
 15 prior year multiplied by the county local effort rate, which is a
 16 tax rate of one and seven-tenths cents per one hundred dollars
 17 valuation, divided by the number of road miles maintained by the
 18 county;

19 (b) The statewide county capacity shall be determined.
 20 This amount is the statewide assessed value for the prior year
 21 multiplied by the county local effort rate, which is a tax rate of
 22 one and seven-tenths cents per one hundred dollars valuation,
 23 divided by the number of road miles maintained by all counties;

24 (c) The amount of aid due a county shall be determined by
 1 subtracting the county capacity from the statewide county capacity,
 2 if the result is a positive number, this amount multiplied by the
 3 number of county road miles is the amount to be distributed to the
 4 county subject to subdivision (d) of this subsection; and

5 (d) The amount distributed to a county shall not exceed
 6 an amount equal to the result of a tax rate of five cents per one
 7 hundred dollars on the assessed value of the county.

8 (3) The Department of Roads shall provide the county
 9 road-mile information for all counties each year to the Department
 10 of Revenue. The information provided shall be the same as
 11 determined under section 39-2507.

12 (4) ~~The Legislature shall appropriate five million five~~
 13 ~~hundred thousand dollars for fiscal year 1998-99 to the program~~
 14 ~~from the General Fund for purposes of this section. If sufficient~~
 15 ~~funds are not appropriated to fully fund the provisions of this~~
 16 ~~section, the Department of Revenue shall make a proportionate~~
 17 ~~reduction in each distribution made pursuant to this section.~~"

18 2. Renumber the remaining sections accordingly.

The Wickersham amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 994A. Title read. Considered.

Senator Wickersham offered the following amendment:
 AM3652

- 1 1. On page 2, line 1, strike "\$66,500" and insert
- 2 "\$46,000"; in line 2 strike "\$63,500" and insert "\$20,000"; and
- 3 strike lines 7 through 9 and insert:
- 4 "No expenditures for permanent and temporary salaries and
- 5 per diems for state employees shall be made from funds appropriated
- 6 in this section."

The Wickersham amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1084. Title read. Considered.

Senator Chambers offered the following amendment:

FA1068

P. 2, line 4 strike "the highest priority must" and insert "consideration should".

SENATOR CUDABACK PRESIDING

The Chambers amendment was adopted with 26 ayes, 1 nay, 21 present and not voting, and 1 excused and not voting.

Senator Chambers moved to indefinitely postpone LB 1084.

Laid over.

LEGISLATIVE BILL 989A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, and 22 present and not voting.

LEGISLATIVE BILL 1033A. Title read. Considered.

Senator Wickersham renewed his pending amendment, AM3613, found on page 1488.

The Wickersham amendment was adopted with 26 ayes, 0 nays, and 23 present and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, and 21 present and not voting.

LEGISLATIVE BILL 1003A. Title read. Considered.

Senator Schrock renewed his pending amendment, AM3614, found on page 1488.

The Schrock amendment was adopted with 27 ayes, 0 nays, and 22 present and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, and 19 present and not voting.

SELECT FILE

LEGISLATIVE BILL 687A. Advanced to E & R for engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 386. Read. Considered.

LR 386 was adopted with 32 ayes, 0 nays, and 17 present and not voting.

SPEAKER KRISTENSEN PRESIDING

**APPROPRIATIONS COMMITTEE REPORT
ON LB 1309**

Pursuant to Rule 6, Section 14, the Appropriations Committee has examined the Governor's line-item vetoes contained in LB 1309.

Total General Fund appropriations as the result of the vetoes are summarized on the attached schedule, "FY2001-02 and FY2002-03 General Fund Appropriations (After Vetoes)."

The Appropriations Committee will make a recommendation on overrides at a later date.

(Attached schedule is on file in the Clerk's Office - Room 2018.)

(Signed) Roger R. Wehrbein, Chair
Appropriations Committee

MOTION - Override Line-Item Vetoes on LB 1309

The Appropriations Committee moved to override the Governor's line-item vetoes on LB 1309, pursuant to Rule 6, Section 14, EXCEPT FOR THE FOLLOWING vetoes to be sustained:

Section 65, Health and Human Services, Program 177, Administration, for \$80,000 in FY2001-02 only.

Section 82, Natural Resources, Program 331, Water Rights Litigation, for \$475,000.

Section 96, Department of Corrections, Program 200, Operations, for \$6,000,000 in FY2001-02 only.

Section 109, Department of Administrative Services, Program 101, for \$450,000 in FY2001-02 only.

Section 149, Department of Administrative Services, for the transfer of \$1,380,000 from the General Fund to the Information Technology Infrastructure Fund.

Pending.

AMENDMENTS - Print in Journal

Senator Aguilar filed the following amendment to LB 1115:
AM3654

(Amendments to E & R amendments, AM7224)

- 1 1. On page 1, line 11, strike "charged with" and insert
- 2 "accused of".
- 3 2. On page 2, line 2, strike "interlocal agreements" and
- 4 insert "agreements under the Interlocal Cooperation Act or the
- 5 Joint Public Agency Act"; and in line 10 strike "jail time" and
- 6 insert "short-term jail time or detention".

Senator Bromm filed the following amendment to LB 1062:
AM3606

(Amendments to E & R amendments, AM7214)

- 1 1. Insert the following new section:
- 2 "Section 1. Section 23-3502, Revised Statutes
- 3 Supplement, 2000, is amended to read:
- 4 23-3502. (1)(a) When a county with a population of three
- 5 thousand six hundred or more and less than two hundred thousand
- 6 inhabitants or with a taxable value of the taxable property of
- 7 twenty-eight million six hundred thousand dollars or more
- 8 establishes a facility or facilities as provided by section
- 9 23-3501, the county board of the county shall proceed at once to
- 10 appoint a board of trustees. Such board shall consist of three,
- 11 five, or seven members as fixed by the county board. All members
- 12 of the board shall be residents of such county.
- 13 (b) When the board is first established, one member shall
- 14 be appointed for a term of two years, one for four years, and one
- 15 for six years from the date they are appointed if the county board
- 16 provides for a three-member board.
- 17 If the county board provides for a five-member board, one
- 18 additional member shall be appointed for four years and one for six
- 19 years. When the board is changed to a five-member board, the three
- 20 members who are serving as such trustees at the time of a change
- 21 from a three-member to a five-member board shall each complete his
- 22 or her respective term of office. The two additional members shall
- 23 be appointed by the county board, one for a term of four years and
- 1 one for a term of six years. Thereafter, as their terms expire,
- 2 members shall be appointed for terms of six years.
- 3 If the county board provides for a seven-member board,
- 4 one additional member shall be appointed for two years and one for
- 5 four years. When the board is changed to a seven-member board, the
- 6 three or five members who are serving as such trustees at the time
- 7 of the change shall each complete his or her respective term of
- 8 office. The two or four additional members shall be appointed by
- 9 the county board. If two additional members are appointed, one
- 10 shall be appointed for four years and one for six years. If four
- 11 additional members are appointed, one shall be appointed for two

12 years, two for four years, and one for six years.

13 (2) ~~Except in any county having a population of more than~~
14 ~~three hundred thousand inhabitants, not over two members of the~~
15 ~~board of trustees shall be from the city in which such facility or~~
16 ~~facilities are located.~~ In any county having a population of more
17 than three hundred thousand inhabitants, a minimum of one member of
18 the board of trustees shall be a resident of the county and shall
19 reside outside the corporate limits of the city in which such
20 facility or facilities are located. In any county having a
21 population of more than three hundred thousand inhabitants, if only
22 one member of the board of trustees resides outside the corporate
23 limits of the city in which the facility or facilities are located
24 and the residence of the member is annexed by the city, he or she
25 shall be allowed to complete his or her term of office but shall
26 not be eligible for reappointment. The trustees shall, within ten
27 days after their appointment, qualify by taking the oath of county
1 officers and by furnishing a bond in an amount to be fixed by the
2 county board. They shall organize as a board of trustees by the
3 election of one of their number as chairperson, one as secretary,
4 and one as treasurer, except that in counties with two hundred
5 thousand inhabitants or more, the county treasurer of the county in
6 which such facility or facilities are located shall be the
7 treasurer of the board of trustees. The treasurer shall receive
8 and pay out all the money under the control of such board as
9 ordered by it and shall report such expenditures and receipts to
10 the county board on a monthly basis and as required by section
11 23-3507. The monthly report shall include a statement of the
12 amount of currently outstanding registered warrants.

13 (3)(a) When a member or trustee is absent from three
14 consecutive board meetings either regular or special without being
15 excused by the remaining members of the board, his or her office
16 shall become vacant and a new member shall be appointed by the
17 county board to fill the vacancy for the unexpired term of such
18 member pursuant to subdivision (3)(b) of this section. Such
19 vacancy shall become effective when the county board finds that
20 there is such a vacancy or fills the same as provided in this
21 subsection.

22 (b) Any member of such board may at any time be removed
23 from office by the county board. Vacancies shall be filled in
24 substantially the same manner as the original appointments are
25 made. The person appointed to fill such a vacancy shall hold
26 office for the unexpired term.

27 (4) In counties having a population of two hundred
1 thousand inhabitants or more, the county board of the county having
2 such facility or facilities, in lieu of appointing a board of
3 trustees of such facility or facilities, may elect to serve as the
4 board of trustees of such facility or facilities. If the county
5 board makes such election, the county board shall assume all the
6 duties and responsibilities of the board of trustees of the

- 7 institution. Such election shall be evidenced by the adoption of a
 8 resolution by the county board."
 9 2. On page 82, line 5, after "sections" insert
 10 "23-3502,".
 11 3. Renumber the remaining sections and correct internal
 12 references accordingly.

STANDING COMMITTEE REPORT
General Affairs

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

State Electrical Board
 Bill Whitmer

VOTE: Aye: Senators Burling, Cunningham, McDonald, Redfield, and Schrock. Nay: None. Absent: Senators Erdman, Janssen, and Synowiecki.

(Signed) Ray Janssen, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 458. Introduced by Jones, 43.

WHEREAS, Kathy Gurnsey of Bassett, Nebraska, was honored as Nebraska's Mother of the Year for the year 2002; and

WHEREAS, this award exemplifies the ideals of successful motherhood: Understanding, patience, compassion, love, courage, character, and community spirit; and

WHEREAS, Kathy & Nick Gurnsey are the parents of three children and the grandparents of three children; and

WHEREAS, Kathy Gurnsey has been actively involved in many community service organizations; and

WHEREAS, Kathy Gurnsey met and exceeded the requirements of this award, all of which demand efficient organizational, time management, and leadership skills.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes and congratulates Kathy Gurnsey as the 2002 Nebraska Mother of the Year.
2. That a copy of this resolution be sent to Kathy Gurnsey.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 989A. Placed on Select File.

LEGISLATIVE BILL 1033A. Placed on Select File.
LEGISLATIVE BILL 1003A. Placed on Select File.

Correctly Engrossed

The following bill was correctly engrossed: LB 687A.

(Signed) Philip Erdman, Chairperson

MOTION - Override Line-Item Vetoes on LB 1309

The Appropriations Committee renewed their pending motion, found on page 1559, to override the Governor's line-item vetoes on LB 1309, pursuant to Rule 6, Section 14, EXCEPT FOR THE FOLLOWING vetoes to be sustained:

Section 65, Health and Human Services, Program 177, Administration, for \$80,000 in FY2001-02 only.

Section 82, Natural Resources, Program 331, Water Rights Litigation, for \$475,000.

Section 96, Department of Corrections, Program 200, Operations, for \$6,000,000 in FY2001-02 only.

Section 109, Department of Administrative Services, Program 101, for \$450,000 in FY2001-02 only.

Section 149, Department of Administrative Services, for the transfer of \$1,380,000 from the General Fund to the Information Technology Infrastructure Fund.

Senator Chambers offered the following amendment to the Appropriations Committee pending motion:

Add: "Sec. 103 Coordinating Commission for Postsecondary Education - Program 650"

SENATOR COORDSEN PRESIDING

Pending.

VISITORS

Visitors to the Chamber were 67 fourth-grade students and teachers from Tara Heights Elementary School, Papillion; Matt Shultz from North Platte; and 5 students and sponsors from Scottsbluff.

The Doctor of the Day was Dr. Bruce Gfeller from Lincoln.

ADJOURNMENT

At 6:07 p.m., on a motion by Senator Wehrbein, the Legislature adjourned until 9:00 a.m., Wednesday, April 10, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIFTH DAY - APRIL 10, 2002**LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE
SECOND SESSION****FIFTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 10, 2002

PRAYER

The prayer was offered by Senator Coordsen.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

The roll was called and all members were present except Senators Cunningham, Dierks, Kremer, McDonald, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fourth day was approved.

REPORT OF THE EXECUTIVE BOARD2002 Resolutions calling for an Interim Study

- LR 318 Interim study to examine the prohibition of certain telephone solicitations
Transportation and Telecommunications
- LR 320 Interim study to examine methods of making state and local government more efficient and cost effective
Government, Military and Veterans Affairs
- LR 321 Interim study to review the growth in Medicaid expenditures
Health and Human Services
- LR 322 Interim study to review the expenditures of the Department of Correctional Services
Judiciary

- LR 323 Interim study to review state funds allocated as aid to local governments
Revenue
- LR 324 Interim study to examine state aid to schools under the Tax Equity and Educational Opportunities Support Act
Education
- LR 325 Interim study to examine the concept of zero-based budgeting for Nebraska state agency appropriations
Appropriations
- LR 326 Interim study to examine how to provide legislative oversight of federal funds allocated to the state to prepare for possible acts of terrorism
Appropriations/Government, Military and Veterans Affairs/
Health and Human Services
- LR 328 Interim study to examine elimination of General Fund appropriations to the Public Service Commission
Transportation and Telecommunications
- LR 329 Interim study regarding immigration status preventing high school graduates from obtaining a college education at a public institution
Education
- LR 330 Interim study to examine the results of LB 1100, 1998, regarding public building deferred maintenance projects
Building Maintenance
- LR 331 Interim study to review state common carrier laws, rules, and regulations
Transportation and Telecommunications
- LR 332 Interim study to examine LB 396, 2001, which would enact the Advanced Practice Registered Nurse Act
Health and Human Services
- LR 333 Interim study to determine which health care fields have shortages of professionals to provide health care
Health and Human Services
- LR 334 Interim study to examine issues relating to unsolicited electronic mail
Transportation and Telecommunications
- LR 335 Interim study to examine the consolidation of government, especially consolidation of political subdivisions
Government, Military and Veterans Affairs

- LR 336 Interim study to examine implementation of a unified statewide voter registration system
Government, Military and Veterans Affairs
- LR 337 Interim study to examine implications of USDA v. United Foods, regarding state commodity programs funded through checkoff assessments
Agriculture
- LR 338 Interim study to examine mechanisms to protect financial interests of producers, livestock marketing agencies, and lenders in livestock sales transactions
Agriculture
- LR 339 Interim study to examine anticipated revenue to and expenditures from the Ethanol Production Incentive Cash Fund through termination of ethanol production incentive programs
Agriculture
- LR 340 Interim study regarding implementation of a professional licensing program relating to the wastewater treatment systems industry
Natural Resources
- LR 341 Interim study to evaluate the status of new ethanol production facilities
Revenue
- LR 342 Interim study to examine particular pesticide notification requirements for schools and other buildings where children are present
Agriculture
- LR 343 Interim study to seek solutions to barriers to the development of renewable energy
Natural Resources
- LR 344 Interim study to examine issues within the jurisdiction of the Government, Military and Veterans Affairs Committee of the Legislature
Government, Military and Veterans Affairs
- LR 345 Interim study to examine the recycling of hazardous wastes into fertilizers
Natural Resources
- LR 346 Interim study to examine issues raised by introduction of LB 399, 2001, the Outpatient Surgical Procedures Data Act
Health and Human Services

- LR 347 Interim study to examine the possibility of closing the Norfolk Regional Center
Appropriations
- LR 349 Interim study to determine a more cost-effective means to deliver rehabilitative and necessary services to individuals in the correctional system
Judiciary
- LR 350 Interim study to examine the administrative and personnel structure of the Health and Human Services System
Health and Human Services
- LR 351 Interim study to determine a process by which a minor may be emancipated
Judiciary
- LR 352 Interim study to examine changing the age of majority from nineteen to eighteen years
Health and Human Services
- LR 353 Interim study to examine the administrative license revocation process
Transportation and Telecommunications
- LR 354 Interim study to examine the authority cities and villages have to require railroads to maintain railroad crossings in good condition
Transportation and Telecommunications
- LR 355 Interim study to determine how the Dept. of Health and Human Services can improve its cost effectiveness in providing services
Health and Human Services
- LR 356 Interim study to examine the Game and Parks Commission's operations of the state park system
Natural Resources
- LR 357 Interim study to examine the federal Clean Water Act as it relates to the State of Nebraska
Natural Resources
- LR 358 Interim study to examine problems associated with disposal of used electronic equipment
Natural Resources
- LR 359 Interim study to conduct a review of the scrap tire program
Natural Resources
- LR 360 Interim study to conduct a review of environmental recycling

and waste reduction grant programs
Natural Resources

- LR 361 Interim study to determine what amount of funding is needed to fully fund anticipated claims under the Nebraska Crime Victim's Reparations Act
Judiciary
- LR 362 Interim study of the collective bargaining process for all public employees of the State of Nebraska
Business and Labor
- LR 363 Interim study to examine the issue of the enticement of children through the Internet
Judiciary
- LR 364 Interim study to examine Nebraska's contractor registration law
Business and Labor
- LR 365 Interim study to examine the County Juvenile Services Aid Program and the Juvenile Services Grant Funds
Judiciary
- LR 366 Interim study to determine whether Nebraska should update laws which provide for the creation and perfection by filing of agricultural statutory liens
Banking, Commerce and Insurance
- LR 367 Interim study to determine whether Nebraska should enact the Uniform Trust Code
Banking, Commerce and Insurance
- LR 368 Interim study to examine laws with respect to driving under the influence repeat offenders
Transportation and Telecommunications
- LR 369 Interim study to examine the organizational structure and wording of Nebraska's driving under the influence law
Transportation and Telecommunications
- LR 370 Interim study to identify issues relating to the operation of child advocacy centers
Health and Human Services
- LR 371 Interim study to clarify who is eligible to run for positions on the boards of educational service units comprising more than one county
Education

- LR 372 Interim study to review the taxation procedures of the Nebraska telecommunications industry
Revenue
- LR 373 Interim study to develop legislation to reduce air emissions from power plants
Natural Resources
- LR 374 Interim study to examine Nebraska's statutory protections of consumers when they make automobile purchases
Transportation and Telecommunications
- LR 375 Interim study to review the fee structure of the Nebraska court system
Judiciary
- LR 376 Interim study to examine sheriff's fees
Judiciary
- LR 377 Interim study of classified and non-classified employees in the State Personnel System
Government, Military and Veterans Affairs
- LR 378 Interim study to determine which penalties most effectively deter underage consumption of alcoholic liquor
General Affairs
- LR 379 Interim study of the statutes relating to notaries public
Judiciary
- LR 380 Interim study to examine issues raised by introduction of bills relating to the County Purchasing Act
Government, Military and Veterans Affairs
- LR 381 Interim study to review services provided by the two divisions within the Protection and Safety System
Judiciary
- LR 382 Interim study to examine the process used by the health and human services system to designate children as not eligible for Title IV-E federal funds
Health and Human Services
- LR 383 Interim study to examine different types of deferred retirement option plans
Nebraska Retirement Systems
- LR 384 Interim study to examine the federal Safe Drinking Water Act as it relates to the State of Nebraska
Natural Resources

- LR 385 Interim study to review implications of revising the state's income tax
Revenue
- LR 387 Interim study to examine impacts of market concentration on processing, retail, and farm input sectors of the food system on production agriculture
Agriculture
- LR 388 Interim study to examine vulnerability of production agriculture and food systems in Nebraska to acts of sabotage and economic disruption
Agriculture
- LR 389 Interim study to examine the feasibility of implementing a means of informing consumers of the country of origin of meat products at the retail level
Agriculture
- LR 390 Interim study to examine the feasibility of implementing the recommendations of the Carbon Sequestration Advisory Committee
Agriculture
- LR 391 Interim study to consider benefits and procedures of accrediting educational service units
Education
- LR 392 Interim study to examine the review and analysis of the Nebraska Juvenile Code
Judiciary
- LR 393 Interim study to conduct a review of community corrections in Nebraska
Judiciary
- LR 394 Interim study of the formula needs component of the state aid formula
Education
- LR 395 Interim study to review the statutory provisions pertaining to the operation of the Nebraska Investment Council
Nebraska Retirement Systems
- LR 396 Interim study to examine the issue of controlled substances relating to methamphetamine problems
Judiciary
- LR 397 Interim study to determine what can be done to strengthen

current lien statutes
Banking, Commerce and Insurance

- LR 398 Interim study of statutes regarding the awarding of prejudgment and postjudgment interest and attorney's fees in certain civil cases
Judiciary
- LR 399 Interim study to examine issues relating to private contracting for personal services
Government, Military and Veterans Affairs
- LR 400 Interim study to determine whether changes recommended by the Supreme Court to the child support guidelines warrant legislative response
Judiciary
- LR 401 Interim study to examine long-term landfill closure monitoring and remediation expenses
Natural Resources
- LR 402 Interim study to continue review of the areas of parole and correctional population management and staffing
Judiciary
- LR 403 Interim study to continue work by the Revenue Committee to inform the Legislature and others of Nebraska's tax structure compared with the past and with other states
Revenue
- LR 404 Interim study to examine the utility of the special value that may be assigned to land in agricultural and horticultural use that has value for other purposes
Revenue
- LR 405 Interim study to monitor administration and progress of the Uniform Sales and Use Tax Administration Act
Revenue
- LR 406 Interim study to examine historical evidence of the effectiveness of the Employment and Investment Growth Act
Revenue
- LR 407 Interim study to examine laws relating to the usage of In Transit decals on motor vehicles
Transportation and Telecommunications
- LR 408 Interim study to examine the investment advisors utilized by the Nebraska Investment Council
Nebraska Retirement Systems

- LR 409 Interim study to examine denial of coverage by insurance providers for treatment of certain reproductive diseases
Banking, Commerce and Insurance
- LR 410 Interim study to conduct research and develop recommendations relating to Medicaid
Health and Human Services/Appropriations
- LR 411 Interim study to examine health and human services issues
Health and Human Services
- LR 412 Interim study to examine issues raised by LB 1185, 2002, relating to the agriculture exemption within the Nebraska Workers' Compensation Act
Business and Labor
- LR 413 Interim study to examine whether the guest statute is fair to those injured in motor vehicle accidents
Judiciary
- LR 414 Interim study to review the current process for Dept. of Roads' projects
Transportation and Telecommunications
- LR 415 Interim study to examine issues relating to health care professionals
Health and Human Services
- LR 416 Interim study to examine issues relating to natural gas regulation
Urban Affairs
- LR 417 Interim study to compile information on programs in other states that offer tax incentives to promote the preservation of historic properties
Revenue
- LR 418 Interim study of Nebraska's employment security laws
Business and Labor
- LR 419 Interim study to examine the Workplace Safety Consultation Program administered by the Dept. of Labor
Business and Labor
- LR 420 Interim study of Nebraska's Employee Suggestion System
Government, Military and Veterans Affairs
- LR 421 Interim study to examine whether review by a panel of three judges of awards made by a judge under the Workers' Compensation Act is an efficient use of judicial resources
Business and Labor

- LR 422 Interim study of the minimum wage in Nebraska
Business and Labor
- LR 423 Interim study to examine issues relating to requiring persons employed to coach or supervise extracurricular activities to hold a certificate or permit to teach
Education
- LR 424 Interim study to evaluate methods to increase biofuel consumption in Nebraska
Agriculture
- LR 425 Interim study of the potential economic impact of a credit trading mechanism under the proposed renewable fuel standard considered by Congress
Natural Resources
- LR 426 Interim study of the funds of the Workers' Compensation Court
Business and Labor
- LR 427 Interim study of the Workers' Compensation Court's role in oversight of the activities of self insured employers
Business and Labor
- LR 428 Interim study of the issuance and use of special designated liquor licenses
General Affairs
- LR 429 Interim study of charitable gaming in Nebraska
General Affairs
- LR 430 Interim study of the system for tracking cemetery locations in the state
General Affairs
- LR 431 Interim study of alcoholic liquor sales in Whiteclay, Nebraska
General Affairs
- LR 432 Interim study of the feasibility of reclassifying the liquor licensing system
General Affairs
- LR 433 Interim study of the Nebraska Lottery and Raffle Act and the Nebraska Small Lottery and Raffle Act
General Affairs
- LR 434 Interim study to review existing law and the need for legislation regarding the predatory pricing of motor fuel
Natural Resources

- LR 435 Interim study of the state's sales and use tax
Revenue
- LR 436 Interim study of the law enforcement funding in counties with
tribal land and multijurisdictional law enforcement agencies
Judiciary
- LR 437 Interim study to review matters under the jurisdiction of the
Transportation and Telecommunications Committee
Transportation and Telecommunications
- LR 438 Interim study of the impact to the state and the motoring public
from tire debris on Nebraska's highways
Transportation and Telecommunications
- LR 439 Interim study of issues surrounding the safety and fitness of
holders of commercial driver's licenses when a licenseholder has
a change in medical health
Transportation and Telecommunications
- LR 440 Interim study of environmental effects and other issues relating
to the Livestock Waste Management Act
Natural Resources
- LR 441 Interim study of effects to the state of expanding the brand
inspection area
Agriculture
- LR 442 Interim study of the Uniform Mediation Act
Judiciary
- LR 443 Interim study of the requirements for emergency medical
technician certification
Health and Human Services
- LR 444 Interim study of issues relating to the structure of local municipal
government
Urban Affairs
- LR 445 Interim study of economic development programs that operate
by providing sales or income tax credits
Revenue
- LR 446 Interim study to examine issues raised by the introduction of LB
811, 2001, relating to amending the state building code
Urban Affairs
- LR 447 Interim study of issues relating to the local lodging tax
Government, Military and Veterans Affairs

- LR 448 Interim study of issues relating to taxation of real property owned by political subdivisions but devoted to other than public purposes
Revenue
- LR 449 Interim study to review matters under the jurisdiction of the Urban Affairs Committee
Urban Affairs
- LR 450 Interim study to review the impact of both levy lids and budget lids for cities experiencing increased population growth
Revenue
- LR 451 Interim study of the Kids Connection medical assistance program
Task Force
- LR 452 Interim study to determine whether an alternative method under the Administrative Procedures Act is warranted for bringing forth a claim
Government, Military and Veterans Affairs
- LR 453 Interim study to investigate the need for reorganization and recodification of the motor vehicle titling and registration laws
Transportation and Telecommunications
- LR 455 Interim study to examine state policies relating to education and career preparation programs
Education
- LR 456 Interim study of the feasibility of reducing General Fund appropriations to the Public Service Commission and assess costs of administering the regulatory functions
Transportation and Telecommunications

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 454 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 386 and 454.

MOTIONS - Approve Appointments

Senator Jensen moved the adoption of the report of the Health and Human Services Committee for the following appointments found on page 1369: Commission for the Blind and Visually Impaired - Nichelle Ferreyra and Dorothy Westin-Yockey; Foster Care Review Board - Debra K. Starr.

Senator Jensen requested a division of the question on the confirmation report.

The Chair sustained the division of the question.

The first division is as follows:

Senator Jensen moved the adoption of the report of the Health and Human Services Committee for the following appointments found on page 1369: Commission for the Blind and Visually Impaired - Nichelle Ferreyra and Dorothy Westin-Yockey.

Voting in the affirmative, 36:

| | | | | |
|----------|----------|---------------|------------|----------|
| Aguilar | Coordsen | Jones | Quandahl | Thompson |
| Baker | Engel | Kristensen | Raikes | Tyson |
| Bourne | Erdman | Kruse | Redfield | Vrtiska |
| Brashear | Foley | Landis | Schimek | Wehrbein |
| Bromm | Hartnett | Pedersen, Dw. | Schrock | |
| Brown | Hudkins | Pederson, D. | Smith | |
| Burling | Janssen | Preister | Suttle | |
| Byars | Jensen | Price | Synowiecki | |

Voting in the negative, 0.

Present and not voting, 8:

| | | | |
|---------|----------|----------|------------|
| Beutler | Chambers | Cudaback | Stuhr |
| Bruning | Connealy | Maxwell | Wickersham |

Excused and not voting, 5:

| | | | | |
|------------|--------|--------|----------|-------|
| Cunningham | Dierks | Kremer | McDonald | Robak |
|------------|--------|--------|----------|-------|

The appointments were confirmed with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

The second division is as follows:

Senator Jensen moved the adoption of the report of the Health and Human Services Committee for the following appointment found on page 1369: Foster Care Review Board - Debra K. Starr.

Voting in the affirmative, 35:

| | | | | |
|---------|----------|------------|---------------|------------|
| Aguilar | Chambers | Foley | Kruse | Raikes |
| Baker | Connealy | Hartnett | Landis | Redfield |
| Beutler | Coordsen | Hudkins | Maxwell | Schimek |
| Bourne | Cudaback | Janssen | McDonald | Stuhr |
| Bromm | Dierks | Jensen | Pedersen, Dw. | Tyson |
| Bruning | Engel | Jones | Preister | Vrtiska |
| Burling | Erdman | Kristensen | Price | Wickersham |

Voting in the negative, 0.

Present and not voting, 13:

| | | | | |
|----------|--------------|---------|------------|----------|
| Brashear | Kremer | Robak | Suttle | Wehrbein |
| Brown | Pederson, D. | Schrock | Synowiecki | |
| Byars | Quandahl | Smith | Thompson | |

Excused and not voting, 1:

Cunningham

The appointment was confirmed with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Senator Janssen moved the adoption of the report of the General Affairs Committee for the following appointment found on page 1562: State Electrical Board - Bill Whitmer.

Voting in the affirmative, 34:

| | | | | |
|---------|----------|------------|---------------|------------|
| Aguilar | Chambers | Hudkins | Maxwell | Redfield |
| Baker | Connealy | Janssen | McDonald | Smith |
| Bourne | Coordsen | Jensen | Pedersen, Dw. | Synowiecki |
| Bromm | Dierks | Jones | Pederson, D. | Tyson |
| Bruning | Erdman | Kristensen | Price | Vrtiska |
| Burling | Foley | Kruse | Quandahl | Wickersham |
| Byars | Hartnett | Landis | Raikes | |

Voting in the negative, 0.

Present and not voting, 15:

| | | | | |
|----------|------------|----------|---------|----------|
| Beutler | Cudaback | Kremer | Schimek | Suttle |
| Brashear | Cunningham | Preister | Schrock | Thompson |
| Brown | Engel | Robak | Stuhr | Wehrbein |

The appointment was confirmed with 34 ayes, 0 nays, and 15 present and not voting.

SELECT FILE

LEGISLATIVE BILL 1003A. Advanced to E & R for engrossment.

SENATOR COORDSEN PRESIDING**BILLS ON FINAL READING**

The following bill was read and put upon final passage:

LEGISLATIVE BILL 947.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,147, Reissue Revised Statutes of Nebraska, sections 13-326 and 77-2702.07, Revised Statutes Supplement, 2000, and section 77-2701, Revised Statutes Supplement, 2001; to change provisions relating to the taxation of mobile telecommunications service; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 49:

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|----------|------------|------------|---------------|------------|
| Aguilar | Chambers | Hudkins | Pedersen, Dw. | Smith |
| Baker | Connealy | Janssen | Pederson, D. | Stuhr |
| Beutler | Coordsen | Jensen | Preister | Suttle |
| Bourne | Cudaback | Jones | Price | Synowiecki |
| Brashear | Cunningham | Kremer | Quandahl | Thompson |
| Bromm | Dierks | Kristensen | Raikes | Tyson |
| Brown | Engel | Kruse | Redfield | Vrtiska |
| Bruning | Erdman | Landis | Robak | Wehrbein |
| Burling | Foley | Maxwell | Schimek | Wickersham |
| Byars | Hartnett | McDonald | Schrock | |

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 898 with 44 ayes, 2 nays, and 3 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 898. With Emergency.

A BILL FOR AN ACT relating to schools; to amend sections 79-1005.01, 79-1007.02, 79-1017.01, 79-1022, and 79-1031.01, Revised Statutes Supplement, 2000, and sections 77-3442, 79-1001, 79-1003, 79-1007.01, 79-1008.01, 79-1008.02, and 79-1009, Revised Statutes Supplement, 2001; to provide an exclusion to the property tax levy for certain schools; to change provisions relating to state aid to schools; to define and redefine terms; to change provisions relating to option funding as prescribed; to provide for a temporary aid adjustment factor and changes in certification of aid; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

| | | | | |
|----------|----------|---------------|----------|------------|
| Aguilar | Chambers | Jensen | Preister | Suttle |
| Baker | Connealy | Jones | Price | Synowiecki |
| Beutler | Coordsen | Kremer | Quandahl | Thompson |
| Bourne | Cudaback | Kristensen | Raikes | Vrtiska |
| Brashear | Engel | Kruse | Redfield | Wehrbein |
| Bromm | Erdman | Landis | Robak | Wickersham |
| Brown | Foley | Maxwell | Schimek | |
| Bruning | Hartnett | McDonald | Schrock | |
| Burling | Hudkins | Pedersen, Dw. | Smith | |
| Byars | Janssen | Pederson, D. | Stuhr | |

Voting in the negative, 3:

| | | |
|------------|--------|-------|
| Cunningham | Dierks | Tyson |
|------------|--------|-------|

Not voting, 0.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 898A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2001, LB 543, section 44, as amended by section 49, Legislative Bill 1, Ninety-seventh Legislature, First Special Session, 2001; to appropriate funds to aid in carrying out the provisions of Legislative Bill 898,

Ninety-seventh Legislature, Second Session, 2002; to change certain appropriations as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

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|----------|----------|------------|---------------|------------|
| Aguilar | Chambers | Janssen | Pedersen, Dw. | Schrock |
| Baker | Connealy | Jensen | Pederson, D. | Smith |
| Beutler | Coordsen | Jones | Preister | Stuhr |
| Bourne | Cudaback | Kremer | Price | Suttle |
| Brashear | Engel | Kristensen | Quandahl | Synowiecki |
| Bromm | Erdman | Kruse | Raikes | Thompson |
| Brown | Foley | Landis | Redfield | Vrtiska |
| Bruning | Hartnett | Maxwell | Robak | Wehrbein |
| Byars | Hudkins | McDonald | Schimek | Wickersham |

Voting in the negative, 3:

Cunningham Dierks Tyson

Present and not voting, 1:

Burling

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTIONS - Return LB 1085 to Select File

Senator Wickersham moved to return LB 1085 to Select File for the following specific amendment:

FA1075

Strike the enacting clause.

Senator Wickersham withdrew his motion to return.

Senator Quandahl moved to return LB 1085 to Select File for the following specific amendment:

AM3656

(Amendments to Final Reading copy)

- 1 1. Strike sections 3 to 16, 22, 24, and 25 of this act
- 2 and insert the following new sections:
- 3 "Sec. 8. Sections 2 to 5, 8, 9, and 11 of this act
- 4 become operative on their effective date. The other sections of
- 5 this act become operative on October 1, 2002.

6 Sec. 10. Original sections 77-4008 and 77-4025, Reissue
 7 Revised Statutes of Nebraska, and section 77-2602, Revised Statutes
 8 Supplement, 2001, are repealed."
 9 2. Strike beginning with page 1, line 2, through page 2,
 10 line 3, and insert "77-4008 and 77-4025, Reissue Revised Statutes
 11 of Nebraska, sections 77-2701.02, 77-2715.02, and 77-2716, Revised
 12 Statutes Supplement, 2000, and sections 77-2602 and 77-3442,
 13 Revised Statutes Supplement, 2001; to change tax provisions for
 14 cigarettes and tobacco products; to change sales and income tax
 15 rates; to provide an adjustment to federal adjusted gross income;
 16 to provide an exclusion to the property tax levy for certain
 17 schools; to harmonize provisions; to provide operative dates; to
 18 repeal the original sections; and to declare an emergency."
 19 3. Renumber the remaining sections and correct internal
 20 references accordingly.

Senator Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 1 nay, and 16 not voting.

The Quandahl motion to return failed with 14 ayes, 25 nays, and 10 present and not voting.

Senator Wickersham moved to return LB 1085 to Select File for the following specific amendment:
 FA1076
 Strike Sections 1 and 21.

Senator Wickersham withdrew his motion to return.

SPEAKER KRISTENSEN PRESIDING

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1085 with 37 ayes, 3 nays, and 9 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1085. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2702.09, 77-2702.11, 77-2702.16, 77-2702.17, 77-2704.11, 77-2704.26, 77-2704.27, 77-2704.30, 77-4008, and 77-4025, Reissue Revised Statutes of Nebraska, sections 77-2701.02, 77-2702.07, 77-2702.13, 77-2702.14, 77-2702.15, 77-2703, 77-2715.02, and 77-2716, Revised Statutes

Supplement, 2000, and sections 77-2602, 77-2704.31, and 77-3442, Revised Statutes Supplement, 2001; to change tax provisions for cigarettes and tobacco products; to subject services to sales tax as prescribed; to provide and eliminate certain sales tax exemptions; to change sales and income tax rates; to provide an adjustment to federal adjusted gross income; to provide an exclusion to the property tax levy for certain schools; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 77-2704.22, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 30:

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|----------|----------|------------|---------------|------------|
| Beutler | Connealy | Janssen | Landis | Schimek |
| Bourne | Coordsen | Jensen | McDonald | Schrock |
| Brashear | Cudaback | Jones | Pedersen, Dw. | Stuhr |
| Bromm | Engel | Kremer | Pederson, D. | Vrtiska |
| Burling | Hartnett | Kristensen | Price | Wehrbein |
| Byars | Hudkins | Kruse | Raikes | Wickersham |

Voting in the negative, 17:

| | | | | |
|---------|------------|----------|------------|-------|
| Aguilar | Cunningham | Maxwell | Smith | Tyson |
| Baker | Dierks | Quandahl | Suttle | |
| Brown | Erdman | Redfield | Synowiecki | |
| Bruning | Foley | Robak | Thompson | |

Present and not voting, 2:

Chambers Preister

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 29:

| | | | | |
|----------|----------|------------|---------------|------------|
| Beutler | Coordsen | Jensen | McDonald | Schrock |
| Bourne | Cudaback | Jones | Pedersen, Dw. | Stuhr |
| Brashear | Engel | Kremer | Pederson, D. | Vrtiska |
| Bromm | Hartnett | Kristensen | Price | Wehrbein |
| Byars | Hudkins | Kruse | Raikes | Wickersham |
| Connealy | Janssen | Landis | Schimek | |

Voting in the negative, 19:

| | | | | |
|---------|------------|----------|----------|------------|
| Aguilar | Chambers | Foley | Redfield | Synowiecki |
| Baker | Cunningham | Maxwell | Robak | Thompson |
| Brown | Dierks | Preister | Smith | Tyson |
| Bruning | Erdman | Quandahl | Suttle | |

Present and not voting, 1:

Burling

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1085A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1085, Ninety-seventh Legislature, Second Session, 2002; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 28:

| | | | | |
|----------|----------|------------|---------------|----------|
| Beutler | Coordsen | Jensen | McDonald | Schrock |
| Brashear | Cudaback | Jones | Pedersen, Dw. | Stuhr |
| Bromm | Engel | Kremer | Pederson, D. | Vrtiska |
| Burling | Hartnett | Kristensen | Price | Wehrbein |
| Byars | Hudkins | Kruse | Raikes | |
| Connealy | Janssen | Landis | Schimek | |

Voting in the negative, 18:

| | | | | |
|---------|------------|----------|------------|----------|
| Aguilar | Cunningham | Maxwell | Robak | Thompson |
| Baker | Dierks | Preister | Smith | Tyson |
| Brown | Erdman | Quandahl | Suttle | |
| Bruning | Foley | Redfield | Synowiecki | |

Present and not voting, 3:

| | | |
|--------|----------|------------|
| Bourne | Chambers | Wickersham |
|--------|----------|------------|

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached.

MOTION - Reconsider Action on LB 1085A

Senator Wickersham moved to reconsider the vote on final passage of LB 1085A with the emergency clause attached.

The Wickersham motion to reconsider prevailed with 38 ayes, 2 nays, and 9 present and not voting.

BILL ON FINAL READING

The following bill was put upon final passage:

LEGISLATIVE BILL 1085A. With Emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 34:

| | | | | |
|----------|----------|------------|---------------|------------|
| Beutler | Byars | Hudkins | Landis | Schimek |
| Bourne | Chambers | Janssen | McDonald | Smith |
| Brashear | Connealy | Jensen | Pedersen, Dw. | Stuhr |
| Bronm | Coordsen | Jones | Pederson, D. | Vrtiska |
| Brown | Cudaback | Kremer | Price | Wehrbein |
| Bruning | Engel | Kristensen | Raikes | Wickersham |
| Burling | Hartnett | Kruse | Redfield | |

Voting in the negative, 6:

| | | |
|---------|--------|----------|
| Aguilar | Erdman | Thompson |
| Dierks | Robak | Tyson |

Present and not voting, 9:

| | | | | |
|------------|---------|----------|---------|------------|
| Baker | Foley | Preister | Schrock | Synowiecki |
| Cunningham | Maxwell | Quandahl | Suttle | |

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 947, 898, and 898A.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1040. With Emergency.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize certain write-offs as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

| | | | | |
|----------|------------|------------|---------------|------------|
| Aguilar | Chambers | Hartnett | Maxwell | Schimek |
| Baker | Connealy | Hudkins | McDonald | Schrock |
| Bourne | Coordsen | Janssen | Pedersen, Dw. | Smith |
| Brashear | Cudaback | Jensen | Pederson, D. | Stuhr |
| Bromm | Cunningham | Jones | Preister | Suttle |
| Brown | Dierks | Kremer | Price | Synowiecki |
| Bruning | Engel | Kristensen | Raikes | Thompson |
| Burling | Erdman | Kruse | Redfield | Tyson |
| Byars | Foley | Landis | Robak | Vrtiska |

Voting in the negative, 0.

Present and not voting, 4:

| | | | |
|---------|----------|----------|------------|
| Beutler | Quandahl | Wehrbein | Wickersham |
|---------|----------|----------|------------|

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: LB 1085.

(Signed) Philip Erdman, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 1040, 1085, and 1085A.

MOTION - Return LB 1021 to Select File

Senator Jensen moved to return LB 1021 to Select File for his specific

pending amendment, AM3516, on file and referred to on page 1553.

SENATOR WICKERSHAM PRESIDING

The Jensen motion to return prevailed with 28 ayes, 0 nays, and 21 present and not voting.

SELECT FILE

LEGISLATIVE BILL 1021. The Jensen specific pending amendment, AM3516, on file and referred to on page 1553, was adopted with 31 ayes, 0 nays, and 18 present and not voting.

Advanced to E & R for engrossment.

SPEAKER KRISTENSEN PRESIDING

MOTION - Override Line-Item Vetoes on LB 1309

Senator Chambers withdrew his pending amendment, found on page 1563, to the Appropriations Committee pending motion to override the Governor's line-item vetoes on LB 1309.

Senator Wehrbein withdrew the Appropriations Committee pending motion, found on page 1559 and considered on page 1563, to override the Governor's line-item vetoes on LB 1309.

The Appropriations Committee moved to override the Governor's line-item vetoes on LB 1309 contained in the following sections:

Section 24, the Commission on Public Advocacy, Program 427, for county reimbursement for indigent defense, (LB 335A).

Section 38, the Supreme Court, Program 52 - Operations.

Section 39, the Supreme Court, Program 67 - Probation Services.

Section 52, the State Department of Education, Program 25 - Education, Administration and Support.

Section 75, Department of Health and Human Services Finance and Support, Program 348 - Medical Assistance.

Section 76, the Department of Roads, Program 305 - Assistance to Local Transit Authorities.

Section 80, the Department of Natural Resources, Program 307 - Nebraska Resources Development Fund.

Section 85, the Board of Educational Lands and Funds, Program 529 - Land Surveys.

Section 93, the Nebraska Library Commission, Program 302 - Library Development.

Section 97, the Department of Corrections, Program 750 - Jail Reimbursement Assistance.

Section 104, the Board of Trustees of the Nebraska State Colleges, Program 48 - Office of the Secretary.

Section 105, the University of Nebraska, Program 781 - University-Administration.

Section 107, the Nebraska State Historical Society, Program 648 - Nebraska State Historical Society.

Section 126, the Department of Economic Development, Program 600 - Administration.

Section 128, the Department of Economic Development, Program 618 - Tourism Promotion.

Section 140, Aid to Community Colleges, Program 152 - Property Tax Relief and Equalization.

Section 167, the Department of Health and Human Services Finance and Support, Program 424 - Developmental Disability Aid.

Section 173, the Commission for the Blind and Visually Impaired, Program 357 - Blind and Visually Impaired.

Pending.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: LB 1003A.

(Signed) Philip Erdman, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 10, 2002, at 11:20 a.m., were the following: LBs 947, 898e, 898Ae, 1085, 1085Ae, and 1040e.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

NOTICE OF COMMITTEE HEARING
Transportation and Telecommunications

Room 1113

Wednesday, April 17, 2002

8:30 AM

Greg Adams - Nebraska Information and Technology Commission

Eric Brown - Nebraska Information and Technology Commission

Trev Peterson - Nebraska Information and Technology Commission

L. Dennis Smith - Nebraska Information and Technology Commission

(Signed) Curt Bromm, Chairperson

VISITORS

Visitors to the Chamber were 25 third- and fourth-grade students and teacher from Cavett Elementary School, Lincoln; 67 students and teachers from Harvard; and 59 fourth-grade students and teachers from St. Michael School, Hastings.

RECESS

At 11:56 a.m., on a motion by Senator Beutler, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Kristensen presiding.

ROLL CALL

The roll was called and all members were present except Senators Chambers, Engel, Jensen, Landis, Robak, and Tyson who were excused until they arrive.

MESSAGES FROM THE GOVERNOR

April 10, 2002

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 947 was received in my office on April 10, 2002.

This bill was signed by me on April 10, 2002, and delivered to the Secretary of State.

Sincerely,
(Signed) Mike Johanns
Governor

April 10, 2002

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. President and Members of the Legislature:

With this letter I am returning LB 898 without my signature and with my objections. I am returning LB 898A with my signature.

I have supported the provisions in LB 898 that prescribe the manner in

which the Tax Equity and Educational Opportunities Support Act ["TEEOSA"] aid formula would be amended to implement the new level of aid to Nebraska school districts as we address our State's budget shortfall. However, as amended on Select File, the bill now authorizes school districts to exceed the maximum levy allowed by law without a vote of the people. You have now presented me with legislation I cannot support. I believe that Nebraskans are asking for greater spending restraint at all levels of government. Granting authority to a local school board to exceed the maximum levy without first requiring approval from taxpayers is inconsistent with the State's previously established requirement of allowing only the taxpayers themselves to determine such an important local funding issue.

Further, LB 898 is not required for the Legislature to implement the revised level of funding for state aid to schools under the TEEOSA aid appropriation that is contained in LB 898A. The Attorney General has determined that there are no statutes which would prevent or otherwise limit the Legislature's ability to change the amount of state aid that has previously been appropriated to schools.

For these reasons, I urge you to sustain my veto of LB 898.

Sincerely,
(Signed) Mike Johanns
Governor

April 10, 2002

Mr. President, Mr. Speaker,
and Members of the Legislature
State Capitol
Lincoln, Ne 68509

Dear Mr. President and Members of the Legislature:

I am returning LB 1085 and LB 1085A without my signature and with my objections.

LB 1085 contains a thirty cent increase in the cigarette tax and depreciation add-back provisions. I have publicly supported both of these proposals.

My objection to this legislation, however, is based upon the additional tax increases that are also a part of LB 1085. By imposing these additional tax increases, the Legislature is balancing the State's budget not by cutting state spending but, rather, by asking Nebraskans to pay more out of their pocketbooks. This economic recession has caused Nebraska businesses to lay off workers and reduce output, created uncertainties in our farm economy, and forced Nebraskans to reduce their spending on goods and

services. The decision not only to expand the sales tax base, but to increase both the income tax rate and the sales tax rate in order to sustain our current levels of state spending is something that I cannot support. I do not believe that a majority of our citizens will support the imposition of these new taxes during this difficult time.

For these reasons, I urge you to sustain my vetoes of LB 1085 and LB 1085A.

Sincerely,
(Signed) Mike Johanns
Governor

RESOLUTION

LEGISLATIVE RESOLUTION 459. Introduced by Wehrbein, 2.

WHEREAS, in accordance with section 85-1415, the Board of Trustees of the Nebraska State Colleges has submitted to the Coordinating Commission for Postsecondary Education plans to renovate and improve residence hall facilities at Wayne State College and Peru State College; and

WHEREAS, costs of renovating Neihardt Hall at Wayne State College are estimated at \$3,142,000, costs of fire and life safety improvements to other residence hall facilities at Wayne State College are estimated at \$350,000, and costs of renovating a portion of Morgan Hall at Peru State College are estimated at \$1,397,000; and

WHEREAS, such project costs are proposed to be financed with the proceeds of revenue bonds issued by the board; and

WHEREAS, pursuant to section 85-1415, the Coordinating Commission for Postsecondary Education has recommended that the Legislature approve the proposed projects; and

WHEREAS, the board has submitted its proposal of the projects to the Legislature for its consideration in accordance with sections 85-404 and 85-1415.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That pursuant to sections 85-404 and 85-1415, the Legislature approves plans to renovate Neihardt Hall at Wayne State College, plans for fire and life safety improvements to other residence hall facilities at Wayne State College, and plans to renovate a portion of Morgan Hall at Peru State College at an aggregate estimated cost of \$4,889,000 to be financed with the proceeds of revenue bonds issued by the board.

2. That revenue bonds of the board may be issued in an amount sufficient to pay the costs of the projects, to pay any amounts required to pay the interest of such bonds during the period of construction, to fund any necessary reserves, and to pay the costs of the issuance of such bonds.

Laid over.

MOTIONS - Override Line-Item Vetoes on LB 1309

The Appropriations Committee renewed their pending motion, found on page 1587, to override the Governor's line-item vetoes on LB 1309 contained in the following sections:

Section 24, the Commission on Public Advocacy, Program 427, for county reimbursement for indigent defense, (LB 335A).

Section 38, the Supreme Court, Program 52 - Operations.

Section 39, the Supreme Court, Program 67 - Probation Services.

Section 52, the State Department of Education, Program 25 - Education, Administration and Support.

Section 75, Department of Health and Human Services Finance and Support, Program 348 - Medical Assistance.

Section 76, the Department of Roads, Program 305 - Assistance to Local Transit Authorities.

Section 80, the Department of Natural Resources, Program 307 - Nebraska Resources Development Fund.

Section 85, the Board of Educational Lands and Funds, Program 529 - Land Surveys.

Section 93, the Nebraska Library Commission, Program 302 - Library Development.

Section 97, the Department of Corrections, Program 750 - Jail Reimbursement Assistance.

Section 104, the Board of Trustees of the Nebraska State Colleges, Program 48 - Office of the Secretary.

Section 105, the University of Nebraska, Program 781 - University-Administration.

Section 107, the Nebraska State Historical Society, Program 648 - Nebraska State Historical Society.

Section 126, the Department of Economic Development, Program 600 - Administration.

Section 128, the Department of Economic Development, Program 618 - Tourism Promotion.

Section 140, Aid to Community Colleges, Program 152 - Property Tax Relief and Equalization.

Section 167, the Department of Health and Human Services Finance and Support, Program 424 - Developmental Disability Aid.

Section 173, the Commission for the Blind and Visually Impaired, Program 357 - Blind and Visually Impaired.

Senator Stuhr offered the following amendment to the Appropriations Committee pending motion:

FA1077

Amend MO280

Add an additional override of the Governor's line-item veto in section 147 (Rural Development Commission).

Senator Thompson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 1 nay, and 17 not voting.

Senator Stuhr moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Senator Stuhr requested a roll call vote on her amendment.

Senator Chambers requested the roll call vote be taken in reverse order.

Voting in the affirmative, 18:

| | | | | |
|----------|------------|---------|----------|---------|
| Baker | Connealy | Hudkins | McDonald | Schimek |
| Burling | Cunningham | Jones | Price | Stuhr |
| Byars | Dierks | Kremer | Raikes | |
| Chambers | Hartnett | Landis | Robak | |

Voting in the negative, 20:

| | | | | |
|---------|----------|---------------|----------|------------|
| Aguilar | Bruning | Jensen | Quandahl | Synowiecki |
| Beutler | Coordsen | Maxwell | Redfield | Thompson |
| Bourne | Erdman | Pedersen, Dw. | Smith | Tyson |
| Brown | Foley | Pederson, D. | Suttle | Wehrbein |

Present and not voting, 11:

| | | | |
|----------|------------|----------|------------|
| Brashear | Engel | Kruse | Vrtiska |
| Bromm | Janssen | Preister | Wickersham |
| Cudaback | Kristensen | Schrock | |

The Stuhr amendment lost with 18 ayes, 20 nays, and 11 present and not voting.

The Chair declared the call raised.

Senator Connealy offered the following amendment to the Appropriations Committee pending amendment:

FA1078

To amend MO280

To strike from the motion the override of section 76, Dept. of Roads, Transit Authority Aid; and to strike the override of section 107, Nebraska State Historical Society, and

(2) to add an additional override of the Governor's line-item veto in section 127, Dept. of Economic Development, Microenterprise Loan Program.

Senator Connealy moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Connealy amendment lost with 15 ayes, 23 nays, and 11 present and not voting.

The Appropriations Committee pending motion, found on page 1587 and considered on page 1592, to override the Governor's line-item veto, was renewed.

Whereupon the President stated: "The question shall be, 'Shall those portions of the bill pass notwithstanding the line-item objections of the Governor?'"

Voting in the affirmative, 30:

| | | | | |
|----------|----------|------------|---------------|------------|
| Aguilar | Byars | Janssen | Maxwell | Schrock |
| Beutler | Chambers | Jensen | Pedersen, Dw. | Stuhr |
| Bourne | Cudaback | Kremer | Pederson, D. | Thompson |
| Brashear | Engel | Kristensen | Price | Vrtiska |
| Bromm | Foley | Kruse | Raikes | Wehrbein |
| Brown | Hartnett | Landis | Robak | Wickersham |

Voting in the negative, 15:

| | | | | |
|---------|------------|--------|----------|------------|
| Baker | Connealy | Dierks | Preister | Suttle |
| Bruning | Coordsen | Erdman | Redfield | Synowiecki |
| Burling | Cunningham | Jones | Smith | Tyson |

Present and not voting, 4:

| | | | |
|---------|----------|----------|---------|
| Hudkins | McDonald | Quandahl | Schimek |
|---------|----------|----------|---------|

Having received a constitutional three-fifths majority voting in the affirmative, those portions of the bill passed notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

Senator Jones moved to override the Governor's line-item veto contained in Section 57 for Program 104-County Property Tax Relief Fund.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?'"

Voting in the affirmative, 8:

| | | | |
|---------|---------|----------|---------|
| Burling | Hudkins | Kremer | Schimek |
| Dierks | Jones | McDonald | Stuhr |

Voting in the negative, 18:

| | | | | |
|---------|----------|---------------|----------|----------|
| Aguilar | Bruning | Landis | Quandahl | Thompson |
| Beutler | Byars | Pedersen, Dw. | Redfield | Wehrbein |
| Bourne | Cudaback | Preister | Schrock | |
| Brown | Foley | Price | Smith | |

Present and not voting, 23:

| | | | | |
|----------|------------|------------|--------------|------------|
| Baker | Coordsen | Janssen | Pederson, D. | Tyson |
| Brashear | Cunningham | Jensen | Raikes | Vrtiska |
| Bromm | Engel | Kristensen | Robak | Wickersham |
| Chambers | Erdman | Kruse | Suttle | |
| Connealy | Hartnett | Maxwell | Synowiecki | |

Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

SENATOR CUDABACK PRESIDING

Senator Burling moved to override the Governor's General Fund line-item veto contained in Section 96 of LB 1309, FY2002-03 only.

Senator Burling moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Burling requested a roll call vote, in reverse order, on his motion to override.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 17:

| | | | | |
|----------|----------|---------------|---------|------------|
| Aguilar | Connealy | Kristensen | Price | Wickersham |
| Brashear | Hartnett | Landis | Schimek | |
| Burling | Jones | McDonald | Schrock | |
| Chambers | Kremer | Pedersen, Dw. | Stuhr | |

Voting in the negative, 17:

| | | | | |
|---------|------------|--------------|------------|----------|
| Baker | Bruning | Pederson, D. | Smith | Wehrbein |
| Beutler | Coordsen | Raikes | Suttle | |
| Bourne | Cunningham | Redfield | Synowiecki | |
| Brown | Erdman | Robak | Thompson | |

Present and not voting, 15:

| | | | | |
|----------|--------|---------|----------|----------|
| Bromm | Dierks | Hudkins | Kruse | Quandahl |
| Byars | Engel | Janssen | Maxwell | Tyson |
| Cudaback | Foley | Jensen | Preister | Vrtiska |

Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

Senator Schimek moved to override the following line-item vetoes of LB 1309: Section 48, 49, 50 and 57.

Whereupon the President stated: "The question shall be, 'Shall those portions of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 9:

| | | | | |
|---------|--------|----------|---------|------------|
| Hudkins | Jones | McDonald | Robak | Wickersham |
| Janssen | Kremer | Price | Schimek | |

Voting in the negative, 21:

| | | | | |
|----------|----------|----------|------------|----------|
| Aguilar | Chambers | Landis | Smith | Wehrbein |
| Baker | Connealy | Maxwell | Suttle | |
| Bourne | Dierks | Quandahl | Synowiecki | |
| Brashear | Erdman | Raikes | Thompson | |
| Bruning | Jensen | Redfield | Tyson | |

Present and not voting, 19:

| | | | | |
|---------|------------|------------|---------------|---------|
| Beutler | Byars | Engel | Kruse | Schrock |
| Bromm | Coordsen | Foley | Pedersen, Dw. | Stuhr |
| Brown | Cudaback | Hartnett | Pederson, D. | Vrtiska |
| Burling | Cunningham | Kristensen | Preister | |

Having failed to receive a constitutional three-fifths majority voting in the affirmative, those portions of the bill failed to pass notwithstanding the line-item objections of the Governor.

AMENDMENT - Print in Journal

Senators Wickersham, Brashear, and Kristensen filed the following amendment to LB 989:

AM3653

(Amendments to E & R amendments, AM7226)

1. Insert the following new sections:
2. "Sec. 3. Section 50-304, Revised Statutes Supplement,

3 2001, is amended to read:

4 50-304. (1) The Nebraska Futures Center Board may:

5 (a) Use studies, surveys, plans, data, and other
6 materials in the possession of any state agency. Upon request by
7 the board, a state agency or division shall make nonconfidential
8 materials available to the board;

9 (b) Conduct public hearings in furtherance of its general
10 purposes at places designated by the board, at which it may request
11 the appearance of officials of any state agency or division and
12 solicit the testimony of interested groups and the general public;

13 (c) Establish advisory committees to assist in
14 implementing the requirements of sections 50-301 to 50-309 and
15 section 5 of this act;

16 (d) With the approval of the Executive Board of the
17 Legislative Council, enter into contracts and agreements necessary
18 for the administration of sections 50-301 to 50-309 and section 5
19 of this act with any person as defined in section 49-801,
20 postsecondary educational institution, state or federal agency, or
21 entity, including agreements to provide staff on a time-limited
22 basis for specific projects;

23 (e) Solicit and accept grants, gifts, or other money from
1 any unit of federal, state, or local government or any other
2 person; and

3 (f) Exercise any other authority or powers as granted
4 from time to time by the Executive Board of the Legislative
5 Council.

6 (2) At the request of the Nebraska Futures Center Board,
7 officials or personnel of any state agency or division, as well as
8 any other individual, may serve on advisory committees created by
9 the board.

10 (3) Members of the board shall receive no compensation as
11 members of the board or for attendance at meetings. Members of the
12 board shall be reimbursed for their actual and necessary expenses
13 as provided in sections 81-1174 to 81-1177.

14 Sec. 4. Section 50-306, Revised Statutes Supplement,
15 2001, is amended to read:

16 50-306. The Nebraska Futures Center with the direction
17 of the Nebraska Futures Center Board shall:

18 (1) Establish a statewide scanning program to review
19 information sources and identify emerging issues for the state and
20 regularly provide the program's findings to the legislative and
21 executive branches;

22 (2) Prepare biennially a report on trends in the state
23 and the long-term implications of those trends. As part of the
24 report, the center shall sponsor a public forum to review the
25 findings of the trends report and obtain reactions from executive
26 branch agencies, legislative committees, postsecondary educational
27 institutions, private sector representatives, and the public. The
1 center shall include in the report a record of the trends,

2 long-term implications, and reactions, to be completed by July 15
3 of even-numbered years, and presented to the Legislature, to the
4 Governor, and to the public. The biennial trends report shall be
5 given affirmative consideration by the agencies and divisions of
6 state government when those agencies and divisions are determining
7 budget priorities;

8 (3) Identify long-term issues significant to the state by
9 using a methodology involving a broad spectrum of citizens and
10 establish annual work plans focusing on the priority issues
11 approved by the board. Studies shall include the potential
12 long-term effects of current trends and policies and shall identify
13 future policy options;

14 (4) Periodically prepare a report on alternative futures
15 facing the state for a five-year or ten-year period or for a period
16 deemed appropriate by the board;

17 (5) Advise the Legislature and the Governor of potential
18 long-term effects of government policies;

19 (6) Develop an information process to inform the public
20 continually on long-term issues, critical trends, and alternative
21 futures;

22 (7) Develop a data base for trend identification;

23 (8) Serve as a mechanism for coordinating resources and
24 groups to focus on long-term planning;

25 (9) Solicit input from the Legislature, state agencies,
26 the Governor, postsecondary educational institutions, the private
27 sector, local government, and the public;

1 (10) Ensure that if institutions, divisions, departments,
2 or agencies of state government have responsibilities in an area of
3 policy under study, they are encouraged to comment on the potential
4 effects of government policies on critical trends and alternative
5 futures;

6 (11) Consider the comments of the institutions,
7 divisions, departments, and agencies in performing its duties under
8 sections 50-301 to 50-309 and section 5 of this act; and

9 (12) Include the official comments of the departments and
10 agencies in any report provided to the Governor and the
11 Legislature; and

12 (13) Conduct the tax system study under section 5 of this
13 act.

14 Sec. 5. (1) The Nebraska Futures Center with the
15 direction of the Nebraska Futures Center Board shall:

16 (a) Analyze the state's current tax system in terms of
17 revenue productivity and stability, efficiency, equity, simplicity
18 of administration, and effect upon the state's economy;

19 (b) Propose innovative solutions for meeting the state's
20 projected revenue needs while exploring possibilities for reducing
21 general rates;

22 (c) Identify economic activities that are either
23 beneficial or detrimental to the state's economy and that should be

- 24 either encouraged or discouraged through tax policy;
 25 (d) Recommend changes in the state's current tax policies
 26 and laws; and
 27 (e) Establish criteria and a conceptual framework for
 1 evaluating current and future taxes.
 2 (2) The following characteristics of a good revenue
 3 system shall be considered by the center in carrying out the study:
 4 (a) The tax system must be fair in apportioning tax
 5 burdens and consistent in its application;
 6 (b) The tax system must be easy for taxpayers to
 7 understand;
 8 (c) The tax rates and tax structure must be perceived by
 9 businesses and individual taxpayers as a reasonable cost of
 10 locating in the state;
 11 (d) The revenue system should have as its primary purpose
 12 raising revenue from the state's overall wealth base to support
 13 required basic services;
 14 (e) Government must have the ability to administer and
 15 enforce all parts of the recommended revenue system; and
 16 (f) The revenue system must be viewed in conjunction with
 17 the federal revenue system.
 18 (3) The center shall make a report to the Legislature and
 19 the Governor on or before December 31, 2002, and December 31, 2003.
 20 Sec. 6. Section 50-309, Revised Statutes Supplement,
 21 2001, is amended to read:
 22 50-309. Sections 50-301 to 50-309 and section 5 of this
 23 act terminate on July 1, 2006."
 24 2. On page 30, line 25, strike "section 49-801.01" and
 25 insert "sections 49-801.01, 50-304, 50-306, and 50-309".
 26 3. Renumber the remaining sections and correct internal
 27 references accordingly.

SELECT COMMITTEE REPORTS Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: LB 1021.

Enrollment and Review Change to LB 1021

The following changes, required to be reported for publication in the Journal, have been made:
ER9144

1. Original sections 85 and 86 and all amendments thereto have been struck and the following new sections inserted:

"Sec. 98. Section 71-6302, Reissue Revised Statutes of Nebraska, is amended to read:

71-6302. Except as otherwise provided in this section or section 71-6309,

a business entity shall not engage in an asbestos project unless the business entity holds a license for that purpose. A business entity which (1) only performs asbestos projects which are less than two hundred sixty linear feet or which are less than one hundred sixty square feet and linear feet in any combination or (2) uses its own employees for an asbestos project for the purpose of renovating, maintaining, or repairing its own facilities shall not be required to hold a license. Business entities not required to hold a license shall provide a training course to inform the employees of the health and safety aspects of the asbestos project, including the applicable state standards. The training course shall meet the standards for such course as prescribed in ~~sections section~~ 71-6310.01 and ~~71-6310.02~~ and the rules and regulations adopted and promulgated pursuant to such ~~sections section~~. The training course shall be available for review and approval upon inspection by the department.

Sec. 110. Original sections 46-1222, 46-1225, 46-1235.02, 71-149, 71-161.05, 71-1,155, 71-1,162, 71-1,193, 71-1,195.01, 71-1,206.31, 71-1,228, 71-1,280, 71-1,292, 71-1,294, 71-1,315, 71-1,321, 71-1,326, 71-1,330, 71-397, 71-3,107, 71-3,108, 71-3,112, 71-3,115, 71-3,117, 71-1326, 71-1354, 71-1757, 71-1779, 71-1782, 71-1788, 71-3503, 71-3508.03, 71-3517, 71-3709, 71-4301, 71-4302, 71-4305, 71-4702.01, 71-4711, 71-4716, 71-6302, 71-6303, 71-6310.02, 81-649, 81-666, and 81-673, Reissue Revised Statutes of Nebraska, sections 71-131, 71-139, 71-161.09, 71-174.01, 71-175.01, 71-179.01, 71-185, 71-1,107.25, 71-1,132.11, 71-1,132.20, 71-1,144.01, 71-1,165, 71-1,234, 71-341, 71-377, 71-382, 71-3,179, 71-3,196, 71-3,197, 71-3,198, 71-3,202, 71-3,205, 71-3,206, 71-1718.02, 71-1722, 71-1724 to 71-1724.02, 71-1730, 71-1735, 71-1755, 71-3507, 71-3515.01, 71-3515.02, 71-3710, 71-5179, 71-5206.01, 71-6053, 71-6054, 71-6060, 71-6067, 71-6327, 71-6725, and 71-6734, Revised Statutes Supplement, 2000, and sections 71-101, 71-110, 71-112, 71-161.10, 71-1,136.01, 71-2802, 71-2815, 71-2823, 71-3519, 71-5178, 71-5308, 71-6103, 71-6113, 71-6115, 71-6321, and 81-6,105, Revised Statutes Supplement, 2001, are repealed.

Sec. 111. The following sections are outright repealed: Sections 71-1,144.03, 71-3,109 to 71-3,111, 71-3,113, 71-3,114, 71-3,116, 71-3,118, 71-1347, and 71-1349 to 71-1353, Reissue Revised Statutes of Nebraska, sections 71-1,144.04, 71-3,199 to 71-3,201, 71-3,203, 71-3,204, and 71-3,207, Revised Statutes Supplement, 2000, and section 71-1,144.05, Revised Statutes Supplement, 2001."

2. In the Jensen amendment, AM3055:

a. On page 8, line 22, an underscored comma has been inserted after "condition"; in line 23 "or registration" has been inserted after "license"; in line 24 the first "a" has been struck and "an" inserted; in line 26 "of" has been struck and "by" inserted, "a" has been inserted after the first comma, and "an" has been inserted after the second comma; and in line 27 "a" has been inserted before "contractor";

b. On page 9, line 1, "or registrant" has been struck and ", registrant," inserted;

c. On page 10, lines 25 and 27, "to" has been struck and "of" inserted; and

d. On page 11, line 8, "regulation" has been struck and "rule, regulation," inserted; and in line 10 "or registrant" has been struck and "a registrant, an applicant" inserted.

3. On page 1, lines 2 through 16 and all amendments thereto have been struck and "46-1222, 46-1225, 46-1235.02, 71-149, 71-161.05, 71-1,155, 71-1,162, 71-1,193, 71-1,195.01, 71-1,206.31, 71-1,228, 71-1,280, 71-1,292, 71-1,294, 71-1,315, 71-1,321, 71-1,326, 71-1,330, 71-397, 71-3,107, 71-3,108, 71-3,112, 71-3,115, 71-3,117, 71-1326, 71-1354, 71-1757, 71-1779, 71-1782, 71-1788, 71-3503, 71-3508.03, 71-3517, 71-3709, 71-4301, 71-4302, 71-4305, 71-4702.01, 71-4711, 71-4716, 71-6302, 71-6303, 71-6310.02, 81-649, 81-666, and 81-673, Reissue Revised Statutes of Nebraska, sections 71-131, 71-139, 71-161.09, 71-174.01, 71-175.01, 71-179.01, 71-185, 71-1,107.25, 71-1,132.11, 71-1,132.20, 71-1,144.01, 71-1,165, 71-1,234, 71-341, 71-377, 71-382, 71-3,179, 71-3,196, 71-3,197, 71-3,198, 71-3,202, 71-3,205, 71-3,206, 71-1718.02, 71-1722, 71-1724 to 71-1724.02, 71-1730, 71-1735, 71-1755, 71-3507, 71-3515.01, 71-3515.02, 71-3710, 71-5179, 71-5206.01, 71-6053, 71-6054, 71-6067, 71-6302, 71-6327, 71-6725, and 71-6734, Revised Statutes Supplement, 2000, and sections 71-101, 71-110 to 71-112, 71-161.10, 71-1,136.01, 71-2802, 71-2815, 71-2823, 71-3519, 71-5178, 71-5308, 71-6103, 71-6113, 71-6115, 71-6321, and 81-6,105, Revised Statutes Supplement, 2001; to provide and change continuing education provisions for certain professions and occupations; to change provisions relating to licensure, registration, enforcement, fees, and administrative costs under the Radiation Control Act; to provide and change penalties; to change provisions relating to regulation of swimming pools, medication aides, and medical registries; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 71-1,144.03, 71-3,109 to 71-3,111, 71-3,113, 71-3,114, 71-3,116, 71-3,118, 71-1347, and 71-1349 to 71-1353, Reissue Revised Statutes of Nebraska, sections 71-1,144.04, 71-3,199 to 71-3,201, 71-3,203, 71-3,204, and 71-3,207, Revised Statutes Supplement, 2000, and section 71-1,144.05, Revised Statutes Supplement, 2001." inserted.

4. On page 2, lines 1 to 12 and all amendments thereto have been struck.

5. Sections have been renumbered and internal references corrected to reflect all adopted amendments.

(Signed) Philip Erdman, Chairperson

MOTION - Print in Journal

Senator Kristensen filed the following motion to LB 898:

That LB 898 becomes law notwithstanding the objections of the Governor.

UNANIMOUS CONSENT - Members Excused

Senators Aguilar, Brashear, Coordsen, Dw. Pedersen, and Quandahl asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 1211. Senator Wickersham renewed his pending amendment, FA1066, found on page 1551.

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Wickersham moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Bromm requested a roll call vote on the Wickersham amendment.

Voting in the affirmative, 13:

| | | | | |
|----------|------------|----------|---------|------------|
| Beutler | Hudkins | Raikes | Schrock | Wickersham |
| Chambers | Kristensen | Redfield | Suttle | |
| Hartnett | Price | Schimek | Vrtiska | |

Voting in the negative, 30:

| | | | | |
|---------|------------|---------|--------------|------------|
| Aguilar | Burling | Erdman | Kruse | Smith |
| Baker | Byars | Foley | Landis | Stuhr |
| Bourne | Connealy | Janssen | Maxwell | Synowiecki |
| Bromm | Cunningham | Jensen | McDonald | Thompson |
| Brown | Dierks | Jones | Pederson, D. | Tyson |
| Bruning | Engel | Kremer | Robak | Wehrbein |

Present and not voting, 2:

| | |
|----------|----------|
| Cudaback | Preister |
|----------|----------|

Excused and not voting, 4:

| | | | |
|----------|----------|---------------|----------|
| Brashear | Coordsen | Pedersen, Dw. | Quandahl |
|----------|----------|---------------|----------|

The Wickersham amendment lost with 13 ayes, 30 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Beutler withdrew his pending amendment, AM3468, found on page 1555.

Senator Beutler offered the following amendment:

AM3667

- 1 1. Strike the Beutler amendment, AM3469.
- 2 2. In the Bromm amendment, AM3060:

3 a. On page 2, line 8, strike "but the fee shall not
 4 exceed fifty dollars" and insert "in an amount sufficient to cover
 5 the costs of administering the registration process but not to
 6 exceed fifty dollars"; and strike beginning with the period in line
 7 11 through "period" in line 13; and
 8 b. On page 9, line 2, after "fund" insert ". The
 9 commission shall be reimbursed from the fund for all costs related
 10 to drafting, implementing, and enforcing the regulations and any
 11 other services provided on behalf of customers pursuant to this
 12 subdivision"; in lines 15 through 18, strike the new matter and
 13 insert ". The commission shall require, as reasonably necessary,
 14 an annual audit of any telecommunications company to be performed
 15 by a third-party certified public accountant to insure the billing,
 16 collection, and remittance of a surcharge for universal service.
 17 The costs of any audit required pursuant to this subdivision shall
 18 be paid by the telecommunications company being audited;
 19 (e) Shall require an audit of information provided by a
 20 telecommunications company to be performed by a third-party
 21 certified public accountant for purposes of calculating universal
 22 service fund payments to such telecommunications company. The
 23 costs of any audit required pursuant to this subdivision shall be
 24 paid by the telecommunications company being audited;"; and in line
 1 19 strike "(e)" and insert "(f)".

The Beutler amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Senator Wickersham offered the following amendment:

FA1079

Amend AM7180

On page 30, line 15 after "district" insert "upon an affirmative vote of a majority of those voting on the issue at a general, primary, or special election."

SENATOR DIERKS PRESIDING

Senator Wickersham withdrew his amendment.

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Wickersham offered the following amendment:

AM3672

(Amendments to E & R amendments, AM7180)

1 1. On page 30, line 15, after "district" insert ".
 2 Before such tax can be levied, in excess of the limits provided in
 3 section 77-3442 the governing body shall submit the matter to the
 4 electors of such city, county, village, or fire protection district
 5 at a primary or general election or at a special election duly

6 called for that purpose and the matter approved by a majority of
7 the electors voting on it. Notice of the time and place of the
8 election shall be given by publication in some legal newspaper
9 printed and in general circulation in such city, county, village,
10 or fire protection district three successive weeks prior thereto".

SENATOR CUDABACK PRESIDING

Senator Landis moved the previous question. The question is, "Shall the debate now close?"

Senator Landis moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The motion to cease debate prevailed with 26 ayes, 3 nays, and 20 not voting.

The Wickersham amendment lost with 13 ayes, 23 nays, 8 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1278. E & R amendment, AM7223, printed separately and referred to on page 1511, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 876. E & R amendment, AM7222, found on page 1511, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 876A. Advanced to E & R for engrossment.

SELECT COMMITTEE REPORTS **Enrollment and Review**

LEGISLATIVE BILL 921. Placed on Select File as amended. (E & R amendment, AM7229, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 994. Placed on Select File as amended. (E & R amendment, AM7230, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 994A. Placed on Select File.

(Signed) Philip Erdman, Chairperson

MOTIONS - Print in Journal

Senator Wickersham filed the following motion to LB 1085:
That LB 1085 becomes law notwithstanding the objections of the Governor.

Senator Wickersham filed the following motion to LB 1085A:
That LB 1085A becomes law notwithstanding the objections of the Governor.

AMENDMENTS - Print in Journal

Senator Kristensen filed the following amendment to LB 1062:
AM3659

(Amendments to E & R amendments, AM7214)

- 1 1. Insert the following new section:
- 2 "Sec. 4. Section 43-3342.05, Revised Statutes
- 3 Supplement, 2000, is amended to read:
- 4 43-3342.05. (1) The State Disbursement and Child Support
- 5 Advisory Commission is created. Commission members shall include:
- 6 (a) ~~One~~ Two district court ~~judge~~ judges whose
- 7 jurisdiction includes domestic relations;
- 8 (b) ~~One representative of the Governor's office~~ member of
- 9 the Nebraska State Bar Association who practices primarily in the
- 10 area of domestic relations;
- 11 (c) One county attorney who works in child support;
- 12 (d) One professional who works in the field of economics
- 13 or mathematics or another field of expertise relevant to child
- 14 support; ~~One district court clerk;~~
- 15 ~~(e) One child support worker;~~
- 16 ~~(f) One member~~ (e) Two members of the Legislature;
- 17 ~~(g) One employer, with more than seventy-five employees,~~
- 18 ~~who provides income withholding;~~
- 19 ~~(h) One employer, with less than twenty-five employees,~~
- 20 ~~who provides income withholding;~~
- 21 ~~(i) (f) One custodial parent who has a court order to~~
- 22 ~~receive child support;~~
- 23 ~~(j) (g) One noncustodial parent who is under a support~~
- 1 order to pay child support;
- 2 ~~(k) (h) The vendor operating the State Disbursement Unit~~
- 3 ~~or his or her designee as an ex officio member;~~
- 4 ~~(i) The State Court Administrator or his or her designee~~
- 5 ~~as an ex officio member; and~~
- 6 ~~(j) (j) The director of the Title IV-D Division or his or~~
- 7 ~~her designee as an ex officio member.~~
- 8 (2)(a) The terms of all members on the State Disbursement

9 Advisory Commission, as established by Legislative Bill 972 (2000),
10 shall terminate on June 30, 2002. The Executive Board of the
11 Legislative Council shall appoint the members of the ~~commission~~
12 State Disbursement and Child Support Advisory Commission under
13 subdivisions (1)(a) through ~~(4)(j)~~ (1)(g) of this section. ~~The~~
14 ~~initial members of the commission shall be appointed no later than~~
15 ~~June 1, 2000.~~ Members shall serve terms of two years, except that
16 the initial terms of members appointed for terms commencing on July
17 1, 2002, under subdivisions (1)(f) through ~~(4)(j)~~ (1)(g) of this
18 section shall be one year to provide for staggered terms for
19 commission members. In the case of a vacancy, a successor shall be
20 appointed for the unexpired term by the Executive Board of the
21 Legislative Council. Members whose terms have expired shall
22 continue to serve until their successors have been appointed. The
23 commission shall select a chairperson, annually, from its
24 membership. A chairperson may serve more than one year. Members
25 shall serve without compensation but shall be reimbursed for their
26 actual and necessary expenses incurred in the performance of their
27 duties as provided in sections 81-1174 to 81-1177.

1 (b) If determined to be necessary to perform the duties
2 of the commission, the commission may hire, contract, or otherwise
3 obtain the services of consultants, researchers, aides, and other
4 necessary support staff with prior approval of the chairperson of
5 the Executive Board of the Legislative Council.

6 (c) For administrative purposes, the commission shall be
7 managed and administered by the Legislative Council.

8 (3) The commission shall meet at least quarterly. The
9 duties of the commission shall include, but are not limited to:

10 (a) Recommending to the department, if appropriate, ways
11 to improve or enhance the effectiveness of the State Disbursement
12 Unit and the Customer Service Unit;

13 (b) Recommending performance indicators for the State
14 Disbursement Unit and the Customer Service Unit;

15 (c) Recommending legislation which would clarify and
16 improve state law regarding support for children as it relates to
17 the State Disbursement Unit; ~~and~~

18 (d) Addressing any child support issues generally as such
19 issues effect the State of Nebraska and its citizens;

20 (e) Reviewing the child support guidelines adopted by the
21 Supreme Court and recommending, if appropriate, any amendments to
22 the guidelines. Whenever practicable, the commission shall base
23 its recommendations on economic data and statistics collected in
24 the State of Nebraska. In reviewing the guidelines and formulating
25 recommendations, the commission may conduct public hearings around
26 the state;

27 (f) Monitoring federal legislation and making
1 recommendations for changing state law as needed; and
2 (g) Presenting an annual report reports, as deemed
3 necessary, of its activities and recommendations to the Supreme

4 Court and the Executive Board of the Legislative Council, by
 5 January 1 of each year.

6 (4) The Supreme Court shall review the commission's
 7 reports. The Supreme Court may amend the child support guidelines
 8 established pursuant to section 42-364.16 based upon the
 9 commission's recommendations.

10 Sec. 66. The following sections are outright repealed:

11 Sections 42-383 to 42-386, Revised Statutes Supplement, 2000."

12 2. Strike beginning with page 5, line 23, through page
 13 6, line 2, show as stricken, and insert

14 "(2) The unit may collect a fee equal to the actual cost
 15 of processing. After a payor has originated two payments made with
 16 insufficient funds within a period of one year, the unit shall
 17 issue a notice to the originator that, for the following year, any
 18 payment shall be required to be paid by cash, guaranteed funds, or
 19 wire funds transfer. After a payor has originated three payments
 20 made with insufficient funds, the unit shall issue a notice to the
 21 originator that all future payments shall be paid by cash,
 22 guaranteed funds, or wire funds transfer, except that pursuant to
 23 rule and regulation and at least two years after such issuance of
 24 notice, the unit may waive for good cause shown such requirements
 25 for methods of payment."

26 3. Renumber the remaining sections and correct internal

27 references accordingly and correct the operative date section and

1 the repealer so that the sections added by this amendment become

2 operative on their effective date with the emergency clause.

Senators Connealy and Synowiecki filed the following amendment to
 LB 426:

AM3666

(Amendments to E & R amendments, AM7227)

1 1. Strike the original sections and inset the following

2 new sections:

3 "Section 1. Sections 1 to 8 of this act shall be known

4 and may be cited as the Peace Officer Employer-Employee Relations
 5 Act.

6 Sec. 2. (1) The Legislature finds and declares that

7 effective law enforcement is dependent upon the maintenance of
 8 stable relations between peace officers and their employers.

9 Moreover, the existence of stable relations between peace officers

10 and their employers will enhance law enforcement services provided

11 to the citizens of Nebraska.

12 (2) The purpose of the Peace Officer Employer-Employee

13 Relations Act is to prescribe certain rights for peace officers,

14 particularly when they are placed under investigation by their

15 employer.

16 (3) The act only applies to administrative actions and

17 does not apply to criminal investigations of a peace officer.

18 Sec. 3. For purposes of the Peace Officer

19 Employer-Employee Relations Act, peace officer means any officer of
20 a political subdivision authorized by law to make arrests.

21 Sec. 4. When any peace officer is under investigation by
22 his or her employer for alleged actions that could result in
23 administrative sanctions being levied against the peace officer,

1 the following requirements shall be adhered to:

2 (1) Any interrogation of the peace officer shall be
3 conducted when the peace officer is on duty or during his or her
4 normal waking hours unless the urgency of the investigation
5 requires otherwise;

6 (2) Prior to commencement of any interrogation session:

7 (a) The peace officer shall be informed of the name and
8 rank of the person in charge of the interrogation and all other
9 persons who will be present during the interrogation;

10 (b) The peace officer shall be informed of the nature of
11 the investigation, and the names of all known complainants shall be
12 disclosed to the peace officer unless the chief administrator of
13 the peace officer's employer determines that the identification of
14 the complainant should not be disclosed because it is necessary for
15 the protection of an informant or because disclosure would
16 jeopardize or compromise the integrity or security of the
17 investigation; and

18 (c) A reasonable attempt shall be made to notify the
19 peace officer's commanding officer of the pending interrogation;

20 (3) A peace officer shall be informed of the nature of
21 the investigation and shall receive a copy of the written formal
22 complaint against him or her at least twenty-four hours prior to
23 his or her interrogation by the employer. The twenty-four-hour
24 period may be waived if the complaint alleges intoxication or drug
25 incapacitation during on-duty status. The peace officer shall be
26 permitted to have either his or her choice of an attorney or other
27 representation present during the interrogation. The peace officer
1 being interrogated shall be made aware of the fact that any
2 statement may be used by the employer as part of the investigation.
3 The employer shall tape record the entire interrogation, and the
4 peace officer shall be made aware that a recording is being made.
5 The only tape recording of the interrogation allowed shall be by
6 the employer. The combined duration of a peace officer's work
7 shift and any interrogation session shall not exceed fourteen hours
8 within a twenty-four-hour period unless the urgency of the
9 investigation requires otherwise;

10 (4) There shall not be more than two interrogators at any
11 given time;

12 (5) A peace officer shall be allowed time to attend to
13 physical necessities as they occur in the course of an
14 interrogation;

15 (6) The complete interrogation shall be published as a
16 transcript, and any recesses called during the interrogation shall
17 be noted in the transcript; and

18 (7) An accurate copy of the recorded interrogation or the
19 transcript shall be provided to the peace officer upon his or her
20 written request after the investigation is complete and no later
21 than five days before a scheduled hearing.

22 Sec. 5. When any peace officer is under investigation
23 for an administrative matter, the peace officer shall be permitted
24 to produce any relevant documents, witnesses, or other evidence to
25 support his or her case and he or she may cross-examine any adverse
26 witnesses during any grievance process or appeal involving
27 disciplinary action.

1 Sec. 6. (1) No document containing comments adverse to a
2 peace officer shall be entered into his or her personnel file
3 unless the peace officer has read and signed the document. When a
4 peace officer refuses to sign a document containing such adverse
5 comments, the document may be entered into the peace officer's
6 personnel file if:

7 (a) The peace officer's refusal to sign the document is
8 noted on the document by the chief administrator of the peace
9 officer's employer; and

10 (b) The notation is witnessed by a third party.

11 (2) A peace officer may file a written response to any
12 document containing adverse comments entered into his or her
13 personnel file, and the response shall be filed with the peace
14 officer's employer within thirty days after the document is entered
15 into the personnel file. A peace officer's written response shall
16 be attached to the document.

17 Sec. 7. A peace officer shall not be subjected to any
18 retaliation by his or her employer due to his or her lawful
19 exercise of his or her rights under the Peace Officer
20 Employer-Employee Relations Act.

21 Sec. 8. If an employer violates any part of the Peace
22 Officer Employer-Employee Relations Act, the peace officer shall
23 have the right to petition the district court for monetary damages,
24 attorney's fees, costs of the action, and equitable relief."

Senators Landis, Tyson, Kremer, Aguilar, Quandahl, Jensen, Bruning, and
Smith filed the following amendment to LB 1139:
AM3668

(Amendments to Final Reading copy)

1 1. Insert the following new sections:

2 "Sec. 20. Section 44-1984, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 44-1984. (1) No insurer that transacts any line of
5 business other than title insurance shall be eligible for the
6 issuance or renewal of a certificate of authority to transact the
7 business of title insurance in this state nor shall title insurance
8 be transacted, underwritten, or issued by any insurer transacting
9 or authorized to transact any other line of business.

10 (2)(a) Notwithstanding subsection (1) of this section,

11 ~~and to the extent such coverage is lawful within this state, a~~
12 ~~title insurer is expressly authorized to a title insurer shall~~
13 ~~issue closing or settlement protection to covering a proposed~~
14 ~~insured upon request if the title insurer issues a title insurance~~
15 ~~commitment or title insurance policy. Such closing or settlement~~
16 ~~protection shall conform to the terms of coverage and form of~~
17 ~~instrument as required by the director and may shall indemnify a~~
18 ~~proposed insured solely against loss of settlement funds only~~
19 ~~because of the following acts of a title insurer's named title~~
20 ~~insurance agent:~~
21 (i) Theft of settlement funds; and
22 (ii) Failure to comply with written closing instructions
23 by the proposed insured when agreed to by the title insurance agent
1 relating to title insurance coverage.
2 (b) The director may prescribe or approve a required
3 charge for providing the coverage.
4 (c) A title insurer shall not provide any other coverage
5 which purports to indemnify against improper acts or omissions of a
6 person with regard to escrow, settlement, or closing services.
7 Sec. 21. Section 44-19,116, Revised Statutes Supplement,
8 2000, is amended to read:
9 44-19,116. (1)(a) A title insurance agent may operate as
10 an escrow, security, settlement, or closing agent subject to the
11 requirements of subdivisions (b) through (e) of this subsection.
12 (b) All funds deposited with the title insurance agent in
13 connection with an escrow, settlement, closing, or security deposit
14 shall be submitted for collection to or deposited in a separate
15 fiduciary trust account or accounts in a qualified financial
16 institution no later than the close of the next business day in
17 accordance with the following requirements:
18 (i) The funds shall be the property of the person or
19 persons entitled to them under the provisions of the escrow,
20 settlement, security deposit, or closing agreement and shall be
21 segregated for each depository by escrow, settlement, security
22 deposit, or closing in the records of the title insurance agent in
23 a manner that permits the funds to be identified on an individual
24 basis; and
25 (ii) The funds shall be applied only in accordance with
26 the terms of the individual instructions or agreements under which
27 the funds were accepted.
1 (c) Funds held in an escrow account shall be disbursed
2 only pursuant to a written instruction or agreement specifying how
3 and to whom such funds may be disbursed.
4 (d) Funds held in a security deposit account shall be
5 disbursed only pursuant to a written agreement specifying:
6 (i) What actions the indemnitor shall take to satisfy his
7 or her obligation under the agreement;
8 (ii) The duties of the title insurance agent with respect
9 to disposition of the funds held, including a requirement to

10 maintain evidence of the disposition of the title exception before
11 any balance may be paid over to the depositing party or his or her
12 designee; and

13 (iii) Any other provisions the director may require.

14 (e)(i) Disbursements may be made out of an escrow,
15 settlement, or closing account only if funds in an amount at least
16 equal to the disbursement have first been received and if the funds
17 received are in one of the following forms:

18 (A) Lawful money of the United States;

19 (B) Wired funds when unconditionally held by the title
20 insurance agent;

21 (C) Cashier's checks, certified checks, bank money
22 orders, or teller's checks issued by a federally insured financial
23 institution and unconditionally held by the title insurance agent;
24 and

25 (D) United States treasury checks, federal reserve bank
26 checks, federal home loan bank checks, and State of Nebraska
27 warrants.

1 (ii) For purposes of this subdivision, federally insured
2 financial institution means an institution in which monetary
3 deposits are insured by the Federal Deposit Insurance Corporation
4 or National Credit Union Administration.

5 (2) On and after January 1, 2004, every ~~The~~ title
6 insurance agent shall have an annual audit made of its escrow,
7 settlement, closing, and security deposit accounts, conducted by a
8 certified public accountant on a calendar year basis at its expense
9 within ninety days after the close of the previous calendar year.
10 The title insurance agent shall provide a copy of the audit report
11 to each title insurer which it represents. The director may adopt
12 and promulgate rules and regulations setting forth the minimum
13 threshold level at which an audit would be required, the standards
14 of audit, and the form of audit report required. ~~In lieu of such~~
15 ~~annual audit, a title insurance agent may provide a notarized~~
16 ~~certificate of reconciliation and availability of the title~~
17 ~~insurance agent's escrow accounts to each title insurer which it~~
18 ~~represents within ninety days after the close of the previous~~
19 ~~calendar year on a form prescribed or approved by the director.~~
20 The director may also require a title insurance agent to provide a
21 copy of its audit report ~~or certificate of reconciliation and~~
22 ~~availability~~ to the director. Title insurance agents who are
23 attorneys and who issue title insurance policies as part of their
24 legal representation of clients are exempt from the requirements of
25 this subsection. However, the title insurer may, at its expense,
26 conduct or cause to be conducted an annual audit of the escrow,
27 settlement, closing, and security deposit accounts of the attorney.

1 Attorneys who are exclusively in the business of title insurance
2 are not exempt from the requirements of this subsection.

3 (3) If the title insurance agent is appointed by two or
4 more title insurers and maintains fiduciary trust accounts in

5 connection with providing escrow, closing, or settlement services,
 6 the title insurance agent shall allow each title insurer reasonable
 7 access to the accounts and any or all of the supporting account
 8 information in order to ascertain the safety and security of the
 9 funds held by the title insurance agent.

10 (4) Nothing in the Title Insurance Agent Act shall be
 11 deemed to prohibit the recording of documents prior to the time
 12 funds are available for disbursement with respect to a transaction
 13 if all parties consent to the transaction in writing.

14 (5) Nothing in this section is intended to amend, alter,
 15 or supersede other sections of the act or the laws of this state or
 16 the United States regarding an escrow holder's duties and
 17 obligations.

18 (6) The director may prescribe a standard agreement for
 19 escrow, settlement, closing, or security deposit funds.

20 Sec. 55. Sections 20 and 56 of this act become operative
 21 on January 1, 2003. The other sections of this act become
 22 operative on their effective date.

23 Sec. 56. Original section 44-1984, Reissue Revised
 24 Statutes of Nebraska, is repealed."

25 2. On page 1, line 1, after the comma insert "44-1984,";
 26 in line 5 after the second comma insert "44-19,116,"; in line 11
 27 after the first comma insert "title insurers,"; and in line 16
 1 after the semicolon insert "to provide operative dates;".

2 3. On page 91, line 24, after the second comma insert
 3 "44-19,116,".

4 4. Renumber the remaining sections and correct internal
 5 references accordingly.

Senator Beutler filed the following amendment to LB 1185:
 AM3612

(Amendments to AM3566)

1 1. Insert the following sections:

2 "Sec. 2. (1) The employees of employers who are exempt
 3 from the Nebraska Workers' Compensation Act under subdivision
 4 (2)(d) of section 48-106 may be compensated for injury, death, or
 5 occupational disease which is covered under the act by filing a
 6 claim under the act. If compensation is ordered, it shall be paid
 7 from the Workers' Compensation Agricultural Employees Fund. The
 8 Nebraska Workers' Compensation Court shall adopt and promulgate
 9 rules and regulations to carry out this section.

10 (2) The Workers' Compensation Agricultural Employees Fund
 11 is created. The fund consists of revenue received pursuant to
 12 section 77-2702.07. Any money in the fund available for investment
 13 shall be invested by the state investment officer pursuant to the
 14 Nebraska Capital Expansion Act and the Nebraska State Funds
 15 Investment Act.

16 Sec. 3. Section 48-1,110, Reissue Revised Statutes of
 17 Nebraska, is amended to read:

18 48-1,110. (1) Sections 48-101 to 48-1,117 and section 2
19 of this act shall be known and may be cited as the Nebraska
20 Workers' Compensation Act.

21 (2) It is the intent of the Legislature that the changes
22 made in Laws 1986, LB 811, shall not affect or alter any rights,
23 privileges, or obligations existing immediately prior to July 17,
1 1986.

2 Sec. 4. Section 77-2702.07, Revised Statutes Supplement,
3 2000, is amended to read:

4 77-2702.07. (1) Gross receipts shall mean the total
5 amount of the sale or lease or rental price, as the case may be, of
6 the retail sales of retailers valued in money whether received in
7 money or otherwise, without any deduction on account of any of the
8 following:

9 (a) The cost of property sold. In accordance with rules
10 and regulations adopted and promulgated by the Tax Commissioner, a
11 deduction may be taken if the retailer has purchased property for
12 some purpose other than resale, has reimbursed his or her vendor
13 for tax which the vendor is required to pay to the state or has
14 paid the use tax with respect to the property, and has resold the
15 property prior to making any use of the property other than
16 retention, demonstration, or display while holding it for sale in
17 the regular course of business. If such a deduction is taken by
18 the retailer, no refund or credit will be allowed to his or her
19 vendor with respect to the sale of the property;

20 (b) The cost of the materials used, labor or service
21 costs, interest paid, losses, or any other expense;

22 (c) The cost of transportation of the property;

23 (d) The amount of any excise or property tax levied
24 against the property except as otherwise provided in the Nebraska
25 Revenue Act of 1967; or

26 (e) The amount charged for warranties, guarantees, or
27 maintenance agreements.

1 (2) Gross receipts of every person engaged as a public
2 utility specified in this subsection or as a community antenna
3 television service operator or any person involved in connecting
4 and installing services defined in subdivision (2)(a), (b), or (d)
5 of this section shall mean:

6 (a) In the furnishing of telephone communication service,
7 the gross income received from furnishing local exchange telephone
8 service and intrastate message toll telephone service. Gross
9 receipts shall not mean (i) the gross income, including division of
10 revenue, settlements, or carrier access charges received on or
11 after January 1, 1984, from the sale of a telephone communication
12 service to a communication service provider for purposes of
13 furnishing telephone communication service or (ii) the gross income
14 attributable to services rendered using a prepaid telephone calling
15 arrangement. For purposes of this subdivision, a prepaid telephone
16 calling arrangement shall mean the right to exclusively purchase

17 telecommunications services that are paid for in advance that
18 enables the origination of calls using an access number or
19 authorization code, whether manually or electronically dialed;

20 (b) In the furnishing of telegraph service, the gross
21 income received from the furnishing of intrastate telegraph
22 services;

23 (c) In the furnishing of gas, electricity, sewer, and
24 water service except water used for irrigation of agricultural
25 lands and manufacturing purposes, the gross income received from
26 the furnishing of such services upon billings or statements
27 rendered to consumers for such utility services; and

1 (d) In the furnishing of community antenna television
2 service, the gross income received from the furnishing of such
3 community antenna television service as regulated under sections
4 18-2201 to 18-2205 or 23-383 to 23-388.

5 Gross receipts shall also mean gross income received from
6 the provision, installation, construction, servicing, or removal of
7 property used in conjunction with the furnishing, installing, or
8 connecting of any public utility services specified in subdivision
9 (2)(a) or (b) of this section or community antenna television
10 service specified in subdivision (2)(d) of this section. Gross
11 receipts shall not mean gross income received from telephone
12 directory advertising.

13 (3) Gross receipts of every person engaged in selling,
14 leasing, or otherwise providing intellectual or entertainment
15 property shall mean:

16 (a) In the furnishing of computer software, the gross
17 income received, including the charges for coding, punching, or
18 otherwise producing computer software and the charges for the
19 tapes, disks, punched cards, or other properties furnished by the
20 seller. Gross receipts shall not mean the amount charged for
21 training customers in the use of computer software if such amount
22 is separately stated and such separate statement is not used as a
23 means of avoiding imposition of the tax upon the actual sales price
24 of the computer software; and

25 (b) In the furnishing of videotapes, movie film,
26 satellite programming, satellite programming service, and satellite
27 television signal descrambling or decoding devices, the gross
1 income received from the license, franchise, or other method
2 establishing the charge except the gross income received from
3 videotape and film rentals, satellite programming, and satellite
4 programming service when the sales tax or the admission tax is
5 charged under the Nebraska Revenue Act of 1967 and except as
6 provided in section 77-2704.39.

7 (4) Gross receipts shall mean, except as provided in
8 section 9-811, the gross receipts of lottery tickets purchased
9 pursuant to the State Lottery Act. Proceeds of the tax under this
10 subdivision shall be remitted to the State Treasurer for credit to
11 the Workers' Compensation Agricultural Employees Fund;

- 12 (5) Gross receipts shall not include any of the
13 following:
- 14 (a) Cash discounts allowed and taken on sales;
- 15 (b)(i) Before January 1, 1997, the amount of any rebate
16 granted by a motor vehicle manufacturer or dealer at the time of
17 sale of the motor vehicle, which rebate functions as a discount
18 from the sales price of the motor vehicle; and
- 19 (ii) On and after January 1, 1997, the amount of any
20 rebate granted by a motor vehicle or motorboat manufacturer or
21 dealer at the time of sale of the motor vehicle or motorboat, which
22 rebate functions as a discount from the sales price of the motor
23 vehicle or motorboat;
- 24 (c) Sales price of property returned by customers when
25 the full sales price is refunded either in cash or credit;
- 26 (d) The amount charged for finance charges, carrying
27 charges, service charges, or interest from credit extended on sales
1 of property under contracts providing for deferred payments of the
2 purchase price if such charges are not used as a means of avoiding
3 imposition of the tax upon the actual sales price of the property;
- 4 (e) The value of property taken by a seller in trade as
5 all or a part of the consideration for a sale of property of any
6 kind or nature;
- 7 (f)(i) Before January 1, 1997, the value of a motor
8 vehicle taken by any person in trade as all or a part of the
9 consideration for a sale of another motor vehicle; and
- 10 (ii) On and after January 1, 1997, the value of a motor
11 vehicle or motorboat taken by any person in trade as all or a part
12 of the consideration for a sale of another motor vehicle or
13 motorboat;
- 14 (g) Receipts from conditional sale contracts, installment
15 sale contracts, rentals, and leases executed in writing prior to
16 June 1, 1967, and with delivery of the property prior to June 1,
17 1967, if such conditional sale contracts, installment sale
18 contracts, rentals, or leases are for a fixed price and are not
19 subject to negotiation or alteration; or
- 20 (h) Except as provided in subsection (2) of this section,
21 the amount charged for labor or services rendered in installing or
22 applying the property sold if such amount is separately stated and
23 such separate statement is not used as a means of avoiding
24 imposition of the tax upon the actual sales price of the property.
- 25 Sec. 5. This act becomes operative on October 1, 2002.
- 26 Sec. 7. The following section is outright repealed:
27 Section 77-2704.38, Reissue Revised Statutes of Nebraska."
1 2. Correct the repealer and renumber the remaining
2 section accordingly.

Senator Wickersham filed the following amendment to LB 989:
AM3671

(Amendments to AM3653)

- 1 1. On page 5, strike line 5 and insert "burdens among
- 2 taxpayers in differing circumstances and consistent in its
- 3 application among taxpayers in similar circumstances:".

Senator Aguilar filed the following amendment to LB 1115:
AM3673

(Amendments to E & R amendments, AM7224)

- 1 1. Strike sections 5 and 6.
- 2 2. Strike amendment 2.
- 3 3. Remove underscoring from sections 1 to 4.

RESOLUTION

LEGISLATIVE RESOLUTION 460. Introduced by Landis, 46.

WHEREAS, Janet L. Edwards served on the Tax Equalization and Review Commission for six years, representing the Third Congressional District; and

WHEREAS, prior to her service on the commission, Janet, a Nebraska Licensed Certified General Appraiser, was a Tax Law Conferee for the Nebraska Department of Revenue for nine years, working on property tax issues; and

WHEREAS, Janet was elected Howard County Assessor in 1974, serving in that capacity for twelve years, was named County Official of the Year by the Nebraska Association of County Officials in 1986, and also served on the NACO Board of Directors; and

WHEREAS, Janet has also been a deaconess in Grace Baptist Church in St. Paul, Nebraska, for many years and in May 2000 was elected to the Board of Trustees for the Good News Broadcasting Association, Inc.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature extends its thanks to Janet L. Edwards for twenty-eight years of community service and its best wishes to her as she pursues her interests in golf and gardening and spends time with her seven grandchildren from her home in St. Paul, Nebraska.

2. That the Clerk of the Legislature send a copy of this resolution to Janet L. Edwards.

Laid over.

SELECT FILE

LEGISLATIVE BILL 488. E & R amendment, AM7228, found on page 1515, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 488A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1033. E & R amendment, AM7221, found on page 1516, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1033A. Advanced to E & R for engrossment.

WITHDRAW - Cointroducers

Senators Price, Tyson, Kremer, Quandahl, Foley, Smith, Suttle, Baker, Jones, Bruning, Dierks, Cunningham, Aguilar, Burling, and Erdman withdrew their names as cointroducers to LB 277.

VISITORS

Visitors to the Chamber were 18 fourth-grade students and teachers from Woodland Park Elementary School, Norfolk; 65 fourth-grade students and teachers from Bryan Elementary School, Lexington; and 40 fifth- and sixth-grade students and teachers from District 60, Hastings.

ADJOURNMENT

At 5:26 p.m., on a motion by Speaker Kristensen, the Legislature adjourned until 9:00 a.m., Thursday, April 11, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SIXTH DAY - APRIL 11, 2002

LEGISLATIVE JOURNAL

**NINETY-SEVENTH LEGISLATURE
SECOND SESSION**

FIFTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 11, 2002

PRAYER

The prayer was offered by Senator Schrock.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Hartnett, Kremer, Landis, Maxwell, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fifth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 11, 2002, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Cavanaugh, James P.
Chocolate Manufacturers Assn./National Confectioners Assn.

Pappas, James E.
Bellevue Public Schools
Northwestern Public Service
UNO Faculty

MOTION - Override Veto on LB 898

Senator Kristensen renewed his pending motion, found on page 1601, that LB 898 becomes law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 38:

| | | | | |
|----------|----------|------------|---------------|----------|
| Aguilar | Connealy | Janssen | Pedersen, Dw. | Smith |
| Beutler | Coordsen | Jensen | Price | Stuhr |
| Bourne | Cudaback | Kremer | Quandahl | Suttle |
| Brashear | Engel | Kristensen | Raikes | Thompson |
| Bromm | Erdman | Kruse | Redfield | Vrtiska |
| Brown | Foley | Landis | Robak | Wehrbein |
| Bruning | Hartnett | Maxwell | Schimek | |
| Byars | Hudkins | McDonald | Schrock | |

Voting in the negative, 5:

| | | | | |
|---------|------------|--------|-------|-------|
| Burling | Cunningham | Dierks | Jones | Tyson |
|---------|------------|--------|-------|-------|

Present and not voting, 6:

| | | |
|----------|--------------|------------|
| Baker | Pederson, D. | Synowiecki |
| Chambers | Preister | Wickersham |

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

ANNOUNCEMENT

The Chair announced today is Senator Bourne's birthday.

MOTION - Override Veto on LB 1085

Senator Wickersham renewed his pending motion, found on page 1605, that LB 1085 becomes law notwithstanding the objections of the Governor.

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 4 nays, and 17 not voting.

Senator Wickersham moved for a call of the house. The motion prevailed with 37 ayes, 1 nay, and 11 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 30:

| | | | | |
|----------|----------|------------|---------------|------------|
| Beutler | Chambers | Hudkins | Landis | Schimek |
| Bourne | Connealy | Janssen | McDonald | Schrock |
| Brashear | Coordsen | Jensen | Pedersen, Dw. | Stuhr |
| Bromm | Cudaback | Kremer | Pederson, D. | Vrtiska |
| Burling | Engel | Kristensen | Price | Wehrbein |
| Byars | Hartnett | Kruse | Raikes | Wickersham |

Voting in the negative, 19:

| | | | | |
|---------|------------|----------|----------|------------|
| Aguilar | Cunningham | Jones | Redfield | Synowiecki |
| Baker | Dierks | Maxwell | Robak | Thompson |
| Brown | Erdman | Preister | Smith | Tyson |
| Bruning | Foley | Quandahl | Suttle | |

Not voting, 0.

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

MOTION - Override Veto on LB 1085A

Senator Wickersham renewed his pending motion, found on page 1605, that LB 1085A becomes law notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?'"

Voting in the affirmative, 33:

| | | | | |
|----------|----------|------------|---------------|------------|
| Beutler | Byars | Janssen | McDonald | Smith |
| Bourne | Chambers | Jensen | Pedersen, Dw. | Stuhr |
| Brashear | Coordsen | Jones | Pederson, D. | Vrtiska |
| Bromm | Cudaback | Kremer | Price | Wehrbein |
| Brown | Engel | Kristensen | Raikes | Wickersham |
| Bruning | Hartnett | Kruse | Schimek | |
| Burling | Hudkins | Landis | Schrock | |

Voting in the negative, 11:

| | | | |
|------------|----------|----------|----------|
| Aguilar | Foley | Redfield | Thompson |
| Cunningham | Maxwell | Robak | Tyson |
| Erdman | Preister | Suttle | |

Present and not voting, 5:

Baker Connealy Dierks Quandahl Synowiecki

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

UNANIMOUS CONSENT - Member Excused

Senator Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER KRISTENSEN PRESIDING

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 22 with 39 ayes, 1 nay, 8 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 22.

A BILL FOR AN ACT relating to deaf and hard of hearing persons; to amend sections 20-150 to 20-154, 20-156, 25-2401, 25-2404, 25-2405, and 55-424, Reissue Revised Statutes of Nebraska, sections 20-159, 25-2402, 25-2407, and 71-4728, Revised Statutes Supplement, 2000, and sections 71-4720.01, 71-4727, and 71-4732, Revised Statutes Supplement, 2001; to provide for the licensing and evaluation of interpreters; to state intent; to define and redefine terms; to create a board; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Coordsen | Jensen | Preister | Suttle |
| Baker | Cudaback | Jones | Price | Synowiecki |
| Bourne | Cunningham | Kremer | Quandahl | Thompson |
| Brashear | Dierks | Kristensen | Raikes | Tyson |
| Bromm | Engel | Kruse | Redfield | Wehrbein |
| Brown | Erdman | Landis | Robak | Wickersham |
| Bruning | Foley | Maxwell | Schimek | |
| Burling | Hartnett | McDonald | Schrock | |
| Byars | Hudkins | Pedersen, Dw. | Smith | |
| Connealy | Janssen | Pederson, D. | Stuhr | |

Voting in the negative, 0.

Present and not voting, 2:

Beutler Vrtiska

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 22A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 22, Ninety-seventh Legislature, Second Session, 2002.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|----------|------------|------------|---------------|------------|
| Aguilar | Connealy | Janssen | Pedersen, Dw. | Smith |
| Baker | Coordsen | Jensen | Pederson, D. | Stuhr |
| Bourne | Cudaback | Jones | Price | Suttle |
| Brashear | Cunningham | Kremer | Quandahl | Synowiecki |
| Bromm | Engel | Kristensen | Raikes | Thompson |
| Brown | Erdman | Kruse | Redfield | Tyson |
| Bruning | Foley | Landis | Robak | Wehrbein |
| Burling | Hartnett | Maxwell | Schimke | Wickersham |
| Byars | Hudkins | McDonald | Schrock | |

Voting in the negative, 0.

Present and not voting, 4:

Beutler Dierks Preister Vrtiska

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

COMMUNICATION

April 11, 2002

The Honorable John Gale
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Gale:

Pursuant to provisions of 84-503, R.R.S., we are forwarding LB 1309 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of certain line-item vetoes as set forth on the attached certificate, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk
Enc.

CERTIFICATE

Legislative Bill 1309, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes this 10th day of April 2002 as follows:

Section 24, Program 427, Commission on Public Advocacy
County reimbursement for indigent defense - FY01-02 & FY02-03

Section 38, Program 52, Supreme Court
Operations - FY02-03

Section 39, Program 67, Supreme Court
Probation Services - FY02-03

Section 52, Program 25, State Department of Education
Education, Administration and Support - FY01-02 & FY02-03

Section 75, Program 348, Department of Health and Human Services
Finance and Support
Medical Assistance - FY01-02 & FY02-03

Section 76, Program 305, Department of Roads
Assistance to Local Transit Authorities - FY02-03

Section 80, Program 307, Department of Natural Resources

Nebraska Resources Development Fund - FY02-03

Section 85, Program 529, Board of Educational Lands and Funds
Land Surveys - FY02-03

Section 93, Program 302, Nebraska Library Commission
Library Development - FY02-03

Section 97, Program 750, Department of Corrections
Jail Reimbursement Assistance - FY02-03

Section 104, Program 48, Board of Trustees of the Nebraska State Colleges
Office of the Secretary - FY02-03

Section 105, Program 781, University of Nebraska
University Administration - FY02-03

Section 107, Program 648, Nebraska State Historical Society
Nebraska State Historical Society - FY02-03

Section 126, Program 600, Department of Economic Development
Administration - FY02-03

Section 128, Program 618, Department of Economic Development
Tourism Promotion - FY02-03

Section 140, Program 152, Aid to Community Colleges
Property Tax Relief and Equalization - FY02-03

Section 167, Program 424, Department of Health and Human Services
Finance and Support Developmental Disability Aid - FY02-03

Section 173, Program 357, Commission for the Blind and Visually Impaired
Blind and Visually Impaired - FY02-03

(Signed) Doug Kristensen
President of the Legislature

COMMUNICATION

April 11, 2002

The Honorable John Gale
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Gale:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 898 with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB 898, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk
Enc.

CERTIFICATE

Legislative Bill 898, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 11th day of April 2002.

(Signed) Doug Kristensen
President of the Legislature

COMMUNICATION

April 11, 2002

The Honorable John Gale
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Gale:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 1085 with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB 1085, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk
Enc.

CERTIFICATE

Legislative Bill 1085, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 11th day of April 2002.

(Signed) Doug Kristensen
President of the Legislature

COMMUNICATION

April 11, 2002

The Honorable John Gale
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Gale:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 1085A with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB 1085A, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk
Enc.

CERTIFICATE

Legislative Bill 1085A, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 11th day of April 2002.

(Signed) Doug Kristensen
President of the Legislature

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 29.

A BILL FOR AN ACT relating to labor; to amend section 48-838, Reissue Revised Statutes of Nebraska; to change collective bargaining representation provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

| | | | | |
|----------|------------|---------------|--------------|------------|
| Aguilar | Connealy | Janssen | Pederson, D. | Stuhr |
| Baker | Coordsen | Jensen | Preister | Suttle |
| Beutler | Cudaback | Jones | Price | Synowiecki |
| Bourne | Cunningham | Kremer | Quandahl | Thompson |
| Brashear | Dierks | Kristensen | Raikes | Wehrbein |
| Bromm | Engel | Kruse | Redfield | Wickersham |
| Brown | Erdman | Landis | Robak | |
| Bruning | Foley | Maxwell | Schimek | |
| Burling | Hartnett | McDonald | Schrock | |
| Byars | Hudkins | Pedersen, Dw. | Smith | |

Voting in the negative, 0.

Present and not voting, 2:

Tyson Vrtiska

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 57 to Select File

Senator Wehrbein moved to return LB 57 to Select File for the following specific amendment:

FA1080

Strike enacting clause.

Senator Wehrbein withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 57.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 33-126.05, Revised Statutes Supplement, 2000, and section 77-2701, Revised Statutes Supplement, 2001; to exempt copies of public records from sales and use taxation; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Coordsen | Jensen | Preister | Suttle |
| Baker | Cudaback | Jones | Price | Synowiecki |
| Beutler | Cunningham | Kremer | Quandahl | Thompson |
| Bourne | Dierks | Kristensen | Raikes | Tyson |
| Brashear | Engel | Kruse | Redfield | Vrtiska |
| Bromm | Erdman | Landis | Robak | Wehrbein |
| Brown | Foley | Maxwell | Schimek | Wickersham |
| Bruning | Hartnett | McDonald | Schrock | |
| Burling | Hudkins | Pedersen, Dw. | Smith | |
| Byars | Janssen | Pederson, D. | Stuhr | |

Voting in the negative, 0.

Present and not voting, 1:

Connealy

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 123 to Select File

Senator Wehrbein moved to return LB 123 to Select File for the following specific amendment:

FA1082

Strike enacting clause.

Senator Wehrbein withdrew his motion to return.

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 123.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.15, Revised Statutes Supplement, 2000; to provide a sales and use tax exemption for certain political subdivisions; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|----------|------------|------------|---------------|------------|
| Aguilar | Connealy | Hudkins | Pedersen, Dw. | Smith |
| Baker | Coordsen | Janssen | Pederson, D. | Stuhr |
| Beutler | Cudaback | Jensen | Preister | Synowiecki |
| Bourne | Cunningham | Jones | Price | Thompson |
| Brashear | Dierks | Kristensen | Raikes | Tyson |
| Bromm | Engel | Kruse | Redfield | Vrtiska |
| Bruning | Erdman | Landis | Robak | Wehrbein |
| Burling | Foley | Maxwell | Schimek | Wickersham |
| Byars | Hartnett | McDonald | Schrock | |

Voting in the negative, 0.

Present and not voting, 4:

| | | | |
|-------|--------|----------|--------|
| Brown | Kremer | Quandahl | Suttle |
|-------|--------|----------|--------|

Excused and not voting, 1:

Chambers

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Senator Kruse asked unanimous consent to be excused until he returns. No objections. So ordered.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 82 with 35 ayes, 1 nay, 11 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 82.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 18-1741.03, 28-519, 28-1009, 28-1204.04, 28-1221, 29-423, 29-820, 29-3504, 32-1549, and 42-924, Reissue Revised Statutes of Nebraska, and sections 28-106, 28-1006, 28-1012, and 28-1213, Revised Statutes Supplement, 2000; to prohibit inclusion of social security numbers on citations; to change provisions relating to misdemeanor sentences being served in a Department of Correctional Services institution; to change the offense of and penalties for criminal mischief; to change provisions relating to offenses against animals; to provide for disposition of confiscated animals as prescribed; to change a penalty for possessing a firearm on school grounds; to redefine terms relating to destructive devices; to create the offense of and provide a penalty for placing a false bomb; to provide for plea advisements to defendants as prescribed; to redefine administration of

criminal justice; to change penalty provisions for violating protection orders; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 46:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Coordsen | Jensen | Price | Synowiecki |
| Baker | Cudaback | Jones | Quandahl | Thompson |
| Beutler | Cunningham | Kremer | Raikes | Tyson |
| Bourne | Dierks | Kristensen | Redfield | Vrtiska |
| Brashear | Engel | Landis | Robak | Wehrbein |
| Bromm | Erdman | Maxwell | Schimek | Wickersham |
| Brown | Foley | McDonald | Schrock | |
| Bruning | Hartnett | Pedersen, Dw. | Smith | |
| Burling | Hudkins | Pederson, D. | Stuhr | |
| Connealy | Janssen | Preister | Suttle | |

Voting in the negative, 0.

Present and not voting, 1:

Byars

Excused and not voting, 2:

Chambers Kruse

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 276.

A BILL FOR AN ACT relating to personal information; to amend sections 28-608, 28-620, and 84-712.05, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 2000; to change provisions and penalties relating to criminal impersonation and financial transaction devices; to provide for restitution; to prohibit the printing of payment card numbers and the use of scanning devices or reencoders as prescribed; to provide penalties; to change provisions relating to public records; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Connealy | Janssen | Preister | Suttle |
| Baker | Coordsen | Jensen | Price | Synowiecki |
| Beutler | Cudaback | Jones | Quandahl | Thompson |
| Bourne | Cunningham | Kremer | Raikes | Tyson |
| Brashear | Dierks | Kristensen | Redfield | Vrtiska |
| Bromm | Engel | Landis | Robak | Wehrbein |
| Brown | Erdman | Maxwell | Schimek | Wickersham |
| Bruning | Foley | McDonald | Schrock | |
| Burling | Hartnett | Pedersen, Dw. | Smith | |
| Byars | Hudkins | Pederson, D. | Stuhr | |

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Kruse

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Senator Aguilar asked unanimous consent to be excused until he returns. No objections. So ordered.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 384 with 34 ayes, 2 nays, 10 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 384.

A BILL FOR AN ACT relating to condemnation; to amend sections 16-645, 16-674, 17-559, 18-2520, 18-2523, 19-701, 19-709, and 76-703, Reissue Revised Statutes of Nebraska, and section 18-2528, Revised Statutes Supplement, 2000; to adopt the Municipal Natural Gas System Condemnation Act; to harmonize provisions; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

| | | | | |
|----------|------------|---------------|----------|------------|
| Baker | Cudaback | Jones | Price | Synowiecki |
| Beutler | Cunningham | Kremer | Quandahl | Thompson |
| Bourne | Dierks | Kristensen | Redfield | Tyson |
| Brashear | Engel | Landis | Robak | Vrtiska |
| Brown | Erdman | Maxwell | Schimek | Wehrbein |
| Bruning | Foley | McDonald | Schrock | Wickersham |
| Burling | Hartnett | Pedersen, Dw. | Smith | |
| Byars | Hudkins | Pederson, D. | Stuhr | |
| Coordsen | Jensen | Preister | Suttle | |

Voting in the negative, 3:

Bromm Janssen Raikes

Present and not voting, 1:

Connealy

Excused and not voting, 3:

Aguilar Chambers Kruse

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Senator Maxwell asked unanimous consent to be excused until he returns. No objections. So ordered.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 391 with 36 ayes, 1 nay, 8 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 391.

A BILL FOR AN ACT relating to public school buildings; to adopt the Nebraska Schools Construction Alternatives Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

| | | | | |
|----------|------------|---------------|--------------|------------|
| Baker | Byars | Janssen | Pederson, D. | Stuhr |
| Beutler | Connealy | Jensen | Preister | Suttle |
| Bourne | Cunningham | Jones | Price | Synowiecki |
| Brashear | Dierks | Kremer | Quandahl | Thompson |
| Bromm | Engel | Kristensen | Raikes | Tyson |
| Brown | Erdman | Landis | Schimek | Vrtiska |
| Bruning | Foley | McDonald | Schrock | Wehrbein |
| Burling | Hudkins | Pedersen, Dw. | Smith | Wickersham |

Voting in the negative, 3:

Coordsen Redfield Robak

Present and not voting, 2:

Cudaback Hartnett

Excused and not voting, 4:

Aguilar Chambers Kruse Maxwell

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 407 with 35 ayes, 1 nay, 10 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 407. With Emergency.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2323.02, 72-1237, 72-1239.01, 72-1246, 72-1249.02, 79-927, 79-933.01, 79-948, 79-966, 79-968, 79-971, 79-973, 79-976, 79-977, 81-2031.03, 81-2031.04, 84-1312, 84-1313, 84-1322, and 84-1331, Reissue Revised Statutes of Nebraska, sections 23-2308, 23-2320, 24-710.05, 24-710.06, 79-901, 79-910, 79-916, 79-917, 79-933.02, 79-947, 79-960, 79-963, 79-967, 81-2016, 84-1301, and 84-1307, Revised Statutes Supplement, 2000, and sections 23-2301, 23-2306, 23-2309.01, 23-2310.05, 23-2323.03, 23-2331, 24-701.01, 24-702, 24-703, 79-902, 79-933.06, 79-934, 79-958, 79-998, 81-2014.01, 81-2017, 84-1310.01, 84-1311.03, and 84-1503, Revised Statutes Supplement, 2001; to change provisions relating to membership, participation, service, actuarial valuations, contributions, the Nebraska Investment Council, termination of employment, administrative fees, reemployment, compliance audits, rollover distributions and transfers, and funds; to create a fund; to eliminate and combine certain funds and

accounts; to change and eliminate powers and duties of the state investment officer; to define and redefine terms; to provide powers and duties; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 79-914, 79-969, 79-970, and 79-972, Reissue Revised Statutes of Nebraska, and sections 72-1247 and 79-975, Revised Statutes Supplement, 2000; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

| | | | | |
|----------|------------|---------------|----------|------------|
| Baker | Coordsen | Jensen | Preister | Stuhr |
| Bourne | Cunningham | Jones | Price | Suttle |
| Brashear | Dierks | Kremer | Quandahl | Synowiecki |
| Bromm | Engel | Kruse | Raikes | Thompson |
| Brown | Erdman | Landis | Redfield | Tyson |
| Bruning | Foley | Maxwell | Robak | Vrtiska |
| Burling | Hartnett | McDonald | Schimek | Wehrbein |
| Byars | Hudkins | Pedersen, Dw. | Schrock | Wickersham |
| Connealy | Janssen | Pederson, D. | Smith | |

Voting in the negative, 0.

Present and not voting, 3:

| | | |
|---------|----------|------------|
| Beutler | Cudaback | Kristensen |
|---------|----------|------------|

Excused and not voting, 2:

| | |
|---------|----------|
| Aguilar | Chambers |
|---------|----------|

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Senator Smith asked unanimous consent to be excused until he returns. No objections. So ordered.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 460. With Emergency.

A BILL FOR AN ACT relating to schools; to amend section 79-4,110, Revised Statutes Supplement, 2000, and section 79-1027, Revised Statutes Supplement, 2001; to change provisions relating to reorganization of certain Class I districts as prescribed; to change provisions relating to applicable allowable reserve percentages pursuant to the Tax Equity and Educational Opportunities Support Act; to provide operative dates; to repeal the original

sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

| | | | | |
|----------|------------|---------------|----------|------------|
| Baker | Coordsen | Jones | Preister | Suttle |
| Beutler | Cunningham | Kremer | Price | Thompson |
| Bourne | Engel | Kristensen | Quandahl | Tyson |
| Brashear | Erdman | Kruse | Raikes | Vrtiska |
| Bromm | Foley | Landis | Redfield | Wehrbein |
| Brown | Hartnett | Maxwell | Robak | Wickersham |
| Bruning | Hudkins | McDonald | Schimek | |
| Burling | Janssen | Pedersen, Dw. | Schrock | |
| Byars | Jensen | Pederson, D. | Stuhr | |

Voting in the negative, 1:

Dierks

Present and not voting, 3:

Connealy Cudaback Synowiecki

Excused and not voting, 3:

Aguilar Chambers Smith

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 470 with 35 ayes, 1 nay, 10 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 470.

A BILL FOR AN ACT relating to the Nebraska State Patrol; to amend sections 60-1301, 60-1303, 81-2003, 81-2005, and 81-2033, Reissue Revised Statutes of Nebraska, sections 81-2016 and 84-1301, Revised Statutes Supplement, 2000, and section 81-2014, Revised Statutes Supplement, 2001; to change powers and duties relating to patrol officers and carrier enforcement officers; to provide and change retirement

provisions; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

| | | | | |
|----------|------------|------------|---------------|------------|
| Baker | Connealy | Hartnett | Landis | Raikes |
| Bourne | Coordsen | Hudkins | Maxwell | Schrock |
| Brashear | Cudaback | Janssen | McDonald | Suttle |
| Bromm | Cunningham | Jensen | Pedersen, Dw. | Synowiecki |
| Brown | Dierks | Jones | Pederson, D. | Thompson |
| Bruning | Engel | Kremer | Preister | Tyson |
| Burling | Erdman | Kristensen | Price | Vrtiska |
| Byars | Foley | Kruse | Quandahl | Wehrbein |

Voting in the negative, 4:

| | | | |
|---------|----------|---------|------------|
| Beutler | Redfield | Schimek | Wickersham |
|---------|----------|---------|------------|

Present and not voting, 2:

| | |
|-------|-------|
| Robak | Stuhr |
|-------|-------|

Excused and not voting, 3:

| | | |
|---------|----------|-------|
| Aguilar | Chambers | Smith |
|---------|----------|-------|

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 470A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 470, Ninety-seventh Legislature, Second Session, 2002.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

| | | | | |
|----------|------------|------------|---------------|------------|
| Baker | Coordsen | Janssen | Pedersen, Dw. | Stuhr |
| Bourne | Cudaback | Jensen | Pederson, D. | Suttle |
| Brashear | Cunningham | Jones | Preister | Synowiecki |
| Bromm | Dierks | Kremer | Price | Thompson |
| Brown | Engel | Kristensen | Quandahl | Tyson |
| Bruning | Erdman | Kruse | Raikes | Vrtiska |
| Burling | Foley | Landis | Redfield | Wehrbein |
| Byars | Hartnett | Maxwell | Schimek | Wickersham |
| Connealy | Hudkins | McDonald | Schrock | |

Voting in the negative, 0.

Present and not voting, 2:

Beutler Robak

Excused and not voting, 3:

Aguilar Chambers Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Senators Kremer and Cunningham asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 491.

A BILL FOR AN ACT relating to highways and bridges; to amend section 39-1349, Reissue Revised Statutes of Nebraska, and section 60-680, Revised Statutes Supplement, 2000; to change provisions relating to the letting of contracts and the prohibition of the use of engine brakes; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

| | | | | |
|----------|----------|---------------|--------------|------------|
| Baker | Connealy | Janssen | Pederson, D. | Stuhr |
| Beutler | Coordsen | Jensen | Preister | Suttle |
| Bourne | Cudaback | Jones | Price | Synowiecki |
| Brashear | Dierks | Kristensen | Quandahl | Thompson |
| Bromm | Engel | Kruse | Raikes | Tyson |
| Brown | Erdman | Landis | Redfield | Vrtiska |
| Bruning | Foley | Maxwell | Robak | Wehrbein |
| Burling | Hartnett | McDonald | Schimek | Wickersham |
| Byars | Hudkins | Pedersen, Dw. | Schrock | |

Voting in the negative, 0.

Excused and not voting, 5:

Aguilar Chambers Cunningham Kremer Smith

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 564 with 37 ayes, 2 nays, 5 present and not voting, and 5 excused and not voting.

Senator Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

The following bill was put upon final passage:

LEGISLATIVE BILL 564.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2261, 29-4002, 29-4003, 29-4004, 29-4005, 29-4006, 29-4007, 29-4009, 29-4010, and 29-4013, Revised Statutes Supplement, 2000; to change provisions relating to disclosure of presentence reports and psychiatric examinations and the Sex Offender Registration Act; to change and provide duties for the Nebraska State Patrol, sheriffs, courts, probation and parole officers, and the Department of Correctional Services; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

| | | | | |
|----------|----------|---------------|----------|------------|
| Baker | Connealy | Jones | Price | Synowiecki |
| Beutler | Coordsen | Kristensen | Quandahl | Thompson |
| Bourne | Cudaback | Kruse | Raikes | Tyson |
| Brashear | Engel | Landis | Redfield | Vrtiska |
| Bromm | Erdman | Maxwell | Robak | Wehrbein |
| Brown | Foley | McDonald | Schimek | Wickersham |
| Bruning | Hudkins | Pedersen, Dw. | Smith | |
| Burling | Janssen | Pederson, D. | Stuhr | |
| Byars | Jensen | Preister | Suttle | |

Voting in the negative, 0.

Present and not voting, 2:

Hartnett Schrock

Excused and not voting, 5:

Aguilar Chambers Cunningham Dierks Kremer

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Senator D. Pederson asked unanimous consent to be excused until he returns. No objections. So ordered.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 687 with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Senators Brashear and Tyson asked unanimous consent to be excused until they return. No objections. So ordered.

The following bill was put upon final passage:

LEGISLATIVE BILL 687. With Emergency.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2305.01, 23-2309, 23-2316, 23-2317, 23-2321, 84-1305.02, 84-1310, 84-1311, 84-1318, 84-1319, 84-1321, 84-1322, 84-1323, and 84-1331, Reissue Revised Statutes of Nebraska, sections 2-1608, 23-2310, 23-2319, 23-2319.01, 23-2320, 84-1301, 84-1307, and 84-1321.01, Revised Statutes Supplement, 2000, and sections 23-2301, 23-2306, 23-2309.01, 23-2310.05, 23-2331, 84-1310.01, and 84-1311.03, Revised Statutes Supplement, 2001; to state intent; to change provisions relating to the County Employees Retirement Act and the State Employees Retirement Act; to provide for a cash balance benefit; to change provisions relating to vesting; to provide duties for the Public Employees Retirement Board; to change and eliminate provisions relating to annuities as prescribed; to define, redefine, and eliminate terms; to harmonize provisions; to repeal the original sections; to outright repeal section 23-2327, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Cudaback | Jensen | Preister | Smith |
| Baker | Cunningham | Kremer | Price | Stuhr |
| Bromm | Engel | Kristensen | Quandahl | Suttle |
| Brown | Erdman | Kruse | Raikes | Synowiecki |
| Bruning | Foley | Landis | Redfield | Thompson |
| Byars | Hartnett | Maxwell | Robak | Vrtiska |
| Connealy | Hudkins | McDonald | Schimek | Wehrbein |
| Coordsen | Janssen | Pedersen, Dw. | Schrock | Wickersham |

Voting in the negative, 0.

Present and not voting, 4:

| | | | |
|---------|--------|---------|-------|
| Beutler | Bourne | Burling | Jones |
|---------|--------|---------|-------|

Excused and not voting, 5:

| | | | | |
|----------|----------|--------|--------------|-------|
| Brashear | Chambers | Dierks | Pederson, D. | Tyson |
|----------|----------|--------|--------------|-------|

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 687A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 687, Ninety-seventh Legislature, Second Session, 2002; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 40:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Cudaback | Jensen | Preister | Smith |
| Baker | Cunningham | Kremer | Price | Stuhr |
| Bromm | Engel | Kristensen | Quandahl | Suttle |
| Brown | Erdman | Kruse | Raikes | Synowiecki |
| Bruning | Foley | Landis | Redfield | Thompson |
| Byars | Hartnett | Maxwell | Robak | Vrtiska |
| Connealy | Hudkins | McDonald | Schimek | Wehrbein |
| Coordsen | Janssen | Pedersen, Dw. | Schrock | Wickersham |

Voting in the negative, 0.

Present and not voting, 4:

Beutler Bourne Burling Jones

Excused and not voting, 5:

Brashear Chambers Dierks Pederson, D. Tyson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 830 with 36 ayes, 1 nay, 7 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 830.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-107, 60-108, 60-112, 60-117, 60-129, 60-130, 60-131, 60-310, 60-311.12, 60-319, and 60-2603, Reissue Revised Statutes of Nebraska, sections 60-106, 60-110, 60-311.11, 60-311.23, 60-315.01, and 60-328, Revised Statutes Supplement, 2000, and sections 60-302 and 60-315, Revised Statutes Supplement, 2001; to change provisions relating to certificates of title, motor vehicle registration, and license plates; to provide a penalty; to change fee collection and distribution provisions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Coordsen | Jensen | Price | Synowiecki |
| Baker | Cudaback | Jones | Quandahl | Thompson |
| Beutler | Cunningham | Kremer | Raikes | Tyson |
| Bourne | Dierks | Kristensen | Redfield | Vrtiska |
| Bromm | Engel | Kruse | Robak | Wehrbein |
| Brown | Erdman | Landis | Schimek | Wickersham |
| Bruning | Foley | Maxwell | Schrock | |
| Burling | Hartnett | McDonald | Smith | |
| Byars | Hudkins | Pedersen, Dw. | Stuhr | |
| Connealy | Janssen | Preister | Suttle | |

Voting in the negative, 0.

Excused and not voting, 3:

Brashear Chambers Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 830A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 830, Ninety-seventh Legislature, Second Session, 2002.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

| | | | | |
|---------|------------|------------|---------------|------------|
| Aguilar | Connealy | Hudkins | Pedersen, Dw. | Smith |
| Baker | Coordsen | Jensen | Preister | Stuhr |
| Beutler | Cudaback | Jones | Price | Suttle |
| Bourne | Cunningham | Kremer | Quandahl | Synowiecki |
| Bromm | Dierks | Kristensen | Raikes | Thompson |
| Brown | Engel | Kruse | Redfield | Tyson |
| Bruning | Erdman | Landis | Robak | Vrtiska |
| Burling | Foley | Maxwell | Schimek | Wehrbein |
| Byars | Hartnett | McDonald | Schrock | Wickersham |

Voting in the negative, 0.

Present and not voting, 1:

Janssen

Excused and not voting, 3:

Brashear Chambers Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 863 with 35 ayes, 1 nay, 10 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 863.

A BILL FOR AN ACT relating to real estate; to amend sections 76-2,120, 76-2403, 76-2407, 76-2417 to 76-2419, 76-2421, 76-2422, 76-2426, 81-885.03, 81-885.12, 81-885.13, 81-885.17 to 81-885.19, 81-885.24, 81-885.29, 81-885.33, 81-885.34, 81-885.40, 81-885.45, 81-885.51 to 81-885.53, and 81-885.55, Reissue Revised Statutes of Nebraska, and sections 81-885.01, 81-885.11, and 81-885.21, Revised Statutes Supplement, 2000; to change provisions relating to real estate disclosure statements and regulation and licensure of real estate professionals; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

| | | | | |
|---------|------------|------------|---------------|------------|
| Aguilar | Connealy | Janssen | Pedersen, Dw. | Smith |
| Baker | Coordsen | Jensen | Preister | Stuhr |
| Beutler | Cunningham | Jones | Price | Suttle |
| Bourne | Dierks | Kremer | Quandahl | Synowiecki |
| Bromm | Engel | Kristensen | Raikes | Thompson |
| Brown | Erdman | Kruse | Redfield | Tyson |
| Bruning | Foley | Landis | Robak | Vrtiska |
| Burling | Hartnett | Maxwell | Schimek | Wehrbein |
| Byars | Hudkins | McDonald | Schrock | Wickersham |

Voting in the negative, 0.

Present and not voting, 1:

Cudaback

Excused and not voting, 3:

Brashear Chambers Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 935 with 34 ayes, 1 nay, 11 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 935.

A BILL FOR AN ACT relating to elections; to amend sections 10-703.01, 29-1401.02, 32-303, 32-552, 32-802, 32-819, 32-933, 32-941, 32-942, 32-943, 32-946, 32-950, 32-954, 32-956, and 79-552, Reissue Revised Statutes of Nebraska, and sections 29-1401 and 32-1027, Revised Statutes Supplement, 2000; to provide for review and adjustment of boundaries of school board election districts; to change and eliminate provisions relating to wages for election workers, petition procedures, registration of voters, notice of election, correcting errors on ballots, and absentee ballots; to harmonize provisions; to repeal the original sections; and to outright repeal sections 29-1401.01 and 32-1029, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Connealy | Janssen | Preister | Suttle |
| Baker | Coordsen | Jensen | Price | Synowiecki |
| Beutler | Cudaback | Jones | Quandahl | Thompson |
| Bourne | Cunningham | Kremer | Raikes | Tyson |
| Brashear | Dierks | Kristensen | Redfield | Vrtiska |
| Bromm | Engel | Kruse | Robak | Wehrbein |
| Brown | Erdman | Landis | Schimek | Wickersham |
| Bruning | Foley | Maxwell | Schrock | |
| Burling | Hartnett | McDonald | Smith | |
| Byars | Hudkins | Pedersen, Dw. | Stuhr | |

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 1054 to Select File

Senator Dierks moved to return LB 1054 to Select File for the following specific amendment:

FA1081

Strike the enacting clause.

Senator Dierks withdrew his motion to return.

BILLS ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1054 with 40 ayes, 1 nay, 6 present and not voting, and 2 excused and not voting.

Senator Cunningham asked unanimous consent to be excused until he returns. No objections. So ordered.

The following bill was put upon final passage:

LEGISLATIVE BILL 1054.

A BILL FOR AN ACT relating to government; to amend sections 19-616, 29-112 to 29-113, 32-223, 32-227, 32-228, 32-230, 32-241, 32-624, 32-914, 32-1119, 32-1303, 32-1304, 83-187, and 83-1,118, Reissue Revised Statutes of Nebraska, sections 29-2264, 32-231, 32-233, 32-235, 32-236, 32-628, 32-916, 32-947, and 32-1002, Revised Statutes Supplement, 2000, and section 32-101, Revised Statutes Supplement, 2001; to provide for vacancies in office for unexcused absences from municipal meetings; to require written notice regarding civil rights for convicted felons; to change provisions relating to poll workers, candidate filing forms, recall petitions, absentee ballots, and recounting ballots; to provide for provisional ballots; to change and provide penalties; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

| | | | | |
|----------|----------|---------------|----------|------------|
| Aguilar | Coordsen | Kremer | Quandahl | Synowiecki |
| Beutler | Cudaback | Kristensen | Raikes | Thompson |
| Bourne | Engel | Kruse | Redfield | Tyson |
| Brashear | Erdman | Landis | Robak | Vrtiska |
| Bromm | Foley | Maxwell | Schimek | Wehrbein |
| Brown | Hartnett | McDonald | Schrock | Wickersham |
| Bruning | Janssen | Pedersen, Dw. | Smith | |
| Burling | Jensen | Preister | Stuhr | |
| Byars | Jones | Price | Suttle | |

Voting in the negative, 1:

Dierks

Present and not voting, 3:

Baker Connealy Hudkins

Excused and not voting, 3:

Chambers Cunningham Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1073.

A BILL FOR AN ACT relating to occupant protection systems; to amend sections 60-6,267, 60-6,268, and 71-1907, Revised Statutes Supplement, 2000; to change provisions and penalties relating to occupant protection systems; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

| | | | | |
|----------|------------|----------|---------------|------------|
| Aguilar | Byars | Janssen | Pedersen, Dw. | Schrock |
| Beutler | Connealy | Jensen | Preister | Stuhr |
| Bourne | Cudaback | Kremer | Price | Suttle |
| Brashear | Cunningham | Kruse | Quandahl | Synowiecki |
| Bromm | Foley | Landis | Raikes | Thompson |
| Brown | Hartnett | Maxwell | Robak | Wehrbein |
| Bruning | Hudkins | McDonald | Schimek | |

Voting in the negative, 11:

| | | | |
|----------|--------|------------|------------|
| Baker | Dierks | Kristensen | Tyson |
| Burling | Erdman | Redfield | Wickersham |
| Coordsen | Jones | Smith | |

Present and not voting, 2:

Engel Vrtiska

Excused and not voting, 2:

Chambers Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1110. With Emergency.

A BILL FOR AN ACT relating to volunteer emergency responders; to amend sections 35-1303 and 35-1309, Revised Statutes Supplement, 2001; to redefine a term; to change a provision relating to service award benefit programs; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

| | | | | |
|----------|------------|------------|---------------|------------|
| Aguilar | Connealy | Janssen | Pedersen, Dw. | Smith |
| Baker | Coordsen | Jensen | Preister | Stuhr |
| Beutler | Cudaback | Jones | Price | Suttle |
| Bourne | Cunningham | Kremer | Quandahl | Synowiecki |
| Brashear | Engel | Kristensen | Raikes | Thompson |
| Bromm | Erdman | Kruse | Redfield | Tyson |
| Brown | Foley | Landis | Robak | Vrtiska |
| Bruning | Hartnett | Maxwell | Schimek | Wehrbein |
| Byars | Hudkins | McDonald | Schrock | Wickersham |

Voting in the negative, 0.

Present and not voting, 2:

Burling Dierks

Excused and not voting, 2:

Chambers Pederson, D.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Senators Dierks and Aguilar asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Return LB 1126 to Select File

Senator Landis moved to return LB 1126 to Select File for the following Landis-Beutler specific amendment:

AM3675

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 "Sec. 5. Section 53-167.03, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 53-167.03. (1) Any person who unlawfully tampers with,

5 alters, or removes the keg identification number from a beer
 6 container after such container has been taken from the licensed
 7 premises pursuant to a retail sale and before its return to such
 8 licensed premises or other place where returned kegs are accepted
 9 shall be guilty of a Class III misdemeanor.
 10 (2) A licensee may require a deposit of not more than
 11 ~~fifty dollars~~ the replacement cost of the container described in
 12 section 53-167.02 from a person purchasing beer for consumption off
 13 ~~the premises, in a container described in section 53-167.02.~~ Such
 14 deposit may be retained by the licensee, in the amount of actual
 15 damages, if upon return the container or any associated equipment
 16 is damaged or if the keg identification number has been unlawfully
 17 tampered with, altered, or removed and such tampering, alteration,
 18 or removal has been reported to a law enforcement officer."
 19 2. Correct the title, amend the repealer, and renumber
 20 the remaining sections accordingly.

The Landis motion to return prevailed with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1126. The Landis-Beutler specific amendment, AM3675, found in this day's Journal, was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

Senator Byars asked unanimous consent to be excused. No objections. So ordered.

Senators McDonald, Cunningham, Baker, and Bourne asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Return LB 1139 to Select File

Senator Landis moved to return LB 1139 to Select File for the Landis et al. specific pending amendment, AM3668, found on page 1609.

SENATOR CUDABACK PRESIDING

The Landis motion to return prevailed with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1139. The Landis et al. specific pending amendment, AM3668, found on page 1609, was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to E & R for reengrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1168. With Emergency.

A BILL FOR AN ACT relating to railroads; to create a task force; to provide duties; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 36:

| | | | | |
|----------|------------|---------------|----------|------------|
| Beutler | Cudaback | Janssen | Quandahl | Thompson |
| Brashear | Cunningham | Jensen | Raikes | Tyson |
| Bromm | Dierks | Kremer | Redfield | Wehrbein |
| Brown | Engel | Kristensen | Schimek | Wickersham |
| Bruning | Erdman | Landis | Schrock | |
| Burling | Foley | Maxwell | Smith | |
| Connealy | Hartnett | Pedersen, Dw. | Stuhr | |
| Coordsen | Hudkins | Price | Suttle | |

Voting in the negative, 0.

Present and not voting, 6:

| | | |
|-------|----------|------------|
| Jones | Preister | Synowiecki |
| Kruse | Robak | Vrtiska |

Excused and not voting, 7:

| | | | |
|---------|--------|----------|--------------|
| Aguilar | Bourne | Chambers | Pederson, D. |
| Baker | Byars | McDonald | |

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 1172.

A BILL FOR AN ACT relating to schools; to amend section 79-715, Reissue Revised Statutes of Nebraska; to adopt the Public Elementary and Secondary Student Fee Authorization Act; to change provisions relating to eye protection devices; to provide severability; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

| | | | | |
|----------|------------|---------------|----------|------------|
| Beutler | Cudaback | Jensen | Preister | Smith |
| Brashear | Cunningham | Jones | Price | Stuhr |
| Bromm | Dierks | Kremer | Quandahl | Suttle |
| Brown | Engel | Kristensen | Raikes | Thompson |
| Bruning | Erdman | Kruse | Redfield | Tyson |
| Burling | Foley | Landis | Robak | Vrtiska |
| Connealy | Hudkins | Maxwell | Schimek | Wehrbein |
| Coordsen | Janssen | Pedersen, Dw. | Schrock | Wickersham |

Voting in the negative, 0.

Present and not voting, 2:

Hartnett Synowiecki

Excused and not voting, 7:

| | | | |
|---------|--------|----------|--------------|
| Aguilar | Bourne | Chambers | Pederson, D. |
| Baker | Byars | McDonald | |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 1236 to Select File

Senator Wehrbein moved to return LB 1236 to Select File for the following specific amendment:

FA1084

Strike enacting clause.

Senator Wehrbein withdrew his motion to return.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1236 with 31 ayes, 1 nay, 10 present and not voting, and 7 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1236.

A BILL FOR AN ACT relating to the State Board of Agriculture; to amend sections 2-101, 2-220 to 2-220.02, 2-220.04, 2-1204, 2-1208.01, 51-601, 51-603, 51-604, 77-2704.16, 81-1108.30, and 83-136, Reissue Revised Statutes of Nebraska, section 2-219, Revised Statutes Supplement, 2000, and section 53-124.14, Revised Statutes Supplement, 2001; to rename the board; to provide intent; to change provisions relating to membership; to provide and eliminate powers and duties; to create a foundation; to change and eliminate provisions relating to officers, funds, and bonds; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 2-102, 2-115, 2-116, 2-118, and 2-125 to 2-128, Reissue Revised Statutes of Nebraska, and section 2-117, Revised Statutes Supplement, 2001.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

| | | | | |
|----------|------------|----------|------------|------------|
| Beutler | Cunningham | Jones | Raikes | Thompson |
| Brashear | Dierks | Kremer | Redfield | Tyson |
| Bromm | Engel | Kruse | Robak | Vrtiska |
| Brown | Erdman | Landis | Schimek | Wehrbein |
| Bruning | Foley | Maxwell | Schrock | Wickersham |
| Burling | Hartnett | McDonald | Smith | |
| Connealy | Hudkins | Preister | Stuhr | |
| Coordsen | Janssen | Price | Suttle | |
| Cudaback | Jensen | Quandahl | Synowiecki | |

Voting in the negative, 0.

Present and not voting, 2:

Kristensen Pedersen, Dw.

Excused and not voting, 6:

| | | |
|---------|--------|--------------|
| Aguilar | Bourne | Chambers |
| Baker | Byars | Pederson, D. |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

RESOLUTION ON FINAL READING

The following resolution was read and put upon final passage:

LEGISLATIVE RESOLUTION 4CA.

THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION, RESOLVE THAT:

Section 1. At the general election in November 2002 the following

proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article XIII, section 2:

XIII-2 "(1) Notwithstanding any other provision in ~~the~~ this Constitution, the Legislature may authorize any county or incorporated city or village, including cities operating under home rule charters, to acquire, own, develop, and lease real and personal property suitable for use by manufacturing or industrial enterprises and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing such property by construction, purchase, or otherwise. The Legislature may also authorize such county, city, or village to acquire, own, develop, and lease real and personal property suitable for use by enterprises as determined by law if such property is located in blighted areas as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued. Any real or personal property acquired, owned, developed, or used by any such county, city, or village pursuant to this section shall be subject to taxation to the same extent as private property during the time it is leased to or held by private interests, notwithstanding the provisions of Article VIII, section 2, of ~~the~~ this Constitution. The acquiring, owning, developing, and leasing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon such property. No such governmental subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof.

(2) Notwithstanding any other provision in this Constitution, the Legislature may also authorize any county, city, or village to acquire, own, develop, and lease or finance real and personal property, other than property used or to be used primarily for sectarian instruction or study or as a place for devotional activities or religious worship, to be used, during the term of any revenue bonds issued, only by nonprofit enterprises as determined by law and to issue revenue bonds for the purpose of defraying the cost of acquiring and developing or financing such property by construction, purchase, or otherwise. Such bonds shall not become general obligation bonds of the governmental subdivision by which such bonds are issued. Notwithstanding the provisions of Article VIII, section 2, of this Constitution, the acquisition, ownership, development, use, or financing of any real or personal property pursuant to the provisions of this section shall not affect the imposition of any taxes or the exemption therefrom by the Legislature pursuant to this Constitution. The acquiring, owning, developing, and leasing or financing of such property shall be deemed for a public purpose, but the governmental subdivision shall not have the right to acquire such property by condemnation. The principal of and interest on any bonds issued may be secured by a pledge of the lease and the revenue therefrom and by mortgage upon such property. No such governmental

subdivision shall have the power to operate any such property as a business or in any manner except as the lessor thereof.

(3) Notwithstanding any other provision in ~~the~~ this Constitution, the Legislature may also authorize any incorporated city or village, including cities operating under home rule charters, to appropriate from local sources of revenue such funds as may be deemed necessary for an economic or industrial development project or program subject to approval by a vote of a majority of the registered voters of such city or village voting upon the question. For purposes of this provision, funds from local sources of revenue shall mean funds raised from general taxes levied by the city or village and shall not include any funds received by the city or village which are derived from state or federal sources."

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

"A constitutional amendment to authorize the use of revenue bonds to develop and lease property for use by nonprofit enterprises as determined by law.

For

Against".

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 38:

| | | | | |
|----------|------------|---------------|----------|------------|
| Brashear | Cunningham | Jensen | Preister | Suttle |
| Bromm | Dierks | Jones | Price | Synowiecki |
| Brown | Engel | Kremer | Raikes | Thompson |
| Bruning | Erdman | Kruse | Redfield | Tyson |
| Burling | Foley | Landis | Schimek | Wehrbein |
| Connealy | Hartnett | Maxwell | Schrock | Wickersham |
| Coordsen | Hudkins | McDonald | Smith | |
| Cudaback | Janssen | Pedersen, Dw. | Stuhr | |

Voting in the negative, 0.

Present and not voting, 5:

| | | | | |
|---------|------------|----------|-------|---------|
| Beutler | Kristensen | Quandahl | Robak | Vrtiska |
|---------|------------|----------|-------|---------|

Excused and not voting, 6:

| | | |
|---------|--------|--------------|
| Aguilar | Bourne | Chambers |
| Baker | Byars | Pederson, D. |

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 649.

A BILL FOR AN ACT relating to municipal improvements; to amend section 19-2403, Reissue Revised Statutes of Nebraska, and section 19-2402, Revised Statutes Supplement, 2001; to change provisions relating to sanitary sewer extension districts and water extension districts; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 37:

| | | | | |
|------------|---------|---------------|----------|------------|
| Beutler | Dierks | Kremer | Quandahl | Suttle |
| Brashear | Engel | Kruse | Raikes | Synowiecki |
| Bromm | Erdman | Landis | Redfield | Thompson |
| Bruning | Foley | Maxwell | Robak | Wehrbein |
| Burling | Hudkins | McDonald | Schimek | Wickersham |
| Coordsen | Janssen | Pedersen, Dw. | Schrock | |
| Cudaback | Jensen | Preister | Smith | |
| Cunningham | Jones | Price | Stuhr | |

Voting in the negative, 0.

Present and not voting, 6:

| | | |
|----------|------------|---------|
| Brown | Hartnett | Tyson |
| Connealy | Kristensen | Vrtiska |

Excused and not voting, 6:

| | | |
|---------|--------|--------------|
| Aguilar | Bourne | Chambers |
| Baker | Byars | Pederson, D. |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 684.

A BILL FOR AN ACT relating to equine activities; to amend section 25-21,253, Revised Statutes Supplement, 2000; to change provisions relating to warning signs; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 38:

| | | | | |
|------------|---------|---------------|----------|------------|
| Beutler | Dierks | Kremer | Price | Synowiecki |
| Brashear | Engel | Kristensen | Quandahl | Thompson |
| Bromm | Erdman | Kruse | Redfield | Tyson |
| Bruning | Foley | Landis | Robak | Vrtiska |
| Burling | Hudkins | Maxwell | Schimek | Wehrbein |
| Coordsen | Janssen | McDonald | Smith | Wickersham |
| Cudaback | Jensen | Pedersen, Dw. | Stuhr | |
| Cunningham | Jones | Preister | Suttle | |

Voting in the negative, 0.

Present and not voting, 5:

| | | | | |
|-------|----------|----------|--------|---------|
| Brown | Connealy | Hartnett | Raikes | Schrock |
|-------|----------|----------|--------|---------|

Excused and not voting, 6:

| | | |
|---------|--------|--------------|
| Aguilar | Bourne | Chambers |
| Baker | Byars | Pederson, D. |

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER KRISTENSEN PRESIDING

LEGISLATIVE BILL 873. With Emergency.

A BILL FOR AN ACT relating to the State Electrical Act; to amend section 81-2104, Reissue Revised Statutes of Nebraska; to adopt the 2002 National Electrical Code; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

| | | | | |
|------------|---------|---------------|----------|------------|
| Beutler | Dierks | Kremer | Price | Stuhr |
| Brashear | Engel | Kristensen | Quandahl | Suttle |
| Bromm | Erdman | Kruse | Raikes | Synowiecki |
| Bruning | Foley | Landis | Redfield | Thompson |
| Burling | Hudkins | Maxwell | Robak | Tyson |
| Chambers | Janssen | McDonald | Schimek | Wehrbein |
| Coordsen | Jensen | Pedersen, Dw. | Schrock | Wickersham |
| Cunningham | Jones | Preister | Smith | |

Voting in the negative, 0.

Present and not voting, 5:

Brown Connealy Cudaback Hartnett Vrtiska

Excused and not voting, 5:

Aguilar Baker Bourne Byars Pederson, D.

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Senator Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 912.

A BILL FOR AN ACT relating to the Farm Mediation Act; to amend section 2-4816, Reissue Revised Statutes of Nebraska; to change the termination date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

| | | | | |
|----------|------------|---------------|------------|------------|
| Beutler | Cunningham | Kristensen | Raikes | Thompson |
| Brashear | Dierks | Kruse | Redfield | Tyson |
| Bromm | Engel | Landis | Robak | Vrtiska |
| Bruning | Erdman | Maxwell | Schimek | Wehrbein |
| Burling | Foley | McDonald | Schrock | Wickersham |
| Chambers | Hudkins | Pedersen, Dw. | Smith | |
| Connealy | Jensen | Preister | Stuhr | |
| Coordsen | Jones | Price | Suttle | |
| Cudaback | Kremer | Quandahl | Synowiecki | |

Voting in the negative, 0.

Present and not voting, 2:

Brown Hartnett

Excused and not voting, 6:

Aguilar Bourne Janssen
Baker Byars Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 932.

A BILL FOR AN ACT relating to cities of the primary class; to amend section 15-401, Reissue Revised Statutes of Nebraska; to change provisions relating to city council meetings; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

| | | | | |
|----------|------------|---------------|----------|------------|
| Baker | Coordsen | Jensen | Preister | Suttle |
| Beutler | Cudaback | Jones | Price | Synowiecki |
| Brashear | Cunningham | Kremer | Quandahl | Thompson |
| Bromm | Dierks | Kristensen | Raikes | Tyson |
| Brown | Engel | Kruse | Redfield | Vrtiska |
| Bruning | Erdman | Landis | Schimek | Wehrbein |
| Burling | Foley | Maxwell | Schrock | Wickersham |
| Chambers | Hartnett | McDonald | Smith | |
| Connealy | Hudkins | Pedersen, Dw. | Stuhr | |

Voting in the negative, 0.

Present and not voting, 1:

Robak

Excused and not voting, 5:

| | | | | |
|---------|--------|-------|---------|--------------|
| Aguilar | Bourne | Byars | Janssen | Pederson, D. |
|---------|--------|-------|---------|--------------|

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 951.

A BILL FOR AN ACT relating to the Department of Correctional Services; to amend section 83-145.01, Reissue Revised Statutes of Nebraska; to change provisions relating to braille materials and machinery; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

| | | | | |
|----------|------------|---------------|----------|------------|
| Baker | Coordsen | Jensen | Preister | Stuhr |
| Beutler | Cudaback | Jones | Price | Suttle |
| Brashear | Cunningham | Kremer | Quandahl | Synowiecki |
| Bromm | Dierks | Kristensen | Raikes | Thompson |
| Brown | Engel | Kruse | Redfield | Tyson |
| Bruning | Erdman | Landis | Robak | Vrtiska |
| Burling | Foley | Maxwell | Schimek | Wehrbein |
| Chambers | Hartnett | McDonald | Schrock | Wickersham |
| Connealy | Hudkins | Pedersen, Dw. | Smith | |

Voting in the negative, 0.

Excused and not voting, 5:

| | | | | |
|---------|--------|-------|---------|--------------|
| Aguilar | Bourne | Byars | Janssen | Pederson, D. |
|---------|--------|-------|---------|--------------|

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 970.

A BILL FOR AN ACT relating to cities of the first class; to amend section 16-104, Reissue Revised Statutes of Nebraska, and section 32-534, Revised Statutes Supplement, 2001; to change provisions relating to the creation of wards; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|----------|------------|---------------|----------|------------|
| Baker | Coordsen | Jensen | Preister | Stuhr |
| Beutler | Cudaback | Jones | Price | Suttle |
| Brashear | Cunningham | Kremer | Quandahl | Synowiecki |
| Bromm | Dierks | Kristensen | Raikes | Thompson |
| Brown | Engel | Kruse | Redfield | Tyson |
| Bruning | Erdman | Landis | Robak | Vrtiska |
| Burling | Foley | Maxwell | Schimek | Wehrbein |
| Chambers | Hartnett | McDonald | Schrock | Wickersham |
| Connealy | Hudkins | Pedersen, Dw. | Smith | |

Voting in the negative, 0.

Excused and not voting, 5:

| | | | | |
|---------|--------|-------|---------|--------------|
| Aguilar | Bourne | Byars | Janssen | Pederson, D. |
|---------|--------|-------|---------|--------------|

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 977.

A BILL FOR AN ACT relating to veterans' aid; to amend section 80-401.03, Revised Statutes Supplement, 2000; to provide for designees as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

| | | | | |
|----------|------------|---------------|----------|------------|
| Baker | Coordsen | Jensen | Preister | Stuhr |
| Beutler | Cudaback | Jones | Price | Suttle |
| Brashear | Cunningham | Kremer | Quandahl | Synowiecki |
| Bromm | Dierks | Kristensen | Raikes | Thompson |
| Brown | Engel | Kruse | Redfield | Tyson |
| Bruning | Erdman | Landis | Robak | Vrtiska |
| Burling | Foley | Maxwell | Schimek | Wehrbein |
| Chambers | Hartnett | McDonald | Schrock | Wickersham |
| Connealy | Hudkins | Pedersen, Dw. | Smith | |

Voting in the negative, 0.

Excused and not voting, 5:

| | | | | |
|---------|--------|-------|---------|--------------|
| Aguilar | Bourne | Byars | Janssen | Pederson, D. |
|---------|--------|-------|---------|--------------|

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1018.

A BILL FOR AN ACT relating to counties; to amend sections 23-906 and 23-1302, Reissue Revised Statutes of Nebraska; to change provisions relating to budgets and county clerk duties; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

| | | | | |
|----------|------------|---------------|----------|------------|
| Baker | Coordsen | Jensen | Preister | Stuhr |
| Beutler | Cudaback | Jones | Price | Suttle |
| Brashear | Cunningham | Kremer | Quandahl | Synowiecki |
| Bromm | Dierks | Kristensen | Raikes | Thompson |
| Brown | Engel | Kruse | Redfield | Tyson |
| Bruning | Erdman | Landis | Robak | Vrtiska |
| Burling | Foley | Maxwell | Schimek | Wehrbein |
| Chambers | Hartnett | McDonald | Schrock | Wickersham |
| Connealy | Hudkins | Pedersen, Dw. | Smith | |

Voting in the negative, 0.

Excused and not voting, 5:

Aguilar Bourne Byars Janssen Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1071.

A BILL FOR AN ACT relating to the Abstracters Act; to amend sections 76-537 to 76-539, 76-543, 76-545, and 76-547, Reissue Revised Statutes of Nebraska, and section 76-542, Revised Statutes Supplement, 2000; to define terms; to require resident agents as prescribed; to change provisions relating to fees; to authorize duplicate certificates of registration; to prohibit certain acts by inactive abstracters; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

| | | | | |
|----------|------------|---------------|----------|------------|
| Baker | Coordsen | Kremer | Quandahl | Synowiecki |
| Beutler | Cudaback | Kristensen | Raikes | Thompson |
| Brashear | Cunningham | Kruse | Redfield | Tyson |
| Bromm | Dierks | Landis | Robak | Vrtiska |
| Brown | Engel | Maxwell | Schimek | Wehrbein |
| Bruning | Erdman | McDonald | Schrock | Wickersham |
| Burling | Foley | Pedersen, Dw. | Smith | |
| Chambers | Hartnett | Preister | Stuhr | |
| Connealy | Hudkins | Price | Suttle | |

Voting in the negative, 0.

Present and not voting, 2:

Jensen Jones

Excused and not voting, 5:

Aguilar Bourne Byars Janssen Pederson, D.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1094 with 37 ayes, 2 nays, 5 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1094.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-102, 8-103, 8-116, 8-122, 8-157, 8-601, 8-815, 8-1511, 21-1335, 21-1755, 21-17,131, 62-301, 64-212, 64-213, and 77-3801, Reissue Revised Statutes of Nebraska, and sections 8-602 and 28-612, Revised Statutes Supplement, 2000; to eliminate cooperative credit associations; to harmonize provisions; to repeal the original sections; and to outright repeal sections 8-103.01, 8-117, 8-117.01, 8-122.01, and 21-1308 to 21-1332, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

| | | | | |
|----------|------------|---------------|----------|------------|
| Baker | Coordsen | Jensen | Price | Suttle |
| Beutler | Cudaback | Kremer | Quandahl | Synowiecki |
| Brashear | Cunningham | Kristensen | Raikes | Thompson |
| Bromm | Dierks | Kruse | Redfield | Tyson |
| Brown | Engel | Landis | Robak | Vrtiska |
| Bruning | Erdman | Maxwell | Schimek | Wehrbein |
| Burling | Foley | McDonald | Schrock | Wickersham |
| Chambers | Hartnett | Pedersen, Dw. | Smith | |
| Connealy | Hudkins | Preister | Stuhr | |

Voting in the negative, 0.

Present and not voting, 1:

Jones

Excused and not voting, 5:

| | | | | |
|---------|--------|-------|---------|--------------|
| Aguilar | Bourne | Byars | Janssen | Pederson, D. |
|---------|--------|-------|---------|--------------|

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Senator Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 22, 22A, 29, 57, 123, 82, 276, 384, 391, 407, 460, 470, 470A, 491, 564, 687, 687A, 830, 830A, 863, and 935.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1148. With Emergency.

A BILL FOR AN ACT relating to prescription drug assistance; to amend section 71-7605, Revised Statutes Supplement, 2001; to provide duties for the Health and Human Services Committee of the Legislature; to harmonize provisions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

| | | | | |
|----------|------------|---------------|----------|------------|
| Baker | Coordsen | Jensen | Quandahl | Synowiecki |
| Beutler | Cudaback | Kremer | Raikes | Thompson |
| Brashear | Cunningham | Kristensen | Redfield | Tyson |
| Bromm | Dierks | Kruse | Robak | Vrtiska |
| Brown | Engel | Maxwell | Schimek | Wehrbein |
| Bruning | Erdman | McDonald | Schrock | Wickersham |
| Burling | Foley | Pedersen, Dw. | Smith | |
| Chambers | Hartnett | Preister | Stuhr | |
| Connealy | Hudkins | Price | Suttle | |

Voting in the negative, 0.

Present and not voting, 1:

Jones

Excused and not voting, 6:

| | | |
|---------|---------|--------------|
| Aguilar | Byars | Landis |
| Bourne | Janssen | Pederson, D. |

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 1054, 1073, 1110, 1168, 1172, 1236, LR 4CA, LBs 649, 684, 873, 912, 932, 951, 970, 977, 1018, 1071, 1094, and 1148.

AMENDMENTS - Print in Journal

Senator Beutler filed the following amendment to LB 814:
AM3676

1 1. Strike the original sections and all amendments

2 thereto and insert the following new sections:

3 "Section 1. Section 90-303, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 90-303. (1) The maximum height of any buildings and
6 structures built after March 8, 1977, shall be restricted as
7 follows:

8 (a) The maximum height of buildings and structures shall
9 be forty-five feet or National Geodetic Survey elevation 1235.0
10 feet, whichever is lower, within an area bounded on the west by
11 Seventeenth Street, on the north by K Street, on the east by
12 Capitol Parkway a boundary formed by a line extending in a true
13 south direction as an extension of the east property line of
14 Twenty-fourth Street, and on the south by a boundary formed by a
15 line extending directly in a true east direction to Capitol Parkway
16 the east property line of Twenty-fourth street from the centerpoint
17 of the intersection of Seventeenth and H Streets, all streets in
18 the city of Lincoln, Lancaster County, Nebraska;

19 (b) The maximum height of buildings and structures shall
20 be forty-five feet or National Geodetic Survey elevation 1235.0
21 feet, whichever is lower, within an area bounded on the west by
22 Fourteenth Street, on the north by G Street, on the east by
23 Sixteenth Street, and on the south by Washington Street, all
24 streets in the city of Lincoln, Lancaster County, Nebraska;

1 (c) The maximum height of the buildings and structures
2 shall be fifty-seven feet or National Geodetic Survey elevation
3 1247.0 feet, whichever is lower, within an area bounded on the west
4 by Thirteenth Street, on the north by L Street, on the east by
5 Seventeenth Street, and on the south by G Street, all streets in
6 the city of Lincoln, Lancaster County, Nebraska;

7 (d) The maximum height of the buildings and structures
8 shall be fifty-seven feet or National Geodetic Survey elevation
9 1247.0 feet, whichever is lower, within an area bounded on the west
10 by Fourteenth Street, on the north by R S Street, on the east by
11 Sixteenth Street, and on the south by L Street, all streets in the
12 city of Lincoln, Lancaster County, Nebraska; and

13 (e) The maximum height of the buildings and structures
14 shall be fifty-seven feet or National Geodetic Survey elevation
15 1247.0 feet, whichever is lower, within an area bounded on the west
16 by Tenth Street, on the north by K Street, on the east by
17 Thirteenth Street, and on the south by H Street, all streets in the
18 city of Lincoln, Lancaster County, Nebraska.

19 (2) For the purposes of the Nebraska State Capitol
20 Environs Act, the ~~five~~ areas and the full width of the right-of-way
21 boundary streets described in ~~subsection~~ subsections (1) and (3) of
22 this section shall together constitute and be defined as the
23 Nebraska State Capitol Environs District.

24 (3) Design approval shall be required for all aboveground
25 utility, construction, and landscape improvements in the public
26 right-of-way bounded on the north and south by the property lines
27 of J Street, on the west by a boundary formed by a line extending
1 in a true south direction as an extension of the east property line
2 of Twenty-fourth Street, and on the east by a line extending in a
3 true north direction as an extension of the east property line of
4 Thirty-fifty Street.

5 (4) The city of Lincoln shall insure, through its
6 inspection and permit procedures, that the maximum height
7 restrictions and design review process prescribed by this section
8 for the Nebraska State Capitol Environs District are enforced.

9 ~~(4)~~ (5) The height restrictions and design review process
10 required by this section shall apply, within the Nebraska State
11 Capitol Environs District, to all real estate in private or
12 quasi-public ownership and to real estate owned by the State of
13 Nebraska and local governmental units of all types.

14 ~~(5)~~ (6) The following appurtenances shall be exempt from
15 the height restrictions required by this section, but such
16 appurtenances shall not exceed twenty feet in height above the
17 maximum height permitted in subsection (1) of this section and
18 shall be set back a minimum of fifteen feet from all faces of a
19 building when such faces are adjacent to a street: Church spires,
20 cooling towers with approved screening, elevator bulkheads, fire
21 towers, monuments, stage towers or scenery lofts, ornamental
22 towers, and spires.

23 ~~(6)~~ (7) Nothing in the act shall be construed as limiting
24 the authority of the city of Lincoln to impose lower height
25 restrictions than those maximum height limits established by
26 subsection (1) of this section or in establishing lower height
27 restrictions for appurtenances than those required by subsection
1 ~~(5)~~ (6) of this section.

2 ~~(7)~~ (8) The city of Lincoln shall review and approve or
3 disapprove plans and proposals for demolition, exterior alteration,
4 and construction of structures and other improvements in the
5 Nebraska State Capitol Environs District. The city of Lincoln
6 shall adopt regulations within its zoning code vesting
7 responsibility for review, approval, and disapproval of projects
8 with the Nebraska State Capitol Environs Commission established by
9 the city of Lincoln.

10 ~~(8)~~ (9) The regulations of the city of Lincoln for design
11 review in the Nebraska State Capitol Environs District shall
12 emphasize the long-term enhancement of the State Capitol's setting
13 and of enjoyment of the State Capitol by the citizens while
14 respecting the interests of property owners, including economic
15 interests and the desirability of predictable, expeditious review.
16 Sec. 2. Original section 90-303, Reissue Revised
17 Statutes of Nebraska, is repealed."

Senator Beutler filed the following amendment to LB 1149:
AM3674

1 1. Strike the original sections and all amendments
2 thereto and insert the following new section:
3 "Section 1. (1) On and after January 1, 2003, all
4 contracts for the purchase of textbooks for school districts and
5 educational service units shall require the publisher or
6 manufacturer to provide to the school district or educational
7 service unit, at no cost, (a) computer files or other electronic
8 versions of each textbook title purchased and (b) the right to
9 transcribe, reproduce, modify, and distribute each textbook title
10 purchased in braille, large print if the publisher or manufacturer
11 does not offer a large-print edition, or other specialized
12 accessible media exclusively for use by students in the same school
13 district or educational service unit who are blind or visually
14 impaired.

15 (2) The contract shall also provide that: (a) Within
16 thirty days after receiving a request from a school district or
17 educational service unit, the publisher or manufacturer shall
18 provide computer files or other electronic versions of each
19 textbook title purchased to such school district or educational
20 service unit; (b) the computer files or other electronic version
21 shall maintain the structural integrity of the standard
22 instructional materials, be compatible with commonly used braille
23 translation and speech synthesis software, and include corrections
24 and revisions as may be necessary; (c) if the technology is not
1 available to convert a math, science, or other nonliterary textbook
2 into the format prescribed in this section, the publisher or
3 manufacturer shall not be required to provide computer files or
4 other electronic versions of the textbook; and (d) upon the willful
5 failure of the publisher or manufacturer to comply with the
6 requirements of the contract pursuant to this section, the

7 publisher or manufacturer shall reimburse the school district or
8 educational service unit for the cost of creating such computer
9 files or electronic versions."

Senator Bruning filed the following amendment to LB 298:
AM3678

- 1 1. In the Standing Committee amendments, AM0215, strike
- 2 amendment 1.
- 3 2. Strike AM7060.
- 4 3. On page 3, line 7, strike "fifty" and insert
- 5 "forty-five".

SELECT COMMITTEE REPORTS **Enrollment and Review**

Correctly Engrossed

The following bills were correctly engrossed: LBs 488, 488A, 876, 876A, 1033, 1033A, 1211, and 1278.

Enrollment and Review Change to LB 876

The following changes, required to be reported for publication in the Journal, have been made:

ER9146

1. In the Standing committee amendments, AM2941, on page 48, line 13, "and 25-2928" has been struck and "25-2928, and 29-2709" inserted.
2. In the Kristensen amendments, AM3183, on page 17, line 13, "29-2709," has been struck.
3. In the E & R amendments, AM7222, on page 2, line 24, the last comma has been struck and "to" inserted.

Enrollment and Review Change to LB 1211

The following changes, required to be reported for publication in the Journal, have been made:

ER9145

1. In the Beutler amendment, AM3460, on page 1, line 3, "fund" has been struck and "Public Safety Communications Fund" inserted.
2. In the E & R amendments, AM7180:
 - a. On page 13, line 2, "service" has been struck and "safety" inserted;
 - b. On page 23, lines 2 and 6, "joint" has been inserted after "any";
 - c. On page 26, line 1, "or selected" has been inserted after "appointed"; and the matter beginning with "or" in line 2 through "agreement" in line 3 has been struck;
 - d. On page 27, line 23, "effective" has been struck and "operative" inserted; and in line 24 "act" has been struck and "section" inserted;
 - e. On page 31, line 14, "fund" has been struck and "Public Safety Communications Fund" inserted; and

f. In lieu of the Beutler and Bromm amendments, AM3643 and FA1067, respectively, on page 30, the matter beginning with the comma in line 7 through the comma in line 8 has been struck; and in line 10 "if determined appropriate by the governing body by a vote of three-fourths of the members of the governing body, if there are four or more members of such body, or by a vote of two-thirds of the members of the governing body, if there are less than four members of such body" has been inserted after "district".

3. On page 1, the matter beginning with "public" in line 1 through line 12 has been struck and "communications; to amend sections 13-808, 58-201, 58-203, 86-1803 to 86-1806, 86-1808, and 86-1811, Reissue Revised Statutes of Nebraska, sections 13-2530, 58-202, 58-219, 75-134, and 75-156, Revised Statutes Supplement, 2000, and sections 86-804, 86-1405, and 86-2306, Revised Statutes Supplement, 2001; to authorize service and financing agreements for public safety communication projects; to authorize regulation of wireless carriers; to create the Nebraska Competitive Telephone Marketplace Fund; to define and redefine terms; to provide, change, and eliminate powers and duties; to provide for funding and fund transfers; to eliminate fees and obsolete language; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; to outright repeal sections 86-1807 and 86-1810, Reissue Revised Statutes of Nebraska; and to declare an emergency." inserted.

(Signed) Philip Erdman, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator McDonald asked unanimous consent to have her name added as cointroducer to LR 460. No objections. So ordered.

Senator Erdman asked unanimous consent to have his name added as cointroducer to LB 1033. No objections. So ordered.

ANNOUNCEMENT

The Chair announced tomorrow is Senator Cudaback's birthday.

VISITORS

Visitors to the Chamber were students from Walnut Middle School, Grand Island; 53 fourth-grade students and teachers from Aldrich Elementary School, Omaha; 56 fourth-grade students and teachers from St. Cecilia Cathedral School, Omaha; 36 ninth- through twelfth-grade students and teacher from Lexington; 45 fifth-grade students and teacher from Christ The King School, Omaha; 46 members and teacher of the Adams Middle School Swing Choir, North Platte; 15 fourth-grade students and teacher from Hartington; 15 fourth-grade students and teacher from St. Josephs School, York; and 7 students from the Lincoln School of Commerce.

The Doctor of the Day was Dr. Randy Kohl from Firth.

ADJOURNMENT

At 1:50 p.m., on a motion by Senator Coordsen, the Legislature adjourned until 9:00 a.m., Tuesday, April 16, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SEVENTH DAY - APRIL 16, 2002

LEGISLATIVE JOURNAL

**NINETY-SEVENTH LEGISLATURE
SECOND SESSION**

FIFTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 16, 2002

PRAYER

The prayer was offered by Senator Kruse.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Kristensen presiding.

The roll was called and all members were present except Senator Engel who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-sixth day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 11, 2002, at 2:00 p.m., were the following: LBs 22, 22A, 29, 57, 123, 82, 276, 384, 391, 407e, 460e, 470, 470A, 491, 564, 687e, 687Ae, 830, 830A, 863, 935, 1054, 1073, 1110e, 1168e, 1172, 1236, 649, 684, 873e, 912, 932, 951, 970, 977, 1018, 1071, 1094, and 1148e.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on April 11, 2002, at 2:00 p.m., was the following: LR 4CA.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

MESSAGE FROM THE GOVERNOR

April 15, 2002

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

Dear Mr. O'Donnell:

Engrossed Legislative Bill 1040e was received in my office on April 10, 2002.

This bill was signed by me on April 15, 2002, and delivered to the Secretary of State.

Sincerely,
(Signed) Mike Johanns
Governor

**SELECT COMMITTEE REPORTS
Enrollment and Review****Correctly Reengrossed**

The following bills were correctly reengrossed: LBs 1126 and 1139.

**Enrollment and Review Change to LB 1126
(Amendments to Final Reading copy)**

The following changes, required to be reported for publication in the Journal, have been made:

ER9148

1. On page 1, line 1, "bingo and other gambling" has been struck and "alcoholic liquor" inserted and "section 53-167.03, Reissue Revised Statutes of Nebraska, and" has been inserted after "amend"; and line 4 has been struck and "duties of the Department of Revenue and keg deposits; to authorize charitable gaming license and permit" inserted.

2. On page 33, line 28, "section 53-167.03, Reissue Revised Statutes of Nebraska, and" has been inserted after "Original".

**Enrollment and Review Change to LB 1139
(Final Reading copy)**

The following changes, required to be reported for publication in the Journal, have been made:

ER9151

1. On page 12, line 22, "effective date of this act" has been struck and

operative date of this section" inserted.

(Signed) Philip Erdman, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 461. Introduced by Schrock, 38.

WHEREAS, Jay Canada, son of Myron and Kathy Canada, of Bertrand, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest advancement rank in Scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks: Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle. Throughout his Scouting experience, Jay Canada has learned, been tested and reviewed on, and been recognized for various Scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only two percent of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, on Sunday, April 28, 2002, Jay Canada will receive the rank of Eagle Scout, thereby, through his hard work and perseverance, joining other high achievers who are Eagle Scouts such as astronauts, political and industry leaders, artists, scientists, and athletes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SION:

1. That the Legislature congratulates Jay Canada on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Jay Canada.

Laid over.

LEGISLATIVE RESOLUTION 462. Introduced by Raikes, 25.

WHEREAS, the Legislature recognizes the importance of educational opportunities for all citizens of Nebraska;

WHEREAS, the Legislature encourages private organizations to support scholarships for students of limited means;

WHEREAS, May is being celebrated as National Scholarship Month across the country; and

WHEREAS, Nebraska Dollars for Scholars and the Foundation for Education Funding are joining in partnership to celebrate May as Scholarship Month.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That May 2002 be declared Scholarship Month in Nebraska.

Laid over.

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 457 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 457.

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 905.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2101 to 77-2105, 77-2108, and 77-2113, Reissue Revised Statutes of Nebraska; to change calculations relating to estate taxes and generation-skipping transfer taxes; to harmonize provisions; to provide for applicability; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 33:

| | | | | |
|----------|----------|------------|---------------|------------|
| Aguilar | Connealy | Jensen | Pedersen, Dw. | Synowiecki |
| Beutler | Coordsen | Jones | Pederson, D. | Thompson |
| Bourne | Cudaback | Kremer | Price | Vrtiska |
| Brashear | Foley | Kristensen | Raikes | Wehrbein |
| Bromm | Hartnett | Kruse | Schimek | Wickersham |
| Byars | Hudkins | Landis | Schrock | |
| Chambers | Janssen | McDonald | Stuhr | |

Voting in the negative, 13:

| | | | | |
|---------|------------|----------|--------|-------|
| Baker | Burling | Erdman | Robak | Tyson |
| Brown | Cunningham | Quandahl | Smith | |
| Bruning | Dierks | Redfield | Suttle | |

Present and not voting, 2:

| | |
|---------|----------|
| Maxwell | Preister |
|---------|----------|

Excused and not voting, 1:

Engel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1003 with 42 ayes, 2 nays, 4 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1003.

A BILL FOR AN ACT relating to the environment; to amend sections 2-1576, 37-101, 37-102, 37-453, 37-491, 37-4,105, 37-4,106, 37-528, 37-608, and 37-806, Reissue Revised Statutes of Nebraska, sections 2-1575, 2-1579, 37-201, 37-202, 37-406, 37-440, 37-525, 37-724, 54-2302, 54-2305, 54-2322, 72-2005, 72-2006, 72-2008, 72-2010, 72-2011, 81-15,167, 81-15,170, 81-15,175, and 81-15,176, Revised Statutes Supplement, 2000, and sections 37-407, 37-426, 37-455, 49-1401, 49-1493, and 66-1519, Revised Statutes Supplement, 2001; to create the Water Policy Task Force; to state findings; to provide powers and duties; to create a fund; to provide for payments from the Nebraska Soil and Water Conservation Fund; to provide for fund transfers; to change provisions relating to membership on the Game and Parks Commission, licenses, permits, and stamps required under the Game Law, authorized weapons for hunting certain wildlife, training and running dogs, paddlefish, property posting requirements, procedures for determination of a species to be endangered or threatened, the Nebraska Environmental Trust Board, and cervine animals and diseases; to authorize and change fees; to authorize the enforcement of federal orders on federal lands as prescribed; to name the Niobrara Scenic River Act; to define terms; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

| | | | | |
|----------|------------|---------------|--------------|------------|
| Aguilar | Chambers | Janssen | Pederson, D. | Stuhr |
| Baker | Connealy | Jensen | Preister | Suttle |
| Beutler | Coordsen | Jones | Price | Synowiecki |
| Bourne | Cudaback | Kremer | Quandahl | Thompson |
| Brashear | Cunningham | Kristensen | Raikes | Tyson |
| Bromm | Dierks | Kruse | Redfield | Vrtiska |
| Brown | Erdman | Landis | Robak | Wehrbein |
| Bruning | Foley | Maxwell | Schimek | Wickersham |
| Burling | Hartnett | McDonald | Schrock | |
| Byars | Hudkins | Pedersen, Dw. | Smith | |

Voting in the negative, 0.

Excused and not voting, 1:

Engel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1003A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1003, Ninety-seventh Legislature, Second Session, 2002; and to reduce appropriations.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Connealy | Jensen | Preister | Suttle |
| Baker | Coordsen | Jones | Price | Synowiecki |
| Beutler | Cudaback | Kremer | Quandahl | Thompson |
| Bourne | Cunningham | Kristensen | Raikes | Tyson |
| Brashear | Dierks | Kruse | Redfield | Vrtiska |
| Bromm | Erdman | Landis | Robak | Wehrbein |
| Brown | Foley | Maxwell | Schimek | Wickersham |
| Bruning | Hartnett | McDonald | Schrock | |
| Burling | Hudkins | Pedersen, Dw. | Smith | |
| Byars | Janssen | Pederson, D. | Stuhr | |

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Engel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1021 with 42 ayes, 1 nay, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1021.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 46-1222, 46-1225, 46-1235.02, 71-149, 71-161.05, 71-1,155, 71-1,162, 71-1,193, 71-1,195.01, 71-1,206.31, 71-1,228, 71-1,280, 71-1,292, 71-1,294, 71-1,315, 71-1,321, 71-1,326, 71-1,330, 71-397, 71-3,107, 71-3,108, 71-3,112, 71-3,115, 71-3,117, 71-1326, 71-1354, 71-1757, 71-1779, 71-1782, 71-1788, 71-3503, 71-3508.03, 71-3517, 71-3709, 71-4301, 71-4302, 71-4305, 71-4702.01, 71-4711, 71-4716, 71-6302, 71-6303, 71-6310.02, 81-649, 81-666, and 81-673, Reissue Revised Statutes of Nebraska, sections 71-131, 71-139, 71-161.09, 71-174.01, 71-175.01, 71-179.01, 71-185, 71-1,107.25, 71-1,132.11, 71-1,132.20, 71-1,144.01, 71-1,165, 71-1,234, 71-341, 71-377, 71-382, 71-3,179, 71-3,196, 71-3,197, 71-3,198, 71-3,202, 71-3,205, 71-3,206, 71-1718.02, 71-1722, 71-1724, 71-1724.02, 71-1730, 71-1735, 71-1755, 71-3507, 71-3515.01, 71-3515.02, 71-3710, 71-5179, 71-5206.01, 71-6053, 71-6054, 71-6060, 71-6067, 71-6327, 71-6725, and 71-6734, Revised Statutes Supplement, 2000, and sections 71-101, 71-110 to 71-112, 71-161.10, 71-1,136.01, 71-2802, 71-2815, 71-2823, 71-3519, 71-5178, 71-5308, 71-6103, 71-6113, 71-6115, 71-6321, and 81-6,105, Revised Statutes Supplement, 2001; to provide and change continuing education provisions for certain professions and occupations; to change provisions relating to licensure, registration, enforcement, fees, and administrative costs under the Radiation Control Act; to provide and change penalties; to change provisions relating to regulation of swimming pools, medication aides, and medical registries; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 71-1,144.03, 71-3,109 to 71-3,111, 71-3,113, 71-3,114, 71-3,116, 71-3,118, 71-1347, and 71-1349 to 71-1353, Reissue Revised Statutes of Nebraska, sections 71-1,144.04, 71-3,199 to 71-3,201, 71-3,203, 71-3,204, and 71-3,207, Revised Statutes Supplement, 2000, and section 71-1,144.05, Revised Statutes Supplement, 2001.

Whereupon the President stated: "All provisions of law relative to

procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 49:

| | | | | |
|----------|------------|------------|---------------|------------|
| Aguilar | Chambers | Hudkins | Pedersen, Dw. | Smith |
| Baker | Connealy | Janssen | Pederson, D. | Stuhr |
| Beutler | Coordsen | Jensen | Preister | Suttle |
| Bourne | Cudaback | Jones | Price | Synowiecki |
| Brashear | Cunningham | Kremer | Quandahl | Thompson |
| Bromm | Dierks | Kristensen | Raikes | Tyson |
| Brown | Engel | Kruse | Redfield | Vrtiska |
| Bruning | Erdman | Landis | Robak | Wehrbein |
| Burling | Foley | Maxwell | Schimek | Wickersham |
| Byars | Hartnett | McDonald | Schrock | |

Voting in the negative, 0.

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 905, 1003, 1003A, and 1021.

RESOLUTION

LEGISLATIVE RESOLUTION 463. Introduced by Coordsen, 32.

WHEREAS, the new multipurpose building is currently under construction at the Youth Rehabilitation and Treatment Center-Geneva; and

WHEREAS, this building exemplifies this state's commitment to providing appropriate services in a caring and safe environment to juveniles; and

WHEREAS, because the Youth Rehabilitation and Treatment Center-Geneva provides treatment and services to teenage girls; and

WHEREAS, public input helped determine that this multipurpose building should be named after a female, with priority given to a Nebraska native who is historically prominent and could serve as a good role model for youth, and who had faced obstacles and overcame them; and

WHEREAS, Susan LaFlesche Picotte was the first Native American woman doctor and administered medical care to over 1,300 Native Americans near Macy, Nebraska, and her sister, Susette LaFlesche Tibbles was a teacher, writer, and national advocate for the rights of Native Americans.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND

SESSION:

1. That the Legislature approves naming the new multipurpose building at the Youth Rehabilitation and Treatment Center-Geneva the LaFlesche Cottage.

Laid over.

SELECT FILE

LEGISLATIVE BILL 642. E & R amendment, AM7212, found on page 1322, was adopted.

Senator Beutler renewed his pending amendment, AM3381, found on page 1451.

The Beutler amendment was adopted with 33 ayes, 0 nays, and 16 present and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 722. E & R amendment, AM7215, found on page 1323, was adopted.

Senator Smith withdrew his pending amendment, AM3354, found on page 1194.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1086. E & R amendment, AM7213, found on page 1325, was adopted.

Senator Beutler withdrew his pending amendment, AM3485, found on page 1448.

Senator Schimek renewed her pending amendment, AM3574, found on page 1459.

SENATOR CUDABACK PRESIDING

The Schimek amendment was adopted with 37 ayes, 0 nays, and 12 present and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 647. E & R amendment, AM7220, found on page 1487, was adopted.

Senator Beutler offered the following amendment:
AM3725

(Amendments to Standing Committee amendments, AM2438)

- 1 1. Insert the following new section:
- 2 "Section 1. (1) On and after January 1, 2003, all
- 3 contracts for the purchase of textbooks for school districts and
- 4 educational service units shall require the publisher or
- 5 manufacturer to provide to the school district or educational
- 6 service unit, at no cost, (a) computer files or other electronic
- 7 versions of each textbook title purchased and (b) the right to
- 8 transcribe, reproduce, modify, and distribute each textbook title
- 9 purchased in braille, large print if the publisher or manufacturer
- 10 does not offer a large-print edition, or other specialized
- 11 accessible media exclusively for use by students in the same school
- 12 district or educational service unit who are blind or visually
- 13 impaired.
- 14 (2) The contract shall also provide that: (a) Within
- 15 thirty days after receiving a request from a school district or
- 16 educational service unit, the publisher or manufacturer shall
- 17 provide computer files or other electronic versions of each
- 18 textbook title purchased to such school district or educational
- 19 service unit; (b) the computer files or other electronic version
- 20 shall maintain the structural integrity of the standard
- 21 instructional materials, be compatible with commonly used braille
- 22 translation and speech synthesis software, and include corrections
- 23 and revisions as may be necessary; (c) if the technology is not
- 1 available to convert a math, science, or other nonliterary textbook
- 2 into the format prescribed in this section, the publisher or
- 3 manufacturer shall not be required to provide computer files or
- 4 other electronic versions of the textbook; and (d) upon the willful
- 5 failure of the publisher or manufacturer to comply with the
- 6 requirements of the contract pursuant to this section, the
- 7 publisher or manufacturer shall reimburse the school district or
- 8 educational service unit for the cost of creating such computer
- 9 files or electronic versions."
- 10 2. Renumber the remaining sections accordingly.

The Beutler amendment was adopted with 29 ayes, 1 nay, and 19 present and not voting.

Advanced to E & R for engrossment.

Senators Redfield and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 989. E & R amendment, AM7226, printed separately and referred to on page 1487, was adopted.

Senator Wickersham renewed the Wickersham et al. pending amendment, AM3653, found on page 1596.

Senator Wickersham renewed his pending amendment, AM3671, found on page 1615, to the Wickersham et al. pending amendment.

Senator Baker asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Wickersham withdrew his amendment, AM3671.

Senator Wickersham withdrew the Wickersham et al. amendment, AM3653.

Senator Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Wickersham offered the following amendment:
AM3685

(Amendments to E & R amendments, AM7226)

1 1. Insert the following new sections:
2 "Section 1. Section 21-301, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 21-301. (1) Each corporation organized under the laws of
5 this state, for profit, shall make a report in writing to the
6 Secretary of State, as of January 1, annually, in such form as the
7 Secretary of State may prescribe. The report shall be signed by
8 one of the following: The president, a vice president, a
9 secretary, or a treasurer of the corporation. The report and
10 annual fee shall be , and forwarded to the Secretary of State. The
11 report and fee shall be due on March 1 of each year and shall
12 become on or before (1) August 1, 1982, or (2) April 15, 1983, and
13 April 15 of each year thereafter. The report shall be for the
14 calendar year beginning January 1, and the annual fee shall become
15 due and assessable on the same date, and delinquent if not filed
16 and paid by on or before (a) August 1, 1982, or (b) April 15, 1983,
17 and April 15 of each year, thereafter. If the Secretary of State
18 finds that such report and annual fee conform to the requirements
19 of the law, he or she the Secretary of State shall file the same
20 report. If he or she the Secretary of State finds that they the
21 report or fee do not so conform, he or she the Secretary of State
22 shall return the same report and fee to the corporation for any
23 necessary corrections.

1 (2) The Secretary of State shall cause a notice to be
2 sent by United States mail to each corporation for which a report
3 and annual fee as described in this section has not been received
4 as of March 1. The notice shall state that the report has not been
5 received, that the report and fee are due on March 1, and that the
6 corporation will be dissolved if the report and proper fee are not
7 received by April 15.

8 Sec. 2. Section 21-304, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 21-304. (1) Each foreign corporation for profit, doing
 11 business in this state, owning or using a part or all of its
 12 capital or plant in this state, and subject to compliance with all
 13 other provisions of law shall, in addition to all other statements
 14 required by law, make an annual report in writing, to the Secretary
 15 of State, as of January 1, in such form as the Secretary of State
 16 may prescribe. The report shall be signed by one of the following:
 17 The president, a vice president, a secretary, or a treasurer of the
 18 corporation. The report and annual fee shall be ~~;~~ and forwarded to
 19 the Secretary of State. The report and fee shall be due on March 1
 20 of each year and shall become on or before ~~(1) August 1, 1982, or~~
 21 ~~(2) April 15, 1983, and April 15 of each year thereafter. The~~
 22 ~~report shall be for the calendar year beginning January 1, and the~~
 23 ~~annual fee shall become due and assessable on the same date, and~~
 24 ~~delinquent if not filed and paid by on or before (a) August 1,~~
 25 ~~1982, or (b) April 15, 1983, and April 15 of each year,~~
 26 ~~thereafter. If the Secretary of State finds that such report and~~
 27 ~~annual fee conform to the requirements of the law, he or she the~~
 1 Secretary of State shall file the same report. If he or she the
 2 Secretary of State finds that they the report and fee do not so
 3 conform, he or she the Secretary of State shall return the same
 4 report and fee to the corporation for any necessary corrections.
 5 (2) The Secretary of State shall cause a notice to be
 6 sent by United States mail to each corporation for which a report
 7 and annual fee as described in this section has not been received
 8 as of March 1. The notice shall state that the report has not been
 9 received, that the report and fee are due on March 1, and that the
 10 corporation will be dissolved if the report and proper fee are not
 11 received by April 15.

12 Sec. 3. Section 21-306, Reissue Revised Statutes of
 13 Nebraska, is amended to read:
 14 21-306. Upon the filing of such report with the
 15 Secretary of State, it shall be the duty of every foreign
 16 corporation for profit, ~~now or hereafter~~ doing business in this
 17 state, to pay to the Secretary of State as an annual fee which
 18 shall be for the calendar year beginning January 1 and become due
 19 and assessable on March 1 of that year and become that date, and
 20 delinquent if not paid by on or before ~~(1) August 1, 1982, or (2)~~
 21 ~~April 15, 1983, and April 15 of each year. The fee shall~~
 22 ~~thereafter, to be measured by the property employed by said the~~
 23 foreign corporation in the conduct of its business in the State of
 24 Nebraska. For such purpose said the property shall consist of the
 25 sum total of the actual value of all real estate and personal
 26 property employed in Nebraska by such foreign corporation in the
 27 transaction of its business. The annual fee to be paid by such
 1 foreign corporation shall be based upon the sum so determined, and
 2 shall be considered the capital stock of such foreign corporation
 3 in this state for the purpose of said the annual fee. The schedule
 4 of payment shall be double the fees set forth in section 21-303, or

5 any amendments thereto, except that the fee shall not exceed
6 fifteen thousand dollars, and the Secretary of State, or any person
7 deputized by ~~him or her~~ the Secretary of State, shall have
8 authority to investigate and obtain information from such
9 corporation or any state, county, or city official, ~~who may have~~
10 ~~information in reference thereto~~. Such officers are authorized by
11 ~~the provisions~~ of this section to furnish such information to the
12 Secretary of State, or anyone deputized by the Secretary of State,
13 ~~him or her~~, in order to determine all facts; and give effect to the
14 collection of the annual fee, ~~as herein defined~~.

15 Sec. 4. Section 21-313, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 21-313. If a corporation required to file the report and
18 pay the fee prescribed in sections 21-301 to 21-325 fails or
19 neglects to make such report, ~~as required therein~~, or to pay such
20 fee ~~by on or before~~ (1) ~~August 1, 1982~~, or (2) ~~April 15, 1983~~, and
21 ~~April 15, of each year thereafter~~, such corporation shall be
22 automatically dissolved on ~~August 2, 1982~~, or ~~on April 16, 1983~~,
23 ~~and April 16 of such year, each year thereafter~~.

24 Sec. 5. Section 21-323, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 21-323. (1) Prior to January 1 of each year, the
27 Secretary of State shall cause to be mailed by first-class mail to
1 the last-named and appointed registered agent at the last-named
2 street address of the registered office of each domestic
3 corporation subject to sections 21-301 to 21-325 a notice stating
4 ~~that~~ (a) on or before ~~August 1, 1982~~, or (b) ~~April 15, 1983~~, and
5 ~~April 15~~ March 1 of each year ~~thereafter~~ that occupation taxes are
6 due to be paid and ~~that~~ a properly executed and signed report is
7 due to be filed. If occupation taxes are not paid and the report
8 is not filed ~~on or before such dates~~, by April 15 of each year, (a)
9 such taxes and report shall become delinquent, (b) the delinquent
10 ~~corporations corporation~~ shall be automatically dissolved on ~~August~~
11 ~~2, 1982~~, or ~~April 16, 1983~~, and April 16 of ~~each year thereafter~~
12 such year for nonpayment of occupation taxes and failure to file
13 the report, ; and ~~that~~ (c) the delinquent occupation tax shall be a
14 lien upon the assets of the corporation subsequent only to state,
15 county, and municipal taxes.

16 (2) Upon the failure of any domestic corporation to pay
17 its occupation tax and file the report within the time limited by
18 sections 21-301 to 21-325, the Secretary of State shall ~~upon August~~
19 ~~2, 1982~~, or ~~April 16, 1983~~, and on April 16 of each such year
20 ~~thereafter~~ automatically dissolve the corporation for nonpayment of
21 taxes and make such entry and showing upon the records of his or
22 her office.

23 (3)(a) ~~Commencing April 16, 1996~~, ~~the~~ The Secretary of
24 State shall automatically dissolve a corporation subject to the
25 Business Corporation Act by signing a certificate of dissolution
26 that recites the ground or grounds for dissolution and its

27 effective date. The Secretary of State shall file the original of
1 the certificate and serve a copy on the corporation under section
2 21-2034.

3 (b) A corporation automatically dissolved continues its
4 corporate existence but may not carry on any business, except that
5 business necessary to wind up and liquidate its business and
6 affairs under section 21-20,155 and notify claimants under sections
7 21-20,156 and 21-20,157.

8 (c) The automatic dissolution of a corporation shall not
9 terminate the authority of its registered agent.

10 (4) All delinquent occupation taxes of the corporation
11 shall be a lien upon the assets of the corporation, subsequent only
12 to state, county, and municipal taxes. Occupation taxes existing
13 and delinquent on August 28, 1943, shall cease to be a lien as
14 against any mortgagee, pledgee, purchaser, or judgment creditor
15 unless a notice of the lien is filed by the Secretary of State,
16 within one year after March 9, 1957, with the county clerk of the
17 county wherein the personal property sought to be charged with such
18 lien is situated, and with the county clerk or register of deeds of
19 the county wherein the real estate sought to be charged with such
20 lien is situated.

21 (5) No domestic corporation shall be voluntarily
22 dissolved until all occupation taxes and annual fees due to or
23 assessable by the state have been paid and the report filed by such
24 corporation.

25 Sec. 6. Section 21-325, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 21-325. (1) Prior to January 1 of each year, the
1 Secretary of State shall cause to be mailed by first-class mail to
2 the last-known address of each foreign corporation subject to
3 sections 21-301 to 21-325 a notice stating ~~that (a)~~ on or before
4 ~~August 1, 1982, or (b) April 15, 1983, and April 15~~ March 1 of each
5 year ~~thereafter that~~ occupation taxes are due to be paid and ~~that~~ a
6 properly executed and signed report is due to be filed. If such
7 occupation taxes are not paid and such report is not filed ~~on or~~
8 ~~before such dates, by April 15 of each year, (a) such taxes and~~
9 ~~report shall become delinquent, (b) the delinquent corporations~~
10 corporation shall be automatically dissolved on ~~August 2, 1982, or~~
11 ~~April 16, 1983, and April 16 of each such year thereafter~~ for
12 nonpayment of occupation taxes and failure to file the report, ~~;~~
13 and ~~that (c)~~ the delinquent occupation tax shall be a lien upon the
14 assets of the corporation subject only to state, county, and
15 municipal taxes.

16 (2) Upon the failure of any foreign corporation to pay
17 its occupation tax and file the report within the time limited by
18 sections 21-301 to 21-325, the Secretary of State shall ~~upon August~~
19 ~~2, 1982, or April 16, 1983, and on~~ April 16 of each such year
20 ~~thereafter~~ automatically dissolve the corporation for nonpayment of
21 taxes and shall bar the corporation from doing business in the

22 State of Nebraska under the corporation laws of the state and make
23 such entry and showing upon the records of his or her office.

24 (3)(a) ~~Commencing April 16, 1996, the~~ The Secretary of
25 State shall automatically dissolve a foreign corporation subject to
26 the Business Corporation Act by signing a certificate of revocation
27 of authority to transact business in this state that recites the

1 ground or grounds for revocation and its effective date. The
2 Secretary of State shall file the original of the certificate and
3 serve a copy on the foreign corporation under section 21-20,177.

4 (b) The authority of a foreign corporation to transact
5 business in this state shall cease on the date shown on the
6 certificate revoking its certificate of authority.

7 (c) Revocation of a foreign corporation's certificate of
8 authority shall not terminate the authority of the registered agent
9 of the corporation.

10 (4) All delinquent corporation taxes of the corporation
11 shall be a lien upon the assets of the corporation within the
12 state, subsequent only to state, county, and municipal taxes.
13 Nothing in sections 21-322 to 21-325 shall be construed to allow a
14 foreign corporation to do business in Nebraska without complying
15 with the laws of the State of Nebraska.

16 (5) No foreign corporation shall be voluntarily withdrawn
17 until all occupation taxes ~~and annual fees~~ due to or assessable by
18 the state have been paid and the report filed by such
19 corporation.".

20 2. On page 30, line 21, after "sections" insert "21-301,
21 21-304, 21-306, 21-313, 21-323, 21-325,".

22 3. Renumber the remaining sections and correct internal
23 references accordingly.

The Wickersham amendment was adopted with 25 ayes, 0 nays, 21 present
and not voting, and 3 excused and not voting.

Senators Jensen and Wickersham offered the following amendment:
AM3721

(Amendments to E & R amendments, AM7226)

1 1. Insert the following new section:
2 "Sec. 7. Section 77-2608, Revised Statutes Supplement,
3 2000, is amended to read:
4 77-2608. The Tax Commissioner shall prepare and have
5 suitable stamps for use on each kind of piece or package of
6 cigarettes, except when cigarette tax meter impressions are
7 affixed. Requisition for the preparation of such stamps shall be
8 made through the materiel division of the Department of
9 Administrative Services as other state supplies are requisitioned,
10 and the Tax Commissioner and his or her bondsperson shall be liable
11 for the value of all such stamps delivered to him or her. The
12 Auditor of Public Accounts shall audit annually or as often as the
13 auditor deems advisable the records of the Tax Commissioner with

14 respect to the money received from the sale of stamps and as
15 revenue from tax meter impressions for the purpose of determining
16 the accuracy and correctness of the same. The Tax Commissioner
17 shall sell the stamps only to licensed wholesale dealers, as
18 defined in section 77-2601, and he or she shall keep an accurate
19 record of all stamps coming into and leaving his or her hands.
20 Such stamps shall be sold and accounted for at the face value
21 thereof, except that the Tax Commissioner may, by rule and
22 regulation certified to the State Treasurer, authorize the sale
23 thereof to wholesale dealers in this state or outside of this state
1 at a discount of three and four-tenths percent of such face value
2 of the tax as a commission for affixing and canceling such stamps,
3 except that the discount shall be one and four-fifths percent for
4 the period commencing October 1, 2002, through September 30, 2004.
5 Any wholesale dealer using a tax meter machine shall be entitled to
6 the same discount as allowed a wholesale dealer for affixing and
7 canceling the stamps. The money received by the Tax Commissioner
8 from the sale of the stamps and as revenue from such tax meter
9 impressions shall be deposited by him or her daily with the State
10 Treasurer who shall credit such money as provided in section
11 77-2602. Upon proof by the Tax Commissioner that he or she can
12 affix such stamps or meter impressions, warehouse and distribute
13 such cigarettes, and collect such revenue at a cost less than the
14 ~~three and four-tenths percent~~ discount allowed to wholesale
15 dealers, he or she may then proceed to affix the stamps himself or
16 herself after giving the wholesale dealers sixty days' notice and
17 purchasing all equipment used by them for the purpose of affixing
18 such stamps or meter impressions at a fair market value."
19 2. On page 6, strike beginning with "The" in line 16
20 through line 19 and show the old matter as stricken.
21 3. On page 30, line 23, after "sections" insert
22 "77-2608,".
23 4. Renumber the remaining sections and correct internal
24 references accordingly.

Senators Aguilar and Kremer asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Jensen withdrew the Jensen-Wickersham amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 989A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 921. E & R amendment, AM7229, printed separately and referred to on page 1604, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 994. E & R amendment, AM7230, printed separately and referred to on page 1604, was adopted.

Senator Wickersham offered the following amendment:
AM3686

(Amendments to E & R amendments, AM7230)

- 1 1. "Insert the following new sections:
- 2 "Section 1. Section 13-609, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 13-609. (1) Any county treasurer, county official, or
- 5 political subdivision official may accept credit cards, charge
- 6 cards, or debit cards, whether presented in person or
- 7 electronically, or electronic funds transfers as a method of cash
- 8 payment of any tax, levy, excise, duty, custom, toll, interest,
- 9 penalty, fine, license, fee, or assessment of whatever kind or
- 10 nature, whether general or special, as provided by section 77-1702.
- 11 (2) The total amount of such taxes, levies, excises,
- 12 duties, customs, tolls, interest, penalties, fines, licenses, fees,
- 13 or assessments of whatever kind or nature, whether general or
- 14 special, paid for by credit card, charge card, debit card, or
- 15 electronic funds transfer shall be collected by the county
- 16 treasurer, county official, or political subdivision official.
- 17 (3) Any political subdivision operating a facility in a
- 18 proprietary capacity may choose to accept credit cards, charge
- 19 cards, or debit cards, whether presented in person or
- 20 electronically, or electronic funds transfers as a means of cash
- 21 payment and may adjust the price for services to reflect the
- 22 handling and payment costs.
- 23 (4) The county treasurer, county official, or political
- 1 subdivision official shall obtain, for each transaction,
- 2 authorization for use of any credit card, charge card, or debit
- 3 card used pursuant to this section from the financial institution,
- 4 vending service company, credit card or charge card company, or
- 5 third-party merchant bank providing such service.
- 6 (5) The types of credit cards, charge cards, or debit
- 7 cards accepted and the payment services provided shall be
- 8 determined by the State Treasurer and the Director of
- 9 Administrative Services with the advice of a committee convened by
- 10 the State Treasurer and the director. The committee shall consist
- 11 of the State Treasurer, the Tax Commissioner, the director, and
- 12 representatives from counties, cities, and other political
- 13 subdivisions as may be appropriate. The committee shall develop
- 14 recommendations for the contracting of such services. The State
- 15 Treasurer and the director shall contract with one or more credit
- 16 card, charge card, or debit card companies or third-party merchant
- 17 banks for services on behalf of the state and those counties,
- 18 cities, and political subdivisions that choose to participate in
- 19 the state contract for such services. The State Treasurer and the
- 20 director shall consider, for purposes of this section, any

21 negotiated discount, processing, or transaction fee imposed by a
22 credit card, charge card, or debit card company or third-party
23 merchant bank as an administrative expense. Counties, cities, and
24 other political subdivisions that choose not to participate in the
25 state contract may choose types of credit cards, charge cards, and
26 debit cards and may negotiate and contract independently or
27 collectively as a governmental entity with one or more financial
1 institutions, vending service companies, credit card, charge card,
2 or debit card companies, or third-party merchant banks for the
3 provision of such services. All county officials within each
4 county choosing to accept credit cards, charge cards, and debit
5 cards shall contract for services through the same financial
6 institutions, vending service companies, credit card, charge card,
7 or debit card companies, or third-party merchant banks for the
8 provision of such services. County officials ~~which~~ who accept
9 credit cards, charge cards, and debit cards shall notify the county
10 board of such decision and the discount or administrative fees
11 charged for such service.

12 (6) A county treasurer, county official, or political
13 subdivision official authorizing acceptance of credit card or
14 charge card payments shall be authorized but not required to impose
15 a surcharge or convenience fee upon the person making a payment by
16 credit card or charge card so as to wholly or partially offset the
17 amount of any discount or administrative fees charged to the
18 political subdivision, but the surcharge or convenience fee shall
19 not exceed the surcharge or convenience fee imposed by the credit
20 card or charge card companies or third-party merchant banks which
21 have contracted under subsection (5) of this section. The
22 surcharge or convenience fee shall be applied only when allowed by
23 the operating rules and regulations of the credit card or charge
24 card involved or when authorized in writing by the credit card or
25 charge card company involved. When a person elects to make a
26 payment to a political subdivision by credit card or charge card
27 and such a surcharge or convenience fee is imposed, the payment of
1 such surcharge or convenience fee shall be deemed voluntary by such
2 person and shall be in no case refundable. If a payment is made
3 electronically by credit card, charge card, debit card, or
4 electronic funds transfer as part of a system for providing or
5 retrieving information electronically, the county treasurer, county
6 official, or political subdivision official shall be authorized but
7 not required to impose an additional surcharge or convenience fee
8 upon the person making a payment.

9 (7) For purposes of this section, electronic funds
10 transfer means the movement of funds by nonpaper means, usually
11 through a payment system, including, but not limited to, an
12 automated clearinghouse or the Federal Reserve's Fedwire system.

13 Sec. 7. Section 60-302, Revised Statutes Supplement,
14 2001, is amended to read:

15 60-302. (1) No motor vehicle, trailer, semitrailer, or

16 cabin trailer, unless otherwise expressly provided, shall be
17 operated or parked on the highways of this state unless the vehicle
18 is registered in accordance with Chapter 60, article 3. There
19 shall be a rebuttable presumption that any vehicle stored and kept
20 more than thirty days in the state is being operated or parked on
21 the highways of this state and shall be registered in accordance
22 with Chapter 60, article 3, from the date of title of the motor
23 vehicle or, if no transfer in ownership of the motor vehicle has
24 occurred, from the expiration of the last registration period for
25 which the motor vehicle was registered. Every owner of a vehicle
26 required to be registered shall make application for registration
27 to the county treasurer of the county in which the vehicle has
1 situs as defined in section 60-3001. The application shall be a
2 copy of a certificate of title or, in the case of a renewal of a
3 registration, the application shall be the previous registration
4 period's certificate. A salvage certificate of title as defined in
5 section 60-129 and a nontransferable certificate of title provided
6 for in section 60-131 shall not be valid for registration purposes.

7 (2) An application for registration of a motor vehicle
8 shall be accompanied by proof of financial responsibility or
9 evidence of insurance covering the motor vehicle. Proof of
10 financial responsibility shall be evidenced by a copy of proof of
11 financial responsibility filed pursuant to subdivision (2), (3), or
12 (4) of section 60-528 bearing the seal of the Department of Motor
13 Vehicles. Evidence of insurance shall give the effective dates of
14 the automobile liability policy, which dates shall be evidence that
15 the coverage is in effect on and following the date of
16 registration, and shall designate, by explicit description or by
17 appropriate reference, all motor vehicles covered. Evidence of
18 insurance in the form of a certificate of insurance for fleet
19 vehicles may include, as an appropriate reference, a designation
20 that the insurance coverage is applicable to all vehicles owned by
21 the named insured, or wording of similar effect, in lieu of an
22 explicit description.

23 (3) Any nonresident owner who desires to register a
24 vehicle or vehicles in this state shall register in the county
25 where the vehicle is domiciled or where the owner conducts a bona
26 fide business.

27 (4) Each new application shall contain, in addition to
1 other information as may be required by the department, the name
2 and post office address of the applicant and a description of the
3 vehicle, including the color, the manufacturer, the identification
4 number, and the weight of the vehicle required by Chapter 60,
5 article 3. With the application the applicant shall pay the proper
6 registration fee as provided in sections 60-305.08 to 60-339 and
7 shall state whether the vehicle is propelled by alternative fuel as
8 defined in section 66-686 and, if alternative fuel, the type of
9 fuel. The form shall also contain a notice that bulk fuel
10 purchasers may be subject to federal excise tax liability. The

11 department shall prescribe a form, containing the notice, for
12 supplying the information for vehicles to be registered. The
13 county treasurer shall include the form in each mailing made
14 pursuant to section 60-3003. The county treasurer or his or her
15 agent shall notify the Motor Fuel Tax Enforcement and Collection
16 Division of the Department of Revenue whenever a vehicle powered by
17 an alternative fuel as defined in section 66-686 is registered.
18 The notification shall include the name and address of the
19 registrant, the date of registration, the type of motor vehicle
20 registered, and the type of alternative fuel used to propel the
21 vehicle as indicated on the registration application.

22 (5) The county treasurer or his or her agent shall
23 collect, in addition to the registration fees, one dollar and fifty
24 cents for each certificate issued and shall remit one dollar and
25 fifty cents of each additional fee collected to the State Treasurer
26 for credit to the Department of Motor Vehicles Cash Fund.

27 (6) The county treasurer or his or her agent shall
1 collect, in addition to other registration fees, fifty cents for
2 each certificate issued and shall remit the fee to the State
3 Treasurer for credit to the Nebraska Emergency Medical System
4 Operations Fund.

5 (7) The county treasurer or his or her agent shall
6 collect, in addition to other registration fees, one dollar and
7 fifty cents for each certificate issued and shall remit the fee to
8 the State Treasurer for credit to the State Recreation Road Fund.

9 (8) If a citation is issued to an owner or operator of a
10 vehicle for a violation of this section and the owner properly
11 registers and licenses the vehicle not in compliance and pays all
12 taxes and fees due and the owner or operator provides proof of such
13 registration to the prosecuting attorney within ten days after the
14 issuance of the citation, no prosecution for the offense cited
15 shall occur.

16 (9) If a county board consolidates services under the
17 office of a designated county official other than the county
18 treasurer pursuant to section 23-186, the powers and duties of the
19 county treasurer relating to registration under sections 60-301 to
20 60-347 shall be performed by the designated county official.

21 (10) A county treasurer or county official or his or her
22 agent may accept credit cards, charge cards, ~~or~~ debit cards, or
23 electronic funds transfers as a means of payment for registration
24 pursuant to section 13-609.

25 Sec. 8. Section 60-6,322, Reissue Revised Statutes of
26 Nebraska, is amended to read:

27 60-6,322. (1) Application for registration shall be made
1 to the county treasurer in such form as the Director of Motor
2 Vehicles prescribes and shall state the name and address of the
3 applicant, state a description of the snowmobile, including color,
4 manufacturer, and identification number, and be signed by at least
5 one owner. Application forms shall be made available through the

6 county treasurer's office of each county in this state. Upon
7 receipt of the application and the appropriate fee as provided in
8 section 60-6,323, the snowmobile shall be registered by the county
9 treasurer and a numbered decal shall be provided which shall be
10 affixed to the upper half of the snowmobile in such manner as the
11 director prescribes. Snowmobiles owned by a dealer and operated
12 for demonstration or testing purposes shall be exempt from affixing
13 numbered decals to the snowmobile but are required to carry a valid
14 numbered decal with the snowmobile at all times.

15 (2) If a county board consolidates services under the
16 office of a designated county official other than the county
17 treasurer pursuant to section 23-186, application shall be made to
18 and forms shall be made available through the office of the
19 designated county official and the designated county official shall
20 register snowmobiles and issue the numbered decal as provided in
21 this section.

22 (3) A county treasurer or county official or his or her
23 agent may accept credit cards, charge cards, ~~or~~ debit cards, or
24 electronic funds transfers as a means of payment for registration
25 pursuant to section 13-609.

26 Sec. 20. Section 77-1702, Revised Statutes Supplement,
27 2000, is amended to read:

1 77-1702. State warrants are receivable for the amount
2 payable into the state treasury on account of tax levied for
3 general state purposes. County warrants are receivable for the
4 amount payable into the county treasury for general purposes. City
5 warrants shall be received for the city general tax, village
6 warrants for the village general tax, and town warrants for the
7 town general tax. State, city, village, or township taxes, levied
8 for other special purposes, may be paid by warrants drawn and
9 payable out of the particular fund on account of which they are
10 tendered. Lawful money of the United States, checks, drafts,
11 credit cards, charge cards, debit cards, money orders, electronic
12 funds transfers, or other bills of exchange may be accepted in
13 payment of any state, county, village, township, school district,
14 or other governmental subdivision tax, levy, excise, duty, custom,
15 toll, penalty, fine, license, fee, or assessment of whatever kind
16 or nature, whether general or special.

17 Sec. 27. Section 81-118.01, Revised Statutes Supplement,
18 2000, is amended to read:

19 81-118.01. (1) Any state official or state agency may
20 accept credit cards, charge cards, or debit cards, whether
21 presented in person or electronically, or electronic funds
22 transfers as a method of cash payment of any tax, levy, excise,
23 duty, custom, toll, interest, penalty, fine, license, fee, or
24 assessment of whatever kind or nature, whether general or special,
25 as provided by section 77-1702.

26 (2) The total amount of such taxes, levies, excises,
27 duties, customs, tolls, interest, penalties, fines, licenses, fees,

1 or assessments of whatever kind or nature, whether general or
2 special, paid for by credit card, charge card, ~~or~~ debit card, or
3 electronic funds transfer shall be collected by the state official
4 or state agency.

5 (3) Any state official or state agency operating a
6 facility in a proprietary capacity may choose to accept credit
7 cards, charge cards, or debit cards, whether presented in person or
8 electronically, or electronic funds transfers as a means of cash
9 payment, and may adjust the price for services to reflect the
10 handling and payment costs.

11 (4) The state official or state agency shall obtain, for
12 each transaction, authorization for use of any credit card, charge
13 card, or debit card used pursuant to this section from the
14 financial institution, vending service company, credit card or
15 charge card company, or third-party merchant bank providing such
16 service.

17 (5) The types of credit cards, charge cards, or debit
18 cards accepted and the payment services provided for any state
19 official or state agency shall be determined by the State Treasurer
20 and the Director of Administrative Services with the advice of the
21 committee convened pursuant to subsection (5) of section 13-609.
22 The State Treasurer and the director shall contract with one or
23 more credit card, charge card, or debit card companies or
24 third-party merchant banks for services on behalf of the state and
25 those counties, cities, and political subdivisions that choose to
26 participate in the state contract for such services. Any
27 negotiated discount, processing, or transaction fee imposed by a
1 credit card, charge card, or debit card company or third-party
2 merchant bank shall be considered, for purposes of this section, as
3 an administrative expense.

4 (6) A state official or state agency obtaining, for each
5 transaction, authorization for use of any credit card or charge
6 card used pursuant to this section may, but is not required to,
7 impose a surcharge or convenience fee upon the person making a
8 payment by credit card or charge card so as to wholly or partially
9 offset the amount of any discount or administrative fees charged to
10 the state agency, but the surcharge or convenience fee shall not
11 exceed the surcharge or convenience fee imposed by the credit card
12 or charge card companies or third-party merchant banks which have
13 contracted under subsection (5) of this section. The surcharge or
14 convenience fee shall be applied only when allowed by the operating
15 rules and regulations of the credit card or charge card involved or
16 when authorized in writing by the credit card or charge card
17 company involved. When a person elects to make a payment to a
18 state agency by credit card or charge card and such a surcharge or
19 convenience fee is imposed, the payment of such surcharge or
20 convenience fee shall be deemed voluntary by such person and shall
21 be in no case refundable. If a payment is made electronically by
22 credit card, charge card, debit card, or electronic funds transfer

- 23 as part of a system for providing or retrieving information
 24 electronically, the state official or state agency shall be
 25 authorized but not required to impose an additional surcharge or
 26 convenience fee upon the person making a payment.
 27 (7) For purposes of this section, electronic funds
 1 transfer means the movement of funds by nonpaper means, usually
 2 through a payment system, including, but not limited to, an
 3 automated clearinghouse or the Federal Reserve's Fedwire system.
 4 2. On page 41, line 10, after "sections" insert
 5 "13-609," and after the last comma insert "60-6.322,"; in line 13
 6 strike "and 77-3618" and insert "77-1702, 77-3618, and 81-118.01";
 7 and in line 14 after "sections" insert "60-302,".
 8 3. Renumber the remaining sections and correct internal
 9 references accordingly.

The Wickersham amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Senator Bromm offered the following amendment:

AM3657

(Amendments to E & R amendments, AM7230)

- 1 1. Insert the following new sections:
 2 "Sec. 17. Section 77-1710, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 77-1710. Whenever any taxes are paid, the county
 5 treasurer shall ~~write enter~~ on the tax lists, opposite the
 6 description of real estate or personal property whereon the same
 7 was levied, the word "paid", together with the date of such
 8 payment, and the name of the person paying the same, which entry
 9 shall be prima facie evidence of such payment.
 10 Sec. 18. Section 77-1734, Reissue Revised Statutes of
 11 Nebraska, is amended to read:
 12 77-1734. ~~In all cases where the~~ When the county
 13 treasurer ~~shall refund~~ refunds taxes pursuant to authority provided
 14 by law, he or she shall ~~write enter~~ opposite such taxes in the tax
 15 list the words Erroneously taxed -- refunded.
 16 2. On page 41, line 10, after the last comma insert
 17 "77-1710, 77-1734,".
 18 3. Renumber the remaining sections and correct internal
 19 references accordingly.

The Bromm amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Senator Landis offered the following amendment:

AM3720

(Amendments to E & R amendments, AM7230)

- 1 1. Insert the following new sections:
 2 "Sec. 2. Section 19-3315, Reissue Revised Statutes of

3 Nebraska, is amended to read:

4 19-3315. The mayor and city council may by resolution

5 levy and assess taxes and assessments as follows:

6 (1) A property tax within any district of not to exceed

7 thirty-five cents on each one hundred dollars of taxable valuation

8 of taxable property within such district subject to section 77-3443

9 to pay all or any part of the cost to improve, repair, maintain,

10 reconstruct, operate, or acquire any offstreet parking facility and

11 to pay principal and interest on any bonds issued for an offstreet

12 parking facility for such district. Such tax shall be levied and

13 collected at the same time and under the same provisions as the

14 regular general city tax, ~~but such levy shall not be subject to~~

15 ~~or apply against any tax levy or city tax limit applicable to such~~

16 ~~city or property.~~ The taxes collected from any district shall be

17 used only for the benefit of such district. For purposes of

18 subsection (2) of section 77-3443, the tax shall be counted in the

19 allocation by the city proportionately, by dividing the total

20 taxable valuation of the taxable property within the district by

21 the total taxable valuation of the taxable property within the city

22 multiplied by the levy of the district;

23 (2) A special assessment against the real property

1 located in such district to the extent of the special benefit

2 thereto for the purpose of paying all or any part of the total

3 costs and expenses of acquisition, including construction, of an

4 offstreet parking facility in such district. The special

5 assessment shall be levied as provided in section 19-3314. In the

6 event that subsequent to the levy of assessments the use of any

7 parcel of land changes so that, had the new use existed at the time

8 of making such levy, the assessment on such parcel would have been

9 higher than the assessment actually made, an additional assessment

10 may be made on such parcel by the mayor and city council taking

11 into consideration the new and changed use of the property. The

12 total amount of assessments levied under this subdivision shall not

13 exceed the total costs and expenses of acquiring a facility defined

14 in section 19-3313. The levy of an additional assessment shall not

15 reduce or affect in any manner the assessments previously levied.

16 Additional assessments shall be levied as provided in section

17 19-3314, except that published notice may be omitted if notice is

18 personally served on the owner at least twenty days prior to the

19 date of hearing. All assessments levied under this subdivision

20 shall constitute a sinking fund for the payment of principal and

21 interest on bonds issued for such facility as provided by section

22 19-3317 until such bonds and interest are fully paid; and

23 (3) A special assessment against the real property

24 located in such district to the extent of special benefit thereto

25 for the purpose of paying all or any part of the costs of

26 maintenance, repair, and reconstruction of such offstreet parking

27 facility in the district. The mayor and city council may levy such

1 assessments under either of the following methods: (a) The mayor

2 and city council may, not more frequently than annually, determine
3 the costs of maintenance, repair, and reconstruction of such
4 facility and such costs shall be assessed to the real property
5 located in such district as provided by section 19-3314. At the
6 hearing on such assessments, objections may be made to the total
7 costs and the proposed allocation of such costs among the parcels
8 of real property in such district; or (b) after notice is given to
9 the owners as provided in section 19-3314, the mayor and city
10 council may establish and may change from time to time the
11 percentage of such costs of maintenance, repair, and reconstruction
12 which each parcel of real property in any district shall pay.
13 Thereafter, the mayor and city council shall annually determine the
14 total amount of such costs for each period since costs were last
15 assessed and shall after a hearing assess such costs to the real
16 property in the district in accordance with the percentages
17 previously established or as established at such hearing. Notice
18 of such hearing shall be given as provided in section 19-3314 and
19 shall state the total cost and percentage to be assessed to each
20 parcel of real property. Unless written objections are filed with
21 the city clerk at least five days before the hearing, all
22 objections to the amount of total costs and the assessment
23 percentages shall be deemed to have been waived and assessments
24 shall be levied as stated in such notice unless the mayor and city
25 council reduce any assessment. At such hearing, the assessment
26 percentage for the assessment of costs in the future may be
27 changed.

1 Sec. 20. Section 77-3443, Revised Statutes Supplement,
2 2001, is amended to read:
3 77-3443. (1) All political subdivisions, other than (a)
4 school districts, community colleges, natural resources districts,
5 educational service units, cities, villages, counties, municipal
6 counties, and sanitary and improvement districts and (b) political
7 subdivisions subject to municipal allocation under subsection (2)
8 of this section, may levy taxes as authorized by law which are
9 authorized by the county board of the county or the council of a
10 municipal county in which the greatest portion of the valuation is
11 located, which are counted in the county or municipal county levy
12 limit provided in section 77-3442, and which do not collectively
13 total more than fifteen cents per one hundred dollars of taxable
14 valuation on any parcel or item of taxable property for all
15 governments for which allocations are made by the municipality,
16 county, or municipal county, except that such limitation shall not
17 apply to property tax levies for preexisting lease-purchase
18 contracts approved prior to July 1, 1998, for bonded indebtedness
19 approved according to law and secured by a levy on property, and
20 for payments by a public airport to retire interest-free loans from
21 the Department of Aeronautics in lieu of bonded indebtedness at a
22 lower cost to the public airport. The county board or council
23 shall review and approve or disapprove the levy request of all

24 political subdivisions subject to this subsection. The county board
25 or council may approve all or a portion of the levy request and may
26 approve a levy request that would allow the requesting political
27 subdivision to levy a tax at a levy greater than that permitted by
1 law. The county board of a county or the council of a municipal
2 county which contains a transit authority created pursuant to
3 section 14-1803 shall allocate no less than three cents per one
4 hundred dollars of taxable property within the city or municipal
5 county subject to the levy to the transit authority if requested by
6 such authority. For any political subdivision subject to this
7 subsection that receives taxes from more than one county or
8 municipal county, the levy shall be allocated only by the county or
9 municipal county in which the greatest portion of the valuation is
10 located. The county board of equalization shall certify all levies
11 by October 15 to insure that the taxes levied by political
12 subdivisions subject to this subsection do not exceed the allowable
13 limit for any parcel or item of taxable property. The levy
14 allocated by the county or municipal county may be exceeded as
15 provided in section 77-3444.

16 (2) All city airport authorities established under the
17 Cities Airport Authorities Act, community redevelopment authorities
18 established under the Community Development Law, transit
19 authorities established under the Transit Authority Law, and
20 offstreet parking districts established under the Offstreet Parking
21 District Act may be allocated property taxes as authorized by law
22 which are authorized by the city, village, or municipal county and
23 are counted in the city or village levy limit or municipal county
24 levy limit provided by section 77-3442, except that such limitation
25 shall not apply to property tax levies for preexisting
26 lease-purchase contracts approved prior to July 1, 1998, for bonded
27 indebtedness approved according to law and secured by a levy on
1 property, and for payments by a public airport to retire
2 interest-free loans from the Department of Aeronautics in lieu of
3 bonded indebtedness at a lower cost to the public airport. For
4 offstreet parking districts established under the Offstreet Parking
5 District Act, the tax shall be counted in the allocation by the
6 city proportionately, by dividing the total taxable valuation of
7 the taxable property within the district by the total taxable
8 valuation of the taxable property within the city multiplied by the
9 levy of the district. The city council of a city which has created
10 a transit authority pursuant to section 14-1803 or the council of a
11 municipal county which contains a transit authority shall allocate
12 no less than three cents per one hundred dollars of taxable
13 property subject to the levy to the transit authority if requested
14 by such authority. The city council, village board, or council
15 shall review and approve or disapprove the levy request of the
16 political subdivisions subject to this subsection. The city
17 council, village board, or council may approve all or a portion of
18 the levy request and may approve a levy request that would allow a

19 levy greater than that permitted by law. The levy allocated by the
20 municipality or municipal county may be exceeded as provided in
21 section 77-3444.

22 (3) On or before August 1, all political subdivisions
23 subject to county, municipal, or municipal county levy authority
24 under this section shall submit a preliminary request for levy
25 allocation to the county board, city council, village board, or
26 council that is responsible for levying such taxes. The
27 preliminary request of the political subdivision shall be in the
1 form of a resolution adopted by a majority vote of members present
2 of the political subdivision's governing body. The failure of a
3 political subdivision to make a preliminary request shall preclude
4 such political subdivision from using procedures set forth in
5 section 77-3444 to exceed the final levy allocation as determined
6 in subsection (4) of this section.

7 (4) Each county board, city council, village board, or
8 council shall (a) adopt a resolution by a majority vote of members
9 present which determines a final allocation of levy authority to
10 its political subdivisions and (b) forward a copy of such
11 resolution to the chairperson of the governing body of each of its
12 political subdivisions. No final levy allocation shall be changed
13 after September 1 except by agreement between both the county
14 board, city council, village board, or council which determined the
15 amount of the final levy allocation and the governing body of the
16 political subdivision whose final levy allocation is at issue.".

17 2. On page 41, line 10, after "sections" insert
18 "19-3315,"; and in line 14 after the last comma insert "77-3443,".

19 3. Renumber the remaining sections accordingly.

The Landis amendment was adopted with 29 ayes, 0 nays, 17 present and
not voting, and 3 excused and not voting.

Senator Erdman offered the following amendment:

AM3719

(Amendments to E & R amendments, AM7230)

1 1. Insert the following new sections:
2 "Sec. 8. Section 77-417, Revised Statutes Supplement,
3 2000, is amended to read:
4 77-417. The necessary expenses for travel, meals, and
5 lodging incurred in attending any course of training provided for
6 in sections 77-415 to 77-420 shall be paid from the county general
7 fund, except that if the assessor is a state employee, such
8 necessary expenses shall be paid from the Department of Property
9 Assessment and Taxation Cash Fund. Mileage reimbursements shall be
10 computed at the rate provided in section 81-1176. All other costs
11 of conducting the course of training under section 77-415 shall be
12 paid by the Department of Property Assessment and Taxation.
13 Sec. 13. Section 77-1342, Revised Statutes Supplement,
14 2001, is amended to read:

15 77-1342. There is hereby created a fund to be known as
16 the Department of Property Assessment and Taxation Cash Fund to
17 which shall be credited all money received by the Department of
18 Property Assessment and Taxation for services performed for county
19 and multicounty assessment districts, for charges for publications,
20 manuals, and lists, as an assessor's examination fee authorized by
21 section 77-421, and under the provisions of sections 60-305.15,
22 77-684, and 77-1250. The fund shall be used to develop assessment
23 manuals, including the manual required by section 77-1362, and
1 distribute them to the counties, to implement sections 77-415 and
2 to 77-420, to develop programs or models to improve the assessment
3 of taxable property, to institute a program for land record
4 modernization, and to engage competent counsel. The county or
5 multicounty assessment district shall be billed by the department
6 for services rendered. Reimbursements to the department shall be
7 credited to the fund, and expenditures therefrom shall be made only
8 when such funds are available. The department shall only bill for
9 the actual amount expended in performing the service.
10 The fund shall not, at the close of each year, be lapsed
11 to the General Fund. Any money in the Department of Property
12 Assessment and Taxation Cash Fund available for investment shall be
13 invested by the state investment officer pursuant to the Nebraska
14 Capital Expansion Act and the Nebraska State Funds Investment
15 Act."
16 2. On page 15, line 15, after "assessors" insert "and
17 assessors that are state employees"; and in lines 21 and 23 after
18 "assessor" insert "or assessor that is a state employee".
19 3. On page 41, line 12, after "77-415," insert
20 "77-417,,"; and in line 14 after "77-1327," insert "77-1342,".
21 4. Renumber the remaining sections accordingly.

SPEAKER KRISTENSEN PRESIDING

Senators Robak and Cudaback asked unanimous consent to be excused until their return. No objections. So ordered.

Senator Erdman withdrew his amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 994A. Advanced to E & R for engrossment.

MESSAGE FROM THE GOVERNOR

April 16, 2002

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 276, 470, 470A and 564 were received in my office on April 11, 2002.

These bills were signed by me on April 16, 2002, and delivered to the Secretary of State.

Sincerely,
(Signed) Mike Johanns
Governor

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 16, 2002, at 9:40 a.m., were the following: LBs 905, 1003, 1003A, and 1021.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

GENERAL FILE

LEGISLATIVE BILL 429A. Senator Janssen withdrew his pending amendment, AM2721, found on page 738.

Senator Foley asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers withdrew his pending amendment, FA864, found on page 744.

Senator Janssen moved to indefinitely postpone LB 429A.

The Janssen motion to indefinitely postpone prevailed with 19 ayes, 2 nays, 25 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 1149. Title read. Considered.

Senator Jensen requested to pass over LB 1149.

VISITORS

Visitors to the Chamber were David Trovato from Omaha; Senator Cunningham's wife, Deb, parents, Dean and Elda, from Wausa, and aunt, Mae Reuter, from South Sioux City; 39 fourth-grade students and teachers from Plattsmouth; Scott Strelko from Elkhorn; 12 students and teachers from District #28, Buffalo County; 28 fourth-grade students and sponsors from Ravenna; and 35 fourth-grade students and teachers from Brownell-Talbot Elementary School, Omaha.

RECESS

At 11:51 a.m., on a motion by Senator Coordsen, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Kristensen presiding.

ROLL CALL

The roll was called and all members were present except Senators Brashear, Coordsen, Dierks, Dw. Pedersen, and Quandahl who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 952. Title read. Considered.

The Standing Committee amendment, AM2472, found on page 475, was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Senator Landis withdrew his pending motion, found on page 724, to indefinitely postpone LB 952.

Advanced to E & R for review with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 952A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1185. Title read. Considered.

The Standing Committee amendment, AM2841, found on page 684, was considered.

Senator Bromm withdrew the Bromm-Connealy pending amendment, AM3432, found on page 1246.

Senators Bromm and Connealy offered the following amendment to the Standing Committee amendment:

AM3566

(Amendments to Standing Committee amendments, AM2841)

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 "Section 1. Section 48-106, Reissue Revised Statutes of

4 Nebraska, as amended by section 1, LB 417, Ninety-seventh
5 Legislature, Second Session, is amended to read:
6 48-106. (1) The Nebraska Workers' Compensation Act shall
7 apply to the State of Nebraska, to every governmental agency
8 created by the state, to agricultural employers meeting the
9 requirements of subsection (3) of this section, and, except for
10 employers exempt under subsection (2) of this section, to every
11 resident employer in this state and nonresident employer performing
12 work in this state who employs one or more employees in the regular
13 trade, business, profession, or vocation of such employer.

14 (2) The act shall not apply to:

15 (a) A railroad company engaged in interstate or foreign
16 commerce;

17 (b) An employer of household domestic servants;

18 (c) An employer of any number of related employees
19 engaged in agricultural pursuits; and

20 (d) An employer of unrelated employees engaged in
21 agricultural pursuits who does not meet the requirements of
22 subsection (3) of this section. This subdivision does not apply if
23 the employer is the state or any governmental agency created by the
1 state.

2 (3) The act shall apply to an employer engaged in
3 agricultural pursuits who employs six or more unrelated employees
4 working on the same day, each working day for at least thirteen
5 consecutive weeks during a calendar year. The act shall apply to
6 such employer ten days after meeting the requirements of this
7 subsection. For employers meeting the requirements of this
8 subsection, all unrelated employees shall be covered under the act
9 and such employees' wages shall be considered for premium purposes.

10 (4) An employer who meets the requirements of subsection
11 (3) of this section and subsequently employs fewer than six
12 unrelated employees shall continue to provide workers' compensation
13 insurance coverage for such employees for a full calendar year
14 after the number of employees is less than six. Such employer may
15 elect to return to exempt status, and if such election is made, the
16 employer shall give the employees notice as provided in subsection
17 (5) of this section.

18 (5) An employer who is exempt from the act under
19 subdivisions (2)(b), (2)(c), or (2)(d) of this section may elect to
20 bring the employees of such employer within the act. Such election
21 is made by the employer obtaining a policy of workers' compensation
22 insurance covering such employees. Such policy shall be obtained
23 from a corporation, association, or organization authorized and
24 licensed to transact the business of workers' compensation
25 insurance in this state. If such an exempt employer procures a
26 policy of workers' compensation insurance which is in full force
27 and effect at the time of an accident to the employees of such
1 employer, such procurement is conclusive proof of such employer's
2 and his or her employees' election to be bound by the act. Such an

3 exempt employer who has procured a policy of workers' compensation
4 may elect to return to the exempt status by (a) no longer carrying
5 a policy of workers' compensation insurance and (b) posting,
6 continuously in a conspicuous place at the employment locations of
7 the employees for a period of at least ninety days, a written or
8 printed notice stating that the employer no longer carries workers'
9 compensation insurance for the employees. Failure to provide
10 notice in accordance with this subsection voids an employer's
11 attempt to return to exempt status.

12 (6) An exclusion from coverage in any health, accident,
13 or other insurance policy covering a person employed by an employer
14 who is exempt from the act under subdivisions (2)(b), (2)(c), or
15 (2)(d) of this section which provides that coverage under the
16 health, accident, or other insurance policy does not apply if such
17 person is entitled to workers' compensation coverage is null and
18 void as to such person if such employer has not elected to bring
19 the employees of such employer within the act as provided in
20 subsection (5) of this section.

21 (7) For purposes of this section:

22 (a) Agricultural pursuits means (i) the cultivation of
23 land for the production of agricultural crops, fruit, or other
24 horticultural products or (ii) the ownership, keeping, or feeding
25 of animals for the production of livestock or livestock products;
26 and

27 (b) Related employee means an employee related to the
1 employer within the third degree of consanguinity or affinity.
2 Relationship by consanguinity or affinity within the third degree
3 includes parents, grandparents, great grandparents, children,
4 grandchildren, great grandchildren, brothers, sisters, uncles,
5 aunts, nephews, nieces, and spouses of the same. If the employer
6 is a partnership, limited liability company, or corporation in
7 which all of the partners, members, or shareholders are related
8 within the third degree of consanguinity or affinity, then related
9 employee means any employee related to any such partner, member, or
10 shareholder within the third degree of consanguinity or affinity.

11 The Nebraska Workers' Compensation Act shall apply to the State of
12 Nebraska and every governmental agency created by it, and to every
13 employer in this state, including nonresident employers performing
14 work in the State of Nebraska, employing one or more employees, in
15 the regular trade, business, profession, or vocation of such
16 employer, except railroad companies engaged in interstate or
17 foreign commerce.

18 (2) The following are declared not to be hazardous
19 occupations and not within the provisions of the Nebraska Workers'
20 Compensation Act: Employers of household domestic servants and
21 employers of farm or ranch laborers. An employer who is excluded
22 from the act under this subsection may elect to bring the employees
23 of such employer within the provisions of the act. Such election
24 is made by the employer obtaining a policy of workers' compensation

25 insurance covering such employees from a corporation, association,
 26 or organization authorized and licensed to transact the business of
 27 workers' compensation insurance in this state. If an employer who
 1 is excluded from the act under this subsection has not elected to
 2 bring the employees of such employer within the provisions of the
 3 act by obtaining a policy of workers' compensation insurance as
 4 provided in this subsection and any health, accident, or other
 5 insurance policy covering such employees contains an exclusion of
 6 coverage if the insured is otherwise entitled to workers'
 7 compensation coverage, such exclusion shall be null and void as to
 8 such employees.

9 (3) The procuring by any such employer of such a policy
 10 of insurance, referred to in subsection (2) of this section, which
 11 is in full force and effect at the time of an accident to any of
 12 his or her employees, shall be conclusive proof of such employer's
 13 and his or her employees' election to be bound by the Nebraska
 14 Workers' Compensation Act, to all intents and purposes as if they
 15 had not been specifically excluded by the terms of this section.
 16 Such employer of household domestic servants and such employer of
 17 farm or ranch laborers who has procured such a policy of insurance
 18 may elect to return to the status of being not within the
 19 provisions of the Nebraska Workers' Compensation Act by (a) no
 20 longer carrying a policy of workers' compensation insurance and (b)
 21 posting and thereafter keeping continuously posted for a period of
 22 at least one year in a conspicuous place about the place or places
 23 where his or her workers are employed a written or printed notice
 24 of election not to be bound by the provisions of such act.

25 Sec. 2. Original section 48-106, Reissue Revised
 26 Statutes of Nebraska, as amended by section 1, LB 417,
 27 Ninety-seventh Legislature, Second Session, is repealed."

Senators Cunningham and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

The Bromm-Connealy amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Senator Beutler offered the following amendment to the Standing Committee amendment:

AM3568

(Amendments to AM3566)

1 1. On page 3, line 21, after "(7)" insert "Every
 2 employer exempted under subdivisions (2)(b), (2)(c), or (2)(d) of
 3 this section who does not elect to provide workers' compensation
 4 insurance under subsection (3) of this section shall give all
 5 employees at the time of hiring the following written notice: In
 6 this employment you will not be covered by the Nebraska Workers'
 7 Compensation Act and you will not be compensated under the act if
 8 you are injured on the job or suffer an occupational disease. You

9 should plan accordingly.
10 (8)".

Senators Tyson and Maxwell asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Landis moved the previous question. The question is, "Shall the debate now close?"

Senator Landis moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

The motion to cease debate prevailed with 26 ayes, 1 nay, and 22 not voting.

Senator Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 18:

| | | | | |
|----------|------------|----------|----------|------------|
| Aguilar | Foley | Landis | Redfield | Synowiecki |
| Beutler | Hartnett | Preister | Robak | Thompson |
| Byars | Kristensen | Price | Schimek | |
| Chambers | Kruse | Raikes | Suttle | |

Voting in the negative, 22:

| | | | | |
|----------|------------|---------|----------|------------|
| Baker | Coordsen | Erdman | McDonald | Vrtiska |
| Brashear | Cudaback | Hudkins | Quandahl | Wickersham |
| Bromm | Cunningham | Jensen | Schrock | |
| Bruning | Dierks | Jones | Smith | |
| Burling | Engel | Kremer | Stuhr | |

Present and not voting, 6:

| | | |
|--------|----------|--------------|
| Bourne | Connealy | Pederson, D. |
| Brown | Janssen | Wehrbein |

Excused and not voting, 3:

Maxwell Pedersen, Dw. Tyson

The Beutler amendment lost with 18 ayes, 22 nays, 6 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Beutler offered the following amendment to the Standing Committee amendment:

AM3567

(Amendments to AM3566)

- 1 1. On page 3, line 24, after "products" insert ", except
- 2 horticultural products designed primarily for urban ornamental or
- 3 garden use.".

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Beutler moved for a call of the house. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

Senator Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 4:

| | | | |
|---------|---------|----------|-------|
| Aguilar | Beutler | Chambers | Price |
|---------|---------|----------|-------|

Voting in the negative, 28:

| | | | | |
|----------|------------|----------|------------|----------|
| Baker | Cunningham | Jones | Schimek | Thompson |
| Bromm | Dierks | Kremer | Schrock | Tyson |
| Bruning | Engel | Landis | Smith | Vrtiska |
| Burling | Erdman | Quandahl | Stuhr | Wehrbein |
| Byars | Hudkins | Raikes | Suttle | |
| Connealy | Jensen | Redfield | Synowiecki | |

Present and not voting, 14:

| | | | | |
|----------|----------|------------|--------------|------------|
| Bourne | Coordsen | Hartnett | Kruse | Preister |
| Brashear | Cudaback | Janssen | McDonald | Wickersham |
| Brown | Foley | Kristensen | Pederson, D. | |

Excused and not voting, 3:

| | | |
|---------|---------------|-------|
| Maxwell | Pedersen, Dw. | Robak |
|---------|---------------|-------|

The Beutler amendment lost with 4 ayes, 28 nays, 14 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator D. Pederson asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 464. Introduced by Urban Affairs

Committee: Hartnett, 45, Chairperson; Connealy, 16; Janssen, 15; McDonald, 41; Preister, 5; Redfield, 12; Synowiecki, 7.

PURPOSE: During the 2002 legislative session, the Urban Affairs Committee considered LB 1229. This bill proposed to amend the Transit Authority Law which provides the authority for the creation and operation of a metropolitan transit authority to provide mass transit services to the residents of a city of the metropolitan class and surrounding areas. The current authority, serving primarily the Omaha metropolitan area, is governed by a board of five members. They are appointed by the mayor with the approval of the city council of the city of the metropolitan class and the county board of the county in which the city is located. Recognizing that the transit authority serving Omaha now also serves large portions of unincorporated Douglas and Sarpy Counties as well as the cities of Bellevue, Papillion, and LaVista, LB 1229 proposed to take a modest step toward expanding the scope of board representation to permit the next appointed member of the board, if the mayor, city council, and county board agree by resolution to do so, to be a resident of the area served by the authority but outside of the corporate boundaries of the city.

Testimony at the public hearing revealed the presence of broader issues involved in the current structure of the service agreements between the various municipalities served by the Metropolitan Area Transit Authority and the desire by its board the Urban Affairs Committee to investigate how to amend the current statutes to better facilitate the ability to serve consumers and streamline relationships between municipalities.

This study would investigate the current structure of the Metropolitan Area Transit Authority, the nature of its relationships to the municipalities it serves, the structural changes in organization which would be desirable to facilitate its service to consumers, and how to amend existing statutes to enable the authority to make the necessary changes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

STANDING COMMITTEE REPORT **Natural Resources**

The Natural Resources Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Nebraska Power Review Board
Louis E. Lamberty

VOTE: Aye: Senators Bromm, Bruning, Hudkins, Jones, Kremer, Preister, Schrock, and Stuhr. Nay: None. Absent: None.

(Signed) Ed Schrock, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1185. Senator Beutler offered the following amendment to the Standing Committee amendment:
AM3570

(Amendments to AM3566)

- 1 1. Insert the following section:
- 2 "Sec. 2. Section 48-125.01, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 48-125.01. Any employer who knowingly transfers, sells,
- 5 encumbers, assigns, or in any manner disposes of, conceals,
- 6 secretes, or destroys any property or records belonging to such
- 7 employer, after one of his or her employees has been injured within
- 8 the purview of the Nebraska Workers' Compensation Act, and with
- 9 intent to avoid the payment of compensation under such act to such
- 10 employee or his or her dependents, shall be guilty of a Class I
- 11 misdemeanor. In any case when such employer is a corporation, any
- 12 officer or employee thereof, if knowingly participating or
- 13 acquiescing in the act with intent to avoid the payment of
- 14 compensation under the ~~Nebraska Workers' Compensation Act act,~~
- 15 shall be also individually guilty of a Class I misdemeanor as well
- 16 as jointly and severally liable with such corporation for any fine
- 17 imposed upon the corporation. In any case when such employer is a
- 18 limited liability company, any member or manager thereof, if
- 19 knowingly participating or acquiescing in the act with intent to
- 20 avoid the payment of compensation under the ~~Nebraska Workers'~~
- 21 ~~Compensation Act act,~~ shall be also individually guilty of a Class
- 22 I misdemeanor as well as jointly and severally liable with such
- 23 limited liability company for any fine imposed upon the limited
- 1 liability company. In any case when such employer is a limited
- 2 partnership or a limited liability partnership, any general
- 3 partner, if knowingly participating or acquiescing in the act with
- 4 intent to avoid the payment under the act, shall also be guilty of
- 5 a Class I misdemeanor as well as jointly and severally liable with
- 6 such limited partnership or limited liability partnership, and
- 7 limited partners shall not be liable."
- 8 2. Correct the repealer and renumber the remaining
- 9 section accordingly.

The Beutler amendment was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Senator Beutler withdrew his pending amendment, AM3612, found on page 1612.

Senator Vrtiska asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Beutler offered the following amendment to the Standing Committee amendment:
AM3722

(Amendments to AM3566)

- 1 On page 1, line 19, before the semicolon insert "who
- 2 does not meet the requirements of subsection (3) of this section".

The Beutler amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

SENATOR SCHIMEK PRESIDING

Senator Dierks offered the following amendment to the Standing Committee amendment:

FA1088

Amend AM3566

On page 2, line 3, page 2, line 11, and page 2, line 14, strike "six" and insert "ten".

Senator Dierks moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Senator Dierks requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 20:

| | | | | |
|---------|------------|---------|------------|------------|
| Baker | Coordsen | Erdman | Kremer | Smith |
| Bruning | Cudaback | Hudkins | Kristensen | Stuhr |
| Burling | Cunningham | Janssen | McDonald | Wehrbein |
| Byars | Dierks | Jones | Quandahl | Wickersham |

Voting in the negative, 18:

| | | | | |
|---------|----------|----------|----------|------------|
| Aguilar | Chambers | Kruse | Raikes | Synowiecki |
| Beutler | Connealy | Landis | Redfield | Thompson |
| Bourne | Hartnett | Preister | Schimek | |
| Bromm | Jensen | Price | Suttle | |

Present and not voting, 6:

| | | |
|----------|-------|---------|
| Brashear | Engel | Schrock |
| Brown | Foley | Tyson |

Excused and not voting, 5:

Maxwell Pedersen, Dw. Pederson, D. Robak Vrtiska

The Dierks amendment lost with 20 ayes, 18 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Hudkins withdrew her pending amendment, AM3422, found on page 1239.

Senator Hudkins offered the following amendment to the Standing Committee amendment:

AM3740

- 1 1. Insert the following new sections:
- 2 "Sec. 2. Section 48-115, Revised Statutes Supplement,
- 3 2000, is amended to read:
- 4 48-115. The terms employee and worker are used
- 5 interchangeably and have the same meaning throughout the Nebraska
- 6 Workers' Compensation Act. Such terms include the plural and all
- 7 ages and both sexes. For purposes of the act, employee or worker
- 8 shall be construed to mean:
- 9 (1) Every person in the service of the state or of any
- 10 governmental agency created by it, including the Nebraska National
- 11 Guard and members of the military forces of the State of Nebraska,
- 12 under any appointment or contract of hire, expressed or implied,
- 13 oral or written;
- 14 (2) Every person in the service of an employer who is
- 15 engaged in any trade, occupation, business, or profession as
- 16 described in section 48-106 under any contract of hire, expressed
- 17 or implied, oral or written, including aliens and also including
- 18 minors. Minors for the purpose of making election of remedies
- 19 under the Nebraska Workers' Compensation Act shall have the same
- 20 power of contracting and electing as adult employees.
- 21 As used in subdivisions (1) through (11) of this section,
- 22 the terms employee and worker shall not be construed to include any
- 23 person whose employment is not in the usual course of the trade,
- 24 business, profession, or occupation of his or her employer.
- 1 If an employee subject to the Nebraska Workers'
- 2 Compensation Act suffers an injury on account of which he or she
- 3 or, in the event of his or her death, his or her dependents would
- 4 otherwise have been entitled to the benefits provided by such act,
- 5 the employee or, in the event of his or her death, his or her
- 6 dependents shall be entitled to the benefits provided under such
- 7 act, if the injury or injury resulting in death occurred within
- 8 this state, or if at the time of such injury (a) the employment was
- 9 principally localized within this state, (b) the employer was
- 10 performing work within this state, or (c) the contract of hire was

11 made within this state;

12 (3) Volunteer firefighters of any fire department of any
13 rural or suburban fire protection district, city, village, or
14 nonprofit corporation, which fire department is organized under the
15 laws of the State of Nebraska. Such volunteers shall be deemed
16 employees of such rural or suburban fire protection district, city,
17 village, or nonprofit corporation while in the performance of their
18 duties as members of such department and shall be considered as
19 having entered and as acting in the regular course and scope of
20 their employment ~~when traveling from any place from which they have~~
21 been called to active duty from the instant such persons commence
22 responding to a call to active duty whether to a fire station or
23 other place where firefighting equipment that their company or unit
24 is to use is located or to any activities that the volunteer
25 firefighters may be directed to do by the chief of the fire
26 department or some person authorized to act for such chief.

27 Members of such volunteer fire department, before they
1 are entitled to benefits under the Nebraska Workers' Compensation
2 Act, shall be recommended by the chief of the fire department or
3 some person authorized to act for such chief for membership therein
4 to the board of directors of the rural or suburban fire protection
5 district or nonprofit corporation, the mayor and city commission,
6 the mayor and council, or the chairperson and board of trustees, as
7 the case may be, and upon confirmation shall be deemed employees of
8 such entity. Members of such fire department after confirmation to
9 membership may be removed by a majority vote of the entity's board
10 of directors or governing body and thereafter shall not be
11 considered employees of such entity. Firefighters of any fire
12 department of any rural or suburban fire protection district,
13 nonprofit corporation, city, or village shall be considered as
14 acting in the performance and within the course and scope of their
15 employment when performing activities outside of the corporate
16 limits of their respective districts, cities, or villages, but only
17 if directed to do so by the chief of the fire department or some
18 person authorized to act for such chief;

19 (4) Members of the Nebraska Emergency Management Agency,
20 any city, village, county, or interjurisdictional emergency
21 management organization, or any state emergency response team,
22 which agency, organization, or team is regularly organized under
23 the laws of the State of Nebraska. Such members shall be deemed
24 employees of such agency, organization, or team while in the
25 performance of their duties as members of such agency,
26 organization, or team;

27 (5) Any person fulfilling conditions of probation, or
1 community service as defined in section 29-2277, pursuant to any
2 order of any court of this state who shall be working for a
3 governmental body, or agency as defined in section 29-2277,
4 pursuant to any condition of probation, or community service as
5 defined in section 29-2277. Such person shall be deemed an

6 employee of the governmental body or agency for the purposes of the
7 Nebraska Workers' Compensation Act;

8 (6) Volunteer ambulance drivers and attendants and
9 out-of-hospital emergency care providers who are members of an
10 emergency medical service for any county, city, village, rural or
11 suburban fire protection district, nonprofit corporation, or any
12 combination of such entities under the authority of section 13-303.
13 Such volunteers shall be deemed employees of such entity or
14 combination thereof while in the performance of their duties as
15 ambulance drivers or attendants or out-of-hospital emergency care
16 providers and shall be considered as having entered into and as
17 acting in the regular course and scope of their employment ~~when~~
18 ~~traveling from any place from which they have been called to active~~
19 ~~duty from the instant such persons commence responding to a call to~~
20 ~~active duty whether~~ to a hospital or other place where the
21 ambulance they are to use is located or to any activities that the
22 volunteer ambulance drivers or attendants or out-of-hospital
23 emergency care providers may be directed to do by the chief or some
24 person authorized to act for such chief of the volunteer ambulance
25 service or out-of-hospital emergency care service. Before such
26 volunteer ambulance drivers or attendants or out-of-hospital
27 emergency care providers are entitled to benefits under the
1 Nebraska Workers' Compensation Act, they shall be recommended by
2 the chief or some person authorized to act for such chief of the
3 volunteer ambulance service or out-of-hospital emergency care
4 service for membership therein to the board of directors of the
5 rural or suburban fire protection district or nonprofit
6 corporation, the governing body of the county, city, or village, or
7 combination thereof, as the case may be, and upon such confirmation
8 shall be deemed employees of such entity or combination thereof.
9 Members of such volunteer ambulance or out-of-hospital emergency
10 care service after confirmation to membership may be removed by
11 majority vote of the entity's board of directors or governing body
12 and thereafter shall not be considered employees of such entity.
13 Volunteer ambulance drivers and attendants and out-of-hospital
14 emergency care providers for any county, city, village, rural or
15 suburban fire protection district, nonprofit corporation, or any
16 combination thereof shall be considered as acting in the
17 performance and within the course and scope of their employment
18 when performing activities outside of the corporate limits of their
19 respective county, city, village, or district, but only if directed
20 to do so by the chief or some person authorized to act for such
21 chief;

22 (7) Members of a law enforcement reserve force appointed
23 in accordance with section 81-1438. Such members shall be deemed
24 employees of the county or city for which they were appointed;

25 (8) Any offender committed to the Department of
26 Correctional Services who is employed pursuant to section 81-1827.
27 Such offender shall be deemed an employee of the Department of

1 Correctional Services solely for purposes of the Nebraska Workers'
2 Compensation Act;

3 (9)(a) Except as provided in subdivision (9)(b) of this
4 section, every executive officer of a corporation elected or
5 appointed under the provisions or authority of the charter,
6 articles of incorporation, or bylaws of such corporation. Such
7 executive officer shall be an employee of such corporation under
8 the Nebraska Workers' Compensation Act, except that an executive
9 officer of a Nebraska corporation who owns twenty-five percent or
10 more of the common stock of such corporation may waive his or her
11 right to coverage. Such waiver shall be in writing and filed with
12 the secretary of the corporation and the Nebraska Workers'
13 Compensation Court. Such waiver, as prescribed by the compensation
14 court, shall include a statement in substantially the following
15 form: Notice. I am aware that health and accident insurance
16 policies frequently exclude coverage for personal injuries caused
17 by accident or occupational disease arising out of and in the
18 course of employment. Before waiving my rights to coverage under
19 the Nebraska Workers' Compensation Act, I certify that I have
20 carefully examined the terms of my health and accident coverage.
21 Such waiver shall become effective from the date of receipt by the
22 compensation court and shall remain in effect until the waiver is
23 terminated by the officer in writing and filed with the secretary
24 of the corporation and the compensation court. The termination of
25 the corporate executive officer's waiver shall be effective upon
26 receipt of the termination by the compensation court. It shall not
27 be permissible to terminate a waiver prior to one year after the
1 waiver has become effective.

2 (b) An executive officer of a Nebraska nonprofit
3 corporation who receives annual compensation of one thousand
4 dollars or less from the nonprofit corporation shall not be
5 construed to be an employee of such nonprofit corporation under the
6 Nebraska Workers' Compensation Act unless such executive officer
7 elects to bring himself or herself within the provisions of the
8 Nebraska Workers' Compensation Act. Such election shall be in
9 writing and filed with the secretary of the nonprofit corporation
10 and shall remain in effect until the election is terminated, in
11 writing, by the officer and the termination is filed with the
12 secretary of the nonprofit corporation;

13 (10) Each individual employer, partner, limited liability
14 company member, or self-employed person who is actually engaged in
15 the individual employer's, partnership's, limited liability
16 company's, or self-employed person's business on a substantially
17 full-time basis who elects to bring himself or herself within the
18 provisions of the Nebraska Workers' Compensation Act. Such
19 election is made if he or she (a) files with his or her current
20 workers' compensation insurer written notice of election to have
21 the same rights as an employee only for purposes of workers'
22 compensation insurance coverage acquired by and for such individual

23 employer, partner, limited liability company member, or
24 self-employed person or (b) gives notice of such election and such
25 insurer collects a premium for such coverage acquired by and for
26 such individual employer, partner, limited liability company
27 member, or self-employed person. This election shall be effective
1 from the date of receipt by the insurer for the current policy and
2 subsequent policies issued by such insurer until such time as such
3 employer, partner, limited liability company member, or
4 self-employed person files a written statement withdrawing such
5 election with the current workers' compensation insurer or until
6 such coverage by such insurer is terminated, whichever occurs
7 first. When so included, the individual employer, partner, limited
8 liability company member, or self-employed person shall have the
9 same rights as an employee only with respect to the benefits
10 provided under the Nebraska Workers' Compensation Act. If any
11 individual employer, partner, limited liability company member, or
12 self-employed person who is actually engaged in the individual
13 employer's, partnership's, limited liability company's, or
14 self-employed person's business on a substantially full-time basis
15 has not elected to bring himself or herself within the provisions
16 of the Nebraska Workers' Compensation Act pursuant to this
17 subdivision and any health, accident, or other insurance policy
18 issued to or renewed by such person after July 10, 1984, contains
19 an exclusion of coverage, if the insured is otherwise entitled to
20 workers' compensation coverage, such exclusion shall be null and
21 void as to such person; and

22 (11) An individual lessor of a commercial motor vehicle
23 leased to a motor carrier and driven by such individual lessor who
24 elects to bring himself or herself within the provisions of the
25 Nebraska Workers' Compensation Act. Such election is made if he or
26 she agrees in writing with the motor carrier to have the same
27 rights as an employee only for purposes of workers' compensation
1 coverage maintained by the motor carrier. For an election under
2 this subdivision, the motor carrier's principal place of business
3 must be in this state and the motor carrier must be authorized to
4 self-insure liability under the Nebraska Workers' Compensation Act.
5 Such an election shall (a) be effective from the date of such
6 written agreement until such agreement is terminated, (b) be
7 enforceable against such self-insured motor carrier in the same
8 manner and to the same extent as claims arising under the Nebraska
9 Workers' Compensation Act by employees of such self-insured motor
10 carrier, and (c) not be deemed to be a contract of insurance for
11 purposes of Chapter 44. Section 48-111 shall apply to the
12 individual lessor and the self-insured motor carrier with respect
13 to personal injury or death caused to such individual lessor by
14 accident or occupational disease arising out of and in the course
15 of performing services for such self-insured motor carrier in
16 connection with such lease while such election is effective.

17 Sec. 3. Sections 2, 3, 5, and 6 of this act shall become

18 operative on their effective date with the emergency clause. The
 19 other sections of this act shall become operative three calendar
 20 months after the adjournment of this legislative session.

21 Sec. 5. Original section 48-115, Revised Statutes

22 Supplement, 2000, is repealed.

23 Sec. 6. Since an emergency exists, this act takes effect

24 when passed and approved according to law.".

25 2. Renumber the remaining section accordingly.

The Hudkins amendment was adopted with 30 ayes, 0 nays, 14 present and
 not voting, and 5 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 29
 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 30 ayes, 2 nays, 12 present and not
 voting, and 5 excused and not voting.

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB 957:
 AM3729

(Amendments to E & R amendments, AM7219)

1 1. Insert the following new section:

2 "Sec. 34. The following section is outright repealed:

3 Section 8-148.03, Reissue Revised Statutes of Nebraska.".

4 2. Renumber the remaining section accordingly.

Senator Wickersham filed the following amendment to LB 1033A:
 AM3727

(Amendments to Final Reading copy)

1 1. On page 2, line 2, strike each occurrence of

2 "General" and insert "Nebraska Health Care Cash".

RESOLUTION

LEGISLATIVE RESOLUTION 465. Introduced by Education
 Committee: Raikes, 25, Chairperson; Brashear, 4; Coordsen, 32; Maxwell,
 9; Price, 26; Stuhr, 24; Suttle, 10; Wickersham, 49.

PURPOSE: To develop potential legislation for the future use of proceeds
 from the state lottery allocated to the Education Innovation Fund through a
 study of past uses and potential future uses. The fund has been administered
 by the Excellence in Education Council since 1994, a period which
 encompassed a series of legislative changes in the distribution of the
 proceeds. For FY2001-02 and FY2002-03, the proceeds allocated to the
 fund are being allocated to the General Fund, except for a portion that is
 being used for a distance education network completion grant. Without any
 changes, after FY2002-03 the fund will be allocated with ten percent to be

used for a mentor teacher program, sixty percent to be used for quality education incentives, twenty percent to be used for the Attracting Excellence to Teaching Program, and ten percent to be allocated by the Governor through competitive grants.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT COMMITTEE REPORTS Enrollment and Review

LEGISLATIVE BILL 952. Placed on Select File as amended.

E & R amendment to LB 952:

AM7231

1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 "Section 1. Notwithstanding sections 43-119 to
 4 43-146.16, an heir twenty-one years of age or older of an adopted
 5 person shall have access to all information on file at the
 6 Department of Health and Human Services Finance and Support related
 7 to such adopted person, including information contained in the
 8 original birth certificate of the adopted person, if (1)(a) the
 9 adopted person is deceased, (b) both biological parents of the
 10 adopted person are deceased or, if only one biological parent is
 11 known, such parent is deceased, and (c) each spouse of the
 12 biological parent or parents of the adopted person, if any, is
 13 deceased, if such spouse is not a biological parent, or (2) at
 14 least one hundred years has passed since the birth of the adopted
 15 person. The department shall provide a form for requesting such
 16 information. The department may charge a reasonable fee in an
 17 amount established by rules and regulations of the department to
 18 recover expenses in carrying out this section. The department may
 19 waive the fee if the requesting party shows that the fee would work
 20 an undue financial hardship on the party. When any information is
 21 provided to an heir of an adopted person under this section, the
 22 department shall record in the records of the adopted person the
 23 nature of the information disclosed, to whom the information was
 24 disclosed, and the date of the disclosure. For purposes of this
 1 section, an heir of an adopted person means a direct biological
 2 descendent of such adopted person.
 3 The department may adopt and promulgate rules and
 4 regulations to carry out this section.

5 Sec. 2. Section 43-104, Revised Statutes Supplement,
6 2000, is amended to read:

7 43-104. Except as otherwise provided in the Nebraska
8 Indian Child Welfare Act, no adoption shall be decreed unless
9 written consents thereto are filed in the court of the county in
10 which the person or persons desiring to adopt reside and the
11 written consents are executed by (1) the minor child, if over
12 fourteen years of age, or the adult child, (2) any district court,
13 county court, or separate juvenile court in the State of Nebraska
14 having jurisdiction of the custody of a minor child by virtue of
15 divorce proceedings had in any district court, county court, or
16 separate juvenile court in the State of Nebraska or by virtue of
17 section 43-1203, and (3) both parents of a child born in lawful
18 wedlock if living, the surviving parent of a child born in lawful
19 wedlock, the mother of a child born out of wedlock, or both the
20 mother and father of a child born out of wedlock as determined
21 pursuant to sections 43-104.08 to 43-104.24, except that consent
22 shall not be required of any parent who (a) has relinquished the
23 child for adoption by a written instrument, (b) has abandoned the
24 child for at least six months next preceding the filing of the
25 adoption petition, (c) has been deprived of his or her parental
26 rights to such child by the order of any court of competent
27 jurisdiction, or (d) is incapable of consenting. On and after the
1 effective date of this act, a written consent or relinquishment for
2 adoption under this section shall not be valid unless signed at
3 least forty-eight hours after the birth of the child.

4 Sec. 3. Section 43-143, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 43-143. For adoptions in which the relinquishment or
7 consent for adoption was given prior to the effective date of this
8 act: An adoptive parent or parents may at any time, if they
9 desire, file a notice of nonconsent with the Department of Health
10 and Human Services Finance and Support stating that at no time
11 prior to his or her death or the death of both parents if each
12 signed the form may any information on the adopted person's
13 original birth certificate be released to such adopted person. The
14 provisions of this section shall not apply to persons subject to
15 the Nebraska Indian Child Welfare Act.

16 Sec. 4. Section 43-146.01, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 43-146.01. (1) Sections 43-106.02, ~~43-121~~, 43-123.01,
19 and 43-146.02 to 43-146.16 shall provide the procedures for gaining
20 access to information concerning an adopted person when a
21 relinquishment or consent for an adoption is given on or after
22 September 1, 1988.
23 (2) Sections 43-119 to 43-142 shall remain in effect for
24 a relinquishment or consent for an adoption which is given prior to
25 September 1, 1988.
26 (3) Except as otherwise provided in subsection (2) of

27 section 43-107, ~~and subdivisions (1)(b) and (1)(c) of section~~
1 43-109, ~~and subsection (4) of this section: Sections sections~~
2 43-101 to 43-118, 43-143 to 43-146, 71-626, 71-626.01, and
3 71-627.02 ~~and section 1 of this act shall apply to all adoptions.~~
4 (4) Sections 43-143 to 43-146 shall not apply to adopted
5 persons for whom a relinquishment or consent for adoption was given
6 on and after the effective date of this act.
7 Sec. 5. Original sections 43-143 and 43-146.01, Reissue
8 Revised Statutes of Nebraska, and section 43-104, Revised Statutes
9 Supplement, 2000, are repealed."

LEGISLATIVE BILL 952A. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: LBs 642, 647, 722, 921, 989, 989A, and 1086.

Enrollment and Review Change to LB 647

The following changes, required to be reported for publication in the Journal, have been made:

ER9153

1. On page 1, the matter beginning with "educational" in line 1 through line 5 and all amendments thereto have been struck and "schools; to amend section 79-1217, Revised Statutes Supplement, 2001; to provide requirements for school textbook contracts; to change provisions relating to membership on educational service unit boards; to harmonize provisions; and to repeal the original section." inserted.

Enrollment and Review Change to LB 722

The following changes, required to be reported for publication in the Journal, have been made:

ER9155

1. In the E & R amendments, AM7215, on page 4, line 15, "to harmonize provisions;" has been inserted after the first semicolon.

Enrollment and Review Change to LB 989

The following changes, required to be reported for publication in the Journal, have been made:

ER9154

1. In the Wickersham amendment, AM3685, on page 1, line 21, "do" has been struck, shown as stricken, and "does" inserted.

2. In the E & R amendments, AM7226, on page 31, line 2, "21-301, 21-304, 21-306, 21-313, 21-323, 21-325," has been inserted before "39-2215"; and in line 6 "corporate reports and occupation taxes," has been inserted after

the second "to".

(Signed) Philip Erdman, Chairperson

GENERAL FILE

LEGISLATIVE BILL 19. Title read. Considered.

Senator Beutler offered the following amendment:

AM3688

- 1 1. On page 22, line 22, strike "a", show as stricken,
- 2 and insert ";
- 3 (a) A".
- 4 2. On page 23, line 1, strike "(a)", show as stricken,
- 5 and insert "(i)"; in line 3 strike "(b)", show as stricken, and
- 6 insert "(ii)"; and in line 5 after "Code" insert ";or
- 7 (b) Any person, firm, or corporation engaged to any
- 8 extent whatsoever in the State of Nebraska in the production,
- 9 manufacture, or distribution of military or naval material,
- 10 equipment, or supplies for the State of Nebraska or the United
- 11 States".
- 12 3. On page 55, line 22, strike "section is" and insert
- 13 "sections are"; and in line 23 strike "Section" and insert
- 14 "Sections 48-215, 48-216, and".

Senator McDonald asked unanimous consent to be excused until she returns.
No objections. So ordered.

Senator Beutler moved for a call of the house. The motion prevailed with 27
ayes, 0 nays, and 22 not voting.

Senator Beutler requested a roll call vote on his amendment.

Voting in the affirmative, 16:

| | | | |
|---------|----------|---------|------------|
| Aguilar | Byars | Kruse | Suttle |
| Beutler | Chambers | Landis | Synowiecki |
| Bourne | Connealy | Robak | Thompson |
| Brown | Hartnett | Schimek | Wickersham |

Voting in the negative, 19:

| | | | | |
|----------|------------|---------|------------|----------|
| Brashear | Coordsen | Engel | Jones | Quandahl |
| Bromm | Cudaback | Erdman | Kremer | Smith |
| Bruning | Cunningham | Hudkins | Kristensen | Stuhr |
| Burling | Dierks | Jensen | Price | |

Present and not voting, 9:

| | | | | |
|-------|---------|----------|----------|----------|
| Baker | Janssen | Preister | Redfield | Wehrbein |
| Foley | Maxwell | Raikes | Schrock | |

Excused and not voting, 5:

| | | | | |
|----------|---------------|--------------|-------|---------|
| McDonald | Pedersen, Dw. | Pederson, D. | Tyson | Vrtiska |
|----------|---------------|--------------|-------|---------|

The Beutler amendment lost with 16 ayes, 19 nays, 9 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Foley offered the following amendment:
AM3736

- 1 1. On page 27, line 19, strike "or" and show as
- 2 stricken; and in line 22 after "person" insert "; or
- 3 (3) Any employment decision based upon sexual orientation
- 4 made by any employer if the decision is based upon the employer's
- 5 sincerely held religious convictions".

Senator Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

SPEAKER KRISTENSEN PRESIDING

Senator Beutler moved the previous question. The question is, "Shall the debate now close?"

Senator Foley moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The motion to cease debate prevailed with 25 ayes, 8 nays, and 16 not voting.

Senator Foley requested a roll call vote on his amendment.

Voting in the affirmative, 10:

| | | | | |
|---------|---------|--------|----------|----------|
| Baker | Burling | Erdman | Kremer | Redfield |
| Bruning | Dierks | Jones | Quandahl | Smith |

Voting in the negative, 17:

| | | | | |
|----------|----------|---------|------------|------------|
| Aguilar | Brown | Janssen | Schimek | Wickersham |
| Beutler | Byars | Kruse | Suttle | |
| Brashear | Chambers | Landis | Synowiecki | |
| Bromm | Connealy | Raikes | Thompson | |

Present and not voting, 16:

| | | | |
|------------|----------|------------|----------|
| Bourne | Engel | Jensen | Price |
| Coordsen | Foley | Kristensen | Schrock |
| Cudaback | Hartnett | Maxwell | Stuhr |
| Cunningham | Hudkins | Preister | Wehrbein |

Excused and not voting, 6:

| | | |
|---------------|--------------|---------|
| McDonald | Pederson, D. | Tyson |
| Pedersen, Dw. | Robak | Vrtiska |

The Foley amendment lost with 10 ayes, 17 nays, 16 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senators Brown, Coordsen, Janssen, Jones, and Hartnett asked unanimous consent to be excused. No objections. So ordered.

Senator Foley moved to reconsider the vote on his amendment, AM3736.

Senator Wehrbein asked unanimous consent to be excused. No objections. So ordered.

Pending.

AMENDMENTS - Print in Journal

Senator Schimek filed the following amendment to LB 1089:
AM3741

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 "Sec. 13. This act becomes operative on May 15, 2003."
- 3 2. On page 1, line 8, after the first semicolon insert
- 4 "to provide an operative date;"
- 5 3. Renumber the remaining sections accordingly.

Senator Kristensen filed the following amendment to LB 1062:
AM3730

(Amendments to E & R amendments, AM7214)

- 1 1. Insert the following new section:
- 2 "Sec. 4. Section 43-3342.05, Revised Statutes
- 3 Supplement, 2000, is amended to read:
- 4 43-3342.05. (1) The State Disbursement and Child Support
- 5 Advisory Commission is created. Commission members shall include:
- 6 (a) ~~One~~ Two district court ~~judge~~ judges whose
- 7 jurisdiction includes domestic relations;
- 8 (b) ~~One representative of the Governor's office~~ member of
- 9 the Nebraska State Bar Association who practices primarily in the
- 10 area of domestic relations;

- 11 (c) One county attorney who works in child support;
 12 (d) One professional who works in the field of economics
 13 or mathematics or another field of expertise relevant to child
 14 support; One district court clerk;
 15 (e) One child support worker;
 16 (f) One member (e) Two members of the Legislature;
 17 (g) One employer, with more than seventy-five employees,
 18 who provides income withholding;
 19 (h) One employer, with less than twenty-five employees,
 20 who provides income withholding;
 21 (i) One custodial parent who has a court order to
 22 receive child support;
 23 (j) (g) One noncustodial parent who is under a support
 1 order to pay child support;
 2 (k) (h) The vendor operating the State Disbursement Unit
 3 or his or her designee as an ex officio member;
 4 (i) The State Court Administrator or his or her designee
 5 as an ex officio member; and
 6 (l) (j) The director of the Title IV-D Division or his or
 7 her designee as an ex officio member.
 8 (2)(a) The terms of all members on the State Disbursement
 9 Advisory Commission, as established by Legislative Bill 972 (2000),
 10 shall terminate on June 30, 2002. The Executive Board of the
 11 Legislative Council shall appoint the members of the ~~commission~~
 12 State Disbursement and Child Support Advisory Commission under
 13 subdivisions (1)(a) through ~~(l)(j)~~ (1)(g) of this section. ~~The~~
 14 ~~initial members of the commission shall be appointed no later than~~
 15 ~~June 1, 2000.~~ Members shall serve terms of two years, except that
 16 the initial terms of members appointed for terms commencing on July
 17 1, 2002, under subdivisions (1)(f) through ~~(l)(j)~~ (1)(g) of this
 18 section shall be one year to provide for staggered terms for
 19 commission members. In the case of a vacancy, a successor shall be
 20 appointed for the unexpired term by the Executive Board of the
 21 Legislative Council. Members whose terms have expired shall
 22 continue to serve until their successors have been appointed. The
 23 commission shall select a chairperson, annually, from its
 24 membership. A chairperson may serve more than one year. Members
 25 shall serve without compensation but shall be reimbursed for their
 26 actual and necessary expenses incurred in the performance of their
 27 duties as provided in sections 81-1174 to 81-1177.
 1 (b) If determined to be necessary to perform the duties
 2 of the commission, the commission may hire, contract, or otherwise
 3 obtain the services of consultants, researchers, aides, and other
 4 necessary support staff with prior approval of the chairperson of
 5 the Executive Board of the Legislative Council.
 6 (c) For administrative purposes, the commission shall be
 7 managed and administered by the Legislative Council.
 8 (3) The commission shall meet at least quarterly. The
 9 duties of the commission shall include, but are not limited to:

- 10 (a) Recommending to the department, if appropriate, ways
11 to improve or enhance the effectiveness of the State Disbursement
12 Unit and the Customer Service Unit;
- 13 (b) Recommending performance indicators for the State
14 Disbursement Unit and the Customer Service Unit;
- 15 (c) Recommending legislation which would clarify and
16 improve state law regarding support for children as it relates to
17 the State Disbursement Unit; ~~and~~
- 18 (d) Addressing any child support issues generally as such
19 issues effect the State of Nebraska and its citizens;
- 20 (e) Reviewing the child support guidelines adopted by the
21 Supreme Court and recommending, if appropriate, any amendments to
22 the guidelines. Whenever practicable, the commission shall base
23 its recommendations on economic data and statistics collected in
24 the State of Nebraska. In reviewing the guidelines and formulating
25 recommendations, the commission may conduct public hearings around
26 the state;
- 27 (f) Monitoring federal legislation and making
1 recommendations for changing state law as needed; and
- 2 (g) Presenting an annual report reports, as deemed
3 necessary, of its activities and recommendations to the Supreme
4 Court and the Executive Board of the Legislative Council, by
5 January 1 of each year.
- 6 (4) The Supreme Court shall review the commission's
7 reports. The Supreme Court may amend the child support guidelines
8 established pursuant to section 42-364.16 based upon the
9 commission's recommendations.
- 10 Sec. 66. The following sections are outright repealed:
11 Sections 42-383 to 42-386, Revised Statutes Supplement, 2000."
- 12 2. Strike beginning with page 5, line 23, through page
13 6, line 2, show as stricken, and insert
- 14 "(2) The unit may collect a fee equal to the actual cost
15 of processing any payment made with insufficient funds. After a
16 payor has originated two payments made with insufficient funds
17 within a period of one year, the unit shall issue a notice to the
18 originator that, for the following year, any payment shall be
19 required to be paid by cash, guaranteed funds, or wire funds
20 transfer. After a payor has originated three payments made with
21 insufficient funds, the unit shall issue a notice to the originator
22 that all future payments shall be paid by cash, guaranteed funds,
23 or wire funds transfer, except that pursuant to rule and regulation
24 and at least two years after such issuance of notice, the unit may
25 wave for good cause shown such requirements for methods of
26 payment."
- 27 3. Renumber the remaining sections and correct internal
1 references accordingly and correct the operative date section and
2 the repealer so that the sections added by this amendment become
3 operative on their effective date with the emergency clause.

GENERAL FILE

LEGISLATIVE BILL 19. The Foley pending motion, found in this day's Journal, to reconsider the vote on his amendment, AM3736, was renewed.

Pending.

VISITORS

Visitors to the Chamber were 59 elementary students and teachers from Wasmer Elementary School, Grand Island; and 43 twelfth-grade students and teacher from Aurora.

The Doctor of the Day was Dr. Paul Paulman from Omaha.

MOTION - Adjournment

Senator Bruning moved to adjourn until 9:00 a.m., Wednesday, April 17, 2002.

Senator Chambers moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Senator Chambers requested a roll call vote on the motion to adjourn.

Voting in the affirmative, 21:

| | | | | |
|----------|------------|----------|----------|-------|
| Aguilar | Burling | Foley | Price | Stuhr |
| Baker | Cunningham | Hudkins | Quandahl | |
| Brashear | Dierks | Kremer | Redfield | |
| Bromm | Engel | Kruse | Schrock | |
| Bruning | Erdman | Preister | Smith | |

Voting in the negative, 15:

| | | | | |
|---------|----------|------------|---------|------------|
| Beutler | Chambers | Kristensen | Raikes | Synowiecki |
| Bourne | Connealy | Landis | Schimek | Thompson |
| Byars | Cudaback | Maxwell | Suttle | Wickersham |

Present and not voting, 1:

Jensen

Excused and not voting, 12:

| | | | |
|----------|----------|---------------|----------|
| Brown | Janssen | Pedersen, Dw. | Tyson |
| Coordsen | Jones | Pederson, D. | Vrtiska |
| Hartnett | McDonald | Robak | Wehrbein |

The motion to adjourn prevailed with 21 ayes, 15 nays, 1 present and not voting, and 12 excused and not voting, and at 5:56 p.m., the Legislature adjourned until 9:00 a.m., Wednesday, April 17, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-EIGHTH DAY - APRIL 17, 2002**LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE
SECOND SESSION****FIFTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 17, 2002

PRAYER

The prayer was offered by Reverend Ray Larsen, First Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Coordsen presiding.

The roll was called and all members were present except Senators Brashear, Cunningham, Kristensen, Maxwell, Schimek, and Tyson who were excused until they arrive.

SENATOR CUDABACK PRESIDING**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-seventh day was approved.

**SELECT COMMITTEE REPORT
Enrollment and Review**

LEGISLATIVE BILL 1185. Placed on Select File as amended.
(E & R amendment, AM7232, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Philip Erdman, Chairperson

SELECT FILE

LEGISLATIVE BILL 1303. Senator Robak renewed her pending amendment, AM3522, found on page 1403.

The Robak amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Senator Coordsen renewed his pending amendment, AM3561, found on page 1458.

Senator Chambers offered the following amendment to the Coordsen pending amendment:

FA1091

Amend AM3561

Page 1, line 3, strike "The" and insert "Unless he or she is homosexual in orientation"

Senator Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 0.

Voting in the negative, 26:

| | | | | |
|------------|---------------|----------|------------|------------|
| Aguilar | Engel | Price | Smith | Wehrbein |
| Baker | Erdman | Quandahl | Stuhr | Wickersham |
| Brashear | Foley | Raikes | Suttle | |
| Connealy | Jones | Redfield | Synowiecki | |
| Cunningham | Landis | Robak | Thompson | |
| Dierks | Pedersen, Dw. | Schrock | Tyson | |

Present and not voting, 20:

| | | | | |
|---------|----------|----------|----------|--------------|
| Beutler | Burling | Cudaback | Jensen | Pederson, D. |
| Bourne | Byars | Hartnett | Kremer | Preister |
| Bromm | Chambers | Hudkins | Kruse | Schimek |
| Brown | Coordsen | Janssen | McDonald | Vrtiska |

Excused and not voting, 3:

| | | |
|---------|------------|---------|
| Bruning | Kristensen | Maxwell |
|---------|------------|---------|

The Chambers amendment lost with 0 ayes, 26 nays, 20 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Coordsen withdrew his amendment, AM3561.

Senator Synowiecki offered the following amendment:

FA1093

Amend AM3134

Sec. 8 on page 5, line 13, after "60-4,172" insert "and driving in a professional capacity at the time the citation is issued"

Senator Synowiecki withdrew his amendment.

Senator Chambers offered the following amendment:

FA1090

Amend AM3134

Page 1, line 18, after "attorney" insert ", if neither a gay man nor a lesbian woman".

SPEAKER KRISTENSEN PRESIDING

Senator Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

The Chambers amendment lost with 0 ayes, 25 nays, 22 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senators Coordsen and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers offered the following amendment:

FA1094

Amend AM3134

Page 4, line 8 strike "cost of"

Senator Chambers moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The Chambers amendment was adopted with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review**Correctly Engrossed**

The following bills were correctly engrossed: LBs 994 and 994A.

Enrollment and Review Change to LB 994

The following changes, required to be reported for publication in the Journal, have been made:

ER9156

1. On page 1, the matter beginning with "revenue" in line 1 through line 12 and all amendments thereto have been struck and "government; to amend sections 13-609, 19-3315, 37-335, 49-1202, 49-1203, 60-6,322, 77-1710, 77-1734, 77-1822, and 77-1836, Reissue Revised Statutes of Nebraska, and sections 18-2147, 60-106, 77-202, 77-415, 77-1318.01, 77-1340, 77-1345, 77-1348, 77-1380, 77-1702, 77-3618, and 81-118.01, Revised Statutes Supplement, 2000, and sections 60-302, 77-1315, 77-1327, 77-1343, 77-1347, 77-3443, 77-5004, 77-5016, and 79-1016, Revised Statutes Supplement, 2001; to change provisions relating to payments to governmental entities; to authorize electronic funds transfers; to provide for distribution of certain interest and penalties; to change provisions relating to levy authority for offstreet parking districts; to require proof of certain tax payments; to provide and change fees; to change and eliminate provisions relating to mailing requirements, property taxation, exempt property, the Property Tax Administrator, property reporting requirements, assessment, appeals, and valuation for school aid purposes; to change distributions under the County Property Tax Relief Program; to define terms; to harmonize provisions; to repeal the original sections; to outright repeal section 77-1513, Reissue Revised Statutes of Nebraska; and to declare an emergency." inserted.

(Signed) Philip Erdman, Chairperson

STANDING COMMITTEE REPORT
Transportation and Telecommunications

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Nebraska Information and Technology Commission

Greg Adams

Eric Brown

Trev Peterson

L. Dennis Smith

VOTE: Aye: Senators Byars, Hudkins, Baker, Dw. Pedersen, Jones, and Bromm. Nay: None. Absent: Senators Robak and Brown.

(Signed) Curt Bromm, Chairperson

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 458 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 458.

SELECT FILE

LEGISLATIVE BILL 1303. Senators Synowiecki and Bromm offered the following amendment:

FA1095

Amend AM3134

Section 8 on line 15 of page 5, by striking the period, and adding "if such participation would be in non-compliance with Federal law or regulation, and subject the State to possible loss of Federal funds."

The Synowiecki-Bromm amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Senator Chambers offered the following amendment:

FA1096

Amend AM3134

P. 1 line 15 after "process." insert, "The Legislature further finds and declares that the policy of the State of Nebraska is to approve of and endorse discrimination based on sexual orientation, therefor, any county which implements a pretrial diversion program pursuant to sections 1-9 of this act may discriminate against persons based on sexual orientation."

Senators Robak, Byars, and McDonald asked unanimous consent to be excused until they return. No objections. So ordered.

SENATOR CUDABACK PRESIDING

Senator Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

The Chambers amendment lost with 2 ayes, 31 nays, 10 present and not voting, and 6 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 806. Placed on General File as amended.
(Standing Committee amendment, AM2922, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 323. Indefinitely postponed.
LEGISLATIVE BILL 807. Indefinitely postponed.
LEGISLATIVE BILL 811. Indefinitely postponed.
LEGISLATIVE BILL 1229. Indefinitely postponed.
LEGISLATIVE BILL 1258. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 466. Introduced by Foley, 29.

WHEREAS, Aaron Byrnes has earned the rank of Eagle Scout in the Boy Scouts of America, that organization's highest rank; and

WHEREAS, Aaron Byrnes is a member of the Boy Scout Troop 54 of the Cathedral of the Risen Christ; and

WHEREAS, in achieving this rank, Aaron Byrnes advanced through five ranks and earned 25 merit badges when only 21 are required; and

WHEREAS, for his Eagle Scout project, Aaron Byrnes resurfaced the play area of Saint Peter Catholic Church and improved the drainage; and

WHEREAS, fewer than four percent of all boys who join the Boy Scouts attain the rank of Eagle Scout; and

WHEREAS, Aaron Byrnes has achieved great success as an exemplary member of the scouting program since 1995, and has represented his troop and community with excellence; and

WHEREAS, a Court of Honor will be held for Aaron Byrnes on Sunday, May 26, 2002, at Cathedral of the Risen Christ Catholic Church, at which time Aaron will be presented with the Eagle Scout Badge.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature commends Aaron Byrnes for his dedication, perseverance, and hard work in obtaining this distinguished rank.
2. That a copy of this resolution be sent to Aaron Byrnes.

Laid over.

VISITORS

Visitors to the Chamber were 50 fourth-grade students from Washington Elementary School, Omaha; Senator Beutler's mother, Dorothy, and aunt, Betty Brown; Senator Kristensen's parents, Don and Mary Lou, from Minden; 60 students from Creighton University, Omaha; and 6 fourth-grade students and teacher from St. Patrick School, Elkhorn.

RECESS

At 12:05 p.m., on a motion by Senator Bromm, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senators Brown, Dierks, Kristensen, Landis, D. Pederson, Robak, and Vrtiska who were excused until they arrive.

UNANIMOUS CONSENT - Members Excused

Senators Burling and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 1303. Considered.

Senator Chambers offered the following amendment:

FA1097

P. 3, line 24 strike "operating a motor vehicle that is not registered".

The Chambers amendment was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 729. E & R amendment, AM7205, printed separately and referred to on page 1126, was adopted.

Senator Stuhr withdrew her pending amendment, AM3296, found on page 1261.

Senator Raikes withdrew the Raikes-Bromm pending amendment, AM3560, found on page 1551.

Senator Schrock asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Beutler offered the following amendment:
AM3765

(Amendments to E & R amendments, AM7205)

1 1. Insert the following new section:

2 "Sec. 13. Section 90-303, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 90-303. (1) The maximum height of any buildings and
5 structures built after March 8, 1977, shall be restricted as
6 follows:

7 (a) The maximum height of buildings and structures shall
8 be forty-five feet or National Geodetic Survey elevation 1235.0
9 feet, whichever is lower, within an area bounded on the west by
10 Seventeenth Street, on the north by K Street, on the east by
11 Capitol Parkway a boundary formed by a line extending in a true
12 south direction as an extension of the east property line of
13 Twenty-fourth Street, and on the south by a boundary formed by a
14 line extending directly in a true east direction to Capitol Parkway
15 the east property line of Twenty-fourth street from the centerpoint
16 of the intersection of Seventeenth and H Streets, all streets in
17 the city of Lincoln, Lancaster County, Nebraska;

18 (b) The maximum height of buildings and structures shall
19 be forty-five feet or National Geodetic Survey elevation 1235.0
20 feet, whichever is lower, within an area bounded on the west by
21 Fourteenth Street, on the north by G Street, on the east by
22 Sixteenth Street, and on the south by Washington Street, all
23 streets in the city of Lincoln, Lancaster County, Nebraska;

1 (c) The maximum height of the buildings and structures
2 shall be fifty-seven feet or National Geodetic Survey elevation
3 1247.0 feet, whichever is lower, within an area bounded on the west
4 by Thirteenth Street, on the north by L Street, on the east by
5 Seventeenth Street, and on the south by G Street, all streets in
6 the city of Lincoln, Lancaster County, Nebraska;

7 (d) The maximum height of the buildings and structures
8 shall be fifty-seven feet or National Geodetic Survey elevation
9 1247.0 feet, whichever is lower, within an area bounded on the west
10 by Fourteenth Street, on the north by R S Street, on the east by
11 Sixteenth Street, and on the south by L Street, all streets in the
12 city of Lincoln, Lancaster County, Nebraska; and

13 (e) The maximum height of the buildings and structures
14 shall be fifty-seven feet or National Geodetic Survey elevation
15 1247.0 feet, whichever is lower, within an area bounded on the west
16 by Tenth Street, on the north by K Street, on the east by
17 Thirteenth Street, and on the south by H Street, all streets in the
18 city of Lincoln, Lancaster County, Nebraska.

19 (2) For the purposes of the Nebraska State Capitol
20 Environs Act, the ~~five~~ areas and the full width of the right-of-way

21 boundary streets described in ~~subsection~~ subsections (1) and (3) of
22 this section shall together constitute and be defined as the
23 Nebraska State Capitol Environs District.

24 (3) Design approval shall be required for all aboveground
25 utility, construction, and landscape improvements in the public
26 right-of-way bounded on the north and south by the property lines
27 of J Street, on the west by a boundary formed by a line extending
1 in a true south direction as an extension of the east property line
2 of Twenty-fourth Street, and on the east by a line extending in a
3 true north direction as an extension of the east property line of
4 Thirty-fifty Street.

5 (4) The city of Lincoln shall insure, through its
6 inspection and permit procedures, that the maximum height
7 restrictions and design review process prescribed by this section
8 for the Nebraska State Capitol Environs District are enforced.

9 (4) (5) The height restrictions and design review process
10 required by this section shall apply, within the Nebraska State
11 Capitol Environs District, to all real estate in private or
12 quasi-public ownership and to real estate owned by the State of
13 Nebraska and local governmental units of all types.

14 (5) (6) The following appurtenances shall be exempt from
15 the height restrictions required by this section, but such
16 appurtenances shall not exceed twenty feet in height above the
17 maximum height permitted in subsection (1) of this section and
18 shall be set back a minimum of fifteen feet from all faces of a
19 building when such faces are adjacent to a street: Church spires,
20 cooling towers with approved screening, elevator bulkheads, fire
21 towers, monuments, stage towers or scenery lofts, ornamental
22 towers, and spires.

23 (6) (7) Nothing in the act shall be construed as limiting
24 the authority of the city of Lincoln to impose lower height
25 restrictions than those maximum height limits established by
26 subsection (1) of this section or in establishing lower height
27 restrictions for appurtenances than those required by subsection
1 (5) (6) of this section.

2 (7) (8) The city of Lincoln shall review and approve or
3 disapprove plans and proposals for demolition, exterior alteration,
4 and construction of structures and other improvements in the
5 Nebraska State Capitol Environs District. The city of Lincoln
6 shall adopt regulations within its zoning code vesting
7 responsibility for review, approval, and disapproval of projects
8 with the Nebraska State Capitol Environs Commission established by
9 the city of Lincoln.

10 (8) (9) The regulations of the city of Lincoln for design
11 review in the Nebraska State Capitol Environs District shall
12 emphasize the long-term enhancement of the State Capitol's setting
13 and of enjoyment of the State Capitol by the citizens while
14 respecting the interests of property owners, including economic
15 interests and the desirability of predictable, expeditious

16 review."

17 2. On page 14, line 10, strike "and 17-1001" and insert

18 "17-1001, and 90-303".

19 3. Renumber the remaining section accordingly.

The Beutler amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Senator Chambers offered the following amendment:

FA1098

Amend AM7205

P. 1, in line 4 after "class" in the two places where it appears, add "that discriminates against persons because of sexual orientation

Senators Foley and Cunningham asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER KRISTENSEN PRESIDING

Senator Chambers requested a roll call vote on his amendment.

The Chambers amendment lost with 0 ayes, 29 nays, 14 present and not voting, and 6 excused and not voting.

Senator Chambers moved to reconsider the vote on his amendment, FA1098.

Senators Kremer, Brashear, and McDonald asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

The Chambers motion to reconsider failed with 1 aye, 32 nays, 9 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Brown asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Chambers offered the following amendment:

FA1099

Amend AM7205

P. 1, line 4 after the word "class" in both places where it appears, add "that does not discriminate against persons because of sexual orientation".

Senators Bruning and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

SENATOR CUDABACK PRESIDING

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 10:

| | | | | |
|----------|----------|----------|---------|----------|
| Aguilar | Connealy | Hartnett | Raikes | Suttle |
| Chambers | Cudaback | Landis | Schimek | Thompson |

Voting in the negative, 3:

| | | |
|-------|-------|----------|
| Smith | Tyson | Wehrbein |
|-------|-------|----------|

Present and not voting, 28:

| | | | | |
|---------|----------|---------------|--------------|------------|
| Baker | Byars | Jensen | Pederson, D. | Stuhr |
| Beutler | Coordsen | Jones | Preister | Synowiecki |
| Bourne | Engel | Kristensen | Price | Vrtiska |
| Bromm | Erdman | Kruse | Quandahl | Wickersham |
| Brown | Hudkins | Maxwell | Redfield | |
| Burling | Janssen | Pedersen, Dw. | Schrock | |

Excused and not voting, 8:

| | | | |
|----------|------------|--------|----------|
| Brashear | Cunningham | Foley | McDonald |
| Bruning | Dierks | Kremer | Robak |

The Chambers amendment lost with 10 ayes, 3 nays, 28 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1062. E & R amendment, AM7214, printed separately and referred to on page 1328, was adopted.

Senator Byars renewed his pending amendment, AM3541, found on page 1445.

Senators Dw. Pedersen and Brown asked unanimous consent to be excused until they return. No objections. So ordered.

The Byars amendment was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Senator Baker renewed his pending amendment, AM3475, found on page 1426.

The Baker amendment was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Senator Kristensen withdrew his pending amendment, AM3659, found on page 1605.

Senator Kristensen asked unanimous consent to replace his pending amendment, AM3548, found on page 1446, with a substitute amendment. No objections. So ordered.

Senator Kristensen withdrew his pending amendment, AM3548, found on page 1446.

Senator Kristensen renewed his substitute pending amendment, AM3730, found on page 1720.

The Kristensen amendment was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Senator Landis withdrew his pending amendment, AM3618, on file and referred to on page 1547.

Senator Jensen withdrew his pending amendment, AM3623, found on page 1553.

Senator Bromm renewed his pending amendment, AM3606, found on page 1560.

The Bromm amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Senator Chambers offered the following amendment:

FA1100

Amend AM3606

Page 1 in line 5 after "more" and in line 6 after "inhabitants", insert, "exclusive of persons who may be homosexual in orientation"; and in line 7 after "more" insert, "exclusive of the property of persons who may be homosexual in orientation"; and in line 12, strike the period and add, "but none shall be homosexual in orientation."

Senator Chambers moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 2:

Chambers Landis

Voting in the negative, 28:

| | | | | |
|----------|---------------|--------------|------------|------------|
| Aguilar | Engel | Pederson, D. | Schrock | Tyson |
| Baker | Erdman | Preister | Smith | Vrtiska |
| Bourne | Foley | Price | Stuhr | Wehrbein |
| Burling | Jones | Quandahl | Suttle | Wickersham |
| Connealy | Kruse | Raikes | Synowiecki | |
| Dierks | Pedersen, Dw. | Redfield | Thompson | |

Present and not voting, 14:

| | | | | |
|---------|----------|----------|------------|---------|
| Beutler | Byars | Hartnett | Jensen | Maxwell |
| Bromm | Coordsen | Hudkins | Kremer | Schimek |
| Brown | Cudaback | Janssen | Kristensen | |

Excused and not voting, 5:

Brashear Bruning Cunningham McDonald Robak

The Chambers amendment lost with 2 ayes, 28 nays, 14 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:

FA1101

Amend AM7214

Page 1 in line 2 after "thereto" insert, "and all persons who may be homosexual in orientation".

SPEAKER KRISTENSEN PRESIDING

Senators Burling and Quandahl asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers requested a record vote on his amendment.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 18:

| | | | | |
|----------|---------|----------|----------|----------|
| Aguilar | Foley | Kruse | Smith | Tyson |
| Connealy | Hudkins | Preister | Stuhr | Wehrbein |
| Engel | Jensen | Price | Suttle | |
| Erdman | Jones | Redfield | Thompson | |

Present and not voting, 26:

| | | | | |
|---------|------------|---------------|--------------|------------|
| Baker | Coordsen | Kremer | Pederson, D. | Vrtiska |
| Beutler | Cudaback | Kristensen | Raikes | Wickersham |
| Bourne | Cunningham | Landis | Robak | |
| Bromm | Dierks | Maxwell | Schimek | |
| Brown | Hartnett | McDonald | Schrock | |
| Byars | Janssen | Pedersen, Dw. | Synowiecki | |

Excused and not voting, 4:

| | | | |
|----------|---------|---------|----------|
| Brashear | Bruning | Burling | Quandahl |
|----------|---------|---------|----------|

The Chambers amendment lost with 1 aye, 18 nays, 26 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 467. Introduced by Erdman, 47.

WHEREAS, Gene Claver of Bayard has taught Agricultural Education for thirty-eight consecutive years at Bayard High School; and

WHEREAS, Mr. Claver has served as a great role model for the students of Bayard during his many years of service to both his school and his community; and

WHEREAS, Mr. Claver has educated three generations of Bayard residents during his time at Bayard High School; and

WHEREAS, Mr. Claver has imparted tremendous knowledge to his students, taking theoretical concepts and relating them to hands-on classroom learning; and

WHEREAS, Mr. Claver worked hard for the development of agriculture and furthered the retention and expansion of FFA in Nebraska and throughout the country; and

WHEREAS, Mr. Claver will be retiring this year; and

WHEREAS, Mr. Claver, throughout his professional teaching career, has touched the lives of countless students by providing a challenging and positive learning environment.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognize Gene Claver for his outstanding service to the citizens of the State of Nebraska and congratulate him on his

retirement after thirty-eight consecutive years of teaching and his outstanding efforts at Bayard High School.

2. That a copy of this resolution be sent to Gene Claver and his family.

Laid over.

LEGISLATIVE RESOLUTION 468. Introduced by Erdman, 47.

WHEREAS, Carlos Flores of Sidney has worked as an athletic referee for thirty years; and

WHEREAS, Mr. Flores began refereeing high school basketball games in 1972; and

WHEREAS, Mr. Flores officiated in six Nebraska School Activities Association state basketball tournaments; and

WHEREAS, Mr. Flores refereed college basketball games in the Rocky Mountain Athletic Conference for Chadron State College and the University of Nebraska at Kearney; and

WHEREAS, Mr. Flores also officiated at basketball games for Western Nebraska Community College, Mid-Plains Community College, Northeast Community College, and McCook Community College; and

WHEREAS, Mr. Flores refereed over 150 college men's basketball games in Nebraska during his career; and

WHEREAS, Mr. Flores has served as a positive role model for athletes and members of his community; and

WHEREAS, Mr. Flores will be retiring after this basketball season.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulate Carlos Flores on his many years of service to the students and citizens of the state as an athletic referee and upon his retirement.

2. That a copy of this resolution be sent to Carlos Flores and his family.

Laid over.

MESSAGES FROM THE GOVERNOR

April 17, 2002

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 22, 29, 57, 82, 123, 384, 391, 407e, 460, 491, 649, 684, 687e, 687Ae, 830, 830A, 863, 873e, 912, 932, 935, 951, 970, 977, 1018, 1054, 1071, 1073, 1094, 1110e, 1148e, 1168e, 1172, and 1236 were

received in my office on April 11, 2002.

These bills were signed by me on April 17, 2002, and delivered to the Secretary of State.

Sincerely,
(Signed) Mike Johanns
Governor

April 17, 2002

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

Dear Mr. President and Members of the Legislature:

With this letter I am returning LB 22A without my signature and with my objections.

I support the provisions of LB 22 that will ensure that all deaf and hard of hearing Nebraskans receive competent interpretation services through providing qualified and licensed sign language interpreters.

LB 22A is not required for the implementation of LB 22. The Supreme Court is able to absorb the \$5,000 per year fiscal impact as it was not subject to additional budget reductions during the 2002 Legislative Session.

I urge you to sustain my veto of LB 22A.

Sincerely,
(Signed) Mike Johanns
Governor

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: LB 1303.

Enrollment and Review Change to LB 1303

The following changes, required to be reported for publication in the Journal, have been made:

ER9157

1. On page 1, the matter beginning with "criminal" in line 1 through line 8 has been struck and "motor vehicles; to amend sections 29-3601, 29-603, and 29-3604, Reissue Revised Statutes of Nebraska, section 29-3602, Revised Statutes Supplement, 2000, and section 60-601, Revised Statutes Supplement, 2001; to provide for a driver's safety training program as pretrial diversion; to provide duties for the Department of Motor Vehicles;

to prohibit the use of nitrous oxide as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections." inserted.

(Signed) Philip Erdman, Chairperson

SELECT FILE

LEGISLATIVE BILL 1062A. Senator Wehrbein withdrew the Wehrbein-Jensen pending amendment, AM3505, found on page 1346.

Senators Wehrbein and Jensen offered the following amendment:
AM3755

- 1 1. Insert the following new sections:
- 2 "Sec. 2. Laws 2001, LB 543, section 95, as amended by
- 3 section 69, Legislative Bill 1, Ninety-seventh Legislature, First
- 4 Special Session, 2001, and section 68, Legislative Bill 1309,
- 5 Ninety-seventh Legislature, Second Session, 2002, is amended to
- 6 read:
- 7 Sec. 95. AGENCY NO. 25 -- DEPARTMENT OF HEALTH AND
- 8 HUMAN SERVICES
- 9 Program No. 33 - Administration
- 10
- 11

| | | |
|-----------------------------|-------------|-------------|
| | FY2001-02 | FY2002-03 |
| 12 <u>GENERAL FUND</u> | 46,367,805 | 45,170,877 |
| 13 <u>GENERAL FUND</u> | 46,367,805 | 46,411,229 |
| 14 <u>CASH FUND</u> | 8,196,470 | 1,360,040 |
| 15 <u>FEDERAL FUND est.</u> | 55,247,699 | 64,192,252 |
| 16 <u>PROGRAM TOTAL</u> | 109,811,974 | 110,723,169 |
| 17 <u>PROGRAM TOTAL</u> | 109,811,974 | 111,963,521 |
| 18 <u>SALARY LIMIT</u> | 66,804,350 | 69,666,183 |
- 19 There is included in the appropriation to this program
- 20 for FY2001-02 \$6,836,430 Cash Funds for repayment of federal audit
- 21 exceptions or for federally mandated information systems
- 22 modifications or enhancements.
- 23 Sec. 3. There is hereby appropriated (1) \$37,386 from
- 24 the Department of Health and Human Services Regulation and
- 25 Licensure Cash Fund for FY2002-03 and (2) \$31,216 from the
- 26 Department of Health and Human Services Regulation and Licensure
- 27 Cash Fund for FY2003-04 to the Department of Health and Human
- 28 Services Regulation and Licensure, for Program 177, to aid in
- 29 carrying out the provisions of Legislative Bill 1021,
- 30 Ninety-seventh Legislature, Second Session, 2002.
- 31 Total expenditures for permanent and temporary salaries
- 32 and per diems from funds appropriated in this section shall not
- 33 exceed \$21,488 for FY2002-03 or \$21,488 for FY2003-04.
- 34 Sec. 4. There is hereby appropriated (1) \$64,866 from
- 35 the Department of Health and Human Services Regulation and
- 36 Licensure Cash Fund for FY2002-03 and (2) \$61,322 from the
- 37 Department of Health and Human Services Regulation and Licensure
- 38 cash Fund for FY2003-04 to the Department of Health and Human

- 14 Services Regulation and Licensure, for Program 177, to aid in
 15 carrying out the provisions of Legislative Bill 1021,
 16 Ninety-seventh Legislature, Second Session, 2002.
 17 Total expenditures for permanent and temporary salaries
 18 and per diems from funds appropriated in this section shall not
 19 exceed \$39,564 for FY2002-03 or \$39,564 for FY2003-04.
 20 Sec. 5. There is hereby appropriated (1) \$50,000 from
 21 cash funds for FY2002-03 and (2) \$50,000 from cash funds for
 22 FY2003-04 to the State Treasurer, for Program 24, to aid in
 23 carrying out the provisions of Legislative Bill 1062,
 24 Ninety-seventh Legislature, Second Session, 2002.
 25 It is the intent of the Legislature to direct the
 26 Department of Administrative Services to administratively create a
 27 cash fund for receipts of collection fees relating to child support
 1 cases.
 2 Sec. 6. Original Laws 2001, LB 543, section 95, as
 3 amended by section 69, Legislative Bill I, Ninety-seventh
 4 Legislature, First Special Session, 2001, and section 68,
 5 Legislative Bill 1309, Ninety-seventh Legislature, Second Session,
 6 2002, is repealed."
 7 2. Insert underscoring to section 1.

The Wehrbein-Jensen amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1105. E & R amendment, AM7216, found on page 1328, was adopted.

Senator Bromm withdrew his pending amendments, AM3451, AM3452, and AM3538, found on pages 1403, 1406, and 1412.

Senator Bromm renewed his pending amendment, AM3533, printed separately and referred to on page 1412.

Senator Maxwell asked unanimous consent to be excused until he returns. No objections. So ordered.

The Bromm amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Senators McDonald, Bromm, and Baker offered the following amendment:
 AM3396

- 1 1. Insert the following new sections:
- 2 "Sec. 484. Section 74-1415.04, Reissue Revised Statutes
- 3 of Nebraska, is amended to read:
- 4 74-1415.04. No investment in any acquisition,
- 5 rehabilitation or improvement, operation, or rail facility

6 construction project shall be approved unless the council's
 7 investment is secured by a first lien on any combination of real
 8 and personal property the value of which is at least one hundred
 9 twenty percent of the amount of the investment. in which the
 10 council loans funds shall be approved unless the borrower provides
 11 a guarantee and collateral for the loan which is acceptable to the
 12 council as sufficient security to protect the interests of the
 13 council.

14 Sec. 485. Section 74-1415.05, Reissue Revised Statutes
 15 of Nebraska, is amended to read:

16 74-1415.05. The council shall not acquire any property
 17 or ~~invest~~ loan funds in any acquisition, rehabilitation or
 18 improvement, operation, or rail facility construction project
 19 unless an independent certified appraiser verifies that the value
 20 of the property proposed to be acquired or to be held as security
 21 is at least one hundred ~~twenty percent of the purchase price to be~~
 22 ~~paid equal to the amount the council determines is sufficient to~~
 23 protect the interests of the council. The council shall select the

24 independent certified appraiser. The entity requesting the
 1 financial assistance shall bear the cost of the appraisal."

2 2. Renumber the remaining sections and correct internal
 3 references accordingly. Correct the repealer section so that the
 4 sections added by this amendment become operative on their
 5 effective date.

Senator McDonald moved to suspend the rules, Rule 7, Section 3(d), so as
 to permit consideration of AM3396 to LB 1105.

Senator Engel moved the previous question. The question is, "Shall the
 debate now close?"

Senator McDonald moved for a call of the house. The motion prevailed with
 22 ayes, 0 nays, and 27 not voting.

Senator McDonald requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 32:

| | | | | |
|------------|----------|------------|---------------|------------|
| Baker | Dierks | Jensen | Pedersen, Dw. | Thompson |
| Bromm | Engel | Jones | Price | Vrtiska |
| Bruning | Erdman | Kremer | Raikes | Wehrbein |
| Burling | Foley | Kristensen | Robak | Wickersham |
| Byars | Hartnett | Kruse | Schrock | |
| Coordsen | Hudkins | Landis | Smith | |
| Cunningham | Janssen | McDonald | Stuhr | |

Voting in the negative, 6:

| | | |
|----------|--------------|------------|
| Bourne | Pederson, D. | Synowiecki |
| Chambers | Redfield | Tyson |

Present and not voting, 10:

| | | | | |
|---------|----------|----------|----------|---------|
| Aguilar | Brown | Cudaback | Preister | Schimek |
| Beutler | Connealy | Maxwell | Quandahl | Suttle |

Excused and not voting, 1:

Brashear

The motion to cease debate prevailed with 32 ayes, 6 nays, 10 present and not voting, and 1 excused and not voting.

Senator Bourne requested a roll call vote on the McDonald motion to suspend the rules.

Voting in the affirmative, 28:

| | | | | |
|---------|------------|----------|----------|------------|
| Aguilar | Coordsen | Hartnett | Kruse | Stuhr |
| Baker | Cudaback | Hudkins | McDonald | Vrtiska |
| Bromm | Cunningham | Janssen | Price | Wehrbein |
| Bruning | Dierks | Jensen | Raikes | Wickersham |
| Burling | Engel | Jones | Schrock | |
| Byars | Erdman | Kremer | Smith | |

Voting in the negative, 13:

| | | | | |
|------------|---------------|----------|------------|-------|
| Bourne | Landis | Quandahl | Suttle | Tyson |
| Chambers | Pedersen, Dw. | Redfield | Synowiecki | |
| Kristensen | Pederson, D. | Robak | Thompson | |

Present and not voting, 7:

| | | | |
|---------|----------|----------|---------|
| Beutler | Connealy | Maxwell | Schimek |
| Brown | Foley | Preister | |

Excused and not voting, 1:

Brashear

The McDonald motion to suspend the rules failed with 28 ayes, 13 nays, 7 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for engrossment.

Senators Burling and McDonald asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 1290. Senator Bromm renewed his pending amendment, AM3554, found on page 1446.

The Bromm amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1290A. Senator Coordsen offered the following amendment:

AM3746

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 77-2701.02, Revised Statutes
- 4 Supplement, 2000, is amended to read:
- 5 77-2701.02. Pursuant to section 77-2715.01:
- 6 (1) Until July 1, 1998, ~~or April 15, 1998, whichever is~~
- 7 ~~later~~, the rate of the sales tax levied pursuant to section 77-2703
- 8 shall be five percent;
- 9 (2) Commencing July 1, 1998, ~~or April 15, 1998, whichever~~
- 10 ~~is later~~, and until July 1, 1999, the rate of the sales tax levied
- 11 pursuant to section 77-2703 shall be four and one-half percent; ~~and~~
- 12 (3) Commencing July 1, 1999, and until the start of the
- 13 first calendar quarter after the operative date of this section,
- 14 the rate of the sales tax levied pursuant to section 77-2703 shall
- 15 be five percent;
- 16 (4) Commencing on the start of the first calendar quarter
- 17 after the operative date of this section, and until the start of
- 18 the ninth calendar quarter after the operative date of this
- 19 section, the rate of the sales tax levied pursuant to section
- 20 77-2703 shall be five and one-half percent; and
- 21 (5) Commencing on the start of the ninth calendar quarter
- 22 after the operative date of this section, the rate of the sales tax
- 23 levied pursuant to section 77-2703 shall be five percent.
- 24 Sec. 2. Original section 77-2701.02, Revised Statutes
- 1 Supplement, 2000, is repealed.
- 2 Sec. 3. The following legislative bill is outright
- 3 repealed: Legislative Bill 1085, Ninety-seventh Legislature,
- 4 Second Session, 2002."

Senator Coordsen withdrew his amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 957. E & R amendment, AM7219, printed separately and referred to on page 1332, was adopted.

Senator Landis renewed his pending amendment, AM3481, found on page 1431.

The Landis amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Senator Landis renewed his pending amendment, AM3562, found on page 1445.

The Landis amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Senator Quandahl renewed his pending amendment, AM3649, found on page 1553.

The Quandahl amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Senator Chambers renewed his pending amendment, AM3729, found on page 1714.

SPEAKER KRISTENSEN PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 9:

| | | | | |
|----------|----------|------------|--------|----------|
| Bromm | Coordsen | Hartnett | Kruse | Preister |
| Chambers | Cudaback | Kristensen | Landis | |

Voting in the negative, 30:

| | | | | |
|----------|------------|--------------|----------|------------|
| Aguilar | Byars | Hudkins | Raikes | Stuhr |
| Baker | Cunningham | Jensen | Redfield | Suttle |
| Bourne | Dierks | Jones | Robak | Synowiecki |
| Brashear | Engel | Pederson, D. | Schimek | Thompson |
| Brown | Erdman | Price | Schrock | Tyson |
| Bruning | Foley | Quandahl | Smith | Wehrbein |

Present and not voting, 8:

| | | | |
|----------|---------|---------------|------------|
| Beutler | Janssen | Maxwell | Vrtiska |
| Connealy | Kremer | Pedersen, Dw. | Wickersham |

Excused and not voting, 2:

Burling McDonald

The Chambers amendment lost with 9 ayes, 30 nays, 8 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 931. E & R amendment, AM7218, found on page 1332, was adopted.

Senator Beutler renewed his pending amendment, AM3439, found on page 1276.

The Beutler amendment was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 931A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1115. E & R amendment, AM7224, found on page 1513, was adopted.

Senator Chambers moved to recommit LB 1115 to the Judiciary Committee.

Senator Coordsen asked unanimous consent to be excused. No objections. So ordered.

Senator Foley asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Aguilar moved to invoke cloture on LB 1115, pursuant to Rule 7, Section 10.

Senator Aguilar moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Senator Chambers requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 33:

| | | | | |
|------------|---------|---------------|----------|------------|
| Aguilar | Dierks | Jones | Price | Synowiecki |
| Baker | Engel | Kremer | Quandahl | Thompson |
| Bourne | Erdman | Kruse | Raikes | Tyson |
| Brashear | Foley | Maxwell | Robak | Vrtiska |
| Bruning | Hudkins | Pedersen, Dw. | Schrock | Wehrbein |
| Byars | Janssen | Pederson, D. | Smith | |
| Cunningham | Jensen | Preister | Stuhr | |

Voting in the negative, 6:

| | | |
|----------|---------|------------|
| Chambers | Landis | Suttle |
| Hartnett | Schimek | Wickersham |

Present and not voting, 7:

| | | | |
|---------|----------|------------|----------|
| Beutler | Brown | Cudaback | Redfield |
| Bromm | Connealy | Kristensen | |

Excused and not voting, 3:

| | | |
|---------|----------|----------|
| Burling | Coordsen | McDonald |
|---------|----------|----------|

The Aguilar motion to invoke cloture prevailed with 33 ayes, 6 nays, 7 present and not voting, and 3 excused and not voting.

The Chambers motion to recommit failed with 3 ayes, 32 nays, 11 present and not voting, and 3 excused and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

| | | | | |
|----------|------------|----------|----------|---------|
| Aguilar | Cunningham | Jones | Price | Tyson |
| Baker | Dierks | Kremer | Quandahl | Vrtiska |
| Bourne | Erdman | Kruse | Robak | |
| Brashear | Foley | Landis | Schrock | |
| Bruning | Hudkins | Maxwell | Smith | |
| Byars | Jensen | Preister | Stuhr | |

Voting in the negative, 5:

| | | | | |
|----------|----------|---------------|--------|------------|
| Chambers | Hartnett | Pedersen, Dw. | Raikes | Wickersham |
|----------|----------|---------------|--------|------------|

Present and not voting, 15:

| | | | | |
|---------|----------|--------------|----------|------------|
| Beutler | Connealy | Janssen | Redfield | Synowiecki |
| Bromm | Cudaback | Kristensen | Schimek | Thompson |
| Brown | Engel | Pederson, D. | Suttle | Wehrbein |

Excused and not voting, 3:

Burling Coordsen McDonald

Advanced to E & R for engrossment with 26 ayes, 5 nays, 15 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 952. E & R amendment, AM7231, found on page 1715, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 952A. Advanced to E & R for engrossment.

MOTION - Return LB 1033A to Select File

Senator Wickersham moved to return LB 1033A to Select File for his specific pending amendment, AM3727, found on page 1714.

The Wickersham motion to return prevailed with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1033A. The Wickersham specific pending amendment, AM3727, found on page 1714, was adopted with 33 ayes, 1 nay, 12 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

MOTIONS - Return LB 1089 to Select File

Senator Landis moved to return LB 1089 to Select File for the following specific amendment:

FA1086

1. Insert the following new section: "This act becomes operative on January 1, 2003."

Senator Landis withdrew his motion to return.

Senator Schimek moved to return LB 1089 to Select File for her specific pending amendment, AM3741, found on page 1720.

SENATOR CUDABACK PRESIDING

Senator Preister asked unanimous consent to be excused. No objections. So ordered.

Senator Redfield moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 1 nay, and 17 not voting.

Senator Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Schimek requested a roll call vote on her motion to return LB 1089 to Select File.

The Schimek motion to return failed with 20 ayes, 23 nays, 3 present and not voting, and 3 excused and not voting.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1089 with 41 ayes, 2 nays, 3 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1089.

A BILL FOR AN ACT relating to financial institutions; to amend sections 8-157, 8-345.02, 8-1507, 8-1516, 8-2104, and 81-1298, Reissue Revised Statutes of Nebraska, and sections 8-101, 8-157.01, 8-183.05, 8-234, 8-602, and 8-910, Revised Statutes Supplement, 2000; to eliminate certain branch banking restrictions as prescribed; to change provisions relating to bank holding companies; to harmonize provisions; to repeal the original sections; and to outright repeal section 8-1515, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 29:

| | | | | |
|----------|------------|---------------|----------|------------|
| Baker | Connealy | Jensen | Price | Suttle |
| Bourne | Cunningham | Jones | Quandahl | Synowiecki |
| Brashear | Engel | Kruse | Raikes | Tyson |
| Bromm | Foley | Landis | Redfield | Vrtiska |
| Brown | Hartnett | Maxwell | Robak | Wickersham |
| Bruning | Hudkins | Pedersen, Dw. | Smith | |

Voting in the negative, 12:

| | | | |
|---------|---------|----------|----------|
| Beutler | Dierks | Kremer | Schrock |
| Burling | Erdman | McDonald | Stuhr |
| Byars | Janssen | Schimek | Wehrbein |

Present and not voting, 5:

| | | | | |
|---------|----------|------------|--------------|----------|
| Aguilar | Cudaback | Kristensen | Pederson, D. | Thompson |
|---------|----------|------------|--------------|----------|

Excused and not voting, 3:

| | | |
|----------|----------|----------|
| Chambers | Coordsen | Preister |
|----------|----------|----------|

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 488.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-302 and 60-1515, Revised Statutes Supplement, 2001; to provide for additional registration fees; to create the motor vehicle insurance data base; to provide duties; to provide immunity; to create an unfair insurance trade practice; to create a task force; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

| | | | | |
|----------|------------|----------|---------------|------------|
| Aguilar | Byars | Hudkins | Pedersen, Dw. | Smith |
| Baker | Connealy | Janssen | Pederson, D. | Stuhr |
| Beutler | Cudaback | Jensen | Price | Suttle |
| Bourne | Cunningham | Jones | Quandahl | Synowiecki |
| Brashear | Dierks | Kremer | Raikes | Thompson |
| Bromm | Engel | Kruse | Redfield | Tyson |
| Brown | Erdman | Landis | Robak | Vrtiska |
| Bruning | Foley | Maxwell | Schimek | Wehrbein |
| Burling | Hartnett | McDonald | Schrock | Wickersham |

Voting in the negative, 0.

Present and not voting, 1:

Kristensen

Excused and not voting, 3:

Chambers Coordsen Preister

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 488A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 488, Ninety-seventh Legislature, Second Session, 2002.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|----------|------------|----------|---------------|------------|
| Aguilar | Byars | Hudkins | Pedersen, Dw. | Stuhr |
| Baker | Connealy | Janssen | Pederson, D. | Suttle |
| Beutler | Cudaback | Jensen | Price | Synowiecki |
| Bourne | Cunningham | Jones | Quandahl | Thompson |
| Brashear | Dierks | Kremer | Raikes | Tyson |
| Bromm | Engel | Kruse | Redfield | Vrtiska |
| Brown | Erdman | Landis | Robak | Wehrbein |
| Bruning | Foley | Maxwell | Schimek | Wickersham |
| Burling | Hartnett | McDonald | Schrock | |

Voting in the negative, 0.

Present and not voting, 2:

Kristensen Smith

Excused and not voting, 3:

Chambers Coordsen Preister

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 876 with 41 ayes, 1 nay, 4 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 876. With Emergency.

A BILL FOR AN ACT relating to law; to amend sections 24-209, 25-217,

25-318, 25-321, 25-323, 25-328, 25-330, 25-331, 25-501, 25-503.01, 25-504.01, 25-516.01, 25-531, 25-1002, 25-1063, 25-1064.01, 25-1075, 25-1085, 25-1102, 25-1321, 25-1715, 25-2005, 25-2124, 25-2125, 25-2137 to 25-2140, 25-2142, 25-2143, 25-2148, 25-2151, 25-2162, 25-2170, 25-2171, 25-2178, 25-21,108, 25-21,113, 25-21,115, 25-21,124, 25-21,134, 25-21,156, 25-21,202, 25-21,206, 25-21,223, 25-2210, 25-2211, 25-2221, 25-2226, 29-3920, 33-107.01, 42-351, 44-2833, 44-2840, 44-2841, 44-2842, 76-1441, 76-1442, 77-1904, and 77-1906, Reissue Revised Statutes of Nebraska, sections 25-519, 25-525, 25-1506, 25-2002, 25-2704, 25-2805, 45-103, 60-4,105, 76-1002, 77-1917, and 81-1316, Revised Statutes Supplement, 2000, and sections 13-518, 25-2924, 25-2925, 25-2928, 29-2709, 29-3921, 29-3927, 29-3931, 29-3932, 29-3933, 29-4121, and 29-4122, Revised Statutes Supplement, 2001; to change and eliminate general civil procedure pleading provisions; to rename the County Revenue Assistance Fund; to change provisions relating to the Commission on Public Advocacy, reimbursement to counties, court holidays, distribution of court reports, a legal services fee, court jurisdiction in dissolution of marriage proceedings, interest on decrees and judgments, and trust deeds; to change and terminate provisions relating to settlement escrow; to harmonize provisions; to provide duties for the Revisor of Statutes; to provide operative dates; to repeal the original sections; to outright repeal sections 25-801 to 25-823, 25-832 to 25-838, 25-841 to 25-856, 25-2175, 77-1905, and 77-1907, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Connealy | Jensen | Price | Synowiecki |
| Baker | Cudaback | Jones | Quandahl | Thompson |
| Beutler | Cunningham | Kremer | Raikes | Tyson |
| Bourne | Dierks | Kristensen | Redfield | Vrtiska |
| Brashear | Engel | Kruse | Robak | Wehrbein |
| Bromm | Erdman | Landis | Schimek | Wickersham |
| Brown | Foley | Maxwell | Schrock | |
| Bruning | Hartnett | McDonald | Smith | |
| Burling | Hudkins | Pedersen, Dw. | Stuhr | |
| Byars | Janssen | Pederson, D. | Suttle | |

Voting in the negative, 0.

Excused and not voting, 3:

| | | |
|----------|----------|----------|
| Chambers | Coordsen | Preister |
|----------|----------|----------|

A constitutional two-thirds majority having voted in the affirmative, the

bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 876A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 876, Ninety-seventh Legislature, Second Session, 2002.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Connealy | Jensen | Price | Synowiecki |
| Baker | Cudaback | Jones | Quandahl | Thompson |
| Beutler | Cunningham | Kremer | Raikes | Tyson |
| Bourne | Dierks | Kristensen | Redfield | Vrtiska |
| Brashear | Engel | Kruse | Robak | Wehrbein |
| Bromm | Erdman | Landis | Schimek | Wickersham |
| Brown | Foley | Maxwell | Schrock | |
| Bruning | Hartnett | McDonald | Smith | |
| Burling | Hudkins | Pedersen, Dw. | Stuhr | |
| Byars | Janssen | Pederson, D. | Suttle | |

Voting in the negative, 0.

Excused and not voting, 3:

Chambers Coordsen Preister

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER KRISTENSEN PRESIDING

MOTIONS - Return LB 1211 to Select File

Senator Wehrbein moved to return LB 1211 to Select File for the following specific amendment:

FA1083

Strike the enacting clause.

Senator Wehrbein withdrew his motion to return.

Senator Wickersham moved to return LB 1211 to Select File for the following specific amendment:

FA1111

Strike the enacting clause.

Senator Wickersham withdrew his motion to return.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1211 with 35 ayes, 1 nay, 10 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1211. With Emergency.

A BILL FOR AN ACT relating to communications; to amend sections 13-808, 58-201, 58-203, 86-1803 to 86-1806, 86-1808, and 86-1811, Reissue Revised Statutes of Nebraska, sections 13-2530, 58-202, 58-219, 75-134, and 75-156, Revised Statutes Supplement, 2000, and sections 86-804, 86-1405, and 86-2306, Revised Statutes Supplement, 2001; to authorize service and financing agreements for public safety communication projects; to authorize regulation of wireless carriers; to create the Nebraska Competitive Telephone Marketplace Fund; to define and redefine terms; to provide, change, and eliminate powers and duties; to provide for funding and fund transfers; to eliminate fees and obsolete language; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; to outright repeal sections 86-1807 and 86-1810, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 33:

| | | | | |
|---------|------------|---------------|----------|------------|
| Aguilar | Connealy | Janssen | Price | Suttle |
| Baker | Cunningham | Jones | Quandahl | Synowiecki |
| Bromm | Dierks | Kruse | Robak | Thompson |
| Brown | Engel | Landis | Schimek | Tyson |
| Bruning | Erdman | Maxwell | Schrock | Wehrbein |
| Burling | Foley | Pedersen, Dw. | Smith | |
| Byars | Hudkins | Pederson, D. | Stuhr | |

Voting in the negative, 11:

| | | | |
|----------|------------|----------|------------|
| Beutler | Jensen | McDonald | Vrtiska |
| Bourne | Kremer | Raikes | Wickersham |
| Hartnett | Kristensen | Redfield | |

Present and not voting, 2:

Brashear Cudaback

Excused and not voting, 3:

Chambers Coordsen Preister

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1278 with 37 ayes, 1 nay, 8 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1278.

A BILL FOR AN ACT relating to monopolies and unlawful combinations; to amend sections 59-806, 59-808 to 59-810, 59-812, 59-815, 59-816, 59-819 to 59-822, 59-824, 59-826 to 59-831, 59-1606 to 59-1611, 59-1614 to 59-1616, 59-1623, and 68-1035, Reissue Revised Statutes of Nebraska, section 59-823, Revised Statutes Supplement, 2000, and section 59-1803, Revised Statutes Supplement, 2001; to provide for illegal overcharge or undercharge actions as prescribed; to authorize indirect damages in certain antitrust actions; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

| | | | | |
|----------|------------|------------|---------------|------------|
| Aguilar | Byars | Janssen | Pedersen, Dw. | Smith |
| Baker | Connealy | Jensen | Pederson, D. | Stuhr |
| Beutler | Cudaback | Jones | Price | Suttle |
| Bourne | Cunningham | Kremer | Quandahl | Synowiecki |
| Brashear | Dierks | Kristensen | Raikes | Thompson |
| Bromm | Erdman | Kruse | Redfield | Tyson |
| Brown | Foley | Landis | Robak | Vrtiska |
| Bruning | Hartnett | Maxwell | Schimek | Wehrbein |
| Burling | Hudkins | McDonald | Schrock | Wickersham |

Voting in the negative, 0.

Present and not voting, 1:

Engel

Excused and not voting, 3:

Chambers Coordsen Preister

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT COMMITTEE REPORTS **Enrollment and Review**

Correctly Reengrossed

The following bill was correctly reengrossed: LB 1033A.

Correctly Engrossed

The following bills were correctly engrossed: LBs 729, 931, 931A, 952, 952A, 957, 1062, 1062A, 1105, 1115, 1290, and 1290A.

Enrollment and Review Change to LB 729

The following changes, required to be reported for publication in the Journal, have been made:

ER9158

1. In the E & R amendments, AM7205, on page 14, line 16, "and 17-1001" has been struck and "17-1001, and 90-303" inserted; and in line 21 "to change specifications of the Nebraska State Capitol Environs District;" has been inserted after the semicolon.

Enrollment and Review Change to LB 957

The following changes, required to be reported for publication in the Journal, have been made:

ER9149

1. In the E & R amendments, AM7219:

a. On page 4, line 14, the comma has been struck; and in line 22 "subsection" has been struck and "subdivision" inserted;

b. On page 5, line 15, the period has been struck and an underscored semicolon inserted; and

c. On page 64, line 8, ", 10-126," has been inserted after "8-1111"; in line 11 "52-1601," has been inserted after "8-1402,,"; and in line 20 "52-1601," has been inserted after "45-703,,".

2. On page 1, line 6, "10-126," has been inserted after the first comma; in line 12 "exemptions from bond redemption requirements," has been inserted after the first comma; and in line 14 "loans" has been struck and "loan contracts, the master lien list" inserted.

3. Sections have been renumbered and internal references corrected to reflect all adopted amendments.

Enrollment and Review Change to LB 1062

The following changes, required to be reported for publication in the Journal, have been made:

ER9150

1. In the Kristensen amendment, AM3730, on page 2, line 9, "Legislative Bill 972 (2000)" has been struck and "Laws 2000, LB 972" inserted.

2. In the Baker amendment, AM3475:

a. On page 8, line 3, "(ERISA)" has been struck; and in line 10 the matter beginning with "of" through "Act" has been struck; and

b. On page 9, line 1, "subsection" has been struck, shown as stricken, and "section" inserted.

3. In the E & R amendments, AM7214:

a. Section 62 and all amendments thereto have been struck and the following new section inserted:

"Sec. 68. Sections 1, 3, 4, 10, 12, 13, 18 to 66, and 70 of this act become operative three calendar months after adjournment of this legislative session. Sections 6 to 9 and 71 of this act become operative on July 1, 2002. The other sections of this act become operative on their effective date."; and

b. On page 81, line 25, ", 43-3342.05," has been inserted after "42-358".

4. On page 1, lines 2 through 16 and all amendments thereto have been struck and "44-3,144, 44-3,145, 44-3,146, 44-3,149, 44-2901, 71-1,132.04, 71-1,132.06, 71-1,132.16, 71-1,132.18, 71-1,132.24, 71-1,132.25, 71-1,132.35, 71-1,231, 71-1729, 71-1757, 71-1761, 71-1787, 71-2412, 71-057, 71-6603, and 83-126, Reissue Revised Statutes of Nebraska, sections 23-3502, 42-358, 43-3342.01, 43-3342.03, 43-3342.05, 71-131, 71-139.01, 71-1,103, 71-1,104, 71-1,132.07, 71-1,132.11, 71-1,132.13, 71-1,132.20, 71-1,134, 71-1,136.03, 71-1,139.01, 71-1,158, 71-1,160, 71-1,161, 71-404, 71-428, 71-432, 71-434, 71-436, 71-438, 71-456, 71-1723.02, 71-6053, 71-6054, 71-6056, 71-6060, 71-6061, 71-6065, 71-6066, and 81-1316, Revised Statutes Supplement, 2000, and sections 71-101, 71-183.02, 71-193.16, 71-1,147.53, 71-2421, 71-5310, and 71-7611.04, Revised Statutes Supplement, 2001; to change provisions relating to county medical facility boards of trustees, child support enforcement, the State Disbursement Advisory Commission, and licenses to practice medicine and surgery, dentistry, nursing, optometry, osteopathic medicine and surgery, veterinary medicine, and respiratory care; to provide for optometric assistants and hospital patient visitation privileges; to change provisions relating to drug expiration dates, health care facility licensure, nursing home administration, respite care programs, and facilities under the supervision of the Department of Health and Human Services; to eliminate the Child Support Commission; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections; to outright repeal sections 42-383 to 42-386, Revised Statutes Supplement, 2000; and to declare an emergency." inserted.

5. Sections have been renumbered and internal references corrected to reflect all adopted amendments.

Enrollment and Review Change to LB 1062A

The following changes, required to be reported for publication in the Journal, have been made:

ER9159

1. On page 1, the matter beginning with "appropriate" in line 1 through line 3 has been struck and "amend Laws 2001, LB 543, section 95, as amended by section 69, Legislative Bill 1, Ninety-seventh Legislature, First Special Session, 2001, and section 68, Legislative Bill 1309, Ninety-seventh Legislature, Second Session, 2002; to appropriate funds as prescribed; to provide intent; and to repeal the original section" inserted.

Enrollment and Review Change to LB 1105

The following changes, required to be reported for publication in the Journal, have been made:

ER9160

1. Because of the adoption of the Bromm amendment, AM3533, in the Bromm amendment, AM3382:

a. Sections 178 to 181, 433, and 434 have been struck; and
 b. On page 363, line 13 has been struck and "86-112, 86-301 to 86-309, 86-329, 86-331.01 to 86-331.04," inserted.

2. In the Bromm amendment, AM3533:

a. On page 1, line 15, "into" has been inserted after "entering";
 b. On page 6, line 13, "cargo or contents" has been inserted after "prevent";
 c. On page 12, line 12, "or" has been inserted after the comma; and
 d. On page 16, lines 18 and 22, "U.S.C." has been struck and "C.F.R." inserted.

3. In the Bromm amendment, AM3382:

a. On page 7, line 26, "and" has been inserted after "access";
 b. On page 65, line 23, the stricken "sections" has been reinstated;
 c. On page 170, line 8, "interlocal" has been struck and shown as stricken;
 d. On page 207, line 1, "subdivision" has been struck and "subdivisions" inserted;

e. On page 216, line 8, the second comma has been struck;

f. On page 236, line 14, "boards" has been struck, shown as stricken, and "county board" inserted;

g. On page 254, line 14, the second "of" has been struck;

h. On page 363, line 22, "75-109," has been struck; and

i. On page 364, line 5, "and" has been struck; and in line 7 "and section 75-109, Revised Statutes Supplement, 2000, as amended by section 9, Legislative Bill 435, Ninety-seventh Legislature, Second Session, 2002," has been inserted after the last comma.

4. On page 1, the matter beginning with "motor" in line 1 through line 5 and all amendments thereto have been struck and "transportation and telecommunications; to amend sections 2-3917.02, 25-2503, 28-109, 28-515, 28-711, 28-1310, 39-101, 43-158, 60-102, 60-471, 60-501, 60-636, 60-638, 60-639, 60-640, 60-678, 60-6,142, 60-6,144, 60-6,226, 60-6,241,

60-6,304, 60-6,349, 60-6,351, 70-301, 75-101, 75-117, 75-128, 75-133, 75-155, 75-605, 75-607, 75-608, 75-611 to 75-616, 76-2301, 76-2321, 81-1117, 81-1120.17, 81-1120.19, 81-1576, 81-1849, 81-2301 to 81-2303, 81-2305, 81-2306, 81-2308, 81-2309 to 81-2313, 81-2601, 81-2603 to 81-2605, 86-101 to 86-107, 86-109, 86-111, 86-112, 86-301 to 86-309, 86-329, 86-331.01 to 86-331.04, 86-334 to 86-338, 86-401 to 86-412, 86-502, 86-601, 86-701 to 86-712, 86-801, 86-802, 86-805 to 86-807, 86-809, 86-810, 86-1001 to 86-1004, 86-1006 to 86-1009, 86-1101 to 86-1109, 86-1201 to 86-1218, 86-1221, 86-1301 to 86-1305, 86-1307, 86-1401, 86-1402, 86-1404, 86-1406 to 86-1410, 86-1501 to 86-1514, 86-1601 to 86-1606, 86-1803 to 86-1811, 86-1901 to 86-1904, 86-1906, 86-1910, 86-1911, 86-2002 to 86-2007, and 86-2009 to 86-2013, Reissue Revised Statutes of Nebraska, sections 2-1570, 25-2602.01, 49-14,141, 52-1307, 52-1314, 60-311.14, 60-680, 60-1417.01, 75-122.01, 75-126, 75-134, 75-137, 75-156, 75-606, 75-609 to 75-610, 75-617, 81-1120.35 to 81-1120.38, 81-1120.40, 81-1190 to 81-1192, 81-1194, 81-1195, 81-1196.01, 81-1199, 81-11,102, 81-2304, 81-2307, 81-2308.01, 81-2602, 86-803, 86-811, 86-1005, 86-1110, 86-1111, 86-1219, 86-1222, 86-1306, 86-1701, and 86-2101 to 86-2116, Revised Statutes Supplement, 2000, sections 18-419, 28-401, 60-301, 60-4,182, 60-601, 70-625, 70-704, 70-1409, 71-1,142, 75-132.01, 75-604, 79-215, 79-1241.02, 86-804, 86-808, 86-1403, 86-1405, 86-1905, 86-1907 to 86-1909, 86-2001, 86-2008, 86-2014, 86-2201 to 86-2214, and 86-2301 to 86-2307, Revised Statutes Supplement, 2001, sections 9-812 and 79-1328, Revised Statutes Supplement, 2001, as amended by sections 1 and 8, respectively, Legislative Bill 3, Ninety-seventh Legislature, First Special Session, 2001, and section 75-109, Revised Statutes Supplement, 2000, as amended by section 9, Legislative Bill 435, Ninety-seventh Legislature, Second Session, 2002; to reorganize statutory provisions relating to telecommunications and technology; to transfer, combine, and eliminate sections; to eliminate obsolete and expired provisions and penalties; to provide and change powers and duties of the Public Service Commission; to change provisions relating to application for and issuance of plates for handicapped or disabled persons; to authorize the use of electric personal assistive mobility devices as prescribed; to define and redefine terms; to prescribe rights and duties under the Nebraska Rules of the Road; to provide penalties; to change provisions relating to motor vehicle and trailer auction dealers; to harmonize provisions; to provide duties for the Revisor of Statutes; to provide operative dates; to repeal the original sections; and to outright repeal sections 86-108, 86-110, 86-113, 86-201, 86-202, 86-203, 86-208 to 86-211, 86-330, 86-331, 86-503, 86-602, 86-603, and 86-1220, Reissue Revised Statutes of Nebraska." inserted.

5. Sections have been renumbered and internal references corrected to reflect all adopted amendments.

Enrollment and Review Change to LB 1115

The following changes, required to be reported for publication in the Journal, have been made:

ER 9162

1. In the E & R amendments, AM7224, on page 2, line 23, "107,168,199" has been struck and "101,168,199" inserted and "118,296,355" has been struck and "115,280,847" inserted; and in line 27 "125,511,088" has been struck and "119,511,088" inserted and "135,403,829" has been struck and "132,388,321" inserted.

Enrollment and Review Change to LB 1290

The following changes, required to be reported for publication in the Journal, have been made:

ER9161

1. On page 1, line 3, "and regional library systems employees" has been inserted after "officials"; and in line 4 "as prescribed; to change provisions for payment of the cost of coverage" has been inserted after "Program".

(Signed) Philip Erdman, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Senator Erdman asked unanimous consent to have his name added as cointroducer to LB 952. No objections. So ordered.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 1089, 488, 488A, 876, 876A, 1211, and 1278.

VISITORS

Visitors to the Chamber were Brenda George from Waco; 40 fourth-grade students and teacher from Washington Elementary School, Norfolk; and 60 fourth-grade students from Hayward Elementary School, Nebraska City.

ADJOURNMENT

At 9:39 p.m., on a motion by Senator Landis, the Legislature adjourned until 10:00 a.m., Thursday, April 18, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-NINTH DAY - APRIL 18, 2002

LEGISLATIVE JOURNAL

**NINETY-SEVENTH LEGISLATURE
SECOND SESSION**

FIFTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 18, 2002

PRAYER

The prayer was offered by Senator Dierks.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Kristensen presiding.

The roll was called and all members were present except Senator Landis who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-eighth day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 17, 2002, at 9:40 p.m., were the following: LBs 1089, 488, 488A, 876e, 876A, 1211e, and 1278.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

REPORT OF THE EXECUTIVE BOARD

2002 Resolutions calling for an Interim Study

LR 464 Interim study of the structure of the Metropolitan Area Transit Authority
Urban Affairs

LR 465 Interim study to develop legislation for the future use of proceeds from the state lottery allocated to the Education Innovation Fund
Education

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

MOTION - Return LB 642 to Select File

Senator Chambers moved to return LB 642 to Select File for the following specific amendment:

FA1112

Strike all provisions and insert the following: "The Legislature finds and declares that because God gave Palestine to the Jews so that they could create from it a Homeland known as Israel: (1) No comment, statement or criticism should be made of Israel and its policies if such comment, statement or criticism hurts the feelings of any Jew who is the personal friend of any member of the Nebraska Legislature; (2) no comment, statement or criticism should be made which is upsetting to any Jewish constituent of any member of the Nebraska Legislature; and (3) the Palestinean people have no rights that any Jewish man is bound to respect."

Senator Chambers withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 642.

A BILL FOR AN ACT relating to child abuse; to amend section 28-725, Reissue Revised Statutes of Nebraska, and section 28-726, Revised Statutes Supplement, 2001; to provide for disclosure of certain information and immunity as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

| | | | | |
|----------|------------|---------------|--------------|------------|
| Aguilar | Chambers | Hudkins | Pederson, D. | Stuhr |
| Baker | Connealy | Janssen | Preister | Suttle |
| Beutler | Coordsen | Jensen | Price | Synowiecki |
| Bourne | Cudaback | Jones | Quandahl | Thompson |
| Brashear | Cunningham | Kremer | Raikes | Tyson |
| Bromm | Dierks | Kristensen | Redfield | Vrtiska |
| Brown | Engel | Kruse | Robak | Wehrbein |
| Bruning | Erdman | Maxwell | Schimek | Wickersham |
| Burling | Foley | McDonald | Schrock | |
| Byars | Hartnett | Pedersen, Dw. | Smith | |

Voting in the negative, 0.

Excused and not voting, 1:

Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 647 to Select File

Senator Chambers moved to return LB 647 to Select File for the following specific amendment:

FA1113

Strike all provisions and insert the following: "As a sign of solidarity with the State of Israel in its incursions against the Palestinean people, the Nebraska Legislature expresses its support and approval of: (1) the bulldozing of towns, villages and olive groves in the West Bank; (2) the use of tanks, warplanes, Apache helicopters, bombs, missiles and other weaponry to destroy homes, schools, hospitals, water and power lines in the Occupied Palestinian Territories; (3) the mass destruction of property and the killing of untold numbers of civilians in the Jenin Refugee camp by Israeli Defense Forces; and (4) prevention by the Israeli military of doctors, rescue workers and aides of the International Red Cross and of the Red Crescent from reaching and administering assistance to injured and dying Palestineans, as result of which, many Palestineans bled to death without receiving medical assistance which otherwise was available."

Senator Jensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 647.

A BILL FOR AN ACT relating to schools; to amend section 79-1217, Revised Statutes Supplement, 2001; to provide requirements for school textbook contracts; to change provisions relating to membership on educational service unit boards; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Chambers | Hudkins | Preister | Synowiecki |
| Baker | Connealy | Janssen | Price | Thompson |
| Beutler | Coordsen | Jones | Raikes | Tyson |
| Bourne | Cudaback | Kremer | Redfield | Vrtiska |
| Brashear | Cunningham | Kristensen | Robak | Wehrbein |
| Bromm | Dierks | Kruse | Schimek | Wickersham |
| Brown | Engel | Maxwell | Schrock | |
| Bruning | Erdman | McDonald | Smith | |
| Burling | Foley | Pedersen, Dw. | Stuhr | |
| Byars | Hartnett | Pederson, D. | Suttle | |

Voting in the negative, 0.

Present and not voting, 1:

Quandahl

Excused and not voting, 2:

Jensen Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 722.

A BILL FOR AN ACT relating to military leave; to amend sections 48-230, 48-231, 55-160, 55-161, 55-164, and 55-165, Reissue Revised Statutes of Nebraska, and section 79-990, Revised Statutes Supplement, 2001; to change and eliminate provisions relating to absence from employment for military purposes; to change provisions relating to penalties as prescribed; to harmonize provisions; to repeal the original sections; and to outright repeal sections 55-162 and 55-163, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Chambers | Hudkins | Preister | Suttle |
| Baker | Connealy | Janssen | Price | Synowiecki |
| Beutler | Coordsen | Jones | Quandahl | Thompson |
| Bourne | Cudaback | Kremer | Raikes | Tyson |
| Brashear | Cunningham | Kristensen | Redfield | Vrtiska |
| Bromm | Dierks | Kruse | Robak | Wehrbein |
| Brown | Engel | Maxwell | Schimek | Wickersham |
| Bruning | Erdman | McDonald | Schrock | |
| Burling | Foley | Pedersen, Dw. | Smith | |
| Byars | Hartnett | Pederson, D. | Stuhr | |

Voting in the negative, 0.

Excused and not voting, 2:

Jensen Landis

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 921 with 41 ayes, 2 nays, 4 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 921. With Emergency.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-648, Reissue Revised Statutes of Nebraska, and sections 48-602 and 48-628, Revised Statutes Supplement, 2001; to define terms; to provide for professional employer organization treatment and eliminate employee leasing company references; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 48:

| | | | | |
|----------|------------|---------------|--------------|------------|
| Aguilar | Chambers | Hudkins | Pederson, D. | Stuhr |
| Baker | Connealy | Janssen | Preister | Suttle |
| Beutler | Coordsen | Jones | Price | Synowiecki |
| Bourne | Cudaback | Kremer | Quandahl | Thompson |
| Brashear | Cunningham | Kristensen | Raikes | Tyson |
| Bromm | Dierks | Kruse | Redfield | Vrtiska |
| Brown | Engel | Landis | Robak | Wehrbein |
| Bruning | Erdman | Maxwell | Schimek | Wickersham |
| Burling | Foley | McDonald | Schrock | |
| Byars | Hartnett | Pedersen, Dw. | Smith | |

Voting in the negative, 0.

Excused and not voting, 1:

Jensen

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 989 with 38 ayes, 2 nays, 8 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 989. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 21-301, 21-304, 21-306, 21-313, 21-323, 21-325, 39-2215, 77-2601, 77-2602.03, 77-2603, 77-2604, 77-2609, 77-2617, 77-2620, and 77-27,150 to 77-27,154, Reissue Revised Statutes of Nebraska, sections 77-2612, 77-2704.12, and 77-27,119, Revised Statutes Supplement, 2000, and section 49-801.01, Revised Statutes Supplement, 2001; to change provisions relating to corporate reports and occupation taxes, the Highway Trust Fund, the Internal Revenue Code, cigarette and tobacco taxation, sales tax exemptions, disclosure of information, and refunds under the Air and Water Pollution Control Tax Refund Act; to provide severability; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

| | | | | |
|----------|------------|------------|---------------|------------|
| Aguilar | Chambers | Hartnett | McDonald | Schrock |
| Baker | Connealy | Janssen | Pedersen, Dw. | Smith |
| Bourne | Coordsen | Jensen | Pederson, D. | Stuhr |
| Brashear | Cudaback | Jones | Preister | Suttle |
| Bromm | Cunningham | Kremer | Price | Thompson |
| Brown | Dierks | Kristensen | Raikes | Tyson |
| Bruning | Engel | Kruse | Redfield | Vrtiska |
| Burling | Erdman | Landis | Robak | Wehrbein |
| Byars | Foley | Maxwell | Schimek | Wickersham |

Voting in the negative, 0.

Present and not voting, 4:

| | | | |
|---------|---------|----------|------------|
| Beutler | Hudkins | Quandahl | Synowiecki |
|---------|---------|----------|------------|

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 989A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 989, Ninety-seventh Legislature, Second Session, 2002.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

| | | | | |
|----------|------------|------------|---------------|------------|
| Aguilar | Chambers | Hartnett | Pedersen, Dw. | Schrock |
| Baker | Connealy | Janssen | Pederson, D. | Smith |
| Bourne | Coordsen | Jones | Preister | Stuhr |
| Brashear | Cudaback | Kremer | Price | Thompson |
| Bromm | Cunningham | Kristensen | Quandahl | Tyson |
| Brown | Dierks | Kruse | Raikes | Vrtiska |
| Bruning | Engel | Landis | Redfield | Wehrbein |
| Burling | Erdman | Maxwell | Robak | Wickersham |
| Byars | Foley | McDonald | Schimek | |

Voting in the negative, 0.

Present and not voting, 5:

| | | | | |
|---------|---------|--------|--------|------------|
| Beutler | Hudkins | Jensen | Suttle | Synowiecki |
|---------|---------|--------|--------|------------|

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 1086 to Select File

Senator Chambers moved to return LB 1086 to Select File for the following specific amendment:

AM3771

(Amendments to Final Reading copy)

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. The Legislature finds and declares that drug
- 4 use contributes to crime in Nebraska, costs millions of dollars in
- 5 lost productivity, and contributes to the burden placed upon law
- 6 enforcement, court, and correctional systems in Nebraska.
- 7 The Legislature also finds and declares that drug court
- 8 programs are effective in reducing recidivism of criminal behavior
- 9 of persons who participate in and complete drug court programs.
- 10 The Legislature recognizes that a drug court program offers a
- 11 person charged with certain offenses an alternative component of
- 12 the traditional criminal justice or juvenile justice proceedings.
- 13 Sec. 2. For purposes of sections 1 to 4 of this act,
- 14 drug court program means a program supervised by a court, subject
- 15 to any rules promulgated by the Supreme Court for procedures to be
- 16 implemented in the administration of such program within the court
- 17 system, that has special calendars or dockets designed to achieve a
- 18 reduction in substance abuse and recidivism of criminal behavior
- 19 among nonviolent, substance abusing offenders by increasing their
- 20 likelihood for successful rehabilitation through early, continuous,
- 21 and intense judicially supervised treatment, mandatory periodic
- 22 drug testing, case management, and the use of appropriate sanctions
- 23 and other rehabilitation services.
- 1 Sec. 3. In those jurisdictions where a drug court
- 2 program has been or will be created, the drug court program's local
- 3 governing body may enter into interlocal agreements with local and
- 4 state agencies for implementation and management of the drug court
- 5 program and may provide funds in advance of the rendition of drug
- 6 court program services.
- 7 Sec. 4. In a case involving criminal activity in which
- 8 the offender is participating in a court-ordered drug treatment
- 9 program, a judge of any court of this state may:
- 10 (1) Order drug testing for the offender;
- 11 (2) Impose jail time as a sanction for noncompliance with
- 12 the drug treatment program; or
- 13 (3) Impose any other condition deemed reasonably
- 14 necessary to assure compliance with the drug treatment program.
- 15 Sec. 5. Laws 2001, LB 543, section 159, as amended by
- 16 section 98, Legislative Bill 1, Ninety-seventh Legislature, First
- 17 Special Session, 2001, and section 96, Legislative Bill 1309,
- 18 Ninety-seventh Legislature, Second Session, 2002, is amended to
- 19 read:
- 20 Sec. 159. AGENCY NO. 46 -- DEPARTMENT OF CORRECTIONAL

21 SERVICES

22 Program No. 200 - Operations

| | | | |
|----|---------------------|-------------|-------------|
| 23 | | FY2001-02 | FY2002-03 |
| 24 | GENERAL FUND | 101,168,199 | 115,280,847 |
| 25 | CASH FUND | 1,782,737 | 582,737 |
| 26 | FEDERAL FUND est. | 409,015 | 240,182 |
| 27 | REVOLVING FUND est. | 16,151,137 | 16,284,555 |
| 1 | PROGRAM TOTAL | 119,511,088 | 132,388,321 |
| 2 | SALARY LIMIT | 64,921,080 | 73,278,432 |

3 The salary limitations provided by this section do not
 4 include Revolving Fund salaries. There are no salary limitations
 5 for Revolving Fund program classifications 390 and 563.

6 The Department of Administrative Services shall monitor
 7 the appropriations and expenditures for this program according to
 8 the following program classifications:

- 9 No. 260 - Nebraska Correctional Youth Facility
- 10 No. 300 - Tecumseh Correctional Center
- 11 No. 367 - Community-Based Services
- 12 No. 368 - Lincoln Community Corrections Center
- 13 No. 369 - Omaha Community Corrections Center
- 14 No. 370 - Central Office
- 15 No. 372 - Nebraska State Penitentiary
- 16 No. 373 - Nebraska Center for Women - York
- 17 No. 375 - Diagnostic and Evaluation Center
- 18 No. 376 - Lincoln Correctional Center
- 19 No. 377 - Omaha Correctional Center
- 20 No. 378 - Hastings Correctional Center
- 21 No. 383 - Correctional Treatment Facility
- 22 No. 386 - McCook Incarceration Work Camp
- 23 No. 389 - Adult Parole Administration
- 24 No. 390 - Federal Surplus Property
- 25 No. 495 - Department Central Warehouse
- 26 No. 563 - Correctional Industries

27 Revolving Fund expenditures shall not be limited to the
 1 amounts shown.

2 The unexpended General Fund appropriation balance
 3 existing on June 30, 2001, is hereby reappropriated.

4 ~~No funds for community-based services are included in the~~
 5 ~~appropriation to this program for FY2002-03. Funds for~~
 6 community-based services are included in the appropriation to this
 7 program for FY2002-03, including funding for drug court program
 8 services.

9 There is included in the appropriation to this program
 10 for FY2001-02 \$275,000 General Funds for state aid, which shall
 11 only be used for such purpose. There is included in the
 12 appropriation to this program for FY2002-03 \$269,500 ~~\$0-~~ General
 13 Funds for state aid, which shall only be used for such purpose.

14 It is intended that the Department of Correctional
 15 Services shall maintain a Department Contingency Fund and a

16 Department Equipment Fund.

17 Sec. 6. Original Laws 2001, LB 543, section 159, as

18 amended by section 98, Legislative Bill 1, Ninety-seventh

19 Legislature, First Special Session, 2001, and section 96,

20 Legislative Bill 1309, Ninety-seventh Legislature, Second Session,

21 2002, is repealed."

Senators Dierks and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers withdrew his motion to return.

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1086.

A BILL FOR AN ACT relating to public accountability and disclosure; to amend section 49-1446.01, Reissue Revised Statutes of Nebraska, and sections 32-1603 and 49-14,101.01, Revised Statutes Supplement, 2001; to prohibit the use of state funds for certain advertising or promotional materials; to provide for expenditure of campaign funds for travel expenses as prescribed; to prohibit the acceptance of certain gifts by public officials and their immediate family members; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Cudaback | Kremer | Price | Synowiecki |
| Baker | Cunningham | Kristensen | Raikes | Thompson |
| Bourne | Engel | Kruse | Redfield | Tyson |
| Bromm | Erdman | Landis | Robak | Vrtiska |
| Brown | Foley | Maxwell | Schimek | Wehrbein |
| Bruning | Hartnett | McDonald | Schrock | Wickersham |
| Burling | Hudkins | Pedersen, Dw. | Smith | |
| Byars | Janssen | Pederson, D. | Stuhr | |
| Connealy | Jensen | Preister | Suttle | |

Voting in the negative, 1:

Chambers

Present and not voting, 4:

| | | | |
|---------|----------|----------|----------|
| Beutler | Brashear | Coordsen | Quandahl |
|---------|----------|----------|----------|

Excused and not voting, 2:

Dierks Jones

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1126 with 38 ayes, 2 nays, 7 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1126.

A BILL FOR AN ACT relating to alcoholic liquor; to amend section 53-167.03, Reissue Revised Statutes of Nebraska, and sections 9-226, 9-322, 9-418, and 9-620, Revised Statutes Supplement, 2000; to change provisions relating to duties of the Department of Revenue and keg deposits; to authorize charitable gaming license and permit revocations, cancellations, or suspensions for certain Nebraska Liquor Control Act violations; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

| | | | | |
|----------|------------|------------|---------------|------------|
| Aguilar | Byars | Hudkins | Pedersen, Dw. | Schrock |
| Baker | Connealy | Janssen | Pederson, D. | Smith |
| Beutler | Coordsen | Jensen | Preister | Stuhr |
| Bourne | Cudaback | Kremer | Price | Suttle |
| Brashear | Cunningham | Kristensen | Quandahl | Thompson |
| Bromm | Engel | Kruse | Raikes | Tyson |
| Brown | Erdman | Landis | Redfield | Vrtiska |
| Bruning | Foley | Maxwell | Robak | Wehrbein |
| Burling | Hartnett | McDonald | Schimek | Wickersham |

Voting in the negative, 2:

Chambers Synowiecki

Excused and not voting, 2:

Dierks Jones

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1139 with 36 ayes, 1 nay, 10 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1139.

A BILL FOR AN ACT relating to insurance; to amend sections 44-1527, 44-1984, 44-2127, 44-2845, 44-32,161, 44-4834, 44-4842, 44-4859, 44-5120, 44-5260, 44-5261, 44-5601, 44-5603, 44-5814, 44-5815, and 44-6916, Reissue Revised Statutes of Nebraska, sections 44-787, 44-19,116, 44-5223, 44-5225, 44-5504, 44-6901, 44-6918, 44-7505, 44-7509, 44-7510, 44-7511, 44-7513, and 44-7515, Revised Statutes Supplement, 2000, and section 44-5503, Revised Statutes Supplement, 2001; to adopt the Multiple Employer Welfare Arrangement Act; to provide penalties; to change provisions relating to investigations, title insurers, mergers, medical review panels, priority of claims, bonding requirements, securities, the Small Employer Health Insurance Availability Act, filing requirements, reinsurance, group health plans, and rates and forms; to require certification of coverage; to harmonize provisions; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Chambers | Janssen | Preister | Suttle |
| Baker | Connealy | Jensen | Price | Synowiecki |
| Beutler | Coordsen | Kremer | Quandahl | Thompson |
| Bourne | Cudaback | Kristensen | Raikes | Tyson |
| Brashear | Cunningham | Kruse | Redfield | Vrtiska |
| Bromm | Engel | Landis | Robak | Wehrbein |
| Brown | Erdman | Maxwell | Schimek | Wickersham |
| Bruning | Foley | McDonald | Schrock | |
| Burling | Hartnett | Pedersen, Dw. | Smith | |
| Byars | Hudkins | Pederson, D. | Stuhr | |

Voting in the negative, 0.

Excused and not voting, 2:

Dierks Jones

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 642, 647, 722, 921, 989, 989A, 1086, 1126, and 1139.

RESOLUTION

LEGISLATIVE RESOLUTION 459. Read. Considered.

Senators Bruning, Landis, and McDonald asked unanimous consent to be excused. No objections. So ordered.

SENATOR CONNEALY PRESIDING

Senator Dw. Pedersen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Senator Preister asked unanimous consent to be excused. No objections. So ordered.

Senator Wehrbein moved for a call of the house. The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Senator Chambers requested a roll call vote on the adoption of the resolution.

Senator Wehrbein requested the roll call vote be taken in reverse order.

Voting in the affirmative, 25:

| | | | | |
|----------|------------|------------|--------------|------------|
| Aguilar | Connealy | Hartnett | Kruse | Thompson |
| Brashear | Coordsen | Hudkins | Pederson, D. | Tyson |
| Bromm | Cunningham | Janssen | Price | Vrtiska |
| Brown | Engel | Kremer | Schimek | Wehrbein |
| Byars | Foley | Kristensen | Stuhr | Wickersham |

Voting in the negative, 10:

| | | | | |
|---------|----------|--------|---------------|----------|
| Beutler | Chambers | Erdman | Pedersen, Dw. | Redfield |
| Bourne | Cudaback | Jensen | Raikes | Smith |

Present and not voting, 7:

| | | | |
|---------|----------|---------|------------|
| Baker | Maxwell | Schrock | Synowiecki |
| Burling | Quandahl | Suttle | |

Excused and not voting, 7:

| | | | |
|---------|--------|----------|-------|
| Bruning | Jones | McDonald | Robak |
| Dierks | Landis | Preister | |

LR 459 was adopted with 25 ayes, 10 nays, 7 present and not voting, and 7 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 18, 2002, at 12:10 p.m., were the following: LBs 642, 647, 722, 921e, 989e, 989A, 1086, 1126, and 1139.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

RESOLUTION

LEGISLATIVE RESOLUTION 469. Introduced by Revenue Committee: Wickersham, 49, Chairperson; Coordsen, 32; Dierks, 40; Hartnett, 45; Janssen, 15; Landis, 46; Raikes, 25; Redfield, 12; and Kristensen, 37; Brashear, 4.

PURPOSE: The purpose of this study is to conduct an indepth study of the expenditures of state and local governments and the tax system needed to support essential services. The study will:

1. Examine spending by state and local governments and present information to the entire Legislature detailing:
 - a. Categories of state and local spending and the related growth rate of each category;
 - b. Possibilities for efficiencies and reductions in spending in all programs; and
 - c. Criteria for prioritizing state and local spending;
2. Examine the state's tax system and present information to the entire Legislature detailing:
 - a. An analysis of the state's current tax system in terms of revenue productivity and stability, efficiency, equity, simplicity of administration, and effect upon the state's economy;
 - b. Proposed innovative solutions for meeting the state's projected revenue needs while exploring possibilities for reducing general rates;
 - c. An identification of economic activities that are either beneficial or detrimental to the state's economy and that should be either encouraged or discouraged through tax policy;
 - d. Recommended changes in the state's current tax policies and laws; and
 - e. Recommended criteria and a conceptual framework for evaluating current and future taxes;
3. Consider the following characteristics of a good revenue system in carrying out this study:
 - a. The tax system must be fair in apportioning tax burdens among

taxpayers in differing circumstances and consistent in its application among taxpayers in similar circumstances;

- b. The tax system must be easy for taxpayers to understand;
 - c. The tax rates and tax structure must be perceived by businesses and individual taxpayers as a reasonable cost of locating in the state;
 - d. The revenue system should have as its primary purpose raising revenue from the state's overall wealth base to support required basic services;
 - e. Government must have the ability to administer and enforce all parts of the recommended revenue system; and
 - f. The revenue system must be viewed in conjunction with the federal revenue system; and
4. Result in either recommendations to change the tax system to be introduced in the 2003 legislative session or a proposal for a tax study to be performed by an outside entity to further carry out the purposes of this study during the 2003 interim.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the staff of the Revenue Committee of the Legislature and the Legislative Fiscal Office coordinate the staff of the entire Legislature in carrying out the purposes of this study.
3. That the entire Legislature is invited to attend any meetings and presentations conducted pursuant to this study.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were Phillip Payton from Omaha; Senator Cunningham's son, John, from Lincoln; Jessie Reed from Lincoln; 35 fourth-grade students from Dodge Elementary School, Grand Island; Senator Price's cousin, Bob Price, from Omaha; 31 fourth-grade students and teacher from Winnebago; and 60 second- and third-grade students and teachers from Norwood Park Elementary School, Lincoln.

The Doctor of the Day was Dr. Dale Michels from Walton.

ADJOURNMENT

At 12:47 p.m., on a motion by Senator Wickersham, the Legislature adjourned until 1:00 p.m., Friday, April 19, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTIETH DAY - APRIL 19, 2002

LEGISLATIVE JOURNAL

**NINETY-SEVENTH LEGISLATURE
SECOND SESSION**

SIXTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 19, 2002

PRAYER

The prayer was offered by Senator Coordsen.

ROLL CALL

Pursuant to adjournment, the Legislature met at 1:00 p.m., Speaker Kristensen presiding.

The roll was called and all members were present except Senator Jones who was excused; and Senators Hudkins, McDonald, D. Pederson, and Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-ninth day was approved.

MESSAGE FROM THE GOVERNOR

April 18, 2002

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 905 and 1021 were received in my office on April 16, 2002. Legislative Bills 488, 488A, 876, 876A, 1089, and 1278 were received in my office on April 17, 2002.

These bills were signed by me on April 18, 2002, and delivered to the Secretary of State.

Sincerely,
(Signed) Mike Johanns
Governor

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 19, 2002, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Lawton, Kristine L.
Rasmussen Legislative Consultants, Inc. (Withdrawn 04/15/2002)

Mueller, William J.
Microsoft Corporation

Ruth, Larry L.
Microsoft Corporation

Zumwinkle, Mike
Cargill, Incorporated

REPORTS

The following reports were received by the Legislature:

Roads, Department of

Minutes of the Board of Public Roads Classifications and Standards for
February 15, 2002

Investment Finance Authority, Nebraska

2002 Series A, B & C Single Family Housing Revenue Bonds

2002 Series G.O.-14 General Obligation Bonds

Single Family Housing Revenue Bonds Series 2000 EFG and General
Obligation Bonds Series 2000 G.O.-11

Single Family Housing Revenue Bonds Series 2001 ABC and General
Obligation Bonds Series 2001 G.O.-12

Single Family Housing Revenue Bonds Series 2001 DEF and General
Obligation Bonds Series 2001 G.O.-13

Clean Water State Revolving Fund Revenue Bonds Series 2002 B

Drinking Water State Revolving Fund Revenue Bonds Series 2001 A

BILLS ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 729 with 35 ayes, 1 nay, 8 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 729.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 16-901, 16-902, 17-301, 17-302, 17-303, 17-305, 17-1001, and 90-303, Reissue Revised Statutes of Nebraska, section 23-114, Revised Statutes Supplement, 2000, and section 17-1002, Revised Statutes Supplement, 2001; to authorize counties to cede and transfer extraterritorial jurisdiction to cities of the first and second classes as prescribed; to change provisions relating to the classification of cities of the first and second classes; to change specifications of the Nebraska State Capitol Environs District; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

| | | | | |
|----------|------------|------------|--------------|------------|
| Aguilar | Byars | Foley | Pederson, D. | Smith |
| Baker | Chambers | Hartnett | Preister | Stuhr |
| Beutler | Connealy | Janssen | Price | Suttle |
| Bourne | Coordsen | Jensen | Quandahl | Synowiecki |
| Brashear | Cudaback | Kremer | Raikes | Thompson |
| Bromm | Cunningham | Kristensen | Redfield | Tyson |
| Brown | Dierks | Kruse | Robak | Vrtiska |
| Bruning | Engel | Landis | Schimek | Wehrbein |
| Burling | Erdman | Maxwell | Schrock | Wickersham |

Voting in the negative, 0.

Present and not voting, 1:

Pedersen, Dw.

Excused and not voting, 3:

Hudkins Jones McDonald

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 931. With Emergency.

A BILL FOR AN ACT relating to labor; to amend sections 48-1702, 48-1703, 48-1706, 48-1710, and 48-1711, Reissue Revised Statutes of Nebraska; to change Farm Labor Contractors Act provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Chambers | Janssen | Price | Synowiecki |
| Baker | Connealy | Jensen | Quandahl | Thompson |
| Beutler | Coordsen | Kremer | Raikes | Tyson |
| Bourne | Cudaback | Kristensen | Redfield | Vrtiska |
| Brashear | Cunningham | Kruse | Robak | Wehrbein |
| Bromm | Dierks | Landis | Schimek | Wickersham |
| Brown | Engel | Maxwell | Schrock | |
| Bruning | Erdman | Pedersen, Dw. | Smith | |
| Burling | Foley | Pederson, D. | Stuhr | |
| Byars | Hartnett | Preister | Suttle | |

Voting in the negative, 0.

Excused and not voting, 3:

| | | |
|---------|-------|----------|
| Hudkins | Jones | McDonald |
|---------|-------|----------|

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 931A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 931, Ninety-seventh Legislature, Second Session, 2002; and to reduce appropriations.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Chambers | Janssen | Preister | Suttle |
| Baker | Connealy | Jensen | Price | Synowiecki |
| Beutler | Coordsen | Kremer | Quandahl | Thompson |
| Bourne | Cudaback | Kristensen | Raikes | Tyson |
| Brashear | Cunningham | Kruse | Redfield | Vrtiska |
| Bromm | Dierks | Landis | Robak | Wehrbein |
| Brown | Engel | Maxwell | Schimek | Wickersham |
| Bruning | Erdman | McDonald | Schrock | |
| Burling | Foley | Pedersen, Dw. | Smith | |
| Byars | Hartnett | Pederson, D. | Stuhr | |

Voting in the negative, 0.

Excused and not voting, 2:

Hudkins Jones

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 952.

A BILL FOR AN ACT relating to adoption; to amend sections 43-143 and 43-146.01, Reissue Revised Statutes of Nebraska, and section 43-104, Revised Statutes Supplement, 2000; to provide access to adoption records by heirs as prescribed; to change provisions relating to relinquishments; to eliminate prospective adoptive parent nonconsent forms as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Chambers | Janssen | Preister | Suttle |
| Baker | Connealy | Jensen | Price | Synowiecki |
| Beutler | Coordsen | Kremer | Quandahl | Thompson |
| Bourne | Cudaback | Kristensen | Raikes | Tyson |
| Brashear | Cunningham | Kruse | Redfield | Vrtiska |
| Bromm | Dierks | Landis | Robak | Wehrbein |
| Brown | Engel | Maxwell | Schimek | Wickersham |
| Bruning | Erdman | McDonald | Schrock | |
| Burling | Foley | Pedersen, Dw. | Smith | |
| Byars | Hartnett | Pederson, D. | Stuhr | |

Voting in the negative, 0.

Excused and not voting, 2:

Hudkins Jones

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 952A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 952, Ninety-seventh Legislature, Second Session, 2002.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Chambers | Janssen | Preister | Suttle |
| Baker | Connealy | Jensen | Price | Synowiecki |
| Beutler | Coordsen | Kremer | Quandahl | Thompson |
| Bourne | Cudaback | Kristensen | Raikes | Tyson |
| Brashear | Cunningham | Kruse | Redfield | Vrtiska |
| Bromm | Dierks | Landis | Robak | Wehrbein |
| Brown | Engel | Maxwell | Schimek | Wickersham |
| Bruning | Erdman | McDonald | Schrock | |
| Burling | Foley | Pedersen, Dw. | Smith | |
| Byars | Hartnett | Pederson, D. | Stuhr | |

Voting in the negative, 0.

Excused and not voting, 2:

Hudkins Jones

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 957 with 40 ayes, 2 nays, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 957. With Emergency.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-115.01, 8-120, 8-122, 8-157, 8-178, 21-1732, 21-1736, 21-17,109, 72-1266, 72-1268.03, 76-252, and 76-1014.01, Reissue Revised Statutes of Nebraska, sections 8-183.03, 8-1123, 8-1401, 8-1402, 21-1701, 45-337, 45-703, 52-1601, 72-1262, 72-1263, 72-1264, and 76-1002, Revised

Statutes Supplement, 2000, and sections 8-1,140, 8-355, 8-1111, 10-126, 21-17,115, and 45-1026, Revised Statutes Supplement, 2001; to change provisions relating to bank charters, applications for charters, and branch banking; to revise powers of state-chartered banks, building and loan associations, and credit unions; to change provisions relating to securities transactions exempt from registration, exemptions from bond redemption requirements, credit unions, department powers, installment sales, mortgage bankers, installment loan contracts, the master lien list, disclosures under the Nebraska Capital Expansion Act, mortgages, and trust deeds; to refund certain fees as prescribed; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

| | | | | |
|----------|------------|------------|---------------|------------|
| Aguilar | Chambers | Hartnett | Pedersen, Dw. | Smith |
| Baker | Connealy | Janssen | Preister | Stuhr |
| Bourne | Coordsen | Jensen | Price | Suttle |
| Brashear | Cudaback | Kremer | Quandahl | Synowiecki |
| Bromm | Cunningham | Kristensen | Raikes | Thompson |
| Brown | Dierks | Kruse | Redfield | Tyson |
| Bruning | Engel | Landis | Robak | Vrtiska |
| Burling | Erdman | Maxwell | Schimek | Wehrbein |
| Byars | Foley | McDonald | Schrock | Wickersham |

Voting in the negative, 0.

Present and not voting, 2:

Beutler Pederson, D.

Excused and not voting, 2:

Hudkins Jones

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 994 to Select File

Senator Wehrbein moved to return LB 994 to Select File for the following specific amendment:

FA1089

Strike the enacting clause.

Senator Wehrbein withdrew his motion to return.

BILLS ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 994 with 40 ayes, 2 nays, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 994. With Emergency.

A BILL FOR AN ACT relating to government; to amend sections 13-609, 19-3315, 37-335, 49-1202, 49-1203, 60-6,322, 77-1710, 77-1734, 77-1822, and 77-1836, Reissue Revised Statutes of Nebraska, and sections 18-2147, 60-106, 77-202, 77-415, 77-1318.01, 77-1340, 77-1345, 77-1348, 77-1380, 77-1702, 77-3618, and 81-118.01, Revised Statutes Supplement, 2000, and sections 60-302, 77-1315, 77-1327, 77-1343, 77-1347, 77-3443, 77-5004, 77-5016, and 79-1016, Revised Statutes Supplement, 2001; to change provisions relating to payments to governmental entities; to authorize electronic funds transfers; to provide for distribution of certain interest and penalties; to change provisions relating to levy authority for offstreet parking districts; to require proof of certain tax payments; to provide and change fees; to change and eliminate provisions relating to mailing requirements, property taxation, exempt property, the Property Tax Administrator, property reporting requirements, assessment, appeals, and valuation for school aid purposes; to change distributions under the County Property Tax Relief Program; to define terms; to harmonize provisions; to repeal the original sections; to outright repeal section 77-1513, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Connealy | Jensen | Price | Synowiecki |
| Baker | Coordsen | Kremer | Quandahl | Thompson |
| Bourne | Cudaback | Kristensen | Raikes | Tyson |
| Brashear | Cunningham | Kruse | Redfield | Vrtiska |
| Bromm | Dierks | Landis | Robak | Wehrbein |
| Brown | Engel | Maxwell | Schimek | Wickersham |
| Bruning | Erdman | McDonald | Schrock | |
| Burling | Foley | Pedersen, Dw. | Smith | |
| Byars | Hartnett | Pederson, D. | Stuhr | |
| Chambers | Janssen | Preister | Suttle | |

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 2:

Hudkins Jones

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 994A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 994, Ninety-seventh Legislature, Second Session, 2002; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

| | | | | |
|----------|------------|---------------|----------|------------|
| Aguilar | Connealy | Janssen | Preister | Suttle |
| Baker | Coordsen | Jensen | Price | Synowiecki |
| Bourne | Cudaback | Kremer | Quandahl | Thompson |
| Brashear | Cunningham | Kristensen | Raikes | Tyson |
| Bromm | Dierks | Kruse | Redfield | Vrtiska |
| Brown | Engel | Landis | Robak | Wehrbein |
| Bruning | Erdman | Maxwell | Schimiek | Wickersham |
| Burling | Foley | McDonald | Schrock | |
| Byars | Hartnett | Pedersen, Dw. | Smith | |
| Chambers | Hudkins | Pederson, D. | Stuhr | |

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 1:

Jones

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 1033 to Select File

Senator Suttle moved to return LB 1033 to Select File for the following specific amendment:

FA1114

Strike the enacting clause.

Senator Smith asked unanimous consent to be excused. No objections. So ordered.

Senator Suttle withdrew her motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1033.

A BILL FOR AN ACT relating to the Emergency Medical Services Act; to amend section 71-5184, Revised Statutes Supplement, 2000, and section 71-5178, Revised Statutes Supplement, 2001; to change scope of practice provisions; to provide for rules and regulations; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

| | | | | |
|----------|------------|---------------|--------------|------------|
| Aguilar | Coordsen | Janssen | Pederson, D. | Thompson |
| Baker | Cudaback | Jensen | Preister | Tyson |
| Beutler | Cunningham | Kremer | Quandahl | Vrtiska |
| Brashear | Dierks | Kristensen | Raikes | Wehrbein |
| Bromm | Engel | Kruse | Redfield | Wickersham |
| Bruning | Erdman | Landis | Robak | |
| Burling | Foley | Maxwell | Schrock | |
| Byars | Hartnett | McDonald | Stuhr | |
| Connealy | Hudkins | Pedersen, Dw. | Synowiecki | |

Voting in the negative, 3:

| | | |
|----------|-------|--------|
| Chambers | Price | Suttle |
|----------|-------|--------|

Present and not voting, 3:

| | | |
|--------|-------|---------|
| Bourne | Brown | Schimek |
|--------|-------|---------|

Excused and not voting, 2:

| | |
|-------|-------|
| Jones | Smith |
|-------|-------|

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 1033A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1033, Ninety-seventh Legislature, Second Session, 2002.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 28:

| | | | | |
|---------|----------|------------|----------|------------|
| Aguilar | Connealy | Hudkins | McDonald | Thompson |
| Baker | Coordsen | Janssen | Quandahl | Vrtiska |
| Beutler | Cudaback | Jensen | Raikes | Wehrbein |
| Bromm | Engel | Kristensen | Robak | Wickersham |
| Bruning | Erdman | Landis | Schrock | |
| Burling | Foley | Maxwell | Stuhr | |

Voting in the negative, 14:

| | | | | |
|----------|----------|---------------|----------|--------|
| Brashear | Dierks | Pedersen, Dw. | Price | Suttle |
| Byars | Hartnett | Pederson, D. | Redfield | Tyson |
| Chambers | Kremer | Preister | Schimek | |

Present and not voting, 5:

| | | | | |
|--------|-------|------------|-------|------------|
| Bourne | Brown | Cunningham | Kruse | Synowiecki |
|--------|-------|------------|-------|------------|

Excused and not voting, 2:

| | |
|-------|-------|
| Jones | Smith |
|-------|-------|

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Senator Tyson asked unanimous consent to be excused until he returns. No objections. So ordered.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1062 with 38 ayes, 2 nays, 6 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1062. With Emergency.

A BILL FOR AN ACT relating to health and human services; to amend sections 44-3,144, 44-3,145, 44-3,146, 44-3,149, 44-2901, 71-1,132.04, 71-1,132.06, 71-1,132.16, 71-1,132.18, 71-1,132.24, 71-1,132.25, 71-1,132.35, 71-1,231, 71-1729, 71-1757, 71-1761, 71-1787, 71-2412, 71-6057, 71-6603, and 83-126, Reissue Revised Statutes of Nebraska, sections 23-3502, 42-358, 43-3342.01, 43-3342.03, 43-3342.05, 71-131, 71-139.01, 71-1,103, 71-1,104, 71-1,132.07, 71-1,132.11, 71-1,132.13, 71-1,132.20, 71-1,134, 71-1,136.03, 71-1,139.01, 71-1,158, 71-1,160, 71-1,161, 71-404, 71-428, 71-432, 71-434, 71-436, 71-438, 71-456, 71-1723.02, 71-6053, 71-6054, 71-6056, 71-6060, 71-6061, 71-6065, 71-6066, and 81-1316, Revised Statutes Supplement, 2000, and sections 71-101, 71-183.02, 71-193.16, 71-1,147.53, 71-2421, 71-5310, and 71-7611.04, Revised Statutes Supplement, 2001; to change provisions relating to county medical facility boards of trustees, child support enforcement, the State Disbursement Advisory Commission, and licenses to practice medicine and surgery, dentistry, nursing, optometry, osteopathic medicine and surgery, veterinary medicine, and respiratory care; to provide for optometric assistants and hospital patient visitation privileges; to change provisions relating to drug expiration dates, health care facility licensure, nursing home administration, respite care programs, and facilities under the supervision of the Department of Health and Human Services; to eliminate the Child Support Commission; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections; to outright repeal sections 42-383 to 42-386, Revised Statutes Supplement, 2000; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

| | | | | |
|----------|------------|------------|--------------|------------|
| Aguilar | Chambers | Hartnett | McDonald | Schrock |
| Baker | Connealy | Hudkins | Pederson, D. | Stuhr |
| Beutler | Coordsen | Janssen | Preister | Suttle |
| Bourne | Cudaback | Jensen | Price | Synowiecki |
| Brashear | Cunningham | Kremer | Quandahl | Thompson |
| Bromm | Dierks | Kristensen | Raikes | Vrtiska |
| Bruning | Engel | Kruse | Redfield | Wehrbein |
| Burling | Erdman | Landis | Robak | Wickersham |
| Byars | Foley | Maxwell | Schimek | |

Voting in the negative, 0.

Present and not voting, 2:

Brown Pedersen, Dw.

Excused and not voting, 3:

Jones Smith Tyson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1062A.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2001, LB 543, section 95, as amended by section 69, Legislative Bill 1, Ninety-seventh Legislature, First Special Session, 2001, and section 68, Legislative Bill 1309, Ninety-seventh Legislature, Second Session, 2002; to appropriate funds as prescribed; to provide intent; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

| | | | | |
|----------|------------|------------|---------------|------------|
| Aguilar | Chambers | Hartnett | McDonald | Schimek |
| Baker | Connealy | Hudkins | Pedersen, Dw. | Schrock |
| Beutler | Coordsen | Janssen | Pederson, D. | Stuhr |
| Bourne | Cudaback | Jensen | Preister | Suttle |
| Brashear | Cunningham | Kremer | Price | Synowiecki |
| Bromm | Dierks | Kristensen | Quandahl | Thompson |
| Bruning | Engel | Kruse | Raikes | Vrtiska |
| Burling | Erdman | Landis | Redfield | Wehrbein |
| Byars | Foley | Maxwell | Robak | Wickersham |

Voting in the negative, 0.

Present and not voting, 1:

Brown

Excused and not voting, 3:

Jones Smith Tyson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1105 with 34 ayes, 2 nays, 10 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1105.

A BILL FOR AN ACT relating to transportation and telecommunications; to amend sections 2-3917.02, 25-2503, 28-109, 28-515, 28-711, 28-1310, 39-101, 43-158, 60-102, 60-471, 60-501, 60-636, 60-638, 60-639, 60-640, 60-678, 60-6,142, 60-6,144, 60-6,226, 60-6,241, 60-6,304, 60-6,349, 60-6,351, 70-301, 75-101, 75-117, 75-128, 75-133, 75-155, 75-605, 75-607, 75-608, 75-611 to 75-616, 76-2301, 76-2321, 81-1117, 81-1120.17, 81-1120.19, 81-1576, 81-1849, 81-2301 to 81-2303, 81-2305, 81-2306, 81-2308, 81-2309 to 81-2313, 81-2601, 81-2603 to 81-2605, 86-101 to 86-107, 86-109, 86-111, 86-112, 86-301 to 86-309, 86-329, 86-331.01 to 86-331.04, 86-334 to 86-338, 86-401 to 86-412, 86-502, 86-601, 86-701 to 86-712, 86-801, 86-802, 86-805 to 86-807, 86-809, 86-810, 86-1001 to 86-1004, 86-1006 to 86-1009, 86-1101 to 86-1109, 86-1201 to 86-1218, 86-1221, 86-1301 to 86-1305, 86-1307, 86-1401, 86-1402, 86-1404, 86-1406 to 86-1410, 86-1501 to 86-1514, 86-1601 to 86-1606, 86-1803 to 86-1811, 86-1901 to 86-1904, 86-1906, 86-1910, 86-1911, 86-2002 to 86-2007, and 86-2009 to 86-2013, Reissue Revised Statutes of Nebraska, sections 2-1570, 25-2602.01, 49-14,141, 52-1307, 52-1314, 60-311.14, 60-680, 60-1417.01, 75-122.01, 75-126, 75-134, 75-137, 75-156, 75-606, 75-609 to 75-610, 75-617, 81-1120.35 to 81-1120.38, 81-1120.40, 81-1190 to 81-1192, 81-1194, 81-1195, 81-1196.01, 81-1199, 81-11,102, 81-2304, 81-2307, 81-2308.01, 81-2602, 86-803, 86-811, 86-1005, 86-1110, 86-1111, 86-1219, 86-1222, 86-1306, 86-1701, and 86-2101 to 86-2116, Revised Statutes Supplement, 2000, sections 18-419, 28-401, 60-301, 60-4,182, 60-601, 70-625, 70-704, 70-1409, 71-1,142, 75-132.01, 75-604, 79-215, 79-1241.02, 86-804, 86-808, 86-1403, 86-1405, 86-1905, 86-1907 to 86-1909, 86-2001, 86-2008, 86-2014, 86-2201 to 86-2214, and 86-2301 to 86-2307, Revised Statutes Supplement, 2001, sections 9-812 and 79-1328, Revised Statutes Supplement, 2001, as amended by sections 1 and 8, respectively, Legislative Bill 3, Ninety-seventh Legislature, First Special Session, 2001, and section 75-109, Revised Statutes Supplement, 2000, as amended by section 9, Legislative Bill 435, Ninety-seventh Legislature, Second Session, 2002; to reorganize statutory provisions relating to telecommunications and technology; to transfer, combine, and eliminate sections; to eliminate obsolete and expired provisions and penalties; to provide and change powers and duties of the Public Service Commission; to change provisions relating to application for and issuance of plates for handicapped or disabled persons; to authorize the use of electric personal assistive mobility devices as prescribed; to define and redefine terms; to prescribe rights and duties under the Nebraska Rules of the Road; to provide

penalties; to change provisions relating to motor vehicle and trailer auction dealers; to harmonize provisions; to provide duties for the Revisor of Statutes; to provide operative dates; to repeal the original sections; and to outright repeal sections 86-108, 86-110, 86-113, 86-201, 86-202, 86-203, 86-208 to 86-211, 86-330, 86-331, 86-503, 86-602, 86-603, and 86-1220, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

| | | | | |
|----------|------------|------------|---------------|------------|
| Aguilar | Chambers | Hartnett | McDonald | Schimek |
| Baker | Connealy | Hudkins | Pedersen, Dw. | Schrock |
| Bourne | Coordsen | Janssen | Pederson, D. | Stuhr |
| Brashear | Cudaback | Jensen | Preister | Suttle |
| Bromm | Cunningham | Kremer | Price | Synowiecki |
| Brown | Dierks | Kristensen | Quandahl | Thompson |
| Bruning | Engel | Kruse | Raikes | Vrtiska |
| Burling | Erdman | Landis | Redfield | Wehrbein |
| Byars | Foley | Maxwell | Robak | Wickersham |

Voting in the negative, 0.

Present and not voting, 1:

Beutler

Excused and not voting, 3:

Jones Smith Tyson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1290. With Emergency.

A BILL FOR AN ACT relating to state government; to amend section 84-1604, Reissue Revised Statutes of Nebraska; to authorize elected state officials and regional library systems employees to participate in the Nebraska State Insurance Program as prescribed; to change provisions for payment of the cost of coverage; to redefine state employee for purposes of the program; to repeal the original section; and to declare an emergency.

Senator Coordsen requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 19:

| | | | | |
|----------|----------|------------|---------------|------------|
| Aguilar | Burling | Dierks | Landis | Robak |
| Baker | Byars | Hartnett | Pedersen, Dw. | Schimek |
| Brashear | Chambers | Hudkins | Preister | Wickersham |
| Bruning | Coordsen | Kristensen | Quandahl | |

Voting in the negative, 23:

| | | | | |
|----------|------------|--------------|----------|------------|
| Beutler | Cudaback | Janssen | Raikes | Synowiecki |
| Bourne | Cunningham | Jensen | Redfield | Thompson |
| Bromm | Engel | Kremer | Schrock | Vrtiska |
| Brown | Erdman | Pederson, D. | Stuhr | |
| Connealy | Foley | Price | Suttle | |

Present and not voting, 4:

| | | | |
|-------|---------|----------|----------|
| Kruse | Maxwell | McDonald | Wehrbein |
|-------|---------|----------|----------|

Excused and not voting, 3:

| | | |
|-------|-------|-------|
| Jones | Smith | Tyson |
|-------|-------|-------|

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 16:

| | | | |
|----------|----------|---------------|------------|
| Aguilar | Byars | Hartnett | Preister |
| Baker | Chambers | Hudkins | Quandahl |
| Brashear | Coordsen | Kristensen | Schimek |
| Bruning | Dierks | Pedersen, Dw. | Wickersham |

Voting in the negative, 22:

| | | | | |
|----------|------------|--------------|----------|----------|
| Beutler | Cunningham | Jensen | Raikes | Thompson |
| Bourne | Engel | Kremer | Redfield | Vrtiska |
| Bromm | Erdman | Landis | Schrock | |
| Brown | Foley | Pederson, D. | Stuhr | |
| Connealy | Janssen | Price | Suttle | |

Present and not voting, 8:

| | | | |
|----------|---------|----------|------------|
| Burling | Kruse | McDonald | Synowiecki |
| Cudaback | Maxwell | Robak | Wehrbein |

Excused and not voting, 3:

| | | |
|-------|-------|-------|
| Jones | Smith | Tyson |
|-------|-------|-------|

Having failed to receive a constitutional majority voting in the affirmative with the emergency clause stricken, the bill failed to pass.

LEGISLATIVE BILL 1303.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 29-3601, 29-3603, and 29-3604, Reissue Revised Statutes of Nebraska, section 29-3602, Revised Statutes Supplement, 2000, and section 60-601, Revised Statutes Supplement, 2001; to provide for a driver's safety training program as pretrial diversion; to provide duties for the Department of Motor Vehicles; to prohibit the use of nitrous oxide as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

| | | | | |
|----------|------------|---------------|--------------|------------|
| Aguilar | Byars | Hudkins | Pederson, D. | Suttle |
| Baker | Connealy | Janssen | Preister | Synowiecki |
| Beutler | Coordsen | Jensen | Price | Thompson |
| Bourne | Cudaback | Kremer | Raikes | Vrtiska |
| Brashear | Cunningham | Kruse | Redfield | Wehrbein |
| Bromm | Dierks | Landis | Robak | Wickersham |
| Brown | Engel | Maxwell | Schimek | |
| Bruning | Erdman | McDonald | Schrock | |
| Burling | Foley | Pedersen, Dw. | Stuhr | |

Voting in the negative, 1:

Chambers

Present and not voting, 3:

| | | |
|----------|------------|----------|
| Hartnett | Kristensen | Quandahl |
|----------|------------|----------|

Excused and not voting, 3:

| | | |
|-------|-------|-------|
| Jones | Smith | Tyson |
|-------|-------|-------|

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 729, 931, 931A, 952, 952A, 957, 994, 994A, 1033, 1033A, 1062, 1062A, 1105, and 1303.

RESOLUTIONS

LEGISLATIVE RESOLUTION 460. Read. Considered.

LEGISLATIVE RESOLUTION 461. Read. Considered.

LEGISLATIVE RESOLUTION 462. Read. Considered.

LEGISLATIVE RESOLUTION 463. Read. Considered.

LEGISLATIVE RESOLUTION 466. Read. Considered.

LEGISLATIVE RESOLUTION 467. Read. Considered.

LEGISLATIVE RESOLUTION 468. Read. Considered.

LRs 460, 461, 462, 463, 466, 467, and 468 were adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

MOTIONS - Approve Appointments

Senator Schrock moved the adoption of the report of the Natural Resources Committee for the following appointment found on page 1706: Nebraska Power Review Board - Louis E. Lamberty.

Voting in the affirmative, 42:

| | | | | |
|----------|------------|------------|---------------|------------|
| Baker | Connealy | Hudkins | Pedersen, Dw. | Stuhr |
| Beutler | Coordsen | Janssen | Pederson, D. | Synowiecki |
| Bourne | Cudaback | Jensen | Preister | Thompson |
| Brashear | Cunningham | Kremer | Quandahl | Vrtiska |
| Bromm | Dierks | Kristensen | Raikes | Wehrbein |
| Brown | Engel | Kruse | Redfield | Wickersham |
| Bruning | Erdman | Landis | Robak | |
| Byars | Foley | Maxwell | Schimek | |
| Chambers | Hartnett | McDonald | Schrock | |

Voting in the negative, 0.

Present and not voting, 4:

| | | | |
|---------|---------|-------|--------|
| Aguilar | Burling | Price | Suttle |
|---------|---------|-------|--------|

Excused and not voting, 3:

Jones Smith Tyson

The appointment was confirmed with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

Senator Bromm moved the adoption of the report of the Transportation and Telecommunications Committee for the following appointments found on page 1728: Nebraska Information and Technology Commission - Greg Adams, Eric Brown, Trev Peterson, and L. Dennis Smith.

Voting in the affirmative, 39:

| | | | | |
|----------|----------|------------|--------------|------------|
| Baker | Chambers | Hudkins | Pederson, D. | Schrock |
| Beutler | Connealy | Janssen | Preister | Suttle |
| Bourne | Coordsen | Kremer | Price | Synowiecki |
| Brashear | Cudaback | Kristensen | Quandahl | Thompson |
| Bromm | Dierks | Kruse | Raikes | Vrtiska |
| Bruning | Erdman | Landis | Redfield | Wehrbein |
| Burling | Foley | Maxwell | Robak | Wickersham |
| Byars | Hartnett | McDonald | Schimek | |

Voting in the negative, 0.

Present and not voting, 7:

| | | | |
|---------|------------|---------------|-------|
| Aguilar | Cunningham | Jensen | Stuhr |
| Brown | Engel | Pedersen, Dw. | |

Excused and not voting, 3:

Jones Smith Tyson

The appointments were confirmed with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 459, 460, 461, 462, 463, 466, 467, and 468.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on final passage of LB 729 and LB 931.

(Signed) Vickie McDonald

REPORT OF THE EXECUTIVE BOARD2002 Resolutions calling for an Interim Study

LR 469 Interim study of the expenditures of state and local governments and the tax system needed to support essential services
Revenue

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 19, 2002, at 2:57 p.m., were the following: LBs 729, 931e, 931A, 952, 952A, 957e, 994e, 994Ae, 1033, 1033A, 1062e, 1062A, 1105, and 1303.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

MOTION - Notify Governor

Senator Brashear moved that a committee of five be appointed to notify the Governor that the Ninety-Seventh Legislature, Second Session of the Nebraska Legislature, is about to complete its work, and to return with any message the Governor may have for the Legislature.

The motion prevailed.

The Chair appointed Senators Dierks, Cunningham, McDonald, Suttle, and Wehrbein to serve on said committee.

The committee returned and escorted Governor Mike Johanns to the rostrum where he delivered a message to the members.

The committee escorted the Governor from the Chamber.

MESSAGES FROM THE GOVERNOR

April 19, 2002

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

Dear Mr. O'Donnell:

On April 16, 2002, I received engrossed Legislative Bills 1003 and 1003A. On April 17, 2002, I received Legislative Bill 1211e.

On April 18, 2002, I received Legislative Bills 642, 647, 722, 921e, 989e, 989A, 1086, 1126, and 1139. On April 19, 2002, I received Legislative Bills 729, 931e, 952, 952A, 957e, 994e, 994A, 1033, 1033A, 1062e, 1062A, 1105, and 1303.

Earlier today, I signed all of these bills and delivered them to the Secretary of State.

Sincerely,
(Signed) Mike Johanns
Governor

April 19, 2002

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

Dear Mr. President, Mr. Speaker, and Members of the Legislature:

With this letter I am returning LB 931A without my signature and with my objections.

I support the provisions of LB 931 to ensure the protection of farm laborers. LB 931A is not required for the implementation of LB 931. The Department of Labor will be directed to absorb the fiscal impact of this legislation.

I urge you to sustain my veto of LB 931A.

Sincerely,
(Signed) Mike Johanns
Governor

COMMUNICATIONS

April 19, 2002

The Honorable John Gale
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Gale:

Inasmuch as the Legislature did not override the veto by Governor Johanns of LB 22A, and consistent with our rules, I am delivering the bill

for filing in the form prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk
Enc.

April 19, 2002

The Honorable John Gale
Secretary of State
2300 State Capitol Building
Lincoln, NE 68509

Dear Mr. Gale:

Inasmuch as the Legislature did not override the veto by Governor Johanns of LB 931A, and consistent with our rules, I am delivering the bill for filing in the form prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:jk
Enc.

MOTION - Disposition of Bills

Senator Wickersham moved that all bills not otherwise disposed of, excluding bills on Final Reading and vetoed or line-item vetoed bills on this date, be indefinitely postponed. Further, that the chairpersons of all standing committees file with the Clerk of the Legislature all standing committee records so that a proper record may be made of the final disposition of all bills.

The motion prevailed.

MOTION - Journal, Session Laws, and Indexes

Senator Kristensen moved that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and Indexes by Patrick J. O'Donnell, and that he be directed to send to each member of the Legislature a copy of the loose-leaf session laws and of the permanent Journal and Session Laws.

The motion prevailed.

VISITORS

Visitors to the Chamber were 45 fifth- and sixth-grade students from O'Neill; 20 third- and fourth-grade students and teacher from Unadilla; Senator Kristensen's wife, Terri, and daughters, Morgan and Paige, from Minden; and fourth- and seventh-grade students and teacher from Newcastle.

MOTION - Adjourn Sine Die

Senator Coordsen moved that the Journal for the Sixtieth Day, as prepared by the Clerk of the Legislature, be approved and that the Ninety-Seventh Legislature, Second Session of the Nebraska Legislature, having finished all business before it, now at 3:46 p.m., adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell
Clerk of the Legislature

INDEXES FOR
LEGISLATIVE JOURNAL
NINETY-SEVENTH
LEGISLATURE
SECOND SESSION

2002

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Compiled by

PATRICK J. O'DONNELL

Clerk of the Legislature

03-01-49-2002

CHRONOLOGY OF BILLS
NINETY-SEVENTH LEGISLATURE
SECOND SESSION
2002

LEGISLATIVE BILL 12. By Dw. Pedersen

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 4 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 12A. By Dw. Pedersen

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 4 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 14. By Chambers

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 4 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 16. By Chambers

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 4 |
| Jan. 22 | Indefinitely postponed | 299 |

LEGISLATIVE BILL 18. By Chambers

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 4 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 19. By Chambers

| | | |
|---------|---|------|
| Jan. 9 | Title | 4 |
| Feb. 21 | Chambers priority bill | 667 |
| Apr. 16 | Beutler AM3688 and Foley AM3736 lost. Foley motion to reconsider vote on AM3736 pending | 1718 |
| Apr. 16 | Foley pending motion p. 1720 to reconsider vote on AM3736 pending | 1723 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 20. By Dierks

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 5 |
| Feb. 7 | Wickersham name added | 559 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 21. By Suttle, Hilgert, Thompson

| | | |
|---------|---|-----|
| Jan. 9 | Title | 5 |
| Jan. 29 | Suttle pending AM298 p. 565, First Session, withdrawn. Suttle AM2463 adopted. Advanced for Review | 396 |
| Jan. 31 | Placed on Select File - AM7159 | 443 |
| Feb. 6 | Suttle AM2503 printed | 524 |

| | | |
|---------|--|------|
| Mar. 5 | AM7159 (E & R) p. 443 adopted. Suttle pending AM2503 p. 524 adopted. Advanced for Engrossment | 822 |
| Mar. 7 | Correctly Engrossed | 873 |
| Mar. 7 | ER9111 change | 874 |
| Mar. 13 | Final Reading w/E 45-0-4 | 931 |
| Mar. 13 | Speaker signed | 955 |
| Mar. 13 | Presented to Governor (3/13) | 956 |
| Mar. 19 | Approved by Governor (3/18) | 1011 |

LEGISLATIVE BILL 21A. By Suttle

| | | |
|---------|---|-----|
| Jan. 9 | Title | 5 |
| Jan. 29 | Advanced for Review | 396 |
| Jan. 31 | Placed on Select File - AM7158 | 443 |
| Feb. 6 | Suttle motion to indefinitely postpone printed | 524 |
| Mar. 5 | AM7158 (E & R) p. 443 adopted. Suttle pending motion p. 524 to indefinitely postpone prevailed | 822 |

LEGISLATIVE BILL 22. By Suttle

| | | |
|---------|---|------|
| Jan. 9 | Title | 5 |
| Jan. 28 | Suttle AM2306 printed separate | 388 |
| Feb. 5 | Com AM256 p. 582, First Session, lost. Suttle pending AM2306 (printed separate) adopted. Advanced for Review | 499 |
| Feb. 7 | Placed on Select File - AM7165 | 553 |
| Mar. 5 | AM7165 (E & R) p. 553 adopted. Advanced for Engrossment | 823 |
| Mar. 7 | Correctly Engrossed | 878 |
| Apr. 11 | Dispensing of reading at large approved. Final Reading 46-0-3 | 1622 |
| Apr. 11 | Speaker signed | 1663 |
| Apr. 16 | Presented to Governor (4/11) | 1671 |
| Apr. 17 | Approved by Governor (4/17) | 1739 |

LEGISLATIVE BILL 22A. By Suttle

| | | |
|---------|---|------|
| Jan. 9 | Title | 5 |
| Feb. 5 | Advanced for Review | 499 |
| Feb. 7 | Placed on Select File - AM7166 | 554 |
| Mar. 5 | AM7166 (E & R) p. 554 adopted. Suttle AM2990 adopted. Advanced for Engrossment | 823 |
| Mar. 7 | Correctly Engrossed | 878 |
| Apr. 11 | Final Reading 44-0-5 | 1623 |
| Apr. 11 | Speaker signed | 1663 |
| Apr. 16 | Presented to Governor (4/11) | 1671 |
| Apr. 17 | Returned by Governor without approval (4/17) | 1740 |
| Apr. 19 | Communication | 1799 |

LEGISLATIVE BILL 26. By Redfield, Smith, Erdman

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 5 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 27. By Redfield

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 5 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 28. By Redfield, Jones, Cunningham, Jensen, Bruning, Smith

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 5 |
| Feb. 20 | Indefinitely postponed | 652 |

LEGISLATIVE BILL 29. By Redfield, Schimek, Byars, Dw. Pedersen

| | | |
|---------|--|------|
| Jan. 9 | Title | 6 |
| Jan. 24 | Redfield priority bill | 361 |
| Mar. 7 | Com AM917 p. 1007, First Session, adopted. Advanced for Review | 877 |
| Mar. 7 | Preister name added | 885 |
| Mar. 14 | Placed on Select File | 985 |
| Apr. 2 | Advanced for Engrossment | 1318 |
| Apr. 4 | Correctly Engrossed | 1440 |
| Apr. 11 | Final Reading 46-0-3 | 1627 |
| Apr. 11 | Speaker signed | 1663 |
| Apr. 16 | Presented to Governor (4/11) | 1671 |
| Apr. 17 | Approved by Governor (4/17) | 1739 |

LEGISLATIVE BILL 30. By Redfield, Byars, Schimek, Bruning

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 6 |
| Jan. 30 | Indefinitely postponed | 433 |

LEGISLATIVE BILL 35. By Thompson

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 6 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 37. By Thompson

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 6 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 40. By Thompson

| | | |
|---------|-------------------------------------|------|
| Jan. 9 | Title | 6 |
| Feb. 4 | Placed on General File - Com AM1974 | 467 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 42. By Landis

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 6 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 44. By Landis

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 6 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 57. By Redfield

| | | |
|---------|---|------|
| Jan. 9 | Title | 7 |
| Jan. 25 | Redfield AM2360 printed | 382 |
| Jan. 29 | Com AM531 p. 711, First Session, adopted. Redfield pending AM2360 p. 382 adopted. Advanced for Review | 397 |
| Jan. 29 | Erdman name added | 417 |
| Jan. 31 | Placed on Select File - AM7163 | 444 |
| Mar. 5 | AM7163 (E & R) p. 444 adopted. Advanced for Engrossment | 823 |
| Mar. 7 | Correctly Engrossed | 873 |
| Apr. 11 | Wehrbein motion to return to Select File for specific FA1080 withdrawn | 1628 |
| Apr. 11 | Final Reading 47-0-2 | 1628 |
| Apr. 11 | Speaker signed | 1663 |
| Apr. 16 | Presented to Governor (4/11) | 1671 |
| Apr. 17 | Approved by Governor (4/17) | 1739 |

LEGISLATIVE BILL 58. By Coordsen

| | | |
|---------|---|------|
| Jan. 9 | Title | 7 |
| Jan. 18 | Advanced for Review | 279 |
| Jan. 18 | Coordsen FA812 printed | 286 |
| Jan. 23 | Placed on Select File | 314 |
| Jan. 31 | Smith AM2429 printed | 451 |
| Feb. 4 | Smith FA836 and FA837 printed | 482 |
| Feb. 4 | Smith AM2545 printed | 483 |
| Feb. 5 | Smith motion to indefinitely postpone printed | 498 |
| Feb. 20 | Coordsen AM2811 printed | 652 |
| Mar. 5 | Coordsen pending FA812 p. 286 withdrawn. Smith pending AM2429 p. 451, FA836 and FA837 p. 482, and AM2545 p. 483 withdrawn. Smith pending motion p. 498 to indefinitely postpone withdrawn. Coordsen pending AM2811 p. 652 adopted. Advanced for Engrossment | 810 |
| Mar. 6 | Correctly Engrossed. ER9110 change | 851 |
| Mar. 13 | Final Reading 46-0-3 | 931 |
| Mar. 13 | Speaker signed | 955 |
| Mar. 13 | Presented to Governor (3/13) | 956 |
| Mar. 19 | Approved by Governor (3/18) | 1011 |

LEGISLATIVE BILL 62. By Bruning

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 7 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 63. By Bruning, Redfield

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 7 |
| Jan. 16 | Synowiecki name added | 249 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 64. By Bruning

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 7 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 66. By Bruning

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 7 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 66 amended into LB 82 by Com FA821)

LEGISLATIVE BILL 72. By Hilgert

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 7 |
| Jan. 9 | Robak name added | 124 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 74. By Hilgert

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 7 |
| Jan. 9 | Robak name added | 124 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 77. By Brashear, Schimek

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 8 |
| Jan. 22 | Indefinitely postponed | 299 |

LEGISLATIVE BILL 79. By Brashear

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 8 |
| Jan. 14 | Schimek name added | 208 |
| Jan. 28 | Beutler name added | 392 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 79 amended into LB 82 by Com FA822)

LEGISLATIVE BILL 80. By Brashear, Hilgert

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 8 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 82. By Brashear, Hilgert

| | | |
|---------|--|-----|
| Jan. 9 | Title | 8 |
| Jan. 14 | Price AM2221 to Com AM1962 printed | 190 |
| Jan. 16 | Robak name added | 249 |
| Jan. 23 | Brashear AM2314 to Com AM1962 printed | 331 |
| Jan. 23 | Bruning name added | 341 |
| Jan. 24 | Brashear pending AM2314 p. 331 adopted. Chair sustained request for division of question on Com AM1962 (printed separate), First Session. Com FA821 (1st) adopted. Bruning FA825 to Com FA821 (1st) lost. Com FA822 (2nd) pending. Price pending AM2221 p. 190 adopted | 345 |

| | | |
|---------|--|------|
| Jan. 24 | Com FA822 (2nd) p. 354 adopted as amended. Com FA823 (3rd) adopted. Com FA824 (4th) pending. Bruning FA820 to Com FA824 (4th) pending | 363 |
| Jan. 25 | Bruning pending FA820 p. 365 withdrawn. Chambers FA826 to Com FA824 (4th) lost. Com FA824 (4th) p. 364 lost. Advanced for Review | 376 |
| Jan. 29 | Placed on Select File - AM7149 (printed separate) | 416 |
| Jan. 30 | Bruning AM2435 to AM7149 printed | 434 |
| Feb. 4 | Beutler AM2550 to AM7149 printed | 488 |
| Mar. 6 | AM7149 (E & R) (printed separate) adopted. Bruning pending AM2435 p. 434 lost. Beutler pending AM2550 p. 488 withdrawn. Beutler FA880 to AM7149 lost. Advanced for Engrossment | 838 |
| Mar. 7 | Preister name added | 885 |
| Mar. 11 | Correctly Engrossed | 911 |
| Apr. 11 | Dispensing of reading at large approved. Final Reading 46-0-3 | 1630 |
| Apr. 11 | Speaker signed | 1663 |
| Apr. 16 | Presented to Governor (4/11) | 1671 |
| Apr. 17 | Approved by Governor (4/17) | 1739 |

(Provisions/portions of LB 66 amended into LB 82 by Com FA821)
 (Provisions/portions of LB 79 amended into LB 82 by Com FA822)
 (Provisions/portions of LB 221 amended into LB 82 by Com FA821)
 (Provisions/portions of LB 351 amended into LB 82 by Com FA821)
 (Provisions/portions of LB 565 amended into LB 82 by Com FA821)
 (Provisions/portions of LB 718 amended into LB 82 by Com FA823)
 (Provisions/portions of LB 754 amended into LB 82 by Com FA821)

LEGISLATIVE BILL 82A. By Brashear

| | | |
|---------|---|------|
| Jan. 9 | Title | 8 |
| Jan. 25 | Advanced for Review | 380 |
| Jan. 29 | Placed on Select File - AM7148 | 417 |
| Jan. 30 | Brashear motion to indefinitely postpone printed | 430 |
| Mar. 6 | AM7148 (E & R) p. 417 adopted. Brashear pending motion p. 430 to indefinitely postpone withdrawn. Passed over | 839 |
| Apr. 2 | Brashear motion to indefinitely postpone printed | 1314 |
| Apr. 3 | Brashear pending motion p. 1314 to indefinitely postpone prevailed | 1355 |

LEGISLATIVE BILL 86. By Brashear

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 8 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 87. By Brashear

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 8 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 88. By Brashear

| | | |
|---------|--|------|
| Jan. 9 | Title | 9 |
| Feb. 4 | Brashear AM2468 to Com AM458 printed | 482 |
| Feb. 8 | Com AM458 p. 753, First Session, pending. Brashear pending AM2468 p. 482 pending | 573 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 91. By Wickersham, Bromm, Coordsen, Erdman, Kremer

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 9 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 91A. By Wickersham

| | | |
|---------|---|------|
| Jan. 10 | Read first time. Placed on General File | 143 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 93. By Schimek

| | | |
|---------|--|------|
| Jan. 9 | Title | 9 |
| Jan. 18 | Advanced for Review | 278 |
| Jan. 23 | Placed on Select File | 314 |
| Jan. 24 | Schimek AM2376 printed | 361 |
| Jan. 31 | Schimek AM2511 printed separate | 452 |
| Feb. 4 | Schimek pending AM2376 p. 361 adopted. Schimek pending AM2511 (printed separate) adopted as amended by Bourne AM2521. Advanced for Engrossment | 487 |
| Feb. 6 | Correctly Engrossed. ER9106 change | 535 |
| Feb. 21 | Jensen AM2705 printed | 686 |
| Feb. 22 | Returned to Select File for Jensen specific pending AM2705 p. 686. Jensen specific pending AM2705 p. 686 adopted. Advanced for Reengrossment | 696 |
| Feb. 26 | Correctly Reengrossed | 739 |
| Mar. 13 | Dispensing of reading at large approved. Final Reading 48-0-1 | 932 |
| Mar. 13 | Speaker signed | 955 |
| Mar. 13 | Presented to Governor (3/13) | 956 |
| Mar. 19 | Approved by Governor (3/18) | 1011 |

(Provisions/portions of LB 869 amended into LB 93 by AM2511)

(Provisions/portions of LB 930 amended into LB 93 by AM2511)

(Provisions/portions of LB 1000 amended into LB 93 by AM2511)

LEGISLATIVE BILL 94. By Schimek

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 9 |
| Jan. 30 | Indefinitely postponed | 433 |

LEGISLATIVE BILL 95. By Schimek

| | | |
|--------|-------|---|
| Jan. 9 | Title | 9 |
|--------|-------|---|

| | | |
|---------|--|------|
| Jan. 29 | Com AM355 p. 711, First Session, pending. Chambers FA829 to Com AM355 withdrawn. Chambers FA830 to Com AM355 pending | 401 |
| Jan. 30 | Chambers pending FA830 p. 401 pending | 429 |
| Jan. 30 | Chambers pending FA830 p. 401 lost. Chambers motion to reconsider vote on FA830 failed | 431 |
| Jan. 30 | Chambers FA831 to Com AM355 printed | 434 |
| Feb. 6 | Schimek AM2579 printed | 520 |
| Feb. 12 | Schimek AM2658 to Com AM355 printed | 602 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 99. By Schimek

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 9 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 102. By Bromm, Vrtiska

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 9 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 109. By Bruning, Bourne, Wickersham

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 9 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 110. By Baker

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 10 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 112. By Baker, Dw. Pedersen

| | | |
|---------|---|------|
| Jan. 9 | Title | 10 |
| Jan. 28 | Chambers FA828 adopted. Advanced for Review | 387 |
| Jan. 28 | Aguilar name added | 392 |
| Jan. 31 | Placed on Select File - AM7151 | 443 |
| Mar. 5 | AM7151 (E & R) p. 443 adopted. Advanced for Engrossment | 821 |
| Mar. 7 | Correctly Engrossed | 873 |
| Mar. 13 | Final Reading 47-0-2 | 933 |
| Mar. 13 | Speaker signed | 955 |
| Mar. 13 | Presented to Governor (3/13) | 956 |
| Mar. 19 | Approved by Governor (3/18) | 1011 |

LEGISLATIVE BILL 116. By Quandahl

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 10 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 117. By Quandahl

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 10 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 120. By Wickersham

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 10 |
| Feb. 26 | Indefinitely postponed | 740 |

LEGISLATIVE BILL 121. By Wickersham

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 10 |
| Feb. 26 | Indefinitely postponed | 740 |

LEGISLATIVE BILL 123. By Wickersham, Connealy

| | | |
|---------|---|------|
| Jan. 9 | Title | 10 |
| Jan. 28 | Wickersham AM2440 printed | 391 |
| Jan. 29 | Wickersham pending AM2440 p. 391 adopted. Advanced for Review | 397 |
| Jan. 31 | Placed on Select File | 444 |
| Mar. 5 | Advanced for Engrossment | 823 |
| Mar. 7 | Correctly Engrossed | 873 |
| Apr. 11 | Wehrbein motion to return to Select File for specific FA1082 withdrawn | 1629 |
| Apr. 11 | Final Reading 44-0-5 | 1629 |
| Apr. 11 | Speaker signed | 1663 |
| Apr. 16 | Presented to Governor (4/11) | 1671 |
| Apr. 17 | Approved by Governor (4/17) | 1739 |

LEGISLATIVE BILL 124. By Wickersham

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 11 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 125. By Kristensen, Smith, Redfield

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 11 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 132. By Schrock

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 11 |
| Feb. 12 | Indefinitely postponed | 599 |

LEGISLATIVE BILL 139. By Janssen, Baker, Cunningham, Tyson

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 11 |
| Feb. 20 | Indefinitely postponed | 652 |

LEGISLATIVE BILL 140. By Robak, Burling, Connealy, Cunningham, Dierks, Hilgert, Hudkins, Janssen, Dw. Pedersen, Price, Schimek, Schrock, Smith, Stuhr

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 11 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 141. By Schrock, Baker, Bruning, Burling, Cudaback, Cunningham, Erdman, Foley, Janssen, Kruse, Price, Smith, Stuhr

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 11 |
| Feb. 26 | Indefinitely postponed | 740 |

LEGISLATIVE BILL 144. By Wehrbein

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 11 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 145. By Robak, Beutler, Byars, Price, Schimek, Suttle, Thompson

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 12 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 147. By Vrtiska, Janssen

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 12 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 150. By Jensen, Dw. Pedersen

| | | |
|---------|-------------------------------------|------|
| Jan. 9 | Title | 12 |
| Mar. 5 | Placed on General File - Com AM2887 | 795 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 153. By Hilgert

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 12 |
| Jan. 9 | Preister name added | 124 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 157. By Cudaback, Vrtiska

| | | |
|---------|----------------------------------|------|
| Jan. 9 | Title | 12 |
| Feb. 8 | Cudaback AM2607 printed separate | 573 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 157 amended into LB 830 by AM2903)

LEGISLATIVE BILL 157A. By Cudaback

| | | |
|---------|-------------------------|------|
| Jan. 9 | Title | 12 |
| Jan. 29 | Cudaback AM2455 printed | 416 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 158. By Robak, Dw. Pedersen, Suttle, Thompson

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 12 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 159. By Robak, Dw. Pedersen

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 12 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 160. By Bourne

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 13 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 161. By Bourne

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 13 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 164. By Robak, Schimek, Thompson

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 13 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 174. By Revenue Committee

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 13 |
| Feb. 26 | Indefinitely postponed | 740 |

LEGISLATIVE BILL 175. By Hudkins, Cunningham, Wehrbein

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 13 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 176. By Bourne

| | | |
|---------|---|------|
| Jan. 9 | Title | 13 |
| Feb. 8 | Advanced for Review | 572 |
| Feb. 11 | Placed on Select File - AM7170 | 593 |
| Feb. 27 | Hartnett AM2921 printed separate | 766 |
| Mar. 5 | AM7170 (E & R) p. 593 adopted. Hartnett pending AM2921 (printed separate) adopted. Advanced for Engrossment | 825 |
| Mar. 11 | Correctly Engrossed. ER9116 change | 911 |
| Mar. 13 | Dispensing of reading at large approved. Final Reading 46-1-2 | 934 |
| Mar. 13 | Speaker signed | 955 |
| Mar. 13 | Presented to Governor (3/13) | 956 |
| Mar. 19 | Approved by Governor (3/18) | 1011 |

(Provisions/portions of LB 1239 amended into LB 176 by AM2921)

LEGISLATIVE BILL 178. By Bourne

| | | |
|---------|---|------|
| Jan. 9 | Title | 14 |
| Mar. 25 | Com AM847 p. 1002, First Session, lost. Advanced for Review | 1131 |
| Mar. 26 | Placed on Select File - AM7209 | 1175 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 184. By Janssen, Cudaback, Schrock

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 14 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 185. By D. Pederson, Cudaback, Dierks, Engel, Hilgert, Kremer, Dw. Pedersen, Schimek, Wehrbein, Wickersham, Bruning, Foley, Erdman

| | | |
|--------|-------|----|
| Jan. 9 | Title | 14 |
|--------|-------|----|

| | | |
|---------|--|------|
| Jan. 14 | D. Pederson AM2304 printed | 206 |
| Jan. 14 | D. Pederson AM2305 to Com AM789 printed | 207 |
| Jan. 24 | D. Pederson priority bill | 345 |
| Jan. 29 | Erdman and Kremer names withdrawn | 417 |
| Feb. 11 | D. Pederson AM2650 to Com AM789 printed | 588 |
| Feb. 12 | Com AM789 p. 958, First Session, pending. D. Pederson pending AM2304 p. 206 and AM2305 p. 207 withdrawn. D. Pederson pending AM2650 p. 588 pending | 597 |
| Feb. 13 | D. Pederson pending AM2650 p. 588 pending | 611 |
| Feb. 13 | D. Pederson pending AM2650 p. 588 lost. Com AM789 p. 958, First Session, pending | 613 |
| Feb. 14 | D. Pederson AM2759 to Com AM789 adopted. Baker FA849 and Erdman FA850 to AM2759 adopted. Com AM789 p. 958, First Session, adopted as amended | 623 |
| Feb. 19 | Failed to advance for Review | 642 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 188. By Byars

| | | |
|---------|--|------|
| Jan. 9 | Title | 14 |
| Feb. 8 | Com AM195 p. 715, First Session, adopted. Advanced for Review | 572 |
| Feb. 11 | Placed on Select File | 591 |
| Feb. 19 | Chambers FA851, FA852, FA853, FA854, FA855, FA856, and FA857 printed | 649 |
| Feb. 19 | Chambers motion to recommit to committee printed. Chambers motion to indefinitely postpone printed. Chambers motion to bracket printed | 649 |
| Mar. 5 | Chambers pending FA851, FA852, FA853, FA854, FA855, FA856, and FA857 p. 649 withdrawn. Chambers pending motion p. 649 to recommit to committee withdrawn. Chambers pending motion p. 649 to indefinitely postpone withdrawn. Chambers pending motion p. 649 to bracket withdrawn. Advanced for Engrossment | 824 |
| Mar. 7 | Correctly Engrossed | 878 |
| Mar. 13 | Final Reading 48-0-1 | 935 |
| Mar. 13 | Speaker signed | 955 |
| Mar. 13 | Presented to Governor (3/13) | 956 |
| Mar. 19 | Approved by Governor (3/18) | 1011 |

LEGISLATIVE BILL 189. By Byars

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 14 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 190. By Byars, Bromm, Kremer, Schimek

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 14 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 195. By Dierks, Wehrbein

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 14 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 196. By Dierks, Cunningham

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 14 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 205. By Wickersham, Raikes, Wehrbein

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 15 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 206. By Wickersham, Raikes, Wehrbein

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 15 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 206A. By Wickersham

| | | |
|---------|---|------|
| Jan. 10 | Read first time. Placed on General File | 143 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 207. By Wickersham, Raikes, Wehrbein

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 15 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 208. By Agriculture Committee

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 15 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 212. By Jensen

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 15 |
| Feb. 4 | Placed on General File | 467 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 221. By Tyson

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 15 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 221 amended into LB 82 by Com FA821)

LEGISLATIVE BILL 224. By General Affairs Committee

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 16 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 227. By Thompson, Aguilar, Brown, Burling, Dierks, Jensen, Preister, Price, Raikes, Redfield, Schimek, Schrock, Suttle

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 16 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 228. By Thompson, Hilgert, Dw. Pedersen

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 16 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 231. By Hilgert

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 16 |
| Jan. 9 | Robak name added | 124 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 235. By Byars

| | | |
|---------|---|------|
| Jan. 9 | Title | 16 |
| Jan. 28 | Com AM494 p. 674, First Session, adopted. Advanced for Review | 387 |
| Jan. 31 | Placed on Select File - AM7155 | 438 |
| Mar. 5 | AM7155 (E & R) p. 438 adopted. Advanced for Engrossment | 815 |
| Mar. 6 | Correctly Engrossed. ER9117 change | 851 |
| Mar. 13 | Final Reading 48-0-1 | 936 |
| Mar. 13 | Speaker signed | 955 |
| Mar. 13 | Presented to Governor (3/13) | 956 |
| Mar. 19 | Approved by Governor (3/18) | 1011 |

LEGISLATIVE BILL 235A. By Byars

| | | |
|---------|---|------|
| Feb. 4 | Read first time. Placed on General File | 486 |
| Feb. 6 | Advanced for Review | 524 |
| Feb. 7 | Placed on Select File | 554 |
| Mar. 5 | Advanced for Engrossment | 815 |
| Mar. 6 | Correctly Engrossed | 851 |
| Mar. 13 | Final Reading 45-0-4 | 937 |
| Mar. 13 | Speaker signed | 955 |
| Mar. 13 | Presented to Governor (3/13) | 956 |
| Mar. 19 | Approved by Governor (3/18) | 1011 |

LEGISLATIVE BILL 241. By Price

| | | |
|---------|---|-----|
| Jan. 9 | Title | 16 |
| Jan. 18 | Com AM330 p. 584, First Session, adopted as amended by Jensen-Price AM2333. Advanced for Review | 283 |
| Jan. 23 | Placed on Select File - AM7141 | 314 |
| Feb. 5 | AM7141 (E & R) p. 314 adopted. Advanced for Engrossment | 492 |
| Feb. 7 | Correctly Engrossed. ER9108 change | 552 |
| Feb. 22 | Dispensing of reading at large approved. Final Reading 43-0-6 | 697 |
| Feb. 22 | Speaker signed | 713 |
| Feb. 25 | Presented to Governor (2/22) | 715 |
| Feb. 28 | Approved by Governor (2/27) | 770 |

LEGISLATIVE BILL 241A. By Price

| | | |
|---------|---|-----|
| Jan. 9 | Title | 17 |
| Jan. 18 | Advanced for Review | 283 |
| Jan. 23 | Placed on Select File - AM7139 | 315 |
| Feb. 5 | AM7139 (E & R) p. 315 adopted. Advanced for Engrossment | 492 |
| Feb. 7 | Correctly Engrossed. ER9107 change | 552 |
| Feb. 22 | Final Reading 41-0-8 | 698 |
| Feb. 22 | Speaker signed | 713 |
| Feb. 25 | Presented to Governor (2/22) | 715 |
| Feb. 28 | Approved by Governor (2/27) | 770 |

LEGISLATIVE BILL 248. By Wickersham, Raikes

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 17 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 251. By Schimek

| | | |
|---------|--|------|
| Jan. 9 | Title | 17 |
| Jan. 28 | Beutler FA827 adopted. Advanced for Review | 386 |
| Jan. 31 | Placed on Select File - AM7157 | 437 |
| Feb. 6 | Schimek AM2589 printed | 520 |
| Mar. 5 | AM7157 (E & R) p. 437 adopted. Schimek pending AM2589 p. 520 adopted. Advanced for Engrossment | 810 |
| Mar. 6 | Correctly Engrossed | 851 |
| Mar. 13 | Final Reading 46-0-3 | 937 |
| Mar. 13 | Speaker signed | 955 |
| Mar. 13 | Presented to Governor (3/13) | 956 |
| Mar. 19 | Approved by Governor (3/18) | 1011 |

LEGISLATIVE BILL 255. By Jensen, Byars

| | | |
|---------|-------------------------------------|------|
| Jan. 9 | Title | 17 |
| Feb. 4 | Placed on General File - Com AM2501 | 472 |
| Feb. 25 | Speaker priority bill | 725 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 259. By Wehrbein

| | | |
|---------|--|-----|
| Jan. 9 | Title | 17 |
| Jan. 22 | Com AM234 p. 525, First Session, pending. Beutler pending FA85 p. 869, and AM758 and AM767 p. 870, First Session, withdrawn. Beutler FA813 to Com AM234 lost | 300 |
| Jan. 22 | Janssen FA814 to Com AM234 adopted | 305 |
| Jan. 22 | Chambers FA815 to Com AM234 printed | 310 |
| Jan. 22 | Beutler motion to indefinitely postpone printed | 311 |
| Jan. 23 | Com AM234 p. 525, First Session, pending. Chambers pending FA815 p. 310 pending | 317 |

| | | |
|---------|--|-----|
| Jan. 23 | Chambers unanimous consent to replace pending FA815 p. 310 with substitute amendment. No objections. Chambers pending FA815 p. 310 withdrawn. Chambers substitute FA816 to Com AM234 adopted. Beutler AM2380 to Com AM234 ruled not germane. Com AM234 p. 525, First Session, adopted as amended | 322 |
| Jan. 23 | Beutler pending motion p. 311 to indefinitely postpone withdrawn. Advanced for Review | 330 |
| Jan. 24 | Placed on Select File - AM7144 | 356 |
| Feb. 5 | AM7144 (E & R) p. 356 adopted. Wehrbein AM2558 to AM7144 adopted. Advanced for Engrossment | 493 |
| Feb. 7 | Correctly Engrossed | 552 |
| Feb. 22 | Final Reading 39-0-10 | 698 |
| Feb. 22 | Speaker signed | 713 |
| Feb. 25 | Presented to Governor (2/22) | 715 |
| Feb. 28 | Approved by Governor (2/27) | 770 |

LEGISLATIVE BILL 262. By Preister

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 17 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 264. By Stuhr, Hudkins, Janssen, Price, Robak, Schimek, Suttle, Thompson, Tyson

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 17 |
| Feb. 21 | Foley name added | 687 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 265. By Stuhr, Dierks, Jones

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 18 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 271. By Bromm, Baker, Dierks, Foley, Hartnett, Kremer, Dw. Pedersen, Preister, Redfield, Tyson, Aguilar

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 18 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 272. By Thompson, Aguilar, Bourne, Brashear, Byars, Chambers, Hilgert, Jensen, Kruse, Dw. Pedersen, Preister, Price, Raikes, Robak, Suttle

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 18 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 272 amended into LB 1309 by Com AM3079)

LEGISLATIVE BILL 272A. By Thompson

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 18 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 273. By Schrock, Burling, Chambers, Cunningham, Dierks, Schimek, Vrtiska, Cudaback

| | | |
|---------|--|------|
| Jan. 9 | Title | 18 |
| Jan. 9 | Schrock unanimous consent to unbracket | 126 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 274. By Wehrbein, Schimek

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 18 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 276. By Redfield, Baker, Bromm, Burling, Byars, Coordsen, Cudaback, Dierks, Foley, Jensen, Kremer, Price, Quandahl, Smith, Stuhr, Thompson, Tyson

| | | |
|---------|--|------|
| Jan. 9 | Title | 18 |
| Jan. 30 | Cudaback priority bill | 420 |
| Jan. 30 | Bruning name added | 435 |
| Feb. 25 | Placed on General File - Com AM2457 | 726 |
| Mar. 6 | Schimek AM3025 printed | 851 |
| Mar. 11 | Schimek AM3077 printed | 903 |
| Mar. 12 | Erdman name added | 927 |
| Mar. 13 | Com AM2457 p. 726 adopted as amended by Redfield AM3111. Schimek pending AM3025 p. 851 withdrawn. Schimek pending AM3077 p. 903 adopted. Advanced for Review | 957 |
| Mar. 13 | Preister, Jones, and Aguilar names added | 978 |
| Mar. 14 | Schimek name added | 1008 |
| Mar. 19 | Placed on Select File - AM7190 | 1030 |
| Mar. 21 | Redfield AM3215 to AM7190 printed | 1069 |
| Mar. 25 | Redfield AM3275 to AM7190 printed | 1111 |
| Apr. 3 | AM7190 (E & R) p. 1030 adopted. Redfield pending AM3215 p. 1069 withdrawn. Redfield pending AM3275 p. 1111 adopted. Advanced for Engrossment | 1388 |
| Apr. 4 | Correctly Engrossed. ER9131 change | 1440 |
| Apr. 11 | Final Reading 47-0-2 | 1631 |
| Apr. 11 | Speaker signed | 1663 |
| Apr. 16 | Presented to Governor (4/11) | 1671 |
| Apr. 16 | Approved by Governor (4/16) | 1699 |

(Provisions/portions of LB 870 amended into LB 276 by AM3077)

(Provisions/portions of LB 966 amended into LB 276 by AM3275)

LEGISLATIVE BILL 277. By Redfield, Aguilar, Burling, Cunningham, Dierks, Erdman, Foley, Hilgert, Kremer, Price, Quandahl, Smith, Suttle, Tyson, Baker, Bruning, Jones

| | | |
|---------|---|------|
| Jan. 9 | Title | 19 |
| Apr. 10 | Price, Tyson, Kremer, Quandahl, Foley, Smith, Suttle, Baker, Jones, Bruning, Dierks, Cunningham, Aguilar, Burling, and Erdman names withdrawn | 1617 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 277A. By Redfield

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 19 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 281. By Connealy

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 19 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 281 amended into LB 876 by Com AM2941)

LEGISLATIVE BILL 282. By Wickersham, Jensen, Wehrbein, Price

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 19 |
| Feb. 26 | Indefinitely postponed | 740 |

LEGISLATIVE BILL 283. By Transportation and Telecommunications Committee

| | | |
|---------|--|------|
| Jan. 9 | Title | 19 |
| Jan. 30 | Chambers AM2477 to Com AM118 printed | 430 |
| Feb. 7 | Com AM118 (printed separate), First Session, adopted as amended by Chambers pending AM2477 p. 430. Chambers pending AM296 p. 746, First Session, withdrawn. Failed to advance for Review | 544 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 287. By Thompson, Bourne, Byars, Connealy, Kruse, Price, Robak, Schimek, Schrock, Suttle

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 20 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 287A. By Thompson

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 20 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 288. By Thompson, Aguilar, Bourne, Byars, Connealy, Kruse, Kremer, Preister, Price, Robak

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 20 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 290. By Jones, Baker, Bromm, Bruning, Dierks, Vrtiska

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 20 |
| Feb. 26 | Indefinitely postponed | 740 |

LEGISLATIVE BILL 291. By Aguilar, Cudaback, Cunningham, Hilgert, Jones, Quandahl, Tyson, Wickersham, Erdman

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 20 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 293. By Aguilar, Byars

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 20 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 296. By Dw. Pedersen

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 20 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 297. By Dw. Pedersen

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 21 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 298. By Bruning

| | | |
|---------|------------------------------------|------|
| Jan. 9 | Title | 21 |
| Jan. 14 | Bruning AM2259 printed | 190 |
| Mar. 6 | Bruning AM3017 printed | 843 |
| Mar. 11 | Wickersham AM3040 printed | 894 |
| Mar. 12 | Wickersham AM3103 printed separate | 925 |
| Apr. 11 | Bruning AM3678 printed | 1667 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 301. By Tyson, Jensen

| | | |
|---------|-------------------------------------|------|
| Jan. 9 | Title | 21 |
| Jan. 29 | Notice of hearing (2/8) (rehearing) | 394 |
| Feb. 6 | Tyson AM2535 printed | 525 |
| Feb. 11 | Placed on General File - Com AM2535 | 575 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 304. By Beutler

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 21 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 305. By Education Committee, Wehrbein

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 21 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 305A. By Raikes

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 21 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 306. By Smith, Bruning, Dw. Pedersen

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 22 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 307. By Schimek

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 22 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 311. By Coordsen

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 22 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 312. By Coordsen, Hilgert

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 22 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 315. By Stuhr

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 22 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 316. By Kristensen

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 22 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 320. By Suttle

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 22 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 321. By Suttle

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 22 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 322. By Suttle, Brown, Price, Robak

| | | |
|--------|------------------------|-----|
| Jan. 9 | Title | 23 |
| Feb. 4 | Indefinitely postponed | 478 |

LEGISLATIVE BILL 323. By Suttle, Schimek

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 23 |
| Apr. 17 | Indefinitely postponed | 1730 |

LEGISLATIVE BILL 325. By Suttle

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 23 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 326. By Suttle, Foley

| | | |
|---------|--|-----|
| Jan. 9 | Title | 23 |
| Feb. 5 | Com AM225 p. 572, First Session, adopted. Beutler-Suttle AM2508 adopted. Advanced for Review | 498 |
| Feb. 5 | Price and Aguilar names added | 504 |
| Feb. 7 | Placed on Select File | 553 |
| Feb. 28 | Raikes AM2943 printed | 770 |
| Mar. 5 | Raikes pending AM2943 p. 770 adopted. Advanced for Engrossment | 823 |
| Mar. 5 | Stuhr name added | 827 |
| Mar. 7 | Correctly Engrossed | 873 |

| | | |
|---------|------------------------------|------|
| Mar. 13 | Final Reading 43-0-6 | 938 |
| Mar. 13 | Speaker signed | 955 |
| Mar. 13 | Presented to Governor (3/13) | 956 |
| Mar. 19 | Approved by Governor (3/18) | 1011 |

LEGISLATIVE BILL 326A. By Suttle

| | | |
|---------|---|------|
| Jan. 9 | Title | 23 |
| Feb. 5 | Advanced for Review | 499 |
| Feb. 7 | Placed on Select File - AM7164 | 553 |
| Mar. 5 | AM7164 (E & R) p. 553 adopted. Advanced for Engrossment | 823 |
| Mar. 7 | Correctly Engrossed | 873 |
| Mar. 7 | ER9120 change | 874 |
| Mar. 13 | Final Reading 42-0-7 | 939 |
| Mar. 13 | Speaker signed | 955 |
| Mar. 13 | Presented to Governor (3/13) | 956 |
| Mar. 19 | Approved by Governor (3/18) | 1011 |

LEGISLATIVE BILL 327. By Suttle

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 23 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 328. By Suttle

| | | |
|--------|------------------------|-----|
| Jan. 9 | Title | 23 |
| Feb. 4 | Indefinitely postponed | 478 |

LEGISLATIVE BILL 330. By Redfield, Price

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 23 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 331. By Jensen

| | | |
|--------|------------------------|-----|
| Jan. 9 | Title | 24 |
| Feb. 4 | Indefinitely postponed | 478 |

LEGISLATIVE BILL 332. By Jensen

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 24 |
| Feb. 26 | Indefinitely postponed | 740 |

LEGISLATIVE BILL 333. By Jensen

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 24 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 336. By Bromm, Engel, Kremer

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 24 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 338. By Quandahl, Smith, Redfield, Erdman

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 24 |
| Jan. 14 | Indefinitely postponed | 195 |

LEGISLATIVE BILL 340. By Quandahl, Dw. Pedersen, Erdman, Smith, Bruning

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 24 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 341. By Quandahl, Dw. Pedersen, Erdman, Smith, Bruning

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 24 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 342. By Quandahl, Dw. Pedersen, Erdman, Smith, Bruning

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 25 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 343. By Kristensen, Bromm, Jensen

| | | |
|---------|------------------------------------|------|
| Jan. 9 | Title | 25 |
| Feb. 22 | Placed on General File - Com AM590 | 710 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 344. By Hilgert, Suttle

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 25 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 345. By Robak

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 25 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 345 amended into LB 1303 by AM3522)

LEGISLATIVE BILL 347. By Robak

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 25 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 348. By Beutler

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 25 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 350. By Redfield, Raikes

| | | |
|--------|------------------------|-----|
| Jan. 9 | Title | 26 |
| Feb. 6 | Indefinitely postponed | 532 |

LEGISLATIVE BILL 351. By Brashear, Dw. Pedersen

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 26 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 351 amended into LB 82 by Com FA821)

LEGISLATIVE BILL 352. By Brashear, Chambers, Dw. Pedersen

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 26 |
| Mar. 14 | Indefinitely postponed | 996 |

LEGISLATIVE BILL 353. By Brashear

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 26 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 355. By Brashear

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 26 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 356. By Brashear

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 26 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 361. By Landis

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 26 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 364. By Wickersham, Raikes, Wehrbein

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 27 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 367. By Raikes, Brown

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 27 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 369. By Robak, Bromm, Jones, Burling

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 27 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 370. By Price

| | | |
|--------|------------------------|-----|
| Jan. 9 | Title | 27 |
| Feb. 6 | Indefinitely postponed | 532 |

LEGISLATIVE BILL 371. By Landis

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 27 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 371 amended into LB 1126 by AM3675)

LEGISLATIVE BILL 373. By Schrock, Bruning, Hartnett, Kremer, Dw. Pedersen

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 27 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 378. By Robak, Hudkins, Coordsen, Dierks, Baker, Erdman, Connealy, Kremer, Vrtiska, Bromm, Wickersham, Jones

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 27 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 379. By Connealy

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 28 |
| Jan. 15 | Schimek name added | 229 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 380. By Janssen, Connealy, Hartnett, D. Pederson, Price, Tyson

| | | |
|--------|------------------------|-----|
| Jan. 9 | Title | 28 |
| Mar. 6 | Indefinitely postponed | 834 |

LEGISLATIVE BILL 381. By Bourne

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 28 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 384. By Quandahl, Bruning, Cudaback, Kristensen, Redfield, Wickersham, Dw. Pedersen

| | | |
|---------|---|------|
| Jan. 9 | Title | 28 |
| Jan. 24 | Baker priority bill | 345 |
| Jan. 24 | Baker name added | 367 |
| Feb. 19 | Quandahl AM2645 to Com AM2193 printed | 640 |
| Mar. 11 | Com AM2193 (printed separate), First Session, pending. Quandahl pending AM2645 p. 640 withdrawn. Quandahl AM3058 (printed separate) to Com AM2193 pending. Tyson motion to bracket until 3/28/2002 withdrawn | 888 |
| Mar. 11 | Tyson motion to bracket until 3/18/2002 failed. Beutler requested ruling of Chair on Quandahl pending AM3058 (printed separate). Chair overruled point of order. Quandahl pending AM3058 (printed separate) adopted. Chambers motion to recommit to committee pending | 890 |
| Mar. 11 | Chambers pending motion p. 890 to recommit to committee withdrawn. Chambers FA898 to AM3058 adopted | 905 |
| Mar. 11 | Chambers FA899 and FA900 to AM3058 adopted. Com AM2193 (printed separate), First Session, adopted as amended. Advanced for Review | 910 |
| Mar. 14 | Placed on Select File - AM7184 (printed separate) | 1003 |
| Mar. 25 | Quandahl-Hartnett-Landis AM3283 printed separate | 1135 |
| Mar. 28 | Stuhr AM3295 to AM7184 printed | 1258 |
| Apr. 2 | AM7184 (E & R) (printed separate) adopted. Quandahl et al. pending AM3283 (printed separate) adopted. Stuhr pending AM3295 p. 1258 withdrawn. Stuhr AM3471 to AM7184 withdrawn. Advanced for Engrossment | 1319 |
| Apr. 4 | Correctly Engrossed. ER9129 change | 1440 |
| Apr. 11 | Dispensing of reading at large approved. Final Reading 42-3-4 | 1632 |
| Apr. 11 | Speaker signed | 1663 |
| Apr. 16 | Presented to Governor (4/11) | 1671 |
| Apr. 17 | Approved by Governor (4/17) | 1739 |

LEGISLATIVE BILL 385. By Landis

| | | |
|---------|--|------|
| Jan. 9 | Title | 28 |
| Jan. 28 | Advanced for Review | 387 |
| Jan. 31 | Placed on Select File | 443 |
| Mar. 5 | Beutler motion to indefinitely postpone withdrawn. Advanced for Engrossment | 821 |
| Mar. 7 | Correctly Engrossed | 873 |
| Mar. 13 | Final Reading 44-1-4 | 939 |
| Mar. 13 | Speaker signed | 955 |
| Mar. 13 | Presented to Governor (3/13) | 956 |
| Mar. 19 | Approved by Governor (3/18) | 1011 |

LEGISLATIVE BILL 388. By Bromm

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 28 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 388 amended into LB 830 by AM2903)

LEGISLATIVE BILL 391. By Jensen, Aguilar, Quandahl, Schimek, Vrtiska

| | | |
|---------|---|------|
| Jan. 9 | Title | 28 |
| Jan. 24 | Quandahl priority bill | 344 |
| Feb. 7 | Jensen-Quandahl AM2622 to Com AM588 printed | 554 |
| Feb. 11 | Com AM588 (printed separate), First Session, adopted as amended by Jensen-Quandahl pending AM2622 p. 554. Chambers pending AM2177 p. 2273, First Session, withdrawn | 582 |
| Feb. 12 | Raikes-Jensen-Quandahl-Schimek AM2694 to Com AM588 adopted. Chambers FA847 withdrawn. Brown FA848 adopted. Advanced for Review | 595 |
| Feb. 14 | Placed on Select File - AM7173 (printed separate) | 637 |
| Feb. 26 | Raikes-Quandahl-Jensen AM2837 to AM7173 printed | 743 |
| Mar. 7 | Tyson AM2850 to AM7173 printed | 879 |
| Apr. 2 | AM7173 (E & R) (printed separate) adopted. Raikes et al. pending AM2837 p. 743 adopted. Tyson pending AM2850 p. 879 withdrawn. Chambers motion to indefinitely postpone withdrawn. Advanced for Engrossment | 1280 |
| Apr. 3 | Correctly Engrossed | 1393 |
| Apr. 3 | ER9124 change | 1394 |
| Apr. 11 | Dispensing of reading at large approved. Final Reading 40-3-6 | 1633 |
| Apr. 11 | Speaker signed | 1663 |
| Apr. 16 | Presented to Governor (4/11) | 1671 |
| Apr. 17 | Approved by Governor (4/17) | 1739 |

LEGISLATIVE BILL 392. By Smith, Aguilar, Bruning, Burling, Dierks, Erdman, Dw. Pedersen, Schrock, Vrtiska, Jones, Cunningham

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 28 |
| Feb. 26 | Indefinitely postponed | 740 |

LEGISLATIVE BILL 394. By Smith, Aguilar, Brown, Bruning, Burling, Hartnett, Kruse, Dw. Pedersen, Price, Redfield, Robak, Stuhr

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 29 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 395. By Smith, Aguilar, Brown, Erdman, Dw. Pedersen, D. Pederson

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 29 |
| Jan. 22 | Indefinitely postponed | 299 |

LEGISLATIVE BILL 396. By Suttle, Price

| | | |
|--------|------------------------|-----|
| Jan. 9 | Title | 29 |
| Feb. 4 | Indefinitely postponed | 478 |

LEGISLATIVE BILL 397. By Preister

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 29 |
| Mar. 11 | Landis AM3070 printed | 908 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 399. By Cunningham, Byars, Jensen, Price, Suttle, Thompson

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 29 |
| Feb. 25 | Speaker priority bill | 725 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 399A. By Cunningham

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 29 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 400. By Brown, Bruning, Jensen, Suttle

| | | |
|---------|---|------|
| Jan. 9 | Title | 30 |
| Jan. 30 | Jensen pending motion p. 2287, First Session, to indefinitely postpone withdrawn. Tyson motion to recommit to committee pending. Thompson unanimous consent to bracket to 2/7/2002. No objections | 421 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 400A. By Brown

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 30 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 401. By Kristensen, Dw. Pedersen

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 30 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 402. By Dw. Pedersen

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 30 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 403. By Dw. Pedersen

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 30 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 404. By Stuhr, Schrock, Kremer

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 30 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 406. By Schimek

| | | |
|---------|------------------------------|-----|
| Jan. 9 | Title | 31 |
| Jan. 18 | Advanced for Review | 278 |
| Jan. 23 | Placed on Select File | 314 |
| Feb. 4 | Advanced for Engrossment | 488 |
| Feb. 6 | Correctly Engrossed | 535 |
| Feb. 22 | Final Reading 46-0-3 | 699 |
| Feb. 22 | Speaker signed | 713 |
| Feb. 25 | Presented to Governor (2/22) | 715 |
| Feb. 28 | Approved by Governor (2/27) | 770 |

LEGISLATIVE BILL 407. By Nebraska Retirement Systems Committee

| | | |
|---------|--|------|
| Jan. 9 | Title | 31 |
| Jan. 31 | Nebraska Retirement Systems Committee priority bill | 452 |
| Feb. 28 | Placed on General File - Com AM2886 (printed separate) | 774 |
| Mar. 6 | Com AM2886 (printed separate) adopted as amended by Wickersham AM3020. Advanced for Review | 839 |
| Mar. 14 | Placed on Select File - AM7176 | 981 |
| Mar. 26 | Bruning AM3200 to Com AM2886 printed | 1140 |
| Mar. 26 | Wickersham AM3218 to Com AM2886 printed | 1146 |
| Mar. 26 | Janssen AM3201 to Com AM2886 printed | 1171 |
| Apr. 3 | AM7176 (E & R) p. 981 adopted. Bruning pending AM3200 p. 1140, Wickersham pending AM3218 p. 1146, and Janssen pending AM3201 p. 1171 adopted. Advanced for Engrossment | 1390 |
| Apr. 8 | Correctly Engrossed. ER9132 change | 1487 |
| Apr. 11 | Dispensing of reading at large approved. Final Reading w/E 44-0-5 | 1634 |
| Apr. 11 | Speaker signed | 1663 |
| Apr. 16 | Presented to Governor (4/11) | 1671 |
| Apr. 17 | Approved by Governor (4/17) | 1739 |

(Provisions/portions of LB 686 amended into LB 407 by Com AM2886)
 (Provisions/portions of LB 1019 amended into LB 407 by Com AM2886)
 (Provisions/portions of LB 1027 amended into LB 407 by Com AM2886)
 (Provisions/portions of LB 1111 amended into LB 407 by Com AM2886)
 (Provisions/portions of LB 1144 amended into LB 407 by Com AM2886)

LEGISLATIVE BILL 412. By Robak

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 31 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 413. By Robak

| | | |
|---------|---|------|
| Jan. 9 | Title | 31 |
| Jan. 18 | Beutler AM2352 adopted. Advanced for Review | 282 |
| Jan. 23 | Placed on Select File | 314 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 414. By Stuhr, Dierks

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 31 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 415. By Stuhr, Connealy, Kremer, Schimek, Vrtiska

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 31 |
| Jan. 30 | Indefinitely postponed | 430 |

LEGISLATIVE BILL 417. By Business and Labor Committee

| | | |
|---------|--|------|
| Jan. 9 | Title | 31 |
| Jan. 17 | Connealy AM2274 printed | 260 |
| Jan. 18 | Com AM267 p. 572, First Session, adopted. Connealy pending AM2274 p. 260 adopted. Advanced for Review | 279 |
| Jan. 23 | Placed on Select File | 314 |
| Feb. 5 | Advanced for Engrossment | 492 |
| Feb. 6 | Correctly Engrossed | 535 |
| Feb. 22 | Returned to Select File for Connealy specific AM2867. Connealy specific AM2867 adopted. Advanced for Reengrossment | 700 |
| Feb. 26 | Correctly Reengrossed | 739 |
| Mar. 13 | Final Reading 43-0-6 | 940 |
| Mar. 13 | Speaker signed | 955 |
| Mar. 13 | Presented to Governor (3/13) | 956 |
| Mar. 19 | Approved by Governor (3/18) | 1011 |

LEGISLATIVE BILL 421. By Wickersham, Dierks, Kremer, Price, Raikes, Suttle, Coordsen, Cunningham

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 32 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 422. By Wickersham, Dierks, Jones, Kremer, Vrtiska

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 32 |
| Feb. 26 | Indefinitely postponed | 740 |

LEGISLATIVE BILL 423. By Thompson

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 32 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 425. By Connealy, Redfield

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 32 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 426. By Connealy, Dw. Pedersen

| | | |
|---------|--|------|
| Jan. 9 | Title | 32 |
| Jan. 23 | Bruning name added | 341 |
| Feb. 14 | Synowiecki priority bill | 637 |
| Feb. 22 | Quandahl name added | 713 |
| Mar. 28 | Connealy AM3081 printed | 1246 |
| Apr. 4 | Com AM1009 p. 1151, First Session, adopted. Connealy pending AM3081 p. 1246 adopted. Advanced for Review | 1458 |
| Apr. 8 | Placed on Select File - AM7227 | 1519 |
| Apr. 8 | Brashear AM3641 to AM7227 printed | 1540 |
| Apr. 10 | Connealy-Synowiecki AM3666 to AM7227 printed | 1607 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 427. By Wickersham

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 32 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 427 amended into LB 1003 by AM2781)

LEGISLATIVE BILL 428. By Government, Military and Veterans Affairs Committee, Erdman

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 32 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 429. By Janssen, Baker, Cunningham, Vrtiska

| | | |
|---------|--|------|
| Jan. 9 | Title | 33 |
| Feb. 5 | Vrtiska pending FA110 p. 1140, First Session, and Janssen pending FA111 p. 1144, First Session, withdrawn. Janssen AM2560 to Com AM272 pending. Chambers motion to bracket until 4/17/2002 pending | 499 |
| Feb. 6 | Chambers pending motion p. 500 to bracket until 4/17/2002 pending | 524 |
| Feb. 6 | Chambers pending motion p. 500 to bracket until 4/17/2002 failed. Chambers motion to reconsider vote on motion to bracket failed | 531 |
| Feb. 6 | Chambers motion to recommit to committee pending | 536 |
| Feb. 6 | Wehrbein AM2609 printed. Beutler FA840 to Com AM272 printed | 536 |
| Feb. 25 | Chambers pending motion p. 536 to recommit to committee withdrawn. Janssen pending AM2560 p. 499 adopted. Janssen motion to invoke cloture prevailed. Advanced for Review | 736 |
| Feb. 26 | Placed on Select File | 739 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 429A. By Janssen

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 33 |
| Feb. 25 | Janssen AM2721 pending | 738 |

| | | |
|---------|--|------|
| Feb. 26 | Chambers FA864 to AM2721 printed | 744 |
| Apr. 16 | Janssen pending AM2721 p. 738 and Chambers pending FA864 p. 744 withdrawn. Janssen motion to indefinitely postpone prevailed | 1699 |

LEGISLATIVE BILL 434. By Suttle

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 33 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 435. By Agriculture Committee

| | | |
|---------|--|------|
| Jan. 9 | Title | 33 |
| Jan. 29 | Dierks AM2279 to AM7119 printed | 409 |
| Jan. 30 | Beutler pending AM1728, AM1732, AM1737, AM1731, and AM1736 p. 2050, AM1730 and AM1733 p. 2051, AM2065, AM2062, AM2059, AM2060, and AM2066 p. 2074, and AM2061 p. 2075, First Session, withdrawn. Dierks pending AM2279 p. 409 withdrawn. Dierks AM2487 to AM7119 adopted. Advanced for Engrossment | 424 |
| Feb. 4 | Correctly Engrossed. ER9103 change | 455 |
| Mar. 13 | Dierks motion to return to Select File for specific FA863 withdrawn | 951 |
| Mar. 13 | Final Reading 42-0-7 | 951 |
| Mar. 13 | Speaker signed | 955 |
| Mar. 13 | Presented to Governor (3/13) | 956 |
| Mar. 19 | Approved by Governor (3/18) | 1011 |

LEGISLATIVE BILL 435A. By Dierks

| | | |
|---------|------------------------------|------|
| Jan. 9 | Title | 33 |
| Jan. 30 | Advanced for Engrossment | 429 |
| Feb. 4 | Correctly Engrossed | 455 |
| Feb. 4 | ER9102 change | 456 |
| Mar. 13 | Final Reading 42-0-7 | 952 |
| Mar. 13 | Speaker signed | 955 |
| Mar. 13 | Presented to Governor (3/13) | 956 |
| Mar. 19 | Approved by Governor (3/18) | 1011 |

LEGISLATIVE BILL 436. By Dierks

| | | |
|---------|--|-----|
| Jan. 9 | Title | 33 |
| Jan. 22 | Dierks AM2372 to Com AM286 printed | 306 |
| Jan. 25 | Com AM286 p. 620, First Session, adopted as amended by Dierks pending AM2372 p. 306. Beutler AM2403 adopted. Advanced for Review | 380 |
| Jan. 29 | Placed on Select File - AM7150 (printed separate) | 417 |
| Jan. 30 | Chambers AM2470 to AM7150 printed | 421 |
| Feb. 4 | Dierks AM2529 to AM7150 printed | 483 |
| Feb. 5 | AM7150 (E & R) (printed separate) adopted. Chambers pending AM2470 p. 421 and Dierks pending AM2529 p. 483 adopted. Advanced for Engrossment | 494 |

| | | |
|---------|---|-----|
| Feb. 8 | Correctly Engrossed | 561 |
| Feb. 8 | ER9109 change | 562 |
| Feb. 22 | Dispensing of reading at large approved | 701 |
| Feb. 22 | Final Reading 44-0-5 | 702 |
| Feb. 22 | Speaker signed | 713 |
| Feb. 25 | Presented to Governor (2/22) | 715 |
| Feb. 28 | Approved by Governor (2/27) | 770 |

LEGISLATIVE BILL 436A. By Dierks

| | | |
|---------|---|-----|
| Jan. 9 | Title | 33 |
| Jan. 25 | Advanced for Review | 380 |
| Jan. 29 | Placed on Select File - AM7152 | 417 |
| Feb. 5 | AM7152 (E & R) p. 417 adopted. Advanced for Engrossment | 494 |
| Feb. 8 | Correctly Engrossed | 561 |
| Feb. 22 | Final Reading 44-0-5 | 702 |
| Feb. 22 | Speaker signed | 713 |
| Feb. 25 | Presented to Governor (2/22) | 715 |
| Feb. 28 | Approved by Governor (2/27) | 770 |

LEGISLATIVE BILL 437. By Dierks

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 34 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 439. By Transportation and Telecommunications Committee

| | | |
|---------|-------------------------------------|------|
| Jan. 9 | Title | 34 |
| Feb. 11 | Placed on General File - Com AM2581 | 583 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 440A. By Byars

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 34 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 445. By Bourne

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 34 |
| Jan. 11 | Indefinitely postponed | 154 |

LEGISLATIVE BILL 446. By Hudkins

| | | |
|---------|---|-----|
| Jan. 9 | Title | 34 |
| Jan. 18 | Com AM169 p. 557, First Session, adopted. Advanced for Review | 278 |
| Jan. 23 | Placed on Select File - AM7136 | 314 |
| Feb. 4 | AM7136 (E & R) p. 314 adopted. Aguilar AM2540 pending | 488 |
| Feb. 5 | Aguilar pending AM2540 p. 488 adopted. Advanced for Engrossment | 491 |

| | | |
|---------|---|------|
| Feb. 5 | McDonald name added | 504 |
| Feb. 6 | Correctly Engrossed | 535 |
| Feb. 14 | Smith AM2743 printed | 621 |
| Feb. 22 | Smith pending AM2743 p. 621 withdrawn. Returned to Select File for Bromm specific AM2869. Bromm specific AM2869 adopted. Advanced for Reengrossment | 703 |
| Feb. 22 | Returned to Select File for Hudkins specific AM2870. Hudkins specific AM2870 adopted. Advanced for Reengrossment | 705 |
| Feb. 26 | Correctly Reengrossed | 739 |
| Mar. 13 | Final Reading 45-0-4 | 941 |
| Mar. 13 | Speaker signed | 955 |
| Mar. 13 | Presented to Governor (3/13) | 956 |
| Mar. 19 | Approved by Governor (3/18) | 1011 |

(Provisions/portions of LB 923 amended into LB 446 by AM2869)

LEGISLATIVE BILL 447. By Beutler

| | | |
|---------|--|-----|
| Jan. 9 | Title | 34 |
| Jan. 22 | Beutler motion to place on General File printed | 296 |
| Feb. 6 | Indefinitely postponed | 507 |
| Feb. 14 | Beutler pending motion p. 296 to place on General File pending | 627 |

LEGISLATIVE BILL 452. By Hilgert

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 34 |
| Jan. 9 | Robak name added | 124 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 453. By Hilgert

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 35 |
| Jan. 9 | Robak name added | 124 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 454. By Bruning, Smith

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 35 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 455. By Bruning

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 35 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 456. By Schimek

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 35 |
| Jan. 30 | Indefinitely postponed | 430 |

LEGISLATIVE BILL 458. By Baker

| | | |
|--------|-------|----|
| Jan. 9 | Title | 35 |
|--------|-------|----|

CHRONOLOGY OF BILLS

1837

| | | |
|---------|--|------|
| Jan. 18 | Baker AM2277 printed | 286 |
| Jan. 18 | Baker AM2293 printed | 287 |
| Jan. 28 | Baker pending AM2277 p. 286 and AM2293 p. 287 adopted. Advanced for Review | 387 |
| Jan. 31 | Placed on Select File - AM7156 | 443 |
| Feb. 28 | Schrock AM2950 printed | 780 |
| Mar. 5 | AM7156 (E & R) p. 443 adopted. Schrock pending AM2950 p. 780 withdrawn. Schrock AM2962 adopted. Advanced for Engrossment | 815 |
| Mar. 7 | Correctly Engrossed | 873 |
| Mar. 7 | ER9112 change | 874 |
| Mar. 13 | Dispensing of reading at large approved. Final Reading 44-0-5 | 942 |
| Mar. 13 | Speaker signed | 955 |
| Mar. 13 | Presented to Governor (3/13) | 956 |
| Mar. 19 | Approved by Governor (3/18) | 1011 |

(Provisions/portions of LB 890 amended into LB 458 by AM2962)

LEGISLATIVE BILL 460. By Beutler, Vrtiska

| | | |
|---------|---|------|
| Jan. 9 | Title | 35 |
| Jan. 28 | Price priority bill | 386 |
| Jan. 28 | Beutler AM2312 to Com AM1697 printed | 386 |
| Feb. 4 | Price name added | 489 |
| Mar. 7 | Tyson AM3011 to Com AM1697 printed | 863 |
| Mar. 12 | Com AM1697 p. 1713, First Session, adopted as amended by Beutler pending AM2312 p. 386 and Tyson pending AM3011 p. 863. Advanced for Review | 922 |
| Mar. 19 | Placed on Select File - AM7185 | 1027 |
| Apr. 2 | AM7185 (E & R) p. 1027 adopted. Advanced for Engrossment | 1339 |
| Apr. 4 | Correctly Engrossed | 1440 |
| Apr. 11 | Final Reading w/E 42-1-6 | 1635 |
| Apr. 11 | Speaker signed | 1663 |
| Apr. 16 | Presented to Governor (4/11) | 1671 |
| Apr. 17 | Approved by Governor (4/17) | 1739 |

(Provisions/portions of LB 1212 amended into LB 460 by AM3011)

LEGISLATIVE BILL 462. By Dw. Pedersen, Engel, Erdman, Foley, Bruning, Jones

| | | |
|---------|--|------|
| Jan. 9 | Title | 35 |
| Jan. 15 | Bromm AM2310 printed | 229 |
| Jan. 16 | Chambers motion to recommit to committee pending. Dw. Pedersen motion to invoke cloture failed | 236 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 467. By Suttle

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 36 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 469. By Wickersham, Beutler

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 36 |
| Feb. 28 | Indefinitely postponed | 769 |

LEGISLATIVE BILL 470. By Transportation and Telecommunications Committee, Thompson, Smith

| | | |
|---------|---|------|
| Jan. 9 | Title | 36 |
| Jan. 24 | Jones priority bill | 345 |
| Mar. 5 | Com AM145 (printed separate), First Session, pending. Chambers FA871 to Com AM145 adopted | 794 |
| Mar. 5 | Chambers FA872 to Com AM145 pending | 806 |
| Mar. 5 | Chambers pending FA872 p. 806 lost | 806 |
| Mar. 5 | Chambers motion to reconsider vote on FA872 printed | 809 |
| Mar. 6 | Correction | 829 |
| Mar. 6 | Chambers pending motion p. 809 to reconsider vote on FA872 withdrawn. Bromm AM3029 to Com AM145 adopted. Com AM145 (printed separate), First Session, adopted as amended. Advanced for Review | 850 |
| Mar. 14 | Placed on Select File - AM7177 (printed separate) | 984 |
| Mar. 28 | Kristensen AM3384 to AM7177 printed | 1275 |
| Apr. 2 | AM7177 (E & R) (printed separate) adopted. Kristensen pending AM3384 p. 1275 adopted as amended by Bromm-Jones FA1037. Advanced for Engrossment | 1287 |
| Apr. 3 | Correctly Engrossed | 1393 |
| Apr. 3 | ER9125 change | 1394 |
| Apr. 11 | Dispensing of reading at large approved. Final Reading 40-4-5 | 1636 |
| Apr. 11 | Speaker signed | 1663 |
| Apr. 16 | Presented to Governor (4/11) | 1671 |
| Apr. 16 | Approved by Governor (4/16) | 1699 |

LEGISLATIVE BILL 470A. By Bromm

| | | |
|---------|--|------|
| Jan. 9 | Title | 36 |
| Feb. 13 | Bromm AM2730 printed | 612 |
| Mar. 6 | Bromm pending AM2730 p. 612 adopted. Advanced for Review | 851 |
| Mar. 14 | Placed on Select File - AM7178 | 984 |
| Apr. 2 | AM7178 (E & R) p. 984 adopted. Advanced for Engrossment | 1287 |
| Apr. 3 | Correctly Engrossed | 1393 |
| Apr. 11 | Final Reading 44-0-5 | 1637 |
| Apr. 11 | Speaker signed | 1663 |
| Apr. 16 | Presented to Governor (4/11) | 1671 |
| Apr. 16 | Approved by Governor (4/16) | 1699 |

LEGISLATIVE BILL 471. By Dw. Pedersen, Thompson

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 36 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 473. By Tyson

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 36 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 474. By Erdman, Baker, Bruning, Cunningham, Dierks, Jones, Kremer, Schrock, Smith, Vrtiska, Wickersham

| | | |
|---------|--|-----|
| Jan. 9 | Title | 36 |
| Jan. 17 | Erdman-Dierks AM2326 to Com AM244 printed | 259 |
| Jan. 18 | Com AM244 p. 573, First Session, adopted as amended by Erdman-Dierks pending AM2326 p. 259. Dierks pending AM923 p. 997, First Session, withdrawn. Advanced for Review | 282 |
| Jan. 23 | Placed on Select File - AM7142 | 314 |
| Jan. 25 | Erdman AM2391 to Com AM244 printed | 378 |
| Feb. 5 | AM7142 (E & R) p. 314 adopted. Erdman pending AM2391 p. 378 adopted. Advanced for Engrossment | 492 |
| Feb. 6 | Correctly Engrossed | 535 |
| Feb. 22 | Final Reading w/E 46-0-3 | 705 |
| Feb. 22 | Speaker signed | 713 |
| Feb. 25 | Presented to Governor (2/22) | 715 |
| Feb. 28 | Approved by Governor (2/27) | 770 |

LEGISLATIVE BILL 476. By Hilgert, Preister, Quandahl

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 37 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 479. By Hudkins, Aguilar, Baker, Bourne, Bromm, Brown, Bruning, Burling, Byars, Connealy, Cudaback, Cunningham, Dierks, Engel, Erdman, Janssen, Jones, Kruse, Kremer, Dw. Pedersen, Preister, Price, Quandahl, Raikes, Redfield, Robak, Schrock, Smith, Stuhr, Suttle, Thompson, Tyson, Schimek, Foley, Coordsen

| | | |
|---------|--|------|
| Jan. 9 | Title | 37 |
| Jan. 31 | Hudkins priority bill | 444 |
| Mar. 14 | Jensen AM3132 to Com AM763 printed | 1003 |
| Mar. 19 | Com AM763 p. 933, First Session, pending. Jensen pending AM3132 p. 1003 pending | 1017 |
| Mar. 19 | Jensen pending AM3132 p. 1003 adopted. Beutler FA915 to Com AM763 withdrawn. Com AM763 p. 933, First Session, adopted as amended. Failed to advance for Review | 1017 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 479A. By Hudkins

| | | |
|---------|---|------|
| Mar. 12 | Read first time. Placed on General File | 919 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 480. By Hartnett

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 37 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 481. By Hartnett

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 37 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 482. By Hartnett

| | | |
|---------|---|-----|
| Jan. 9 | Title | 37 |
| Jan. 23 | Advanced for Review | 334 |
| Jan. 24 | Placed on Select File - AM7147 | 360 |
| Jan. 29 | Hartnett AM2420 printed | 414 |
| Feb. 5 | AM7147 (E & R) p. 360 adopted. Hartnett pending AM2420 p. 414 adopted. Advanced for Engrossment | 494 |
| Feb. 7 | Correctly Engrossed | 552 |
| Feb. 22 | Final Reading 45-0-4 | 706 |
| Feb. 22 | Speaker signed | 713 |
| Feb. 25 | Presented to Governor (2/22) | 715 |
| Feb. 28 | Approved by Governor (2/27) | 770 |

LEGISLATIVE BILL 487. By Landis

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 37 |
| Feb. 26 | Indefinitely postponed | 740 |

LEGISLATIVE BILL 488. By Landis

| | | |
|---------|---|------|
| Jan. 9 | Title | 38 |
| Feb. 6 | Landis priority bill | 536 |
| Feb. 7 | Kruse name added | 559 |
| Feb. 11 | Placed on General File - Com AM2603 | 583 |
| Mar. 7 | Landis AM2945 to Com AM2603 printed | 884 |
| Mar. 13 | Bromm AM3092 to Com AM2603 printed | 964 |
| Mar. 19 | Landis AM3143 to Com AM2603 printed | 1019 |
| Mar. 19 | Chambers FA923, FA924, FA925, and FA926 to Com AM2603 printed | 1038 |
| Mar. 21 | Chambers FA940, FA941, FA942, and FA943 to Com AM2603 printed | 1069 |
| Mar. 28 | Landis AM3425 to Com AM2603 printed | 1246 |
| Apr. 4 | Com AM2603 p. 583 adopted as amended. Landis pending AM2945 p. 884 and Bromm AM3092 p. 964 withdrawn. Landis pending AM3143 p. 1019 adopted. Chambers pending FA923, FA924, FA925, and FA926 p. 1038 and FA940, FA941, FA942, and FA943 p. 1069 withdrawn. Landis pending AM3425 p. 1246 adopted. Advanced for Review | 1456 |
| Apr. 4 | Redfield name added | 1459 |
| Apr. 8 | Placed on Select File - AM7228 | 1515 |
| Apr. 10 | AM7228 (E & R) p. 1515 adopted. Advanced for Engrossment | 1616 |
| Apr. 11 | Correctly Engrossed | 1667 |
| Apr. 17 | Final Reading 45-0-4 | 1751 |

| | | |
|---------|------------------------------|------|
| Apr. 17 | Speaker signed | 1761 |
| Apr. 18 | Presented to Governor (4/17) | 1763 |
| Apr. 19 | Approved by Governor (4/18) | 1779 |

LEGISLATIVE BILL 488A. By Landis

| | | |
|---------|---|------|
| Feb. 26 | Read first time. Placed on General File | 742 |
| Apr. 4 | Advanced for Review | 1457 |
| Apr. 8 | Placed on Select File | 1516 |
| Apr. 10 | Advanced for Engrossment | 1616 |
| Apr. 11 | Correctly Engrossed | 1667 |
| Apr. 17 | Final Reading 44-0-5 | 1752 |
| Apr. 17 | Speaker signed | 1761 |
| Apr. 18 | Presented to Governor (4/17) | 1763 |
| Apr. 19 | Approved by Governor (4/18) | 1779 |

LEGISLATIVE BILL 490. By Bromm

| | | |
|---------|-------------------------------------|------|
| Jan. 9 | Title | 38 |
| Jan. 14 | Cunningham name added | 207 |
| Feb. 14 | Placed on General File - Com AM2255 | 628 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 490 amended into LB 1105 by AM3533)

LEGISLATIVE BILL 491. By Bromm, Baker, Vrtiska

| | | |
|---------|--|------|
| Jan. 9 | Title | 38 |
| Jan. 28 | Pending | 388 |
| Jan. 29 | Advanced for Review | 395 |
| Jan. 31 | Placed on Select File | 443 |
| Mar. 5 | Advanced for Engrossment | 821 |
| Mar. 6 | Bromm AM3012 printed | 859 |
| Mar. 7 | Correctly Engrossed | 873 |
| Mar. 13 | Returned to Select File for Bromm specific pending AM3012 p. 859. Bromm specific pending AM3012 p. 859 adopted. Advanced for Reengrossment | 953 |
| Mar. 19 | Correctly Reengrossed. ER9121 change | 1009 |
| Apr. 11 | Final Reading 44-0-5 | 1638 |
| Apr. 11 | Speaker signed | 1663 |
| Apr. 16 | Presented to Governor (4/11) | 1671 |
| Apr. 17 | Approved by Governor (4/17) | 1739 |

LEGISLATIVE BILL 492. By Schimek, Janssen, Dw. Pedersen, Hartnett

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 38 |
| Jan. 30 | Indefinitely postponed | 430 |

LEGISLATIVE BILL 494. By Jones, Baker, Bruning, Cudaback, Erdman, Dw. Pedersen, Smith

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 38 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 496. By Tyson, Baker, Bruning, Burling, Byars, Cudaback, Cunningham, Dierks, Engel, Erdman, Hudkins, Jensen, Jones, Dw. Pedersen, Quandahl, Schrock, Smith, Stuhr, Vrtiska, Wickersham

| | | |
|---------|---|------|
| Jan. 9 | Title | 38 |
| Feb. 4 | Placed on General File | 467 |
| Mar. 19 | Brashear AM2567 and AM2568 printed separate | 1024 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 497. By Bourne

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 39 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 498. By Bourne, Brown, Hartnett, Hilgert, Preister

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 39 |
| Feb. 20 | Indefinitely postponed | 652 |

LEGISLATIVE BILL 499. By Erdman, Baker, Dierks, Foley, Smith, Tyson

| | | |
|---------|---|------|
| Jan. 9 | Title | 39 |
| Jan. 29 | Advanced for Review | 396 |
| Jan. 31 | Placed on Select File | 444 |
| Mar. 5 | Bromm AM2971 (on file) adopted. Advanced for Engrossment | 822 |
| Mar. 7 | Correctly Engrossed | 873 |
| Mar. 7 | ER9113 change | 874 |
| Mar. 13 | Dispensing of reading at large approved. Final Reading 44-0-5 | 943 |
| Mar. 13 | Speaker signed | 955 |
| Mar. 13 | Presented to Governor (3/13) | 956 |
| Mar. 19 | Approved by Governor (3/18) | 1011 |

(Provisions/portions of LB 998 amended into LB 499 by AM2971)

(Provisions/portions of LB 999 amended into LB 499 by AM2971)

LEGISLATIVE BILL 500. By Erdman, Baker, Dierks, Schrock, Tyson, Dw. Pedersen

| | | |
|---------|---|-----|
| Jan. 9 | Title | 39 |
| Jan. 18 | Advanced for Review | 282 |
| Jan. 23 | Placed on Select File - AM7138 (printed separate) | 314 |
| Jan. 25 | Erdman AM2249 printed separate | 378 |
| Feb. 5 | AM7138 (E & R) (printed separate) adopted. Erdman pending AM2249 (printed separate) adopted. Advanced for Engrossment | 492 |
| Feb. 6 | Correctly Engrossed | 535 |
| Feb. 22 | Dispensing of reading at large approved. Final Reading 45-0-4 | 707 |
| Feb. 22 | Speaker signed | 713 |
| Feb. 25 | Presented to Governor (2/22) | 715 |
| Feb. 28 | Approved by Governor (2/27) | 770 |

LEGISLATIVE BILL 501. By Dierks, Dw. Pedersen

| | | |
|---------|-------------------------------------|------|
| Jan. 9 | Title | 39 |
| Feb. 4 | Placed on General File - Com AM2301 | 467 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 502. By Hilgert, Preister

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 39 |
| Feb. 20 | Indefinitely postponed | 652 |

LEGISLATIVE BILL 503. By Hilgert, Cunningham, Maxwell, Dw. Pedersen, Engel

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 40 |
| Feb. 25 | Placed on General File | 725 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 504. By Schrock, Jones, Kremer, Preister, Stuhr

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 40 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 507. By Wickersham

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 40 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 507A. By Wickersham

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 40 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 510. By Wickersham

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 40 |
| Feb. 20 | Indefinitely postponed | 652 |

LEGISLATIVE BILL 512. By Preister, Schimek

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 40 |
| Feb. 27 | Indefinitely postponed | 760 |

LEGISLATIVE BILL 513. By Suttle, Raikes

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 40 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 517. By Vrtiska

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 40 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 519. By Jensen, Bromm, Jones, Robak, Wickersham

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 41 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 520. By Raikes

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 41 |
| Jan. 23 | Indefinitely postponed | 335 |

LEGISLATIVE BILL 521. By Raikes

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 41 |
| Jan. 23 | Indefinitely postponed | 335 |

LEGISLATIVE BILL 522. By Raikes

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 41 |
| Jan. 23 | Indefinitely postponed | 335 |

LEGISLATIVE BILL 523. By Wehrbein, Dierks

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 41 |
| Jan. 28 | Wehrbein priority bill | 386 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 524. By Byars, Aguilar, Preister, Schimek, Smith

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 41 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 528. By Raikes

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 41 |
| Feb. 26 | Indefinitely postponed | 740 |

LEGISLATIVE BILL 529. By Jensen, Brown, Preister, Smith

| | | |
|--------|------------------------|-----|
| Jan. 9 | Title | 42 |
| Feb. 4 | Indefinitely postponed | 478 |

LEGISLATIVE BILL 530. By Suttle, Aguilar, Burling, Byars, Connealy, Cunningham, Engel, Erdman, Foley, Dw. Pedersen, Quandahl, Robak, Smith

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 42 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 530A. By Suttle

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 42 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 531. By Vrtiska, Byars, Coordsen, Dierks, Engel, Erdman, Hartnett, Hilgert, Janssen, Jensen, Jones, Kremer, D. Pederson, Quandahl, Raikes, Redfield, Schimek, Smith, Stuhr, Wehrbein

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 42 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 532. By Hudkins

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 42 |
| Feb. 20 | Indefinitely postponed | 659 |

LEGISLATIVE BILL 533. By Janssen, Cudaback, Jensen, Redfield, Schimek, Schrock, Wickersham

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 42 |
| Feb. 25 | Speaker priority bill | 725 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 534. By Quandahl, Brown, Bruning, Engel, Jensen, D. Pederson

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 42 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 535. By Dierks, Cunningham Jones, Stuhr, Tyson

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 43 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 545. By Janssen, Burling, Cudaback, Hudkins

| | | |
|---------|---|------|
| Jan. 9 | Title | 43 |
| Jan. 30 | Janssen AM2478 to Com AM571 printed | 431 |
| Feb. 8 | Com AM571 (printed separate), First Session, adopted as amended by Janssen pending AM2478 p. 431. Advanced for Review | 572 |
| Feb. 11 | Placed on Select File - AM7171 | 591 |
| Feb. 14 | Janssen AM2749 printed separate | 622 |
| Mar. 5 | AM7171 (E & R) p. 591 adopted. Janssen pending AM2749 (printed separate) adopted as amended by Janssen AM3014. Advanced for Engrossment | 824 |
| Mar. 11 | Correctly Engrossed. ER9118 change | 906 |
| Mar. 13 | Dispensing of reading at large approved. Final Reading 44-0-5 | 944 |
| Mar. 13 | Speaker signed | 955 |
| Mar. 13 | Presented to Governor (3/13) | 956 |
| Mar. 19 | Approved by Governor (3/18) | 1011 |

(Provisions/portions of LB 546 amended into LB 545 by AM2749)

LEGISLATIVE BILL 546. By Janssen, Cunningham

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 43 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 546 amended into LB 545 by AM2749)

LEGISLATIVE BILL 547. By Landis

| | | |
|---------|---|-----|
| Jan. 9 | Title | 43 |
| Jan. 29 | Com AM498 p. 692, First Session, adopted. Advanced for Review | 396 |
| Jan. 31 | Placed on Select File - AM7161 (printed separate) | 444 |
| Mar. 5 | AM7161 (E & R) (printed separate) adopted. Advanced for Engrossment | 822 |
| Mar. 7 | Correctly Engrossed | 873 |

| | | |
|---------|--|------|
| Mar. 13 | Dispensing of reading at large approved. Final Reading 46-0-3 | 945 |
| Mar. 13 | Speaker signed | 955 |
| Mar. 13 | Presented to Governor (3/13) | 956 |
| Mar. 19 | Approved by Governor (3/18) | 1011 |

LEGISLATIVE BILL 547A. By Landis

| | | |
|---------|---|------|
| Jan. 9 | Title | 43 |
| Jan. 24 | Landis AM2405 printed | 361 |
| Jan. 29 | Landis pending AM2405 p. 361 adopted. Advanced for Review | 397 |
| Jan. 31 | Placed on Select File - AM7162 | 444 |
| Mar. 5 | AM7162 (E & R) p. 444 adopted. Advanced for Engrossment | 822 |
| Mar. 7 | Correctly Engrossed | 873 |
| Mar. 13 | Final Reading 45-0-4 | 946 |
| Mar. 13 | Speaker signed | 955 |
| Mar. 13 | Presented to Governor (3/13) | 956 |
| Mar. 19 | Approved by Governor (3/18) | 1011 |

LEGISLATIVE BILL 548. By Suttle

| | | |
|--------|------------------------|-----|
| Jan. 9 | Title | 44 |
| Feb. 4 | Indefinitely postponed | 478 |

LEGISLATIVE BILL 549A. By Byars

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 44 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 553. By Stuhr

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 44 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 555. By Schrock, Hudkins, Kremer, Stuhr

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 44 |
| Feb. 12 | Indefinitely postponed | 599 |

LEGISLATIVE BILL 556. By Burling, Hudkins, Quandahl, Smith, Erdman

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 44 |
| Feb. 26 | Indefinitely postponed | 740 |

LEGISLATIVE BILL 557. By Jensen

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 44 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 558. By Vrtiska, Aguilar, Brown, Burling, Quandahl, Schimek, Smith

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 44 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 558 amended into LB 935 by AM3112)

LEGISLATIVE BILL 559. By Schimek

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 45 |
| Jan. 22 | Indefinitely postponed | 299 |

LEGISLATIVE BILL 560. By Beutler

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 45 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 561. By Robak

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 45 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 563. By Robak

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 45 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 564. By Baker

| | | |
|---------|--|------|
| Jan. 9 | Title | 45 |
| Jan. 28 | Smith priority bill | 386 |
| Mar. 7 | Baker AM2281 printed | 885 |
| Mar. 11 | Baker AM3093 printed | 912 |
| Mar. 12 | Baker pending AM2281 p. 885 withdrawn. Baker pending AM3093 p. 912 adopted. Synowiecki FA901 adopted. Advanced for Review | 921 |
| Mar. 19 | Placed on Select File - AM7188 (printed separate) | 1027 |
| Mar. 26 | Baker AM3284 to AM7188 printed | 1180 |
| Apr. 2 | AM7188 (E & R) (printed separate) adopted. Baker pending AM3284 p. 1180 adopted. Preister AM3487 to AM7188 withdrawn. Advanced for Engrossment | 1337 |
| Apr. 4 | Correctly Engrossed | 1440 |
| Apr. 4 | ER9136 change | 1441 |
| Apr. 11 | Dispensing of reading at large approved. Final Reading 42-0-7 | 1639 |
| Apr. 11 | Speaker signed | 1663 |
| Apr. 16 | Presented to Governor (4/11) | 1671 |
| Apr. 16 | Approved by Governor (4/16) | 1699 |

LEGISLATIVE BILL 565. By Chambers

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 45 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 565 amended into LB 82 by Com FA821)

LEGISLATIVE BILL 566. By Chambers

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 45 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 567. By Chambers

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 45 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 568. By Wickersham

| | | |
|---------|---|-----|
| Jan. 9 | Title | 46 |
| Jan. 22 | Wickersham AM2371 to Com AM380 printed | 306 |
| Jan. 25 | Com AM380 p. 629, First Session, adopted as amended by Wickersham pending AM2371 p. 306. Advanced for Review | 381 |
| Jan. 30 | Placed on Select File - AM7154 | 424 |
| Feb. 4 | Wickersham AM2547 to AM7154 printed | 488 |
| Feb. 5 | AM7154 (E & R) (printed separate) adopted. Wickersham pending AM2547 p. 488 adopted. Advanced for Engrossment | 494 |
| Feb. 8 | Correctly Engrossed | 561 |
| Feb. 22 | Dispensing of reading at large approved. Final Reading w/E 46-0-3 | 708 |
| Feb. 22 | Speaker signed | 713 |
| Feb. 25 | Presented to Governor (2/22) | 715 |
| Feb. 28 | Approved by Governor (2/27) | 770 |

LEGISLATIVE BILL 571. By Janssen, Schrock

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 46 |
| Jan. 14 | Indefinitely postponed | 195 |

LEGISLATIVE BILL 572. By Hudkins, Cunningham

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 46 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 575. By Aguilar, Hartnett, Janssen, Quandahl, Tyson

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 46 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 577. By Brashear

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 46 |
| Mar. 14 | Indefinitely postponed | 996 |

LEGISLATIVE BILL 578. By Suttle

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 46 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 580. By Tyson

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 46 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 580 amended into LB 1021 by AM3055)

LEGISLATIVE BILL 580A. By Tyson

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 47 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 581. By Tyson

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 47 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 583. By Byars

| | | |
|--------|------------------------|-----|
| Jan. 9 | Title | 47 |
| Feb. 4 | Indefinitely postponed | 478 |

LEGISLATIVE BILL 584. By Smith, Aguilar, Baker, Burling, Coordsen, Cunningham, Erdman, Dw. Pedersen, Quandahl, Redfield, Robak, Schrock, Tyson, Vrtiska, Wickersham, Bourne

| | | |
|---------|-------------------------------|------|
| Jan. 9 | Title | 47 |
| Jan. 31 | Smith AM2260 printed | 451 |
| Feb. 21 | Bourne priority bill | 670 |
| Feb. 26 | Bruning name added | 750 |
| Mar. 28 | Smith AM3376 printed separate | 1239 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 584A. By Smith

| | | |
|---------|---|------|
| Mar. 7 | Read first time. Placed on General File | 864 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 587. By Dierks

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 47 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 588. By Dierks

| | | |
|---------|---|------|
| Jan. 9 | Title | 47 |
| Feb. 6 | Placed on General File - Com AM2532 | 532 |
| Feb. 7 | Agriculture Committee priority bill | 559 |
| Mar. 28 | Com AM2532 p. 532 pending. Dierks unanimous consent to bracket to 4/3/2002. No objections | 1252 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 589. By Dierks

| | | |
|---------|--------------------------------|-----|
| Jan. 9 | Title | 47 |
| Jan. 18 | Advanced for Review | 281 |
| Jan. 23 | Placed on Select File - AM7140 | 314 |

| | | |
|---------|---|-----|
| Feb. 5 | AM7140 (E & R) p. 314 adopted. Advanced for Engrossment | 492 |
| Feb. 6 | Correctly Engrossed | 535 |
| Feb. 22 | Final Reading 44-0-5 | 709 |
| Feb. 22 | Speaker signed | 713 |
| Feb. 25 | Presented to Governor (2/22) | 715 |
| Feb. 28 | Approved by Governor (2/27) | 770 |

LEGISLATIVE BILL 591. By Dierks

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 48 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 592. By Agriculture Committee, Connealy, Cudaback, Wehrbein

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 48 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 595. By Thompson, Bourne, Dw. Pedersen

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 48 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 597. By Hilgert, Kruse, Dw. Pedersen, Price, Raikes, Robak, Schimek, Stuhr, Suttle, Thompson, Burling

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 48 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 599. By Brashear, at the request of the Governor

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 48 |
| Feb. 22 | Indefinitely postponed | 712 |

LEGISLATIVE BILL 600. By Coordsen, Baker, Bromm, Burling, Connealy, Cunningham, Dierks, Erdman, Janssen, Jones, Kremer, Raikes, Schrock, Smith, Stuhr, Vrtiska, Hudkins

| | | |
|---------|--|-----|
| Jan. 9 | Title | 49 |
| Jan. 14 | Smith and Erdman names withdrawn | 208 |
| Jan. 15 | Baker name withdrawn | 230 |
| Jan. 18 | Passed over | 278 |
| Jan. 24 | Coordsen priority bill | 345 |
| Feb. 20 | Coordsen AM2812 to Com AM1916 printed | 661 |
| Feb. 21 | Coordsen AM2848 to Com AM1916 printed | 676 |
| Feb. 26 | Com AM1916 (printed separate), First Session, pending. Coordsen pending AM2812 p. 661 withdrawn. Coordsen pending AM2848 p. 676 lost | 740 |
| Feb. 26 | Landis pending FA288 p. 2257, First Session, withdrawn | 746 |
| Feb. 26 | Com AM1916 (printed separate), First Session, adopted as amended | 747 |

| | | |
|---------|--|------|
| Feb. 27 | Coordsen AM2934 to Com AM1916 pending. Chambers FA865 to AM2934 adopted | 755 |
| Feb. 27 | Wickersham FA866 to AM2934 adopted. Coordsen pending AM2934 p. 755 adopted as amended. Chambers FA867 to AM2934 adopted | 762 |
| Feb. 27 | Chambers FA868 to AM2934 withdrawn. Wickersham FA869 to AM2934 lost | 764 |
| Feb. 28 | Coordsen AM2955 to AM2934 adopted. Advanced for Review | 772 |
| Mar. 6 | Placed on Select File - AM7175 (printed separate) | 851 |
| Apr. 2 | AM7175 (E & R) (printed separate) adopted. Chambers motion to indefinitely postpone withdrawn. Coordsen AM3448 (on file) adopted. Chambers motion to indefinitely postpone failed. Failed to advance for Engrossment | 1280 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 600A. By Coordsen

| | | |
|---------|--|------|
| Jan. 9 | Title | 49 |
| Feb. 28 | Pending | 774 |
| Feb. 28 | Chambers motion to indefinitely postpone pending | 784 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 601. By Kremer, Aguilar, Brown, Jensen, Jones, Smith

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 49 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 602. By Hartnett, Dw. Pedersen, Price, Suttle, Thompson

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 49 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 604. By Legislative Program Evaluation Committee

| | | |
|---------|------------------------------|------|
| Jan. 9 | Title | 49 |
| Jan. 28 | Advanced for Review | 388 |
| Jan. 31 | Placed on Select File | 443 |
| Mar. 5 | Advanced for Engrossment | 821 |
| Mar. 7 | Correctly Engrossed | 873 |
| Mar. 13 | Final Reading 44-0-5 | 947 |
| Mar. 13 | Speaker signed | 955 |
| Mar. 13 | Presented to Governor (3/13) | 956 |
| Mar. 19 | Approved by Governor (3/18) | 1011 |

LEGISLATIVE BILL 605. By Cunningham, Burling, Dierks, Engel, Erdman, Hartnett, Price, Schrock, Smith, Stuhr, Tyson, Wickersham

| | | |
|--------|------------------------|-----|
| Jan. 9 | Title | 49 |
| Mar. 5 | Indefinitely postponed | 797 |

LEGISLATIVE BILL 607. By Dw. Pedersen

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 49 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 608. By Dw. Pedersen

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 50 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 609. By Raikes

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 50 |
| Jan. 23 | Indefinitely postponed | 335 |

LEGISLATIVE BILL 610. By Dw. Pedersen

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 50 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 611. By Dw. Pedersen, Thompson

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 50 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 612. By Jensen, Byars, Schimek, Suttle

| | | |
|--------|------------------------|-----|
| Jan. 9 | Title | 50 |
| Feb. 4 | Indefinitely postponed | 478 |

LEGISLATIVE BILL 613. By Redfield, at the request of the Governor

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 50 |
| Jan. 30 | Indefinitely postponed | 433 |

LEGISLATIVE BILL 616. By Price

| | | |
|---------|---|------|
| Jan. 9 | Title | 50 |
| Jan. 29 | Advanced for Review | 396 |
| Jan. 31 | Placed on Select File - AM7160 | 444 |
| Feb. 27 | Connealy AM2814 printed | 766 |
| Mar. 5 | AM7160 (E & R) p. 444 adopted. Connealy pending AM2814 p. 766 adopted. Advanced for Engrossment | 822 |
| Mar. 7 | Correctly Engrossed | 873 |
| Mar. 7 | ER9114 change | 875 |
| Mar. 13 | Final Reading w/E 46-0-3 | 947 |
| Mar. 13 | Speaker signed | 955 |
| Mar. 13 | Presented to Governor (3/13) | 956 |
| Mar. 19 | Approved by Governor (3/18) | 1011 |

(Provisions/portions of LB 1262 amended into LB 616 by AM2814)

LEGISLATIVE BILL 619. By Bruning

| | | |
|---------|--------------------------------------|------|
| Jan. 9 | Title | 50 |
| Jan. 24 | Bruning AM2386 to Com AM2093 printed | 361 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 622. By Wickersham

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 51 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 625. By Thompson

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 51 |
| Jan. 30 | Indefinitely postponed | 433 |

LEGISLATIVE BILL 626. By Beutler

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 51 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 627. By Beutler

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 51 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 628. By Beutler

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 51 |
| Feb. 27 | Indefinitely postponed | 760 |

LEGISLATIVE BILL 630. By Beutler

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 51 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 631. By Beutler

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 51 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 632. By Beutler

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 51 |
| Feb. 27 | Indefinitely postponed | 760 |

LEGISLATIVE BILL 633. By Beutler

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 52 |
| Feb. 25 | Speaker priority bill | 725 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 634. By Beutler

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 52 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 635. By Beutler

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 52 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 636. By Beutler

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 52 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 642. By Dw. Pedersen

| | | |
|---------|--|------|
| Jan. 9 | Title | 52 |
| Feb. 25 | Speaker priority bill | 725 |
| Mar. 27 | Beutler AM3359 withdrawn. Advanced for Review | 1201 |
| Apr. 2 | Placed on Select File - AM7212 | 1322 |
| Apr. 4 | Beutler AM3381 printed | 1451 |
| Apr. 16 | AM7212 (E & R) p. 1322 adopted. Beutler pending AM3381 p. 1451 adopted. Advanced for Engrossment | 1679 |
| Apr. 16 | Correctly Engrossed | 1717 |
| Apr. 18 | Chambers motion to return to Select File for specific FA1112 withdrawn | 1764 |
| Apr. 18 | Final Reading 48-0-1 | 1764 |
| Apr. 18 | Speaker signed | 1775 |
| Apr. 18 | Presented to Governor (4/18) | 1776 |
| Apr. 19 | Approved by Governor (4/19) | 1799 |

LEGISLATIVE BILL 643. By Beutler, Stuhr

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 52 |
| Feb. 28 | Indefinitely postponed | 769 |

LEGISLATIVE BILL 644. By Preister

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 52 |
| Feb. 27 | Indefinitely postponed | 760 |

LEGISLATIVE BILL 645. By Preister

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 52 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 647. By Stuhr

| | | |
|---------|--|------|
| Jan. 9 | Title | 53 |
| Jan. 30 | Placed on General File - Com AM2438 | 422 |
| Feb. 25 | Speaker priority bill | 725 |
| Apr. 4 | Com AM2438 p. 422 adopted. Advanced for Review | 1434 |
| Apr. 8 | Placed on Select File - AM7220 | 1487 |
| Apr. 16 | AM7220 (E & R) p. 1487 adopted. Beutler AM3725 to Com AM2438 adopted. Advanced for Engrossment | 1679 |
| Apr. 16 | Correctly Engrossed. ER9153 change | 1717 |
| Apr. 18 | Chambers motion to return to Select File for specific FA1113 withdrawn | 1765 |
| Apr. 18 | Final Reading 46-0-3 | 1765 |
| Apr. 18 | Speaker signed | 1775 |
| Apr. 18 | Presented to Governor (4/18) | 1776 |
| Apr. 19 | Approved by Governor (4/19) | 1799 |

(Provisions/portions of LB 1250 amended into LB 647 by AM3725)

LEGISLATIVE BILL 648. By D. Pederson

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 53 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 649. By D. Pederson

| | | |
|---------|--|------|
| Jan. 9 | Title | 53 |
| Mar. 25 | Advanced for Review | 1130 |
| Mar. 26 | Placed on Select File - AM7206 | 1173 |
| Apr. 4 | AM7206 (E & R) p. 1173 adopted. Advanced for Engrossment | 1433 |
| Apr. 5 | Correctly Engrossed | 1479 |
| Apr. 11 | Final Reading 37-0-12 | 1655 |
| Apr. 11 | Speaker signed | 1664 |
| Apr. 16 | Presented to Governor (4/11) | 1671 |
| Apr. 17 | Approved by Governor (4/17) | 1739 |

LEGISLATIVE BILL 650. By Wehrbein

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 53 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 651. By Wehrbein

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 53 |
| Jan. 31 | Indefinitely postponed | 451 |

LEGISLATIVE BILL 653. By Wehrbein

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 53 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 654. By Kremer

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 53 |
| Feb. 20 | Indefinitely postponed | 659 |

LEGISLATIVE BILL 655. By Beutler

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 54 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 658. By Robak

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 54 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 660. By Hartnett

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 54 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 661. By Jensen, Hudkins, Schimek

| | | |
|--------|---|-----|
| Jan. 9 | Title | 54 |
| Feb. 6 | Beutler FA839 printed | 530 |
| Feb. 7 | Com AM477 p. 712, First Session, adopted. Beutler pending FA839 p. 530 withdrawn. Wehrbein FA841 adopted. Advanced for Review | 545 |
| Feb. 7 | Stuhr and Aguilar names added | 559 |

| | | |
|---------|--------------------------------|------|
| Feb. 8 | Placed on Select File - AM7167 | 561 |
| Feb. 22 | Hudkins AM2854 printed | 695 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 661A. By Jensen

| | | |
|---------|---|------|
| Feb. 5 | Read first time. Placed on General File | 495 |
| Feb. 7 | Advanced for Review | 546 |
| Feb. 8 | Placed on Select File | 561 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 662. By Erdman, Engel, Hudkins, Jones, Kremer, Quandahl, Redfield, Smith, Stuhr

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 54 |
| Jan. 31 | Indefinitely postponed | 451 |

LEGISLATIVE BILL 669. By Byars

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 54 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 670. By Janssen, Cunningham

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 54 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 674. By Raikes

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 55 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 675. By Raikes

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 55 |
| Jan. 30 | Indefinitely postponed | 430 |

LEGISLATIVE BILL 676. By Thompson

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 55 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 679. By Bromm, Jones, Tyson

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 55 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 680. By Robak, Baker, Cunningham, Schrock

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 55 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 682. By Jensen, Robak, Dw. Pedersen

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 55 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 683. By Hilgert, Engel, Foley, Hartnett, Kruse, Dw. Pedersen, Thompson

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 56 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 684. By Jones, Baker, Erdman, Schrock, Smith, Wickersham

| | | |
|---------|------------------------------|------|
| Jan. 9 | Title | 56 |
| Mar. 25 | Advanced for Review | 1132 |
| Mar. 26 | Placed on Select File | 1177 |
| Apr. 4 | Advanced for Engrossment | 1433 |
| Apr. 5 | Correctly Engrossed | 1479 |
| Apr. 11 | Final Reading 38-0-11 | 1655 |
| Apr. 11 | Speaker signed | 1664 |
| Apr. 16 | Presented to Governor (4/11) | 1671 |
| Apr. 17 | Approved by Governor (4/17) | 1739 |

LEGISLATIVE BILL 685. By Jones, Tyson, Aguilar

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 56 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 686. By Nebraska Retirement Systems Committee

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 56 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 686 amended into LB 407 by Com AM2886)

LEGISLATIVE BILL 687. By Nebraska Retirement Systems Committee

| | | |
|---------|---|------|
| Jan. 9 | Title | 56 |
| Jan. 15 | Schimek name added | 229 |
| Jan. 28 | Placed on General File - Com AM2432 (printed separate) | 388 |
| Jan. 29 | Stuhr priority bill | 394 |
| Mar. 12 | Com AM2432 (printed separate) pending | 920 |
| Mar. 12 | Com AM2432 (printed separate) adopted. Advanced for Review | 921 |
| Mar. 19 | Placed on Select File - AM7196 (printed separate) | 1027 |
| Mar. 27 | Stuhr AM3316 to AM7196 printed | 1203 |
| Mar. 27 | Stuhr AM3217 to AM7196 printed | 1208 |
| Apr. 2 | AM7196 (E & R) (printed separate) adopted. Stuhr pending AM3316 p. 1203 and AM3217 p. 1208 adopted. Kristensen AM3506 to AM7196 adopted | 1336 |
| Apr. 2 | Advanced for Engrossment | 1337 |
| Apr. 4 | Correctly Engrossed | 1440 |
| Apr. 4 | ER9130 change | 1441 |
| Apr. 11 | Dispensing of reading at large approved. Final Reading w/E 40-0-9 | 1640 |
| Apr. 11 | Speaker signed | 1663 |
| Apr. 16 | Presented to Governor (4/11) | 1671 |
| Apr. 17 | Approved by Governor (4/17) | 1739 |

LEGISLATIVE BILL 687A. By Stuhr

| | | |
|---------|---|------|
| Apr. 3 | Read first time. Placed on General File | 1360 |
| Apr. 5 | Stuhr AM3577 adopted. Advanced for Review | 1469 |
| Apr. 8 | Placed on Select File | 1487 |
| Apr. 9 | Advanced for Engrossment | 1558 |
| Apr. 9 | Correctly Engrossed | 1563 |
| Apr. 11 | Final Reading w/E 40-0-9 | 1641 |
| Apr. 11 | Speaker signed | 1663 |
| Apr. 16 | Presented to Governor (4/11) | 1671 |
| Apr. 17 | Approved by Governor (4/17) | 1739 |

LEGISLATIVE BILL 688. By Transportation and Telecommunications Committee

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 57 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 688 amended into LB 830 by AM2903)

LEGISLATIVE BILL 689. By Raikes

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 57 |
| Jan. 23 | Indefinitely postponed | 335 |

LEGISLATIVE BILL 690. By Raikes

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 57 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 691. By Jensen, Brown, Dw. Pedersen, Thompson, at the request of the Governor

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 57 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 695. By Connealy

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 57 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 696. By Landis

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 57 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 697. By Robak, Hilgert

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 57 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 698. By Suttle

| | | |
|--------|------------------------|-----|
| Jan. 9 | Title | 58 |
| Feb. 4 | Indefinitely postponed | 478 |

LEGISLATIVE BILL 700. By Janssen, Cudaback, Jensen, D. Pederson, Vrtiska, Wehrbein

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 58 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 701. By Bourne

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 58 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 704. By Beutler

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 58 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 704 amended into LB 729 by AM3765)

LEGISLATIVE BILL 705. By Beutler, Foley

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 58 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 707. By Beutler

| | | |
|---------|--|------|
| Jan. 9 | Title | 58 |
| Jan. 25 | Beutler priority bill | 379 |
| Feb. 28 | Chambers AM2936 printed | 779 |
| Mar. 11 | Com AM791 (printed separate), First Session, pending. Brashear unanimous consent to replace pending FA121 p. 1181, First Session, with substitute amendment. No objections. Brashear pending FA121 p. 1181, First Session, withdrawn. Brashear substitute pending AM1125 p. 1198, First Session, pending. Brashear motion to bracket to 4/19/2002 pending | 910 |
| Mar. 11 | Schimek AM3078 printed | 912 |
| Mar. 12 | Brashear pending motion p. 911 to bracket to 4/19/2002 withdrawn. Brashear pending AM1125 p. 1198, First Session, adopted | 916 |
| Mar. 12 | Brashear unanimous consent to replace pending FA122 p. 1181, First Session, with substitute amendment. No objections. Brashear pending FA122 p. 1181, First Session, withdrawn. Brashear substitute pending AM1126 p. 1198, First Session, withdrawn. Brashear unanimous consent to replace pending FA123 p. 1182, First Session, with substitute amendment. No objections. Brashear pending FA123 p. 1182, First Session, withdrawn. Brashear substitute pending AM1127 p. 1199, First Session, pending. Beutler unanimous consent to bracket to 4/10/2002. No objections | 919 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 708. By Kristensen

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 59 |
| Jan. 30 | Indefinitely postponed | 433 |

LEGISLATIVE BILL 709. By Stuhr, Jones, Kremer, Vrtiska

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 59 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 712. By Kristensen

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 59 |
| Jan. 18 | Advanced for Review | 283 |
| Jan. 23 | Placed on Select File | 315 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 715. By Redfield, Baker, Quandahl, Stuhr

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 59 |
| Jan. 30 | Indefinitely postponed | 433 |

LEGISLATIVE BILL 718. By Hilgert, Kruse

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 59 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 718 amended into LB 82 by Com FA823)

LEGISLATIVE BILL 719. By Hilgert, Beutler

| | | |
|---------|------------------------------|------|
| Jan. 9 | Title | 59 |
| Feb. 8 | Advanced for Review | 572 |
| Feb. 11 | Placed on Select File | 593 |
| Mar. 5 | Advanced for Engrossment | 825 |
| Mar. 11 | Correctly Engrossed | 906 |
| Mar. 13 | Final Reading 43-0-6 | 948 |
| Mar. 13 | Speaker signed | 955 |
| Mar. 13 | Presented to Governor (3/13) | 956 |
| Mar. 19 | Approved by Governor (3/18) | 1011 |

LEGISLATIVE BILL 721. By Schimek

| | | |
|---------|-------------------------------------|------|
| Jan. 9 | Title | 59 |
| Feb. 4 | Placed on General File - Com AM2520 | 473 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 721 amended into LB 1021 by AM3362)

LEGISLATIVE BILL 722. By Schimek

| | | |
|---------|--|------|
| Jan. 9 | Title | 59 |
| Feb. 25 | Speaker priority bill | 725 |
| Mar. 27 | Smith AM3354 to Com AM328 printed | 1194 |
| Mar. 27 | Com AM328 p. 928, First Session, adopted. Advanced for Review | 1201 |
| Apr. 2 | Placed on Select File - AM7215 | 1323 |
| Apr. 16 | AM7215 (E & R) p. 1323 adopted. Smith pending AM3354 p. 1194 withdrawn. Advanced for Engrossment | 1679 |
| Apr. 16 | Correctly Engrossed. ER9155 change | 1717 |
| Apr. 18 | Final Reading 47-0-2 | 1766 |

CHRONOLOGY OF BILLS

1861

| | | |
|---------|------------------------------|------|
| Apr. 18 | Speaker signed | 1775 |
| Apr. 18 | Presented to Governor (4/18) | 1776 |
| Apr. 19 | Approved by Governor (4/19) | 1799 |

LEGISLATIVE BILL 723. By Dw. Pedersen

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 59 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 724. By Dw. Pedersen

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 60 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 725. By Hartnett

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 60 |
| Feb. 20 | Indefinitely postponed | 652 |

LEGISLATIVE BILL 726. By Hartnett

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 60 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 727. By Hartnett

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 60 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 728. By Hartnett

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 60 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 729. By Hartnett

| | | |
|---------|--|------|
| Jan. 9 | Title | 60 |
| Feb. 7 | Placed on General File - Com AM2565 | 546 |
| Feb. 22 | Urban Affairs Committee priority bill | 712 |
| Mar. 14 | Hartnett AM2968 to Com AM2565 printed | 997 |
| Mar. 22 | Com AM2565 p. 546 adopted as amended. Hartnett pending AM2968 p. 997 adopted. Erdman AM3273 to Com AM2565 adopted. Advanced for Review | 1094 |
| Mar. 25 | Placed on Select File - AM7205 (printed separate) | 1126 |
| Mar. 28 | Stuhr AM3296 to AM7205 printed | 1261 |
| Apr. 9 | Raikes-Bromm AM3560 printed | 1551 |
| Apr. 17 | AM7205 (E & R) (printed separate) adopted. Stuhr pending AM3296 p. 1261 and Raikes-Bromm pending AM3560 p. 1551 withdrawn. Beutler AM3765 to AM7205 adopted. Chambers FA1098 to AM7205 lost. Chambers motion to reconsider vote on FA1098 failed. Chambers FA1099 to AM7205 lost. Advanced for Engrossment | 1731 |
| Apr. 17 | Correctly Engrossed. ER9158 change | 1757 |

| | | |
|---------|--|------|
| Apr. 19 | Dispensing of reading at large approved. Final Reading 45-0-4 | 1781 |
| Apr. 19 | Speaker signed | 1796 |
| Apr. 19 | McDonald explanation of vote | 1797 |
| Apr. 19 | Presented to Governor (4/19) | 1798 |
| Apr. 19 | Approved by Governor (4/19) | 1799 |

(Provisions/portions of LB 704 amended into LB 729 by AM3765)

(Provisions/portions of LB 984 amended into LB 729 by AM3273)

LEGISLATIVE BILL 731. By Hartnett

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 60 |
| Jan. 22 | Indefinitely postponed | 300 |

LEGISLATIVE BILL 732. By Hartnett

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 61 |
| Jan. 11 | Aguilar AM2258 printed | 156 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 736. By Price

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 61 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 738. By Dw. Pedersen

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 61 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 741. By Landis

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 61 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 745. By Raikes

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 61 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 746. By Raikes

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 61 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 747. By Raikes

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 61 |
| Jan. 23 | Indefinitely postponed | 335 |

LEGISLATIVE BILL 748. By Raikes

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 62 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 752. By Chambers

| | | |
|---------|---|------|
| Jan. 9 | Title | 62 |
| Jan. 28 | Chambers AM2443 printed | 388 |
| Jan. 30 | Bruning motion to indefinitely postpone printed | 434 |
| Feb. 6 | Beutler AM2486 to AM2443 printed | 530 |
| Feb. 7 | Chambers pending AM2443 p. 388 and Beutler pending AM2486 p. 530 pending | 553 |
| Feb. 7 | Bruning FA842 to AM2443 printed | 554 |
| Feb. 8 | Chair sustained request for division of question on Beutler pending AM2486 p. 530. Beutler FA844 (1st) to AM2443 adopted. Beutler FA843 (2nd) to AM2443 lost. Bruning pending FA842 p. 554 adopted. Chambers FA845 to AM2443 adopted. Synowiecki FA846 to AM2443 lost. Chambers pending AM2443 p. 388 lost as amended | 563 |
| Feb. 8 | Byars motion to reconsider vote on Chambers AM2443 p. 388 prevailed. Chambers reconsidered AM2443 p. 388 adopted as amended. Bruning pending motion p. 434 to indefinitely postpone withdrawn. Advanced for Review | 571 |
| Feb. 11 | Placed on Select File - AM7168 | 590 |
| Mar. 5 | AM7168 (E & R) p. 590 adopted. D. Pederson FA873 to AM7168 adopted. Advanced for Engrossment | 824 |
| Mar. 7 | Correctly Engrossed. ER9115 change | 878 |
| Mar. 13 | Final Reading 30-12-7 | 949 |
| Mar. 13 | Speaker signed | 955 |
| Mar. 13 | Presented to Governor (3/13) | 956 |
| Mar. 19 | Approved by Governor (3/18) | 1011 |

(Provisions/portions of LB 756 amended into LB 752 by AM2443)

LEGISLATIVE BILL 753. By Chambers

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 62 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 754. By Chambers

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 62 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 754 amended into LB 82 by Com FA821)

LEGISLATIVE BILL 754A. By Chambers

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 62 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 756. By Chambers

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 62 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 756 amended into LB 752 by AM2443)

LEGISLATIVE BILL 758. By Coordsen

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 62 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 758A. By Coordsen

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 62 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 762. By Schrock

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 63 |
| Feb. 27 | Indefinitely postponed | 760 |

LEGISLATIVE BILL 763. By Schrock

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 63 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 764. By Schrock

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 63 |
| Feb. 27 | Indefinitely postponed | 760 |

LEGISLATIVE BILL 766. By Schrock

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 63 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 767. By Jensen, Chambers, Dw. Pedersen

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 63 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 769. By Thompson, Suttle

| | | |
|--------|------------------------|-----|
| Jan. 9 | Title | 63 |
| Mar. 5 | Indefinitely postponed | 797 |

LEGISLATIVE BILL 770. By Jensen, Hudkins

| | | |
|--------|------------------------|-----|
| Jan. 9 | Title | 63 |
| Feb. 4 | Indefinitely postponed | 478 |

LEGISLATIVE BILL 774. By Kruse, Burling, Hartnett, McDonald, Preister, Schrock, Suttle

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 64 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 775. By Kruse, Burling, Preister, Suttle

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 64 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 776. By Kruse, Burling, Preister, Suttle

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 64 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 777. By Kremer, Baker, Burling, Hudkins, Jones, Stuhr

| | | |
|---------|--|------|
| Jan. 9 | Title | 64 |
| Jan. 30 | Kremer AM2253 to Com AM742 printed | 422 |
| Feb. 21 | Kremer priority bill | 670 |
| Feb. 28 | Schrock-Kremer AM2914 printed separate | 779 |
| Mar. 7 | Kremer AM3037 to Com AM742 printed | 872 |
| Mar. 19 | Kremer AM3125 to Com AM742 printed | 1020 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 777 amended into LB 1003 by AM3126)

LEGISLATIVE BILL 778. By Kremer, Baker, Burling, Erdman, Jones, Stuhr

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 64 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 779. By Bourne

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 65 |
| Feb. 4 | Placed on General File | 467 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 780. By Raikes

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 65 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 782. By Beutler, Vrtiska

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 65 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 783. By Beutler

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 65 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 784. By Beutler

| | | |
|---------|-------------------------------------|------|
| Jan. 9 | Title | 65 |
| Feb. 22 | Placed on General File - Com AM2296 | 711 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 785. By Erdman, Jones, Redfield, Smith, Tyson

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 65 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 786. By Schrock

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 65 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 787. By Jones, Bruning, Hudkins, Kremer, Schrock, Stuhr

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 65 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 787 amended into LB 1003 by Com AM2691)

LEGISLATIVE BILL 789. By Smith, Erdman, Wickersham

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 66 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 791. By Janssen, Baker, Cunningham, Engel, Hartnett, Dw. Pedersen

| | | |
|---------|---|------|
| Jan. 9 | Title | 66 |
| Feb. 4 | Janssen priority bill | 466 |
| Mar. 12 | Janssen AM3099 printed | 919 |
| Mar. 28 | Janssen pending AM3099 p. 919 adopted | 1234 |
| Mar. 28 | Chambers motion to bracket until 4/10/2002 failed. Chambers motion to reconsider vote on motion to bracket failed | 1236 |
| Mar. 28 | Landis motion to indefinitely postpone failed. Chambers motion to reconsider vote on Landis motion to indefinitely postpone pending | 1244 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 795. By Beutler, Suttle, Thompson, Price

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 66 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 796. By Schimek

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 66 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 796 amended into LB 1054 by AM3377)

LEGISLATIVE BILL 798. By Kremer, Aguilar, Bourne, Bruning, Smith

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 66 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 801. By Coordsen, Chambers, Kristensen

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 66 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 802. By Robak, Janssen

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 66 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 803. By Agriculture Committee, Jones, Wehrbein

| | | |
|--------|-------|----|
| Jan. 9 | Title | 67 |
|--------|-------|----|

CHRONOLOGY OF BILLS

1867

| | | |
|---------|---|------|
| Jan. 9 | Attorney General's Opinion #01041 to Dierks | 102 |
| Jan. 14 | Dierks-Erdman AM2307 to Com AM1079 printed | 191 |
| Jan. 16 | Com AM1079 (printed separate), First Session, pending. Dierks pending AM1145 p. 1202, and AM1146 and AM1150 p. 1203, First Session, withdrawn. Dierks-Erdman pending AM2307 p. 191 withdrawn. Dierks-Erdman AM2315 to Com AM1079 pending. Chambers motion to bracket until 3/15/2002 pending. Passed over | 240 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 805. By Dierks, Baker, Quandahl

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 67 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 806. By Urban Affairs Committee

| | | |
|---------|--|------|
| Jan. 9 | Title | 67 |
| Apr. 17 | Placed on General File - Com AM2922 (printed separate) | 1730 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 807. By Urban Affairs Committee

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 67 |
| Apr. 17 | Indefinitely postponed | 1730 |

LEGISLATIVE BILL 810. By Urban Affairs Committee

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 67 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 811. By Urban Affairs Committee, Tyson

| | | |
|---------|---------------------------------------|------|
| Jan. 9 | Title | 67 |
| Feb. 22 | Urban Affairs Committee priority bill | 712 |
| Apr. 17 | Indefinitely postponed | 1730 |

LEGISLATIVE BILL 812. By Cunningham, Baker, Burling, Dierks, Erdman, Jones, Raikes, Smith, Stuhr, Tyson

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 68 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 813. By Cunningham, Janssen, Stuhr, Tyson, Wickersham

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 68 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 814. By Beutler

| | | |
|---------|---|-----|
| Jan. 9 | Title | 68 |
| Jan. 23 | Landis AM2382 printed | 337 |
| Jan. 28 | Landis pending AM2382 p. 337 adopted. Advanced for Review | 386 |

| | | |
|---------|---|------|
| Jan. 31 | Placed on Select File - AM7153 | 438 |
| Mar. 5 | AM7153 (E & R) p. 438 adopted. Chair ruled Schrock AM2991 not germane to bill. Schrock motion to suspend rules to permit consideration of AM2991 pending. Beutler unanimous consent to bracket until 3/12/2002. No objections | 810 |
| Mar. 5 | Smith AM2996 to AM2991 printed | 826 |
| Mar. 5 | Erdman AM3003 to AM2991 printed | 827 |
| Mar. 20 | Erdman AM3030 to AM2991 printed | 1049 |
| Apr. 11 | Beutler AM3676 printed | 1664 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 815. By Schrock, Brown, Jensen, Kremer, Robak, Wehrbein, Dw. Pedersen

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 68 |
| Feb. 22 | Indefinitely postponed | 712 |

LEGISLATIVE BILL 816. By Hilgert

| | | |
|---------|--------------------------------------|------|
| Jan. 9 | Title | 68 |
| Jan. 9 | Robak name added | 124 |
| Mar. 6 | Connealy AM2523 to Com AM918 printed | 855 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 823. By Foley, Aguilar, Baker, Bromm, Bruning, Burling, Coordsen, Cudaback, Dierks, Engel, Erdman, Hartnett, Hilgert, Hudkins, Jensen, Jones, Kremer, Maxwell, Dw. Pedersen, Preister, Quandahl, Redfield, Schrock, Smith, Stuhr, Tyson, Vrtiska, Kristensen

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 68 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 824. By Foley, Aguilar, Baker, Bromm, Bruning, Burling, Coordsen, Cudaback, Cunningham, Dierks, Engel, Erdman, Hartnett, Hilgert, Hudkins, Jensen, Jones, Kremer, Maxwell, Dw. Pedersen, Preister, Quandahl, Redfield, Schrock, Smith, Stuhr, Tyson, Vrtiska, Kristensen

| | | |
|---------|--|-----|
| Jan. 9 | Title | 69 |
| Jan. 9 | Robak name added | 124 |
| Jan. 9 | Foley AM2243, AM2244, and AM2245 printed | 125 |
| Jan. 10 | McDonald name added | 146 |
| Jan. 11 | Byars name added | 159 |
| Jan. 16 | Brashear AM2316 printed | 231 |
| Jan. 16 | Foley AM2322 pending. Chambers FA797 to AM2322 pending | 242 |
| Jan. 16 | Chambers pending FA797 p. 244 lost | 247 |
| Jan. 16 | Brashear FA798 to AM2322 printed | 248 |
| Jan. 16 | Chambers FA799 to AM2322 printed | 249 |

CHRONOLOGY OF BILLS

1869

| | | |
|---------|--|-----|
| Jan. 17 | Foley pending AM2322 p. 242 pending. Brashear pending FA798 p. 248 pending. Chambers motion to recommit to committee failed. Chambers motion to reconsider motion to recommit to committee failed. Chambers motion to bracket until 1/24/2002 failed | 255 |
| Jan. 17 | Chambers motion to reconsider motion p. 256 to bracket until 1/24/2002 failed. Brashear pending FA798 p. 248 withdrawn. Foley unanimous consent to replace pending AM2322 p. 242. Chambers objected. Chambers objection withdrawn. Foley unanimous consent to replace pending AM2322 p. 242 with substitute amendment. No objections. Foley AM2322 p. 242 withdrawn. Foley-Bourne-D. Pederson substitute AM2336 pending. Chambers FA799 p. 249 withdrawn. Kruse FA804 to AM2336 lost | 262 |
| Jan. 17 | Chambers FA805 to AM2336 withdrawn. Chambers FA806 to AM2336 lost | 266 |
| Jan. 17 | Chambers FA807, FA808, FA809, and FA810 to AM2336 printed. Wickersham FA811 and Landis AM2338 to AM2336 printed | 270 |
| Jan. 18 | Chambers pending FA807 p. 270 lost. Foley motion to invoke cloture prevailed. Foley et al. pending AM2336 p. 262 adopted. Advanced for Review | 274 |
| Jan. 23 | Placed on Select File - AM7137 | 313 |
| Jan. 28 | Raikes AM2441 printed | 389 |
| Jan. 30 | Foley AM2492 to AM2336 printed | 430 |
| Jan. 31 | AM7137 (E & R) p. 313 adopted. Foley pending AM2243, AM2244, and AM2245 p. 125 withdrawn. Brashear pending AM2316 p. 231 withdrawn. Wickersham pending FA811 p. 270 adopted. Landis pending AM2338 p. 270 lost. Raikes pending AM2441 p. 389 lost. Chambers pending FA808 p. 270 withdrawn. Chambers pending FA809 p. 270 lost. Chambers pending FA810 p. 270 adopted. Chambers FA832 to AM2336 pending | 445 |
| Jan. 31 | Schimek FA833 to AM2336 printed | 452 |
| Feb. 4 | Chambers pending FA832 p. 449 withdrawn. Schimek pending FA833 p. 452 adopted. Schimek AM2542 to AM2336 lost | 467 |
| Feb. 4 | Chambers reoffered FA832 p. 449 lost. Foley pending AM2492 p. 430 withdrawn. Chambers FA835 to AM2336 lost. Advanced for Engrossment | 484 |
| Feb. 5 | Correctly Engrossed. ER9105 change | 504 |
| Feb. 22 | Chambers motion to return to Select File for specific FA862 withdrawn | 709 |
| Feb. 22 | Final Reading w/E 42-5-2 | 710 |
| Feb. 22 | Landis explanation of vote | 713 |
| Feb. 22 | Speaker signed | 713 |
| Feb. 25 | Presented to Governor (2/22) | 715 |
| Feb. 28 | Approved by Governor (2/27) | 770 |

LEGISLATIVE BILL 825. By Foley

| | | |
|---------|---|------|
| Jan. 9 | Title | 69 |
| Jan. 28 | Foley priority bill | 392 |
| Feb. 26 | Bourne AM2768 and AM2769 to Com AM790 printed | 747 |
| Feb. 26 | Bourne AM2889 to Com AM790 printed | 748 |
| Mar. 11 | Foley-Beutler-Kremer-Aguilar-Bruning-Dw. Pedersen-Dierks-Stuhr-Maxwell-Hartnett-Redfield-Thompson-Hudkins-Erdman-Vrtiska-Schimek-Price-Suttle AM2779 to Com AM790 printed | 898 |
| Mar. 11 | Landis-Connealy-Bourne motion to indefinitely postpone printed | 910 |
| Mar. 13 | Com AM790 p. 934, First Session, pending. Landis motion to bracket to 4/18/2002 pending | 956 |
| Mar. 13 | Landis pending motion p. 956 to bracket to 4/18/2002 prevailed | 957 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 826. By Bromm

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 69 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 830. By Bromm

| | | |
|---------|---|------|
| Jan. 9 | Title | 69 |
| Jan. 18 | Advanced for Review | 283 |
| Jan. 23 | Placed on Select File | 315 |
| Feb. 5 | Advanced for Engrossment | 493 |
| Feb. 7 | Correctly Engrossed | 552 |
| Feb. 22 | Bromm AM2860 printed separate | 712 |
| Feb. 27 | Bromm AM2903 printed separate | 759 |
| Mar. 13 | Bromm pending AM2860 (printed separate) withdrawn. Returned to Select File for Bromm specific pending AM2903 (printed separate). Bromm specific pending AM2903 (printed separate) adopted. Advanced for Reengrossment | 953 |
| Mar. 19 | Correctly Reengrossed | 1009 |
| Mar. 19 | ER9122 change | 1010 |
| Apr. 11 | Dispensing of reading at large approved. Final Reading 46-0-3 | 1642 |
| Apr. 11 | Speaker signed | 1663 |
| Apr. 16 | Presented to Governor (4/11) | 1671 |
| Apr. 17 | Approved by Governor (4/17) | 1739 |

(Provisions/portions of LB 157 amended into LB 830 by AM2903)

(Provisions/portions of LB 388 amended into LB 830 by AM2903)

(Provisions/portions of LB 688 amended into LB 830 by AM2903)

(Provisions/portions of LB 922 amended into LB 830 by AM2903)

LEGISLATIVE BILL 830A. By Bromm, Cudaback

| | | |
|---------|---|------|
| Mar. 13 | Read first time. Placed on General File | 956 |
| Mar. 19 | Advanced for Review | 1011 |
| Mar. 19 | Placed on Select File | 1035 |
| Mar. 25 | Advanced for Engrossment | 1099 |
| Mar. 25 | Correctly Engrossed | 1126 |
| Apr. 11 | Final Reading 45-0-4 | 1643 |
| Apr. 11 | Speaker signed | 1663 |
| Apr. 16 | Presented to Governor (4/11) | 1671 |
| Apr. 17 | Approved by Governor (4/17) | 1739 |

LEGISLATIVE BILL 834. By Bromm, Cunningham, Dierks

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 69 |
| Feb. 22 | Indefinitely postponed | 712 |

LEGISLATIVE BILL 835. By Bromm

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 69 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 837. By Bromm, Hudkins

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 70 |
| Feb. 27 | Indefinitely postponed | 760 |

LEGISLATIVE BILL 839. By Foley, Beutler

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 70 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 841. By Brashear

| | | |
|---------|------------------------|-----|
| Jan. 9 | Title | 70 |
| Feb. 20 | Indefinitely postponed | 652 |

LEGISLATIVE BILL 842. By Brashear, Dw. Pedersen

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 70 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 843. By Brashear, Bourne

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 70 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 844. By Brashear, Chambers

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 70 |
| Feb. 4 | Placed on General File | 467 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 846. By Brashear

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 70 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 847. By Brashear, Beutler, Bromm, Smith

| | | |
|---------|---|------|
| Jan. 9 | Title | 71 |
| Feb. 4 | Placed on General File - Com AM2395 | 469 |
| Feb. 7 | Engel priority bill | 544 |
| Apr. 4 | Com AM2395 p. 469 adopted. Advanced for Review | 1457 |
| Apr. 4 | Bruning name added | 1459 |
| Apr. 8 | Placed on Select File - AM7225 (printed separate) | 1516 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 848. By Brashear

| | | |
|---------|---|------|
| Jan. 9 | Title | 71 |
| Jan. 23 | Chambers FA817 and FA818 adopted | 335 |
| Jan. 23 | Beutler FA819 adopted. Advanced for Review | 341 |
| Jan. 25 | Placed on Select File - AM7145 | 369 |
| Mar. 6 | AM7145 (E & R) p. 369 adopted. Chambers FA878 adopted. Advanced for Engrossment | 837 |
| Mar. 11 | Correctly Engrossed. ER9119 change | 911 |
| Mar. 13 | Final Reading w/E 45-0-4 | 949 |
| Mar. 13 | Speaker signed | 955 |
| Mar. 13 | Presented to Governor (3/13) | 956 |
| Mar. 19 | Approved by Governor (3/18) | 1011 |

LEGISLATIVE BILL 848A. By Brashear

| | | |
|---------|---|------|
| Jan. 9 | Title | 71 |
| Jan. 23 | Advanced for Review | 342 |
| Jan. 25 | Placed on Select File - AM7146 | 371 |
| Feb. 8 | Brashear AM2634 printed | 566 |
| Mar. 6 | AM7146 (E & R) p. 371 adopted. Brashear pending AM2634 p. 566 adopted. Chambers FA879 adopted. Advanced for Engrossment | 837 |
| Mar. 11 | Correctly Engrossed | 911 |
| Mar. 13 | Final Reading w/E 45-0-4 | 950 |
| Mar. 13 | Speaker signed | 955 |
| Mar. 13 | Presented to Governor (3/13) | 956 |
| Mar. 19 | Approved by Governor (3/18) | 1011 |

LEGISLATIVE BILL 857. By Executive Board

| | | |
|---------|---|-----|
| Jan. 9 | Read first time | 112 |
| Jan. 10 | Placed on General File | 143 |
| Jan. 22 | Advanced for Review | 297 |
| Jan. 23 | Placed on Select File - AM7143 | 334 |
| Jan. 31 | AM7143 (E & R) p. 334 adopted. Advanced for Engrossment | 449 |
| Feb. 4 | Correctly Engrossed | 455 |
| Feb. 4 | ER9104 change | 456 |
| Feb. 13 | Final Reading 47-0-2 | 608 |
| Feb. 13 | Speaker signed | 611 |

CHRONOLOGY OF BILLS

1873

| | | |
|---------|------------------------------|-----|
| Feb. 13 | Presented to Governor (2/13) | 612 |
| Feb. 19 | Approved by Governor (2/14) | 640 |

LEGISLATIVE BILL 858. By Executive Board

| | | |
|---------|------------------------------|-----|
| Jan. 9 | Read first time | 112 |
| Jan. 10 | Placed on General File | 143 |
| Jan. 22 | Advanced for Review | 297 |
| Jan. 23 | Placed on Select File | 334 |
| Jan. 31 | Advanced for Engrossment | 449 |
| Feb. 4 | Correctly Engrossed | 455 |
| Feb. 13 | Final Reading w/E 47-0-2 | 609 |
| Feb. 13 | Speaker signed | 611 |
| Feb. 13 | Presented to Governor (2/13) | 612 |
| Feb. 19 | Approved by Governor (2/14) | 640 |

LEGISLATIVE BILL 859. By Executive Board

| | | |
|---------|------------------------------|-----|
| Jan. 9 | Read first time | 112 |
| Jan. 10 | Placed on General File | 143 |
| Jan. 22 | Advanced for Review | 297 |
| Jan. 23 | Placed on Select File | 334 |
| Jan. 31 | Advanced for Engrossment | 449 |
| Feb. 4 | Correctly Engrossed | 455 |
| Feb. 13 | Final Reading 47-0-2 | 609 |
| Feb. 13 | Speaker signed | 611 |
| Feb. 13 | Presented to Governor (2/13) | 612 |
| Feb. 19 | Approved by Governor (2/14) | 640 |

LEGISLATIVE BILL 860. By Executive Board

| | | |
|---------|------------------------------|-----|
| Jan. 9 | Read first time | 113 |
| Jan. 10 | Placed on General File | 143 |
| Jan. 22 | Advanced for Review | 297 |
| Jan. 23 | Placed on Select File | 334 |
| Jan. 31 | Advanced for Engrossment | 449 |
| Feb. 4 | Correctly Engrossed | 455 |
| Feb. 13 | Final Reading 47-0-2 | 610 |
| Feb. 13 | Speaker signed | 611 |
| Feb. 13 | Presented to Governor (2/13) | 612 |
| Feb. 19 | Approved by Governor (2/14) | 640 |

LEGISLATIVE BILL 861. By Kristensen

| | | |
|---------|---------------------------------|------|
| Jan. 9 | Read first time | 113 |
| Jan. 10 | Referred to Judiciary Committee | 143 |
| Jan. 23 | Notice of hearing (1/31) | 330 |
| Feb. 22 | Placed on General File | 710 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 861 amended into LB 876 by AM3183)

LEGISLATIVE BILL 862. By Byars

| | | |
|---------|--|------|
| Jan. 9 | Read first time | 113 |
| Jan. 10 | Referred to Health and Human Services Committee | 143 |
| Jan. 23 | Notice of hearing (1/31) | 316 |
| Feb. 21 | Placed on General File - Com AM2689 (printed separate) | 669 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 862A. By Byars

| | | |
|---------|---|------|
| Mar. 12 | Read first time. Placed on General File | 926 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 863. By Byars

| | | |
|---------|--|------|
| Jan. 9 | Read first time | 113 |
| Jan. 10 | Referred to Banking, Commerce and Insurance Committee | 143 |
| Jan. 15 | Notice of hearing (1/22) | 209 |
| Jan. 23 | Placed on General File - Com AM2379 | 335 |
| Feb. 25 | Speaker priority bill | 725 |
| Mar. 28 | Com AM2379 p. 335 adopted. Advanced for Review | 1277 |
| Mar. 28 | Schimek name added | 1277 |
| Apr. 2 | Placed on Select File - AM7217 | 1332 |
| Apr. 4 | AM7217 (E & R) p. 1332 adopted. Advanced for Engrossment | 1440 |
| Apr. 8 | Correctly Engrossed | 1507 |
| Apr. 8 | ER9141 change | 1508 |
| Apr. 11 | Dispensing of reading at large approved | 1643 |
| Apr. 11 | Final Reading 45-0-4 | 1644 |
| Apr. 11 | Speaker signed | 1663 |
| Apr. 16 | Presented to Governor (4/11) | 1671 |
| Apr. 17 | Approved by Governor (4/17) | 1739 |

(Provisions/portions of LB 871 amended into LB 863 by Com AM2379)

LEGISLATIVE BILL 864. By Bruning

| | | |
|---------|---|------|
| Jan. 9 | Read first time | 113 |
| Jan. 10 | Referred to Banking, Commerce and Insurance Committee | 143 |
| Jan. 15 | Notice of hearing (1/22) | 209 |
| Jan. 23 | Placed on General File | 335 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 865. By Bruning

| | | |
|---------|---------------------------------|------|
| Jan. 9 | Read first time | 114 |
| Jan. 10 | Referred to Judiciary Committee | 143 |
| Jan. 25 | Bruning priority bill | 373 |
| Jan. 30 | Notice of hearing (2/27) | 420 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 866. By Bruning

| | | |
|--------|-----------------|-----|
| Jan. 9 | Read first time | 114 |
|--------|-----------------|-----|

CHRONOLOGY OF BILLS

1875

| | | |
|---------|---|-----|
| Jan. 10 | Referred to Government, Military and Veterans Affairs Committee | 143 |
| Jan. 14 | Price name added | 207 |
| Jan. 16 | Notice of hearing (1/24) | 235 |
| Feb. 11 | Indefinitely postponed | 593 |

LEGISLATIVE BILL 867. By Vrtiska

| | | |
|---------|---|-----|
| Jan. 9 | Read first time | 114 |
| Jan. 10 | Referred to Transportation and Telecommunications Committee | 143 |
| Jan. 29 | Notice of hearing (2/11) | 397 |
| Feb. 8 | Smith name added | 573 |
| Feb. 14 | Indefinitely postponed | 629 |

LEGISLATIVE BILL 868. By Schimek

| | | |
|---------|---|------|
| Jan. 9 | Read first time | 114 |
| Jan. 10 | Referred to Government, Military and Veterans Affairs Committee | 143 |
| Jan. 30 | Notice of hearing (2/7) | 434 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 869. By Schimek, Wehrbein

| | | |
|---------|---|------|
| Jan. 9 | Read first time | 114 |
| Jan. 10 | Referred to Government, Military and Veterans Affairs Committee | 143 |
| Jan. 16 | Notice of hearing (1/25) | 235 |
| Jan. 31 | Placed on General File | 450 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 869 amended into LB 93 by AM2511)

LEGISLATIVE BILL 870. By Schimek, Redfield

| | | |
|---------|-------------------------------------|------|
| Jan. 9 | Read first time | 114 |
| Jan. 10 | Referred to Judiciary Committee | 143 |
| Jan. 16 | Notice of hearing (1/23) | 236 |
| Jan. 29 | Stuhr name added | 417 |
| Feb. 22 | Placed on General File - Com AM2601 | 712 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 870 amended into LB 276 by AM3077)

LEGISLATIVE BILL 871. By Schimek

| | | |
|---------|---|-----|
| Jan. 9 | Read first time | 115 |
| Jan. 10 | Referred to Banking, Commerce and Insurance Committee | 143 |
| Jan. 15 | Notice of hearing (1/22) | 209 |
| Jan. 23 | Indefinitely postponed | 337 |

(Provisions/portions of LB 871 amended into LB 863 by Com AM2379)

LEGISLATIVE BILL 872. By Schimek

| | | |
|---------|---------------------------------|------|
| Jan. 9 | Read first time | 115 |
| Jan. 10 | Referred to Judiciary Committee | 143 |
| Jan. 11 | Price name added | 159 |
| Jan. 16 | Notice of hearing (1/23) | 236 |
| Mar. 14 | Placed on General File | 991 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 873. By Cudaback

| | | |
|---------|---|------|
| Jan. 9 | Read first time | 115 |
| Jan. 10 | Referred to General Affairs Committee | 143 |
| Jan. 28 | Notice of hearing (2/4) | 391 |
| Feb. 8 | Placed on General File - Com AM2628 | 573 |
| Mar. 14 | Com AM2628 p. 573 adopted. Chambers motion to bracket until 4/10/2002 failed. Advanced for Review | 987 |
| Mar. 14 | Chambers motion to indefinitely postpone printed | 997 |
| Mar. 19 | Placed on Select File - AM7191 | 1035 |
| Apr. 4 | AM7191 (E & R) p. 1035 adopted. Chambers pending motion p. 997 to indefinitely postpone withdrawn. Advanced for Engrossment | 1432 |
| Apr. 5 | Correctly Engrossed | 1479 |
| Apr. 11 | Final Reading w/E 39-0-10 | 1656 |
| Apr. 11 | Speaker signed | 1664 |
| Apr. 16 | Presented to Governor (4/11) | 1671 |
| Apr. 17 | Approved by Governor (4/17) | 1739 |

LEGISLATIVE BILL 874. By Brashear

| | | |
|---------|-------------------------------------|------|
| Jan. 9 | Read first time | 115 |
| Jan. 10 | Referred to Judiciary Committee | 143 |
| Jan. 16 | Notice of hearing (1/25) | 236 |
| Feb. 25 | Placed on General File - Com AM2862 | 729 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 874 amended into LB 876 by Com AM2941)

LEGISLATIVE BILL 875. By Brashear

| | | |
|---------|-------------------------------------|------|
| Jan. 9 | Read first time | 115 |
| Jan. 10 | Referred to Judiciary Committee | 143 |
| Jan. 16 | Notice of hearing (1/25) | 236 |
| Feb. 25 | Placed on General File - Com AM2861 | 729 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 875 amended into LB 876 by Com AM2941)

LEGISLATIVE BILL 876. By Brashear

| | | |
|---------|---------------------------------|-----|
| Jan. 9 | Read first time | 115 |
| Jan. 10 | Referred to Judiciary Committee | 144 |
| Jan. 16 | Notice of hearing (1/25) | 236 |
| Feb. 5 | Brashear priority bill | 491 |

| | | |
|---------|--|------|
| Feb. 25 | Placed on General File - Com AM2876 (printed separate). (See corrected Com AM2941 p. 771) | 730 |
| Feb. 28 | Corrected Com AM2941 printed separate | 771 |
| Mar. 6 | Brashear AM2963 to Com AM2941 printed | 843 |
| Mar. 22 | Kristensen AM3183 printed separate | 1097 |
| Apr. 4 | Corrected Com AM2941 (printed separate) adopted as amended by Brashear pending AM2963 p. 843 and Kristensen pending AM3183 (printed separate). Brashear AM3545 withdrawn. Advanced for Review | 1452 |
| Apr. 8 | Placed on Select File - AM7222 | 1511 |
| Apr. 10 | AM7222 (E & R) p. 1511 adopted. Advanced for Engrossment | 1604 |
| Apr. 11 | Correctly Engrossed. ER9146 change | 1667 |
| Apr. 17 | Dispensing of reading at large approved. Final Reading w/E 46-0-3 | 1752 |
| Apr. 17 | Speaker signed | 1761 |
| Apr. 18 | Presented to Governor (4/17) | 1763 |
| Apr. 19 | Approved by Governor (4/18) | 1779 |

(Provisions/portions of LB 281 amended into LB 876 by Com AM2941)
 (Provisions/portions of LB 861 amended into LB 876 by AM3183)
 (Provisions/portions of LB 874 amended into LB 876 by Com AM2941)
 (Provisions/portions of LB 875 amended into LB 876 by Com AM2941)
 (Provisions/portions of LB 901 amended into LB 876 by Com AM2941)
 (Provisions/portions of LB 927 amended into LB 876 by Com AM2941)
 (Provisions/portions of LB 969 amended into LB 876 by Com AM2941)
 (Provisions/portions of LB 1043 amended into LB 876 by Com AM2941)

LEGISLATIVE BILL 876A. By Brashear

| | | |
|---------|---|------|
| Apr. 4 | Read first time. Placed on General File | 1458 |
| Apr. 8 | Advanced for Review | 1481 |
| Apr. 8 | Placed on Select File | 1521 |
| Apr. 10 | Advanced for Engrossment | 1604 |
| Apr. 11 | Correctly Engrossed | 1667 |
| Apr. 17 | Final Reading 46-0-3 | 1754 |
| Apr. 17 | Speaker signed | 1761 |
| Apr. 18 | Presented to Governor (4/17) | 1763 |
| Apr. 19 | Approved by Governor (4/18) | 1779 |

LEGISLATIVE BILL 877. By Smith

| | | |
|---------|---|------|
| Jan. 9 | Read first time | 116 |
| Jan. 10 | Referred to Government, Military and Veterans Affairs Committee | 144 |
| Jan. 30 | Notice of hearing (2/7) | 434 |
| Feb. 11 | Placed on General File | 593 |
| Feb. 25 | Speaker priority bill | 725 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 877A. By Smith

| | | |
|---------|---|------|
| Feb. 19 | Read first time. Placed on General File | 646 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 878. By Bromm

| | | |
|---------|-------------------------------|------|
| Jan. 9 | Read first time | 116 |
| Jan. 10 | Referred to Revenue Committee | 144 |
| Jan. 16 | Notice of hearing (1/25) | 246 |
| Feb. 7 | Placed on General File | 553 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 878 amended into LB 994 by AM3567)

LEGISLATIVE BILL 879. By Suttle

| | | |
|---------|---|------|
| Jan. 9 | Read first time | 116 |
| Jan. 10 | Referred to Transportation and Telecommunications Committee | 144 |
| Jan. 18 | Notice of hearing (1/29) | 281 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 880. By Suttle

| | | |
|---------|--|------|
| Jan. 9 | Read first time | 116 |
| Jan. 10 | Referred to Education Committee | 144 |
| Jan. 18 | Notice of hearing (1/28) | 273 |
| Mar. 6 | Placed on General File - Com AM2989 (printed separate) | 829 |
| Mar. 11 | Suttle AM3056 to Com AM2989 printed | 890 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 881. By Suttle

| | | |
|---------|---------------------------------------|-----|
| Jan. 9 | Read first time | 116 |
| Jan. 10 | Referred to Revenue Committee | 144 |
| Jan. 16 | Notice of hearing (1/24) | 246 |
| Jan. 17 | Notice of hearing (1/24) (cancel) | 260 |
| Jan. 23 | Notice of hearing (1/31) (reschedule) | 338 |
| Feb. 4 | Indefinitely postponed | 485 |
| Feb. 6 | Smith name added | 537 |

LEGISLATIVE BILL 882. By Thompson, Aguilar

| | | |
|---------|---|------|
| Jan. 9 | Read first time | 116 |
| Jan. 10 | Referred to Judiciary Committee | 144 |
| Jan. 16 | Rereferred to Government, Military and Veterans Affairs Committee | 239 |
| Jan. 23 | Notice of hearing (1/30) | 330 |
| Jan. 31 | Placed on General File | 450 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 883. By Wickersham, Erdman, Smith

| | | |
|--------|-----------------|-----|
| Jan. 9 | Read first time | 116 |
|--------|-----------------|-----|

| | | |
|---------|---|------|
| Jan. 10 | Referred to Judiciary Committee | 144 |
| Jan. 14 | Referred to Transportation and Telecommunications Committee | 163 |
| Jan. 28 | Notice of hearing (2/5) | 392 |
| Feb. 7 | Brown name added | 559 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 884. By Wickersham, Erdman, Smith

| | | |
|---------|-------------------------------|-----|
| Jan. 9 | Read first time | 117 |
| Jan. 10 | Referred to Revenue Committee | 144 |
| Jan. 16 | Notice of hearing (1/25) | 246 |
| Feb. 7 | Indefinitely postponed | 553 |

(Provisions/portions of LB 884 amended into LB 994 by Com AM2625)

LEGISLATIVE BILL 885. By Wickersham

| | | |
|---------|---|------|
| Jan. 9 | Read first time | 117 |
| Jan. 10 | Referred to Banking, Commerce and Insurance Committee | 144 |
| Jan. 28 | Notice of hearing (2/4) | 385 |
| Feb. 6 | Placed on General File - Com AM2586 | 525 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 885 amended into LB 989 by AM3685)

LEGISLATIVE BILL 886. By Wickersham

| | | |
|---------|-------------------------------|------|
| Jan. 9 | Read first time | 117 |
| Jan. 10 | Referred to Revenue Committee | 144 |
| Jan. 16 | Notice of hearing (1/24) | 246 |
| Jan. 25 | Placed on General File | 379 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 887. By Wickersham

| | | |
|---------|-------------------------------|------|
| Jan. 9 | Read first time | 117 |
| Jan. 10 | Referred to Revenue Committee | 144 |
| Jan. 16 | Notice of hearing (1/23) | 238 |
| Jan. 24 | Placed on General File | 365 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 887 amended into LB 989 by AM3555)

LEGISLATIVE BILL 888. By Wickersham

| | | |
|---------|---|-----|
| Jan. 9 | Read first time | 117 |
| Jan. 10 | Referred to Banking, Commerce and Insurance Committee | 144 |
| Jan. 11 | Jensen name added | 159 |
| Feb. 4 | Notice of hearing (2/11) | 466 |
| Feb. 13 | Indefinitely postponed | 611 |

LEGISLATIVE BILL 889. By Schrock

| | | |
|---------|---|-----|
| Jan. 9 | Read first time | 117 |
| Jan. 10 | Referred to Natural Resources Committee | 144 |

| | | |
|---------|--------------------------|-----|
| Jan. 16 | Notice of hearing (1/23) | 238 |
| Feb. 27 | Indefinitely postponed | 760 |

LEGISLATIVE BILL 890. By Schrock

| | | |
|---------|--|------|
| Jan. 9 | Read first time | 118 |
| Jan. 10 | Referred to Natural Resources Committee | 144 |
| Jan. 16 | Notice of hearing (1/23) | 238 |
| Feb. 27 | Placed on General File - Com AM2519 (printed separate) | 759 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 890 amended into LB 458 by AM2962)

LEGISLATIVE BILL 891. By Kristensen

| | | |
|---------|---|------|
| Jan. 9 | Read first time | 118 |
| Jan. 10 | Referred to Natural Resources Committee | 144 |
| Jan. 16 | Notice of hearing (1/25) | 238 |
| Jan. 24 | Engel, Coordsen, Beutler, Wehrbein, and Price names added | 368 |
| Feb. 5 | Placed on General File - Com AM2553 | 500 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 891 amended into LB 1003 by AM3032)

LEGISLATIVE BILL 892. By Jensen, Byars

| | | |
|---------|---|------|
| Jan. 9 | Read first time | 118 |
| Jan. 10 | Referred to Health and Human Services Committee | 144 |
| Jan. 29 | Notice of hearing (2/6) | 394 |
| Feb. 7 | Placed on General File - Com AM2580 | 543 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 892 amended into LB 1062 by Com AM3220)

LEGISLATIVE BILL 892A. By Jensen

| | | |
|---------|---|------|
| Feb. 27 | Read first time. Placed on General File | 759 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 893. By Jensen

| | | |
|---------|-------------------------------|-----|
| Jan. 9 | Read first time | 118 |
| Jan. 10 | Referred to Revenue Committee | 144 |
| Jan. 29 | Notice of hearing (2/14) | 398 |
| Feb. 20 | Indefinitely postponed | 652 |

LEGISLATIVE BILL 894. By Jensen

| | | |
|---------|---|------|
| Jan. 9 | Read first time | 118 |
| Jan. 10 | Referred to Health and Human Services Committee | 144 |
| Jan. 16 | Notice of hearing (1/24) | 247 |
| Feb. 4 | Placed on General File | 472 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 895. By Schimek

| | | |
|---------|---------------------------------|-----|
| Jan. 9 | Read first time | 118 |
| Jan. 10 | Referred to Judiciary Committee | 144 |
| Jan. 15 | Dw. Pedersen name added | 230 |
| Jan. 30 | Notice of hearing (2/21) | 420 |
| Mar. 5 | Indefinitely postponed | 797 |

LEGISLATIVE BILL 896. By Byars, Cunningham, Erdman, Jensen, Price, Suttle

| | | |
|---------|---|------|
| Jan. 9 | Read first time | 118 |
| Jan. 10 | Referred to Health and Human Services Committee | 144 |
| Jan. 23 | Notice of hearing (1/31) | 316 |
| Feb. 4 | Placed on General File | 472 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 896 amended into LB 1062 by Com AM3220)

LEGISLATIVE BILL 897. By Byars

| | | |
|---------|---|-----|
| Jan. 9 | Read first time | 119 |
| Jan. 10 | Referred to Banking, Commerce and Insurance Committee | 144 |
| Jan. 17 | Notice of hearing (1/29) | 270 |
| Feb. 6 | Indefinitely postponed | 525 |

(Provisions/portions of LB 897 amended into LB 957 by Com AM2574)

LEGISLATIVE BILL 898. By Kristensen

| | | |
|---------|--|------|
| Jan. 9 | Read first time | 119 |
| Jan. 10 | Referred to Education Committee | 144 |
| Jan. 29 | Notice of hearing (2/19) | 395 |
| Feb. 20 | Kristensen priority bill | 665 |
| Mar. 19 | Placed on General File - Com AM3171 (printed separate) | 1036 |
| Mar. 19 | Raikes AM3193 to Com AM3171 printed | 1038 |
| Mar. 21 | Com AM3171 (printed separate) adopted as amended by Raikes pending AM3193 p. 1038. Advanced for Review | 1068 |
| Mar. 25 | Placed on Select File - AM7199 (printed separate) | 1110 |
| Apr. 8 | AM7199 (E & R) (printed separate) adopted. Raikes AM3604 to AM7199 adopted. Bourne AM3326 to AM7199 lost. Advanced for Engrossment | 1542 |
| Apr. 8 | Correctly Engrossed. ER9143 change | 1546 |
| Apr. 10 | Dispensing of reading at large approved | 1579 |
| Apr. 10 | Final Reading w/E 46-3-0 | 1580 |
| Apr. 10 | Speaker signed | 1585 |
| Apr. 10 | Presented to Governor (4/10) | 1588 |
| Apr. 10 | Returned by Governor without approval (4/10) | 1589 |
| Apr. 10 | Kristensen motion to override veto printed | 1601 |
| Apr. 11 | Kristensen pending motion p. 1601 to override veto passed 38-5-6 | 1620 |
| Apr. 11 | Communication. Certificate | 1626 |

(Provisions/portions of LB 1252 amended into LB 898 by Com AM3171)

LEGISLATIVE BILL 898A. By Kristensen

| | | |
|---------|--|------|
| Mar. 20 | Read first time. Placed on General File | 1052 |
| Mar. 21 | Advanced for Review | 1069 |
| Mar. 25 | Placed on Select File - AM7200 | 1110 |
| Apr. 8 | AM7200 (E & R) p. 1110 adopted. Advanced for Engrossment | 1546 |
| Apr. 8 | Correctly Engrossed | 1546 |
| Apr. 10 | Final Reading w/E 45-3-1 | 1580 |
| Apr. 10 | Speaker signed | 1585 |
| Apr. 10 | Presented to Governor (4/10) | 1588 |
| Apr. 10 | Approved by Governor (4/10) | 1589 |

LEGISLATIVE BILL 899. By Connealy, Bruning, Schrock

| | | |
|---------|--|------|
| Jan. 9 | Read first time | 119 |
| Jan. 10 | Referred to Natural Resources Committee | 144 |
| Jan. 11 | Cunningham name added | 159 |
| Jan. 16 | Notice of hearing (1/31) | 238 |
| Feb. 4 | Connealy priority bill | 466 |
| Feb. 28 | Placed on General File - Com AM2951 | 777 |
| Mar. 14 | Chambers FA911, FA912, and FA913 to Com AM2951 printed. Chambers motion to recommit to committee printed. Chambers motion to bracket printed. Chambers motion to indefinitely postpone printed | 986 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 900. By Landis

| | | |
|---------|---|-----|
| Jan. 9 | Read first time | 119 |
| Jan. 10 | Referred to Banking, Commerce and Insurance Committee | 144 |
| Jan. 15 | Notice of hearing (1/22) | 209 |
| Jan. 23 | Indefinitely postponed | 337 |

(Provisions/portions of LB 900 amended into LB 957 by AM3562)

LEGISLATIVE BILL 901. By Landis

| | | |
|---------|-------------------------------------|------|
| Jan. 9 | Read first time | 119 |
| Jan. 10 | Referred to Judiciary Committee | 144 |
| Jan. 16 | Notice of hearing (1/25) | 236 |
| Feb. 25 | Placed on General File - Com AM2875 | 730 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 901 amended into LB 876 by Com AM2941)

LEGISLATIVE BILL 902. By D. Pederson

| | | |
|---------|---|-----|
| Jan. 9 | Read first time | 119 |
| Jan. 10 | Referred to Natural Resources Committee | 144 |
| Jan. 16 | Notice of hearing (1/25) | 238 |
| Feb. 12 | Indefinitely postponed | 599 |

(Provisions/portions of LB 902 amended into LB 1003 by Com AM2691)

LEGISLATIVE BILL 903. By Redfield, Engel, Quandahl

| | | |
|---------|---|-----|
| Jan. 9 | Read first time | 119 |
| Jan. 10 | Referred to Government, Military and Veterans Affairs Committee | 144 |
| Jan. 23 | Notice of hearing (1/31) | 330 |
| Feb. 11 | Indefinitely postponed | 593 |

LEGISLATIVE BILL 904. By Redfield, Kristensen

| | | |
|---------|---|------|
| Jan. 9 | Read first time | 120 |
| Jan. 10 | Referred to Transportation and Telecommunications Committee | 144 |
| Jan. 15 | Notice of hearing (1/22) | 210 |
| Feb. 4 | Placed on General File - Com AM2433 | 478 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 905. By Wickersham, Coordsen, D. Pederson, Wehrbein

| | | |
|---------|---|------|
| Jan. 9 | Read first time | 120 |
| Jan. 10 | Referred to Revenue Committee | 144 |
| Jan. 29 | Notice of hearing (2/27) | 399 |
| Feb. 14 | Revenue Committee priority bill | 637 |
| Mar. 19 | Placed on General File - Com AM3154 | 1010 |
| Mar. 21 | Com AM3154 p. 1010 adopted. Advanced for Review | 1072 |
| Mar. 25 | Placed on Select File - AM7201 | 1125 |
| Mar. 26 | Baker AM3298 printed | 1179 |
| Apr. 8 | AM7201 (E & R) p. 1125 adopted. Baker pending AM3298 p. 1179 lost. Advanced for Engrossment | 1540 |
| Apr. 8 | Correctly Engrossed | 1546 |
| Apr. 16 | Final Reading 33-13-3 | 1674 |
| Apr. 16 | Speaker signed | 1678 |
| Apr. 16 | Presented to Governor (4/16) | 1699 |
| Apr. 19 | Approved by Governor (4/18) | 1779 |

LEGISLATIVE BILL 906. By Wehrbein

| | | |
|---------|--------------------------------------|------|
| Jan. 9 | Read first time | 120 |
| Jan. 10 | Referred to Appropriations Committee | 144 |
| Jan. 25 | Notice of hearing (2/4) | 378 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 907. By Burling, Redfield

| | | |
|---------|-------------------------------|-----|
| Jan. 9 | Read first time | 120 |
| Jan. 10 | Referred to Revenue Committee | 144 |
| Jan. 16 | Notice of hearing (1/24) | 246 |
| Jan. 25 | Indefinitely postponed | 379 |

LEGISLATIVE BILL 908. By Thompson

| | | |
|--------|-----------------|-----|
| Jan. 9 | Read first time | 120 |
|--------|-----------------|-----|

| | | |
|---------|---|------|
| Jan. 10 | Referred to Government, Military and Veterans Affairs Committee | 144 |
| Jan. 23 | Notice of hearing (1/30) | 330 |
| Feb. 8 | Placed on General File | 566 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 909. By Schimek, Janssen

| | | |
|---------|---------------------------------------|------|
| Jan. 9 | Read first time | 120 |
| Jan. 10 | Referred to General Affairs Committee | 144 |
| Jan. 18 | Notice of hearing (1/28) | 276 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 910. By Smith

| | | |
|---------|---------------------------------|------|
| Jan. 9 | Read first time | 121 |
| Jan. 10 | Referred to Judiciary Committee | 144 |
| Jan. 30 | Notice of hearing (2/13) | 420 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 911. By Dierks, Cunningham, Hartnett, Jensen, Thompson

| | | |
|---------|---|------|
| Jan. 9 | Read first time | 121 |
| Jan. 10 | Referred to Health and Human Services Committee | 144 |
| Jan. 16 | Notice of hearing (1/25) | 247 |
| Feb. 4 | Placed on General File - Com AM2419 | 475 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 912. By Dierks, Cunningham, Wehrbein

| | | |
|---------|---|------|
| Jan. 9 | Read first time | 121 |
| Jan. 10 | Referred to Agriculture Committee | 144 |
| Jan. 15 | Notice of hearing (1/22) | 229 |
| Jan. 23 | Vrtiska name added | 341 |
| Jan. 24 | Placed on General File - Com AM2389 | 362 |
| Mar. 14 | Com AM2389 p. 362 adopted. Chambers motion to bracket until 4/10/2002 failed. Advanced for Review | 989 |
| Mar. 19 | Placed on Select File - AM7195 | 1035 |
| Apr. 4 | AM7195 (E & R) p. 1035 adopted. Advanced for Engrossment | 1433 |
| Apr. 5 | Correctly Engrossed | 1479 |
| Apr. 11 | Final Reading 41-0-8 | 1657 |
| Apr. 11 | Speaker signed | 1664 |
| Apr. 16 | Presented to Governor (4/11) | 1671 |
| Apr. 17 | Approved by Governor (4/17) | 1739 |

LEGISLATIVE BILL 913. By Dierks

| | | |
|---------|---|-----|
| Jan. 9 | Read first time | 121 |
| Jan. 10 | Referred to Natural Resources Committee | 144 |
| Jan. 22 | Dierks motion to withdraw bill printed | 296 |

| | | |
|---------|--|-----|
| Jan. 29 | Dierks pending motion p. 296 to withdraw bill prevailed. Withdrawn | 395 |
|---------|--|-----|

LEGISLATIVE BILL 914. By Dierks

| | | |
|---------|-----------------------------------|------|
| Jan. 9 | Read first time | 121 |
| Jan. 10 | Referred to Agriculture Committee | 144 |
| Jan. 15 | Notice of hearing (1/29) | 229 |
| Feb. 6 | Placed on General File | 532 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 915. By Dierks

| | | |
|---------|-------------------------------------|------|
| Jan. 9 | Read first time | 121 |
| Jan. 10 | Referred to Agriculture Committee | 144 |
| Jan. 15 | Notice of hearing (1/22) | 229 |
| Feb. 6 | Placed on General File - Com AM2533 | 534 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 916. By Dierks

| | | |
|---------|-----------------------------------|------|
| Jan. 9 | Read first time | 121 |
| Jan. 10 | Referred to Agriculture Committee | 144 |
| Jan. 15 | Notice of hearing (1/22) | 229 |
| Feb. 6 | Placed on General File | 532 |
| Mar. 11 | Cunningham-Erdman AM3073 printed | 912 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 917. By Transportation and Telecommunications Committee

| | | |
|---------|---|------|
| Jan. 9 | Read first time | 122 |
| Jan. 10 | Referred to Transportation and Telecommunications Committee | 144 |
| Jan. 15 | Notice of hearing (1/22) | 210 |
| Jan. 24 | Placed on General File - Com AM2343 | 362 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 917 amended into LB 1105 by AM3382)

LEGISLATIVE BILL 918. By Bromm

| | | |
|---------|---|------|
| Jan. 9 | Read first time | 122 |
| Jan. 10 | Referred to Transportation and Telecommunications Committee | 144 |
| Jan. 15 | Notice of hearing (1/22) | 210 |
| Feb. 11 | Placed on General File - Com AM2557 (printed separate) | 588 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 918 amended into LB 1105 by AM3533)

LEGISLATIVE BILL 919. By Agriculture Committee

| | | |
|---------|-----------------------------------|-----|
| Jan. 9 | Read first time | 123 |
| Jan. 10 | Referred to Agriculture Committee | 144 |

| | | |
|---------|-------------------------------------|------|
| Jan. 15 | Notice of hearing (1/29) | 229 |
| Feb. 6 | Placed on General File - Com AM2531 | 535 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 919 amended into LB 1003 by AM3022)

LEGISLATIVE BILL 920. By Burling, Baker

| | | |
|---------|-------------------------------|-----|
| Jan. 9 | Read first time | 123 |
| Jan. 10 | Referred to Revenue Committee | 144 |
| Jan. 16 | Notice of hearing (1/24) | 246 |
| Jan. 25 | Indefinitely postponed | 379 |

LEGISLATIVE BILL 921. By Business and Labor Committee

| | | |
|---------|--|------|
| Jan. 9 | Read first time | 123 |
| Jan. 10 | Referred to Business and Labor Committee | 144 |
| Jan. 18 | Notice of hearing (1/28) | 293 |
| Jan. 30 | Placed on General File - Com AM2469 | 429 |
| Feb. 25 | Speaker priority bill | 725 |
| Mar. 6 | Connealy AM2960 printed | 855 |
| Apr. 9 | Com AM2469 p. 429 adopted as amended by Connealy AM3644. Connealy pending AM2960 p. 855 withdrawn. Advanced for Review | 1555 |
| Apr. 10 | Placed on Select File - AM7229 (printed separate) | 1604 |
| Apr. 16 | AM7229 (E & R) (printed separate) adopted. Advanced for Engrossment | 1686 |
| Apr. 16 | Correctly Engrossed | 1717 |
| Apr. 18 | Dispensing of reading at large approved. Final Reading w/E 48-0-1 | 1767 |
| Apr. 18 | Speaker signed | 1775 |
| Apr. 18 | Presented to Governor (4/18) | 1776 |
| Apr. 19 | Approved by Governor (4/19) | 1799 |

LEGISLATIVE BILL 922. By Bromm

| | | |
|---------|---|------|
| Jan. 9 | Read first time | 123 |
| Jan. 10 | Referred to Transportation and Telecommunications Committee | 144 |
| Jan. 18 | Notice of hearing (1/28) | 277 |
| Feb. 4 | Placed on General File - Com AM2407 | 479 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 922 amended into LB 830 by AM2903)

LEGISLATIVE BILL 923. By Bromm

| | | |
|---------|---|------|
| Jan. 9 | Read first time | 123 |
| Jan. 10 | Referred to Transportation and Telecommunications Committee | 144 |
| Jan. 28 | Notice of hearing (2/5) | 392 |
| Feb. 11 | Placed on General File | 582 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 923 amended into LB 446 by AM2869)

LEGISLATIVE BILL 924. By Bromm

| | | |
|---------|---|------|
| Jan. 9 | Read first time | 124 |
| Jan. 10 | Referred to Transportation and Telecommunications Committee | 144 |
| Feb. 5 | Notice of hearing (2/12) | 495 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 925. By Bromm

| | | |
|---------|---|------|
| Jan. 9 | Read first time | 124 |
| Jan. 10 | Referred to Transportation and Telecommunications Committee | 145 |
| Jan. 18 | Notice of hearing (1/28) | 277 |
| Feb. 4 | Placed on General File | 478 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 925 amended into LB 1105 by AM3340)

LEGISLATIVE BILL 926. By Schimek

| | | |
|---------|---|------|
| Jan. 9 | Read first time | 124 |
| Jan. 10 | Referred to Government, Military and Veterans Affairs Committee | 145 |
| Jan. 11 | Price name added | 159 |
| Jan. 16 | Notice of hearing (1/24) | 235 |
| Feb. 7 | Government, Military and Veterans Affairs Committee priority bill | 552 |
| Feb. 8 | Placed on General File - Com AM2524 | 566 |
| Feb. 22 | Preister name added | 713 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 926A. By Schimek

| | | |
|---------|---|------|
| Feb. 19 | Read first time. Placed on General File | 639 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 927. By D. Pederson

| | | |
|---------|---------------------------------|------|
| Jan. 9 | Read first time | 124 |
| Jan. 10 | Referred to Judiciary Committee | 145 |
| Jan. 30 | Notice of hearing (2/13) | 420 |
| Feb. 25 | Placed on General File | 725 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 927 amended into LB 957 by AM2912)

(Provisions/portions of LB 927 amended into LB 876 by Com AM2941)

LEGISLATIVE BILL 928. By Vrtiska, Baker, Byars, Cudaback, Janssen, Jones, Schimek, Smith, Wehrbein

| | | |
|---------|-------------------------------|------|
| Jan. 9 | Read first time | 124 |
| Jan. 10 | Referred to Revenue Committee | 145 |
| Jan. 29 | Notice of hearing (2/22) | 399 |
| Mar. 5 | Placed on General File | 797 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 929. By Wehrbein, Preister, Schimek

| | | |
|---------|--------------------------------------|------|
| Jan. 10 | Read first time | 127 |
| Jan. 11 | Referred to Appropriations Committee | 154 |
| Jan. 25 | Notice of hearing (2/5) | 378 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 929 amended into LB 1309 by Com AM3079)

LEGISLATIVE BILL 930. By Government, Military and Veterans Affairs Committee

| | | |
|---------|---|------|
| Jan. 10 | Read first time | 127 |
| Jan. 11 | Referred to Government, Military and Veterans Affairs Committee | 154 |
| Jan. 16 | Notice of hearing (1/25) | 235 |
| Jan. 31 | Placed on General File | 450 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 930 amended into LB 93 by AM2511)

LEGISLATIVE BILL 931. By Stuhr

| | | |
|---------|--|------|
| Jan. 10 | Read first time | 128 |
| Jan. 11 | Referred to Business and Labor Committee | 154 |
| Jan. 18 | Notice of hearing (1/28) | 293 |
| Feb. 6 | Placed on General File - Com AM2593 | 531 |
| Feb. 22 | Business and Labor Committee priority bill | 712 |
| Mar. 28 | Com AM2593 p. 531 adopted. Advanced for Review | 1264 |
| Mar. 28 | Beutler AM3439 printed | 1276 |
| Apr. 2 | Placed on Select File - AM7218 | 1332 |
| Apr. 17 | AM7218 (E & R) p. 1332 adopted. Beutler pending AM3439 p. 1276 adopted. Advanced for Engrossment | 1747 |
| Apr. 17 | Correctly Engrossed | 1757 |
| Apr. 19 | Final Reading w/E 46-0-3 | 1782 |
| Apr. 19 | Speaker signed | 1796 |
| Apr. 19 | McDonald explanation of vote | 1797 |
| Apr. 19 | Presented to Governor (4/19) | 1798 |
| Apr. 19 | Approved by Governor (4/19) | 1799 |

LEGISLATIVE BILL 931A. By Stuhr

| | | |
|---------|--|------|
| Feb. 12 | Read first time. Placed on General File | 597 |
| Mar. 28 | Advanced for Review | 1265 |
| Apr. 2 | Placed on Select File | 1332 |
| Apr. 17 | Advanced for Engrossment | 1747 |
| Apr. 17 | Correctly Engrossed | 1757 |
| Apr. 19 | Final Reading 47-0-2 | 1782 |
| Apr. 19 | Speaker signed | 1796 |
| Apr. 19 | Presented to Governor (4/19) | 1798 |
| Apr. 19 | Returned by Governor without approval (4/19) | 1799 |
| Apr. 19 | Communication | 1800 |

LEGISLATIVE BILL 932. By Price

| | | |
|---------|--|------|
| Jan. 10 | Read first time | 128 |
| Jan. 11 | Referred to Government, Military and Veterans Affairs Committee | 154 |
| Jan. 23 | Notice of hearing (1/30) | 330 |
| Jan. 31 | Placed on General File | 450 |
| Mar. 14 | Chambers motion to bracket until 4/10/2002 failed. Advanced for Review | 989 |
| Mar. 19 | Placed on Select File | 1035 |
| Apr. 4 | Advanced for Engrossment | 1433 |
| Apr. 5 | Correctly Engrossed | 1479 |
| Apr. 11 | Final Reading 43-0-6 | 1658 |
| Apr. 11 | Speaker signed | 1664 |
| Apr. 16 | Presented to Governor (4/11) | 1671 |
| Apr. 17 | Approved by Governor (4/17) | 1739 |

LEGISLATIVE BILL 933. By Price

| | | |
|---------|---|------|
| Jan. 10 | Read first time | 128 |
| Jan. 11 | Referred to Health and Human Services Committee | 154 |
| Jan. 16 | Notice of hearing (1/24) | 247 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 934. By Kristensen

| | | |
|---------|-------------------------------|------|
| Jan. 10 | Read first time | 128 |
| Jan. 11 | Referred to Revenue Committee | 154 |
| Jan. 29 | Notice of hearing (2/14) | 398 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 935. By McDonald, Schimek

| | | |
|---------|--|-----|
| Jan. 10 | Read first time | 128 |
| Jan. 11 | Referred to Government, Military and Veterans Affairs Committee | 154 |
| Jan. 16 | Notice of hearing (1/23) | 235 |
| Jan. 24 | McDonald priority bill | 345 |
| Jan. 24 | Placed on General File | 367 |
| Feb. 4 | Wickersham AM2431 printed | 480 |
| Feb. 19 | Brown AM2774 printed | 645 |
| Feb. 28 | McDonald AM2537 printed | 784 |
| Mar. 5 | Beutler AM2979 printed | 808 |
| Mar. 7 | Schimek requested ruling of Chair on Wickersham pending AM2431 p. 480. Chair ruled Wickersham pending AM2431 p. 480 is substantially same as another bill that had been indefinitely postponed. Wickersham pending AM2431 p. 480 lost. Chambers motion to reconsider vote on Wickersham AM2431 withdrawn | 878 |
| Mar. 11 | Brown pending AM2774 p. 645, Beutler pending AM2979 p. 808, and McDonald pending AM2537 p. 784 adopted. Advanced for Review | 888 |

| | | |
|---------|--|------|
| Mar. 13 | Vrtiska AM3112 printed | 959 |
| Mar. 14 | Placed on Select File - AM7183 | 985 |
| Apr. 2 | AM7183 (E & R) p. 985 adopted. Vrtiska pending AM3112 p. 959 adopted. Advanced for Engrossment | 1318 |
| Apr. 4 | Correctly Engrossed | 1440 |
| Apr. 4 | ER9127 change | 1441 |
| Apr. 11 | Dispensing of reading at large approved | 1644 |
| Apr. 11 | Final Reading 47-0-2 | 1645 |
| Apr. 11 | Speaker signed | 1663 |
| Apr. 16 | Presented to Governor (4/11) | 1671 |
| Apr. 17 | Approved by Governor (4/17) | 1739 |

(Provisions/portions of LB 558 amended into LB 935 by AM3112)

(Provisions/portions of LB 1273 amended into LB 935 by AM2774)

LEGISLATIVE BILL 936. By Schrock

| | | |
|---------|---|------|
| Jan. 10 | Read first time | 129 |
| Jan. 11 | Referred to Urban Affairs Committee | 154 |
| Jan. 16 | Rereferred to Natural Resources Committee | 239 |
| Jan. 29 | Notice of hearing (2/7) | 416 |
| Mar. 5 | Placed on General File - Com AM2965 | 799 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 937. By Schrock

| | | |
|---------|---|-----|
| Jan. 10 | Read first time | 129 |
| Jan. 11 | Referred to Natural Resources Committee | 154 |
| Jan. 16 | Notice of hearing (1/23) | 238 |
| Mar. 5 | Indefinitely postponed | 803 |

LEGISLATIVE BILL 938. By Schrock

| | | |
|---------|---|-----|
| Jan. 10 | Read first time | 129 |
| Jan. 11 | Referred to Natural Resources Committee | 154 |
| Jan. 16 | Notice of hearing (1/23) | 238 |
| Mar. 5 | Indefinitely postponed | 803 |

(Provisions/portions of LB 938 amended into LB 1003 by AM3544)

LEGISLATIVE BILL 939. By Schrock

| | | |
|---------|---|-----|
| Jan. 10 | Read first time | 129 |
| Jan. 11 | Referred to Natural Resources Committee | 154 |
| Jan. 29 | Notice of hearing (2/7) | 416 |
| Feb. 27 | Indefinitely postponed | 760 |

LEGISLATIVE BILL 940. By Schrock

| | | |
|---------|---|------|
| Jan. 10 | Read first time | 129 |
| Jan. 11 | Referred to Natural Resources Committee | 154 |
| Feb. 4 | Notice of hearing (2/13) | 486 |
| Feb. 19 | Placed on General File - Com AM2778 | 648 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 941. By Schrock

| | | |
|---------|---|-----|
| Jan. 10 | Read first time | 129 |
| Jan. 11 | Referred to Natural Resources Committee | 154 |
| Jan. 16 | Notice of hearing (1/31) | 238 |
| Feb. 4 | Indefinitely postponed | 486 |

LEGISLATIVE BILL 942. By Schrock

| | | |
|---------|---|------|
| Jan. 10 | Read first time | 130 |
| Jan. 11 | Referred to Natural Resources Committee | 154 |
| Jan. 29 | Notice of hearing (2/6) | 416 |
| Feb. 12 | Placed on General File | 597 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 943. By Redfield, Bourne

| | | |
|---------|-------------------------------|-----|
| Jan. 10 | Read first time | 130 |
| Jan. 11 | Referred to Revenue Committee | 154 |
| Jan. 23 | Notice of hearing (1/31) | 338 |
| Feb. 4 | Indefinitely postponed | 485 |

LEGISLATIVE BILL 944. By Redfield

| | | |
|---------|---|-----|
| Jan. 10 | Read first time | 130 |
| Jan. 11 | Referred to Banking, Commerce and Insurance Committee | 154 |
| Feb. 4 | Notice of hearing (2/12) | 466 |
| Feb. 14 | Indefinitely postponed | 621 |

LEGISLATIVE BILL 945. By Wickersham, Schimek

| | | |
|---------|---|------|
| Jan. 10 | Read first time | 130 |
| Jan. 11 | Referred to Government, Military and Veterans Affairs Committee | 154 |
| Jan. 16 | Notice of hearing (1/24) | 235 |
| Jan. 25 | Placed on General File - Com AM2414 | 379 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 945 amended into LB 994 by AM3686)

LEGISLATIVE BILL 946. By Wickersham, Coordsen, D. Pederson, Wehrbein

| | | |
|---------|--|------|
| Jan. 10 | Read first time | 130 |
| Jan. 11 | Referred to Revenue Committee | 154 |
| Jan. 29 | Notice of hearing (2/8) | 398 |
| Feb. 14 | Placed on General File - Com AM2764 | 629 |
| Feb. 14 | Revenue Committee priority bill | 637 |
| Mar. 14 | Wickersham-Landis-Wehrbein-Hartnett-Dierks-Coordsen-Janssen-Raikes AM3136 printed | 997 |
| Mar. 19 | Brashear motion to bracket until 4/19/2002 printed. Brashear motion to recommit to committee printed. Brashear motion to indefinitely postpone printed | 1038 |

| | | |
|---------|--|------|
| Mar. 21 | Com AM2764 p. 629 lost. Wickersham et al. pending AM3136 p. 997 pending. Brashear pending motion p. 1038 bracket until 4/19/2002 pending | 1072 |
| Mar. 22 | Brashear pending motion p. 1038 to bracket until 4/19/2002 prevailed | 1076 |
| Mar. 25 | Wickersham motion to unbracket printed | 1113 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 947. By Wickersham

| | | |
|---------|--|------|
| Jan. 10 | Read first time | 130 |
| Jan. 11 | Referred to Revenue Committee | 154 |
| Jan. 16 | Notice of hearing (1/23) | 238 |
| Jan. 24 | Placed on General File - Com AM2398 | 365 |
| Feb. 25 | Speaker priority bill | 725 |
| Mar. 21 | Com AM2398 p. 365 adopted. Advanced for Review | 1072 |
| Mar. 25 | Placed on Select File - AM7203 | 1119 |
| Apr. 5 | AM7203 (E & R) p. 1119 adopted. Advanced for Engrossment | 1469 |
| Apr. 8 | Correctly Engrossed | 1507 |
| Apr. 10 | Final Reading 49-0-0 | 1579 |
| Apr. 10 | Speaker signed | 1585 |
| Apr. 10 | Presented to Governor (4/10) | 1588 |
| Apr. 10 | Approved by Governor (4/10) | 1589 |

LEGISLATIVE BILL 948. By Baker, Vrtiska

| | | |
|---------|-------------------------------|-----|
| Jan. 10 | Read first time | 131 |
| Jan. 11 | Referred to Revenue Committee | 154 |
| Jan. 16 | Notice of hearing (1/24) | 246 |
| Jan. 24 | Erdman name added | 367 |
| Jan. 25 | Indefinitely postponed | 379 |

LEGISLATIVE BILL 949. By Baker

| | | |
|---------|---------------------------------|------|
| Jan. 10 | Read first time | 131 |
| Jan. 11 | Referred to Judiciary Committee | 154 |
| Jan. 30 | Notice of hearing (2/6) | 419 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 950. By Cunningham, Janssen

| | | |
|---------|---------------------------------------|------|
| Jan. 10 | Read first time | 131 |
| Jan. 11 | Referred to General Affairs Committee | 154 |
| Feb. 4 | Notice of hearing (2/11) | 480 |
| Feb. 13 | Placed on General File | 612 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 951. By Engel, Kruse, Dw. Pedersen

| | | |
|---------|-----------------|-----|
| Jan. 10 | Read first time | 131 |
|---------|-----------------|-----|

CHRONOLOGY OF BILLS

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| | | |
|---------|--|------|
| Jan. 11 | Referred to Government, Military and Veterans Affairs Committee | 154 |
| Jan. 23 | Notice of hearing (1/30) | 330 |
| Jan. 31 | Placed on General File | 450 |
| Mar. 14 | Chambers motion to bracket until 4/10/2002 failed. Advanced for Review | 990 |
| Mar. 19 | Placed on Select File | 1035 |
| Apr. 4 | Advanced for Engrossment | 1433 |
| Apr. 5 | Correctly Engrossed | 1479 |
| Apr. 11 | Final Reading 44-0-5 | 1658 |
| Apr. 11 | Speaker signed | 1664 |
| Apr. 16 | Presented to Governor (4/11) | 1671 |
| Apr. 17 | Approved by Governor (4/17) | 1739 |

LEGISLATIVE BILL 952. By Burling, Jensen, Quandahl

| | | |
|---------|---|------|
| Jan. 10 | Read first time | 131 |
| Jan. 11 | Referred to Health and Human Services Committee | 154 |
| Jan. 15 | Schimek name added | 229 |
| Jan. 16 | Notice of hearing (1/24) | 247 |
| Feb. 4 | Placed on General File - Com AM2472 | 475 |
| Feb. 14 | Maxwell priority bill | 637 |
| Feb. 25 | Landis motion to indefinitely postpone printed | 724 |
| Apr. 16 | Com AM2472 p. 475 adopted. Landis pending motion p. 724 to indefinitely postpone withdrawn. Advanced for Review | 1700 |
| Apr. 16 | Placed on Select File - AM7231 | 1715 |
| Apr. 17 | AM7231 (E & R) p. 1715 adopted. Advanced for Engrossment | 1749 |
| Apr. 17 | Correctly Engrossed | 1757 |
| Apr. 17 | Erdman name added | 1761 |
| Apr. 19 | Final Reading 47-0-2 | 1783 |
| Apr. 19 | Speaker signed | 1796 |
| Apr. 19 | Presented to Governor (4/19) | 1798 |
| Apr. 19 | Approved by Governor (4/19) | 1799 |

LEGISLATIVE BILL 952A. By Burling

| | | |
|---------|---|------|
| Apr. 8 | Read first time. Placed on General File | 1507 |
| Apr. 16 | Advanced for Review | 1700 |
| Apr. 16 | Placed on Select File | 1717 |
| Apr. 17 | Advanced for Engrossment | 1749 |
| Apr. 17 | Correctly Engrossed | 1757 |
| Apr. 19 | Final Reading 47-0-2 | 1784 |
| Apr. 19 | Speaker signed | 1796 |
| Apr. 19 | Presented to Governor (4/19) | 1798 |
| Apr. 19 | Approved by Governor (4/19) | 1799 |

LEGISLATIVE BILL 953. By Wickersham

| | | |
|---------|-------------------------------|------|
| Jan. 10 | Read first time | 131 |
| Jan. 11 | Referred to Revenue Committee | 154 |
| Jan. 29 | Notice of hearing (2/27) | 399 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 954. By Schimek, Beutler

| | | |
|---------|---|------|
| Jan. 10 | Read first time | 131 |
| Jan. 11 | Referred to Government, Military and Veterans Affairs Committee | 154 |
| Jan. 23 | Notice of hearing (1/30) | 330 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 955. By Schimek, Aguilar, Beutler, Byars, Connealy, Cudaback, Kruse, Landis, Dw. Pedersen, Preister, Robak, Smith, Synowiecki

| | | |
|---------|---------------------------------|-----|
| Jan. 10 | Read first time | 132 |
| Jan. 11 | Referred to Education Committee | 154 |
| Jan. 15 | Notice of hearing (1/22) | 209 |
| Feb. 4 | Smith name withdrawn | 489 |
| Feb. 7 | Indefinitely postponed | 539 |

LEGISLATIVE BILL 956. By Suttle

| | | |
|---------|---|------|
| Jan. 10 | Read first time | 132 |
| Jan. 11 | Referred to Health and Human Services Committee | 154 |
| Jan. 23 | Notice of hearing (1/30) | 316 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 957. By Landis

| | | |
|---------|--|------|
| Jan. 10 | Read first time | 132 |
| Jan. 11 | Referred to Banking, Commerce and Insurance Committee | 154 |
| Jan. 17 | Notice of hearing (1/29) | 270 |
| Feb. 7 | Placed on General File - Com AM2574 | 540 |
| Feb. 19 | Banking, Commerce and Insurance Committee priority bill | 646 |
| Feb. 26 | D. Pederson AM2912 printed | 745 |
| Mar. 27 | Beutler AM2899 printed | 1222 |
| Mar. 28 | Com AM2574 p. 540 adopted. D. Pederson pending AM2912 p. 745 and Beutler pending AM2899 p. 1222 adopted. Advanced for Review | 1252 |
| Apr. 2 | Placed on Select File - AM7219 (printed separate) | 1332 |
| Apr. 4 | Landis AM3481 to AM7219 printed | 1431 |
| Apr. 4 | Landis AM3562 to AM7219 printed | 1445 |
| Apr. 9 | Quandahl AM3649 to AM7219 printed | 1553 |
| Apr. 16 | Chambers AM3729 to AM7219 printed | 1714 |
| Apr. 17 | AM7219 (E & R) (printed separate) adopted. Landis pending AM3481 p. 1431 and AM3562 p. 1445 adopted. Quandahl pending AM3649 p. 1553 adopted. Chambers pending AM3729 p. 1714 lost. Advanced for Engrossment | 1746 |

| | | |
|---------|--|------|
| Apr. 17 | Correctly Engrossed. ER9149 change | 1757 |
| Apr. 19 | Dispensing of reading at large approved. Final Reading w/E 45-0-4 | 1784 |
| Apr. 19 | Speaker signed | 1796 |
| Apr. 19 | Presented to Governor (4/19) | 1798 |
| Apr. 19 | Approved by Governor (4/19) | 1799 |

(Provisions/portions of LB 897 amended into LB 957 by Com AM2574)
 (Provisions/portions of LB 900 amended into LB 957 by AM3562)
 (Provisions/portions of LB 927 amended into LB 957 by AM2912)
 (Provisions/portions of LB 967 amended into LB 957 by Com AM2574)
 (Provisions/portions of LB 968 amended into LB 957 by AM3481)
 (Provisions/portions of LB 1153 amended into LB 957 by AM2899)

LEGISLATIVE BILL 958. By Suttle, Byars, Cunningham, Price

| | | |
|---------|---|------|
| Jan. 10 | Read first time | 132 |
| Jan. 11 | Referred to Health and Human Services Committee | 154 |
| Jan. 16 | Notice of hearing (1/23) | 247 |
| Jan. 18 | Jensen motion to suspend rules to permit cancellation of hearing prevailed. Notice of hearing (1/23) (cancel) | 276 |
| Jan. 23 | Notice of hearing (1/30) (reschedule) | 316 |
| Feb. 21 | Suttle priority bill | 682 |
| Mar. 21 | Placed on General File - Com AM3100 (printed separate) | 1066 |
| Apr. 2 | Suttle AM3445 to Com AM3100 printed | 1332 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 958 amended into LB 1021 by AM3023)

LEGISLATIVE BILL 958A. By Suttle

| | | |
|---------|---|------|
| Mar. 28 | Read first time. Placed on General File | 1270 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 959. By Robak

| | | |
|---------|---------------------------------------|-----|
| Jan. 10 | Read first time | 132 |
| Jan. 11 | Referred to General Affairs Committee | 154 |
| Feb. 4 | Notice of hearing (2/11) | 480 |
| Feb. 13 | Indefinitely postponed | 612 |

LEGISLATIVE BILL 960. By Byars

| | | |
|---------|---|-----|
| Jan. 10 | Read first time | 133 |
| Jan. 11 | Referred to Natural Resources Committee | 154 |
| Jan. 29 | Notice of hearing (2/6) | 416 |
| Feb. 27 | Indefinitely postponed | 760 |

LEGISLATIVE BILL 961. By D. Pederson, Brown, Engel, Raikes

| | | |
|---------|-----------------------------------|-----|
| Jan. 10 | Read first time | 133 |
| Jan. 11 | Referred to Agriculture Committee | 154 |
| Jan. 11 | Thompson name added | 159 |
| Jan. 15 | Notice of hearing (1/29) | 229 |

| | | |
|---------|---|-----|
| Feb. 27 | Indefinitely postponed | 765 |
| Mar. 5 | Attorney General's Opinion #02007 to Dierks | 789 |

LEGISLATIVE BILL 962. By Kremer, Aguilar, Burling

| | | |
|---------|---|------|
| Jan. 10 | Read first time | 133 |
| Jan. 11 | Referred to Banking, Commerce and Insurance Committee | 154 |
| Jan. 15 | Notice of hearing (1/22) | 209 |
| Jan. 15 | Bromm name added | 229 |
| Jan. 23 | Placed on General File - Com AM2377 | 336 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 963. By Kremer

| | | |
|---------|---|------|
| Jan. 10 | Read first time | 133 |
| Jan. 11 | Referred to Banking, Commerce and Insurance Committee | 155 |
| Jan. 28 | Notice of hearing (2/5) | 385 |
| Feb. 6 | Placed on General File | 525 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 964. By Redfield, Bruning, Quandahl

| | | |
|---------|---|------|
| Jan. 10 | Read first time | 133 |
| Jan. 11 | Referred to Government, Military and Veterans Affairs Committee | 155 |
| Jan. 15 | Kremer, Jones, Burling, Foley, and Baker names added | 229 |
| Jan. 16 | Dierks name added | 249 |
| Jan. 24 | Erdman name added | 367 |
| Jan. 30 | Notice of hearing (2/7) | 434 |
| Feb. 5 | Dw. Pedersen name added | 504 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 965. By Redfield, Erdman, Quandahl

| | | |
|---------|---|------|
| Jan. 10 | Read first time | 133 |
| Jan. 11 | Referred to Government, Military and Veterans Affairs Committee | 155 |
| Jan. 23 | Notice of hearing (1/31) | 330 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 966. By Redfield, Erdman, Quandahl

| | | |
|---------|---|------|
| Jan. 10 | Read first time | 134 |
| Jan. 11 | Referred to Government, Military and Veterans Affairs Committee | 155 |
| Jan. 23 | Notice of hearing (1/31) | 330 |
| Feb. 8 | Placed on General File - Com AM2464 | 567 |
| Feb. 25 | Speaker priority bill | 725 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 966 amended into LB 276 by AM3275)

LEGISLATIVE BILL 967. By Landis

| | | |
|---------|---|-----|
| Jan. 10 | Read first time | 134 |
| Jan. 11 | Referred to Banking, Commerce and Insurance Committee | 155 |
| Jan. 17 | Notice of hearing (1/29) | 270 |
| Feb. 6 | Indefinitely postponed | 525 |

(Provisions/portions of LB 967 amended into LB 957 by Com AM2574)

LEGISLATIVE BILL 968. By Landis

| | | |
|---------|---|------|
| Jan. 10 | Read first time | 134 |
| Jan. 11 | Referred to Banking, Commerce and Insurance Committee | 155 |
| Jan. 17 | Notice of hearing (1/28) | 270 |
| Jan. 29 | Placed on General File | 417 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 968 amended into LB 957 by AM3481)

LEGISLATIVE BILL 969. By Landis

| | | |
|---------|---------------------------------|------|
| Jan. 10 | Read first time | 134 |
| Jan. 11 | Referred to Judiciary Committee | 155 |
| Jan. 16 | Notice of hearing (1/25) | 236 |
| Feb. 25 | Placed on General File | 725 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 969 amended into LB 876 by Com AM2941)

LEGISLATIVE BILL 970. By Dw. Pedersen, Bromm, Coordsen

| | | |
|---------|-------------------------------------|------|
| Jan. 10 | Read first time | 134 |
| Jan. 11 | Referred to Urban Affairs Committee | 155 |
| Jan. 15 | Notice of hearing (1/22) | 221 |
| Jan. 24 | Placed on General File | 344 |
| Mar. 25 | Advanced for Review | 1131 |
| Mar. 26 | Placed on Select File | 1177 |
| Apr. 4 | Advanced for Engrossment | 1433 |
| Apr. 5 | Correctly Engrossed | 1479 |
| Apr. 11 | Final Reading 44-0-5 | 1659 |
| Apr. 11 | Speaker signed | 1664 |
| Apr. 16 | Presented to Governor (4/11) | 1671 |
| Apr. 17 | Approved by Governor (4/17) | 1739 |

LEGISLATIVE BILL 971. By Bromm

| | | |
|---------|---|------|
| Jan. 10 | Read first time | 134 |
| Jan. 11 | Referred to Transportation and Telecommunications Committee | 155 |
| Feb. 5 | Notice of hearing (2/12) | 495 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 972. By Bromm

| | | |
|---------|-----------------|-----|
| Jan. 10 | Read first time | 134 |
|---------|-----------------|-----|

| | | |
|---------|---|------|
| Jan. 11 | Referred to Transportation and Telecommunications Committee | 155 |
| Jan. 15 | Notice of hearing (1/22) | 210 |
| Jan. 24 | Placed on General File | 362 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 973. By Janssen, Baker, Cudaback, Vrtiska

| | | |
|---------|-------------------------------------|------|
| Jan. 10 | Read first time | 135 |
| Jan. 11 | Referred to Urban Affairs Committee | 155 |
| Jan. 15 | Notice of hearing (1/22) | 221 |
| Jan. 18 | McDonald name added | 293 |
| Jan. 24 | Placed on General File - Com AM2383 | 344 |
| Feb. 25 | Speaker priority bill | 725 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 974. By Janssen, Aguilar, Erdman, Smith, Tyson

| | | |
|---------|---------------------------------|-----|
| Jan. 10 | Read first time | 135 |
| Jan. 11 | Referred to Judiciary Committee | 155 |
| Jan. 16 | Notice of hearing (1/24) | 236 |
| Mar. 5 | Indefinitely postponed | 797 |

LEGISLATIVE BILL 975. By Cudaback

| | | |
|---------|---|-----|
| Jan. 10 | Read first time | 135 |
| Jan. 11 | Referred to Government, Military and Veterans Affairs Committee | 155 |
| Jan. 16 | Notice of hearing (1/23) | 235 |
| Feb. 11 | Indefinitely postponed | 593 |

LEGISLATIVE BILL 976. By Kristensen, Bromm

| | | |
|---------|---|------|
| Jan. 10 | Read first time | 135 |
| Jan. 11 | Referred to Transportation and Telecommunications Committee | 155 |
| Jan. 14 | Brown name added | 208 |
| Jan. 18 | Notice of hearing (1/28) | 277 |
| Feb. 4 | Placed on General File - Com AM2442 | 479 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 976 amended into LB 1105 by AM3395)

LEGISLATIVE BILL 977. By Aguilar, Cunningham, Kremer, Quandahl, Synowiecki, Tyson

| | | |
|---------|---|------|
| Jan. 10 | Read first time | 135 |
| Jan. 11 | Referred to Government, Military and Veterans Affairs Committee | 155 |
| Jan. 30 | Notice of hearing (2/7) | 434 |
| Feb. 11 | Placed on General File | 593 |
| Mar. 25 | Advanced for Review | 1131 |
| Mar. 26 | Placed on Select File - AM7207 | 1177 |

CHRONOLOGY OF BILLS

1899

| | | |
|---------|--|------|
| Mar. 27 | Aguilar AM3374 printed | 1213 |
| Apr. 4 | AM7207 (E & R) p. 1177 adopted. Aguilar pending AM3374 p. 1213 adopted. Advanced for Engrossment | 1433 |
| Apr. 5 | Correctly Engrossed | 1479 |
| Apr. 11 | Final Reading 44-0-5 | 1660 |
| Apr. 11 | Speaker signed | 1664 |
| Apr. 16 | Presented to Governor (4/11) | 1671 |
| Apr. 17 | Approved by Governor (4/17) | 1739 |

LEGISLATIVE BILL 978. By Aguilar, Kremer, Price

| | | |
|---------|---|------|
| Jan. 10 | Read first time | 135 |
| Jan. 11 | Referred to Judiciary Committee | 155 |
| Jan. 16 | Rereferred to Health and Human Services Committee | 239 |
| Jan. 16 | Notice of hearing (1/25) | 247 |
| Feb. 4 | Placed on General File - Com AM2491 | 475 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 979. By Aguilar, Cunningham, Kremer, Quandahl

| | | |
|---------|---------------------------------|------|
| Jan. 10 | Read first time | 136 |
| Jan. 11 | Referred to Judiciary Committee | 155 |
| Jan. 15 | Smith name added | 229 |
| Jan. 30 | Notice of hearing (2/21) | 420 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 980. By Cunningham, Aguilar, Baker, Brown, Bruning, Burling, Byars, Cudaback, Dierks, Engel, Erdman, Hartnett, Jensen, Jones, Kremer, McDonald, Dw. Pedersen, Price, Quandahl, Redfield, Schrock, Smith, Stuhr, Tyson, Vrtiska

| | | |
|---------|---|------|
| Jan. 10 | Read first time | 136 |
| Jan. 11 | Referred to Government, Military and Veterans Affairs Committee | 155 |
| Jan. 16 | Notice of hearing (1/25) | 235 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 981. By Jensen

| | | |
|---------|---|------|
| Jan. 10 | Read first time | 136 |
| Jan. 11 | Referred to Banking, Commerce and Insurance Committee | 155 |
| Jan. 17 | Notice of hearing (1/28) | 270 |
| Jan. 29 | Placed on General File | 417 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 982. By Erdman, Burling, Byars, Cunningham, Jensen, Jones, Price, Quandahl, Redfield, Smith, Stuhr, Tyson, Vrtiska

| | | |
|---------|---------------------------------|------|
| Jan. 10 | Read first time | 136 |
| Jan. 11 | Referred to Education Committee | 155 |
| Jan. 29 | Notice of hearing (2/12) | 394 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 983. By Erdman, Byars, Foley, Price, Quandahl, Tyson

| | | |
|---------|---------------------------------|------|
| Jan. 10 | Read first time | 136 |
| Jan. 11 | Referred to Judiciary Committee | 155 |
| Jan. 30 | Notice of hearing (2/8) | 419 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 984. By Erdman

| | | |
|---------|-------------------------------------|------|
| Jan. 10 | Read first time | 136 |
| Jan. 11 | Referred to Urban Affairs Committee | 155 |
| Jan. 15 | Notice of hearing (1/22) | 221 |
| Feb. 5 | Placed on General File - Com AM2496 | 495 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 984 amended into LB 729 by AM3273)

LEGISLATIVE BILL 985. By Stuhr

| | | |
|---------|---|-----|
| Jan. 10 | Read first time | 137 |
| Jan. 11 | Referred to Judiciary Committee | 155 |
| Jan. 11 | Price name added | 159 |
| Jan. 15 | Rereferred to Health and Human Services Committee | 220 |
| Jan. 16 | Notice of hearing (1/25) | 247 |
| Jan. 29 | Indefinitely postponed | 394 |

LEGISLATIVE BILL 986. By Bromm

| | | |
|---------|---|-----|
| Jan. 10 | Read first time | 137 |
| Jan. 11 | Referred to Banking, Commerce and Insurance Committee | 155 |
| Feb. 4 | Notice of hearing (2/19) | 466 |
| Feb. 20 | Indefinitely postponed | 659 |

LEGISLATIVE BILL 987. By Kristensen

| | | |
|---------|---------------------------------|-----|
| Jan. 10 | Read first time | 137 |
| Jan. 11 | Referred to Education Committee | 155 |
| Jan. 15 | Notice of hearing (1/22) | 209 |
| Jan. 30 | Indefinitely postponed | 433 |

LEGISLATIVE BILL 988. By Byars, Brown, Bruning, Burling, Cunningham, Jensen, Smith, Stuhr, Suttle

| | | |
|---------|---|------|
| Jan. 10 | Read first time | 137 |
| Jan. 11 | Referred to Health and Human Services Committee | 155 |
| Jan. 17 | Erdman name added | 271 |
| Jan. 18 | Price name added | 293 |
| Jan. 23 | Notice of hearing (1/30) | 316 |
| Jan. 23 | Maxwell name added | 341 |
| Feb. 4 | Placed on General File | 472 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 989. By Revenue Committee

| | | |
|---------|--|------|
| Jan. 10 | Read first time | 137 |
| Jan. 11 | Referred to Revenue Committee | 155 |
| Jan. 16 | Notice of hearing (1/23) | 238 |
| Jan. 31 | Placed on General File - Com AM2516 (printed separate) | 450 |
| Feb. 25 | Speaker priority bill | 725 |
| Apr. 4 | Com AM2516 (printed separate) adopted as amended by Wickersham AM3555. Advanced for Review | 1434 |
| Apr. 8 | Placed on Select File - AM7226 (printed separate) | 1487 |
| Apr. 10 | Wickersham-Brashear-Kristensen AM3653 to AM7226 printed | 1596 |
| Apr. 10 | Wickersham AM3671 to AM3653 printed | 1615 |
| Apr. 16 | AM7226 (E & R) (printed separate) adopted. Wickersham et al. pending AM3653 p. 1596 and Wickersham pending AM3671 p. 1615 withdrawn. Wickersham AM3685 to AM7226 adopted. Jensen-Wickersham AM3721 to AM7226 withdrawn. Advanced for Engrossment | 1680 |
| Apr. 16 | Correctly Engrossed. ER9154 change | 1717 |
| Apr. 18 | Dispensing of reading at large approved. Final Reading w/E 45-0-4 | 1768 |
| Apr. 18 | Speaker signed | 1775 |
| Apr. 18 | Presented to Governor (4/18) | 1776 |
| Apr. 19 | Approved by Governor (4/19) | 1799 |

(Provisions/portions of LB 885 amended into LB 989 by AM3685)

(Provisions/portions of LB 887 amended into LB 989 by AM3555)

(Provisions/portions of LB 991 amended into LB 989 by AM3555)

(Provisions/portions of LB 1063 amended into LB 989 by Com AM2516)

LEGISLATIVE BILL 989A. By Wickersham

| | | |
|---------|---|------|
| Apr. 5 | Read first time. Placed on General File | 1477 |
| Apr. 9 | Advanced for Review | 1558 |
| Apr. 9 | Placed on Select File | 1562 |
| Apr. 16 | Advanced for Engrossment | 1686 |
| Apr. 16 | Correctly Engrossed | 1717 |
| Apr. 18 | Final Reading 44-0-5 | 1769 |
| Apr. 18 | Speaker signed | 1775 |
| Apr. 18 | Presented to Governor (4/18) | 1776 |
| Apr. 19 | Approved by Governor (4/19) | 1799 |

LEGISLATIVE BILL 990. By Revenue Committee

| | | |
|---------|---|-----|
| Jan. 10 | Read first time | 137 |
| Jan. 11 | Referred to Revenue Committee | 155 |
| Jan. 16 | Notice of hearing (1/25) | 246 |
| Jan. 17 | Revenue Committee motion to withdraw bill printed | 260 |
| Jan. 17 | Notice of hearing (1/25) (cancel) | 262 |
| Jan. 18 | Revenue Committee pending motion p. 260 to withdraw bill prevailed. Withdrawn | 274 |

LEGISLATIVE BILL 991. By Revenue Committee

| | | |
|---------|-------------------------------|------|
| Jan. 10 | Read first time | 138 |
| Jan. 11 | Referred to Revenue Committee | 155 |
| Jan. 16 | Notice of hearing (1/23) | 238 |
| Jan. 24 | Placed on General File | 365 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 991 amended into LB 989 by AM3555)

LEGISLATIVE BILL 992. By Revenue Committee

| | | |
|---------|-------------------------------------|------|
| Jan. 10 | Read first time | 138 |
| Jan. 11 | Referred to Revenue Committee | 155 |
| Jan. 16 | Notice of hearing (1/23) | 238 |
| Jan. 24 | Placed on General File - Com AM2401 | 366 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 993. By Schrock, Bruning, Preister

| | | |
|---------|---|-----|
| Jan. 10 | Read first time | 138 |
| Jan. 11 | Referred to Natural Resources Committee | 155 |
| Jan. 14 | Bruning name withdrawn | 208 |
| Jan. 16 | Notice of hearing (1/30) | 238 |
| Feb. 4 | Indefinitely postponed | 486 |

LEGISLATIVE BILL 994. By Revenue Committee

| | | |
|---------|--|------|
| Jan. 10 | Read first time | 138 |
| Jan. 11 | Referred to Revenue Committee | 155 |
| Jan. 16 | Notice of hearing (1/25) | 246 |
| Feb. 8 | Placed on General File - Com AM2625 (printed separate) | 562 |
| Feb. 25 | Speaker priority bill | 725 |
| Feb. 27 | Wickersham AM2895 to Com AM2625 printed | 752 |
| Mar. 5 | Hartnett AM2984 to Com AM2625 printed | 808 |
| Apr. 5 | Hartnett AM3564 to Com AM2625 printed | 1470 |
| Apr. 5 | Wickersham AM3565 to Com AM2625 printed | 1471 |
| Apr. 9 | Com AM2625 (printed separate) adopted as amended by Wickersham pending AM3565 p. 1471 and Hartnett AM3564 p. 1470. Wickersham pending AM2895 p. 752 and Hartnett AM2984 p. 808 withdrawn. Wickersham AM3655 adopted. Advanced for Review | 1556 |
| Apr. 10 | Placed on Select File - AM7230 (printed separate) | 1604 |
| Apr. 16 | AM7230 (E & R) (printed separate) adopted. Wickersham AM3686, Bromm AM3657, and Landis AM3720 to AM7230 adopted. Erdman AM3719 to AM7230 withdrawn. Advanced for Engrssment | 1687 |
| Apr. 17 | Correctly Engrossed. ER9156 change | 1728 |
| Apr. 19 | Wehrbein motion to return to Select File for FA1089 withdrawn | 1785 |
| Apr. 19 | Dispensing of reading at large approved. Final Reading w/E 46-0-3 | 1786 |

CHRONOLOGY OF BILLS

1903

| | | |
|---------|------------------------------|------|
| Apr. 19 | Speaker signed | 1796 |
| Apr. 19 | Presented to Governor (4/19) | 1798 |
| Apr. 19 | Approved by Governor (4/19) | 1799 |

(Provisions/portions of LB 878 amended into LB 994 by AM3567)
 (Provisions/portions of LB 884 amended into LB 994 by Com AM2625)
 (Provisions/portions of LB 945 amended into LB 994 by AM3686)
 (Provisions/portions of LB 1030 amended into LB 994 by Com AM2625)
 (Provisions/portions of LB 1042 amended into LB 994 by Com AM2625)
 (Provisions/portions of LB 1085 amended into LB 994 by Com AM2625)
 (Provisions/portions of LB 1113 amended into LB 994 by Com AM2625)
 (Provisions/portions of LB 1125 amended into LB 994 by AM3655)
 (Provisions/portions of LB 1137 amended into LB 994 by AM3720)
 (Provisions/portions of LB 1232 amended into LB 994 by AM3564)

LEGISLATIVE BILL 994A. By Wickersham

| | | |
|---------|--|------|
| Apr. 8 | Read first time. Placed on General File | 1547 |
| Apr. 9 | Wickersham AM3652 adopted. Advanced for Review | 1557 |
| Apr. 10 | Placed on Select File | 1605 |
| Apr. 16 | Advanced for Engrossment | 1698 |
| Apr. 17 | Correctly Engrossed | 1728 |
| Apr. 19 | Final Reading w/E 47-0-2 | 1787 |
| Apr. 19 | Speaker signed | 1796 |
| Apr. 19 | Presented to Governor (4/19) | 1798 |
| Apr. 19 | Approved by Governor (4/19) | 1799 |

LEGISLATIVE BILL 995. By Wickersham, Dierks, Hartnett, Janssen, Landis, Raikes, Redfield

| | | |
|---------|-------------------------------------|------|
| Jan. 10 | Read first time | 138 |
| Jan. 11 | Referred to Revenue Committee | 155 |
| Jan. 16 | Notice of hearing (1/23) | 238 |
| Jan. 24 | Placed on General File - Com AM2400 | 367 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 996. By Wickersham

| | | |
|---------|-------------------------------|------|
| Jan. 10 | Read first time | 139 |
| Jan. 11 | Referred to Revenue Committee | 155 |
| Jan. 29 | Notice of hearing (2/27) | 399 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 997. By Transportation and Telecommunications Committee

| | | |
|---------|---|------|
| Jan. 10 | Read first time | 139 |
| Jan. 11 | Referred to Transportation and Telecommunications Committee | 155 |
| Jan. 15 | Notice of hearing (1/22) | 210 |
| Jan. 24 | Placed on General File | 362 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 998. By Transportation and Telecommunications Committee

| | | |
|---------|---|------|
| Jan. 10 | Read first time | 139 |
| Jan. 11 | Referred to Transportation and Telecommunications Committee | 155 |
| Jan. 28 | Notice of hearing (2/5) | 392 |
| Feb. 11 | Placed on General File | 582 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 998 amended into LB 499 by AM2971)

LEGISLATIVE BILL 999. By Transportation and Telecommunications Committee

| | | |
|---------|---|------|
| Jan. 10 | Read first time | 139 |
| Jan. 11 | Referred to Transportation and Telecommunications Committee | 155 |
| Jan. 18 | Notice of hearing (1/28) | 277 |
| Feb. 4 | Placed on General File - Com AM2479 | 479 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 999 amended into LB 499 by AM2971)

LEGISLATIVE BILL 1000. By Bourne

| | | |
|---------|---|------|
| Jan. 10 | Read first time | 140 |
| Jan. 11 | Referred to Government, Military and Veterans Affairs Committee | 155 |
| Jan. 16 | Notice of hearing (1/25) | 235 |
| Feb. 4 | Placed on General File - Com AM2518 | 456 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 1000 amended into LB 93 by AM2511)

LEGISLATIVE BILL 1001. By Bourne

| | | |
|---------|--|------|
| Jan. 10 | Read first time | 140 |
| Jan. 11 | Referred to Business and Labor Committee | 155 |
| Jan. 18 | Notice of hearing (1/28) | 293 |
| Jan. 30 | Placed on General File | 429 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1002. By Bourne

| | | |
|---------|---|------|
| Jan. 10 | Read first time | 140 |
| Jan. 11 | Referred to Transportation and Telecommunications Committee | 155 |
| Jan. 18 | Notice of hearing (1/29) | 281 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1003. By Schrock, Bromm, Brown, Bruning, Preister

| | | |
|---------|-----------------|-----|
| Jan. 10 | Read first time | 140 |
|---------|-----------------|-----|

CHRONOLOGY OF BILLS

1905

| | | |
|---------|--|-----|
| Jan. 11 | Referred to Natural Resources Committee | 155 |
| Jan. 16 | Notice of hearing (1/30) | 238 |
| Feb. 12 | Natural Resources Committee priority bill | 595 |
| Feb. 14 | Placed on General File - Com AM2691 (printed separate) | 627 |
| Feb. 20 | Wickersham AM2781 to Com AM2691 printed | 660 |
| Feb. 21 | Schrock AM2806 to Com AM2691 printed | 670 |
| Feb. 26 | Aguilar AM2872 to Com AM2691 printed | 742 |
| Mar. 6 | Com AM2691 (printed separate) pending. Wickersham pending AM2781 p. 660 adopted | 842 |
| Mar. 6 | Beutler FA875 to Com AM2691 printed | 844 |
| Mar. 6 | Beutler FA876 and FA877 to Com AM2691 printed. Schrock AM3032 to Com AM2691 printed | 845 |
| Mar. 6 | Chambers FA881 to Com AM2691 printed | 850 |
| Mar. 6 | Dierks AM3022 to Com AM2691 printed | 853 |
| Mar. 7 | Schrock pending AM2806 p. 670 withdrawn. Schrock pending AM3032 p. 845 and Aguilar pending AM2872 p. 742 adopted. Chambers pending FA881 p. 850 lost | 861 |
| Mar. 7 | Chambers motion to reconsider vote on FA881 failed. Dierks pending AM3022 p. 853 adopted. Beutler unanimous consent to replace pending FA875 p. 844 with substitute amendment. No objections. Beutler FA875 p. 844 withdrawn. Beutler substitute AM3045 to Com AM2691 pending. Smith requested ruling of Chair. Chair ruled Beutler substitute AM3045 is not substantially same as another bill that had been indefinitely postponed | 865 |
| Mar. 7 | Dierks AM3044 to Com AM2691 printed | 867 |
| Mar. 7 | Chambers FA883, FA884, FA885, FA886, FA887, FA888, FA889, FA890, FA891, FA892, FA893, and FA894 to Com AM2691 printed | 868 |
| Mar. 7 | Chambers FA895 and FA896 to Com AM2691 printed. Kremer AM3038 printed | 869 |
| Mar. 7 | Chambers FA897 to Com AM2691 printed | 872 |
| Mar. 12 | Beutler unanimous consent to replace pending AM3045 p. 865 with substitute amendment. Chambers objected. Beutler motion to replace pending AM3045 p. 865 with substitute amendment. Chambers objection withdrawn. Beutler unanimous consent to replace AM3045 p. 865 with substitute amendment. No objections. Beutler pending AM3045 p. 865 withdrawn. Beutler substitute AM3107 to Com AM2691 pending | 923 |
| Mar. 12 | Chair sustained request for division of question on Beutler pending AM3107 p. 923. Beutler FA904 (1st) to Com AM2691 pending | 926 |
| Mar. 12 | Chambers FA905 and FA906 to Com AM2691 printed | 926 |
| Mar. 12 | Chambers FA907 to Com AM2691 printed | 927 |

| | | |
|---------|---|------|
| Mar. 13 | Beutler pending FA904 (1st) p. 926 withdrawn. Beutler remaining divided AM3107 p. 923 withdrawn. Beutler pending FA876 and FA877 p. 845 withdrawn. Dierks pending AM3044 p. 867 withdrawn. Chambers pending FA883, FA884, FA885, FA886, FA887, FA888, FA889, FA890, FA891, FA892, FA893, and FA894 p. 868, FA895 and FA896 p. 869, FA897 p. 872, FA905 and FA906 p. 926, and FA907 p. 927 withdrawn. Kremer pending AM3038 p. 869 withdrawn. Chambers FA908 to Com AM2691 adopted. Beutler FA909 to Com AM2691 withdrawn. Wickersham FA910 to Com AM2691 adopted. Com AM2691 (printed separate) adopted as amended. Advanced for Review | 965 |
| Mar. 13 | Schrock AM3119 to Com AM2691 printed | 968 |
| Mar. 19 | Kremer AM3126 printed | 1020 |
| Mar. 19 | Placed on Select File - AM7187 (printed separate) | 1034 |
| Mar. 19 | Chambers FA927 to AM3044 printed | 1038 |
| Mar. 20 | Schrock AM3227 to AM7187 printed | 1058 |
| Apr. 2 | Schrock AM3486 to AM7187 printed | 1308 |
| Apr. 2 | Beutler AM3343 to AM7187 printed | 1314 |
| Apr. 2 | Beutler AM3510 to AM3126 printed | 1345 |
| Apr. 3 | AM7187 (E & R) (printed separate) adopted. Kremer unanimous consent to replace reoffered AM3038 p. 869 with substitute amendment. No objections. Kremer AM3038 p. 869 withdrawn. Kremer substitute pending AM3126 p. 1020 adopted as amended. Chair sustained request for division of question on Beutler pending AM3510 p. 1345. Beutler FA1045 (1st) to AM3126 adopted. Beutler FA1046 (2nd) to AM3126 lost. Preister FA1043 to AM3126 lost. Preister FA1048 to AM3126 adopted. Beutler pending AM3343 p. 1314 pending. Schrock AM3518 to AM3343 adopted. Erdman FA1049 to AM3343 withdrawn | 1398 |
| Apr. 4 | Beutler pending AM3343 p. 1314 adopted as amended. Erdman unanimous consent to replace FA1050 to AM3343 with substitute amendment. No objections. Erdman FA1050 withdrawn. Redfield substitute AM3543 to AM3343 lost. Erdman FA1039 to AM3343 lost. Schrock unanimous consent to replace pending AM3119 p. 968 with substitute amendment. No objections. Schrock pending AM3119 p. 968 withdrawn. Schrock substitute AM3544 to AM7187 adopted as amended by Beutler FA1056. Chambers pending FA927 p. 1038 and Schrock AM3227 p. 1058 withdrawn. Schrock pending AM3486 p. 1308 pending. Coordsen AM3549 to AM3486 adopted | 1415 |
| Apr. 4 | Schrock pending AM3486 p. 1308 lost as amended. Beutler AM3542 to AM3126 adopted. Advanced for Engrossment | 1436 |

CHRONOLOGY OF BILLS

1907

| | | |
|---------|--|------|
| Apr. 8 | Correctly Engrossed | 1507 |
| Apr. 8 | ER9140 change | 1508 |
| Apr. 16 | Dispensing of reading at large approved. Final Reading 48-0-1 | 1675 |
| Apr. 16 | Speaker signed | 1678 |
| Apr. 16 | Presented to Governor (4/16) | 1699 |
| Apr. 19 | Approved by Governor (4/19) | 1799 |

(Provisions/portions of LB 427 amended into LB 1003 by AM2781)
 (Provisions/portions of LB 777 amended into LB 1003 by AM3126)
 (Provisions/portions of LB 787 amended into LB 1003 by Com AM2691)
 (Provisions/portions of LB 891 amended into LB 1003 by AM3032)
 (Provisions/portions of LB 902 amended into LB 1003 by Com AM2691)
 (Provisions/portions of LB 919 amended into LB 1003 by AM3022)
 (Provisions/portions of LB 938 amended into LB 1003 by AM3544)
 (Provisions/portions of LB 1023 amended into LB 1003 by AM3544)
 (Provisions/portions of LB 1186 amended into LB 1003 by AM2872)
 (Provisions/portions of LB 1288 amended into LB 1003 by Com AM2691)

LEGISLATIVE BILL 1003A. By Schrock

| | | |
|---------|---|------|
| Apr. 5 | Read first time. Placed on General File | 1477 |
| Apr. 8 | Schrock AM3614 printed | 1488 |
| Apr. 9 | Schrock pending AM3614 p. 1488 adopted. Advanced for Review | 1558 |
| Apr. 9 | Placed on Select File | 1563 |
| Apr. 10 | Advanced for Engrossment | 1579 |
| Apr. 10 | Correctly Engrossed | 1588 |
| Apr. 16 | Final Reading 47-0-2 | 1676 |
| Apr. 16 | Speaker signed | 1678 |
| Apr. 16 | Presented to Governor (4/16) | 1699 |
| Apr. 19 | Approved by Governor (4/19) | 1799 |

LEGISLATIVE BILL 1004. By Schrock, Bruning, Preister

| | | |
|---------|---|-----|
| Jan. 10 | Read first time | 140 |
| Jan. 11 | Referred to Natural Resources Committee | 155 |
| Jan. 14 | Bruning name withdrawn | 208 |
| Jan. 16 | Notice of hearing (1/30) | 238 |
| Feb. 27 | Indefinitely postponed | 760 |

LEGISLATIVE BILL 1005. By Bromm, Cunningham, Tyson

| | | |
|---------|---------------------------------|------|
| Jan. 10 | Read first time | 140 |
| Jan. 11 | Referred to Judiciary Committee | 155 |
| Jan. 11 | Dierks name added | 159 |
| Jan. 15 | Kruse name added | 230 |
| Jan. 30 | Notice of hearing (2/7) | 419 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1006. By Schrock, Baker, Bruning, Burling, Cudaback, Jones, Raikes, Stuhr

| | | |
|---------|---|------|
| Jan. 10 | Read first time | 141 |
| Jan. 11 | Referred to Banking, Commerce and Insurance Committee | 155 |
| Jan. 15 | Baker and Bruning names withdrawn | 230 |
| Feb. 4 | Notice of hearing (2/12) | 466 |
| Feb. 20 | Schrock priority bill | 664 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1007. By Kruse, Bourne, Preister, Suttle

| | | |
|---------|---|-----|
| Jan. 10 | Read first time | 141 |
| Jan. 11 | Referred to Transportation and Telecommunications Committee | 155 |
| Feb. 5 | Notice of hearing (2/25) | 495 |
| Feb. 28 | Indefinitely postponed | 775 |

LEGISLATIVE BILL 1008. By Kruse, Beutler, Engel, Foley, Smith

| | | |
|---------|---|-----|
| Jan. 10 | Read first time | 141 |
| Jan. 11 | Referred to Government, Military and Veterans Affairs Committee | 155 |
| Jan. 16 | Notice of hearing (1/23) | 235 |
| Feb. 11 | Indefinitely postponed | 593 |

(Provisions/portions of LB 1008 amended into LB 1054 by Com AM2620)

LEGISLATIVE BILL 1009. By Connealy

| | | |
|---------|---------------------------------|------|
| Jan. 10 | Read first time | 141 |
| Jan. 11 | Referred to Judiciary Committee | 155 |
| Jan. 16 | Notice of hearing (1/23) | 236 |
| Feb. 25 | Placed on General File | 726 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1010. By Quandahl, Bruning, Redfield

| | | |
|---------|---------------------------------|------|
| Jan. 10 | Read first time | 141 |
| Jan. 11 | Referred to Judiciary Committee | 155 |
| Jan. 16 | Notice of hearing (1/24) | 236 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1011. By Kristensen, Chambers

| | | |
|---------|---|------|
| Jan. 10 | Read first time | 141 |
| Jan. 11 | Referred to Executive Board | 155 |
| Jan. 29 | Notice of hearing (2/19) | 399 |
| Feb. 21 | Placed on General File | 670 |
| Feb. 21 | Executive Board priority bill | 682 |
| Mar. 5 | Bruning motion to indefinitely postpone printed | 789 |
| Apr. 8 | Attorney General's Opinion #02012 to Smith | 1489 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1012. By Quandahl

| | | |
|---------|---|------|
| Jan. 10 | Read first time | 142 |
| Jan. 11 | Referred to Banking, Commerce and Insurance Committee | 156 |
| Jan. 28 | Notice of hearing (2/5) | 385 |
| Feb. 6 | Placed on General File | 525 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1013. By Schimek

| | | |
|---------|-------------------------------|-----|
| Jan. 10 | Read first time | 142 |
| Jan. 11 | Referred to Revenue Committee | 156 |
| Jan. 23 | Notice of hearing (1/30) | 338 |
| Jan. 31 | Indefinitely postponed | 451 |

LEGISLATIVE BILL 1014. By Coordsen

| | | |
|---------|-----------------------------|------|
| Jan. 10 | Read first time | 142 |
| Jan. 11 | Referred to Executive Board | 156 |
| Jan. 29 | Notice of hearing (2/19) | 399 |
| Feb. 21 | Placed on General File | 670 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1015. By Suttle

| | | |
|---------|---|------|
| Jan. 10 | Read first time | 142 |
| Jan. 11 | Referred to Health and Human Services Committee | 156 |
| Jan. 23 | Notice of hearing (1/30) | 316 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1016. By Brashear

| | | |
|---------|---|------|
| Jan. 11 | Read first time | 147 |
| Jan. 14 | Referred to Banking, Commerce and Insurance Committee | 163 |
| Jan. 28 | Notice of hearing (2/4) | 385 |
| Feb. 5 | Placed on General File | 491 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1017. By Brashear

| | | |
|---------|---|------|
| Jan. 11 | Read first time | 148 |
| Jan. 14 | Referred to Health and Human Services Committee | 163 |
| Jan. 29 | Notice of hearing (2/7) | 401 |
| Feb. 11 | Placed on General File - Com AM2638 | 580 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1018. By Vrtiska

| | | |
|---------|---|-----|
| Jan. 11 | Read first time | 148 |
| Jan. 14 | Referred to Government, Military and Veterans Affairs Committee | 163 |
| Jan. 30 | Notice of hearing (2/13) | 434 |
| Feb. 19 | Placed on General File - Com AM2760 | 644 |

| | | |
|---------|---|------|
| Mar. 14 | Com AM2760 p. 644 adopted. Chambers motion to bracket until 4/10/2002 failed. Advanced for Review | 991 |
| Mar. 19 | Placed on Select File - AM7193 | 1035 |
| Apr. 4 | AM7193 (E & R) p. 1035 adopted. Advanced for Engrossment | 1433 |
| Apr. 5 | Correctly Engrossed | 1479 |
| Apr. 11 | Final Reading 44-0-5 | 1660 |
| Apr. 11 | Speaker signed | 1664 |
| Apr. 16 | Presented to Governor (4/11) | 1671 |
| Apr. 17 | Approved by Governor (4/17) | 1739 |

LEGISLATIVE BILL 1019. By Nebraska Retirement Systems Committee

| | | |
|---------|---|------|
| Jan. 11 | Read first time | 148 |
| Jan. 14 | Referred to Nebraska Retirement Systems Committee | 163 |
| Jan. 22 | Notice of hearing (1/30) | 311 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 1019 amended into LB 407 by Com AM2886)

LEGISLATIVE BILL 1020. By Hartnett

| | | |
|---------|---|-----|
| Jan. 11 | Read first time | 148 |
| Jan. 14 | Referred to Banking, Commerce and Insurance Committee | 163 |
| Jan. 28 | Notice of hearing (2/5) | 385 |
| Feb. 6 | Indefinitely postponed | 525 |

LEGISLATIVE BILL 1021. By Health and Human Services Committee

| | | |
|---------|---|------|
| Jan. 11 | Read first time | 148 |
| Jan. 14 | Referred to Health and Human Services Committee | 163 |
| Jan. 16 | Notice of hearing (1/23) | 247 |
| Feb. 4 | Placed on General File - Com AM2500 | 476 |
| Feb. 22 | Health and Human Services Committee priority bill | 712 |
| Mar. 6 | Com AM2500 p. 476 adopted as amended by Suttle AM3023. Advanced for Review | 840 |
| Mar. 14 | Placed on Select File - AM7181 | 983 |
| Mar. 20 | Byars AM3131 printed separate | 1049 |
| Mar. 21 | Jensen-Byars AM3219 printed separate | 1066 |
| Mar. 27 | Schimek AM3362 printed | 1195 |
| Apr. 3 | AM7181 (E & R) p. 983 adopted. Byars pending AM3131 (printed separate) and Jensen-Byars pending AM3219 (printed separate) withdrawn. Jensen AM3309 to AM3219 withdrawn. Schimek pending AM3362 p. 1195 adopted. Jensen AM3055 (on file) adopted as amended by Beutler FA1041. Jensen AM3106 adopted. Advanced for Engrossment | 1391 |
| Apr. 9 | Jensen AM3516 printed (on file) | 1553 |
| Apr. 10 | Returned to Select File for Jensen specific pending AM3516 (on file). Jensen specific pending AM3516 (on file) adopted. Advanced for Engrossment | 1586 |

CHRONOLOGY OF BILLS

1911

| | | |
|---------|--|------|
| Apr. 10 | Correctly Engrossed. ER9144 change | 1599 |
| Apr. 16 | Dispensing of reading at large approved. Final Reading 49-0-0 | 1677 |
| Apr. 16 | Speaker signed | 1678 |
| Apr. 16 | Presented to Governor (4/16) | 1699 |
| Apr. 19 | Approved by Governor (4/18) | 1779 |

(Provisions/portions of LB 580 amended into LB 1021 by AM3055)
 (Provisions/portions of LB 721 amended into LB 1021 by AM3362)
 (Provisions/portions of LB 958 amended into LB 1021 by AM3023)
 (Provisions/portions of LB 1096 amended into LB 1021 by AM3106)

LEGISLATIVE BILL 1022. By Schrock, Byars, Jones, Stuhr, Vrtiska

| | | |
|---------|-------------------------------|-----|
| Jan. 11 | Read first time | 149 |
| Jan. 14 | Referred to Revenue Committee | 163 |
| Jan. 14 | McDonald name added | 208 |
| Jan. 23 | Notice of hearing (1/30) | 338 |
| Jan. 31 | Indefinitely postponed | 451 |

LEGISLATIVE BILL 1023. By Schrock, Aguilar, Baker, Bourne, Bromm, Bruning, Burling, Byars, Connealy, Cudaback, Cunningham, Erdman, Hudkins, Janssen, Jensen, Jones, Kristensen, Dw. Pedersen, Preister, Smith, Stuhr, Tyson, Vrtiska

| | | |
|---------|---|------|
| Jan. 11 | Read first time | 149 |
| Jan. 14 | Referred to Natural Resources Committee | 163 |
| Jan. 14 | McDonald name added | 208 |
| Jan. 16 | Notice of hearing (1/24) | 238 |
| Jan. 16 | Kremer name added | 249 |
| Feb. 12 | Natural Resources Committee priority bill | 595 |
| Feb. 12 | Placed on General File - Com AM2683 | 597 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 1023 amended into LB 1003 by AM3544)

LEGISLATIVE BILL 1023A. By Schrock

| | | |
|---------|---|------|
| Feb. 25 | Read first time. Placed on General File | 725 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1024. By Schrock, Byars, Hudkins, Janssen, Jones, Stuhr, Vrtiska

| | | |
|---------|-------------------------------|-----|
| Jan. 11 | Read first time | 149 |
| Jan. 14 | Referred to Revenue Committee | 163 |
| Jan. 14 | McDonald name added | 208 |
| Jan. 16 | Notice of hearing (1/24) | 246 |
| Jan. 25 | Indefinitely postponed | 379 |

LEGISLATIVE BILL 1025. By Thompson, Vrtiska

| | | |
|---------|-------------------------------|-----|
| Jan. 11 | Read first time | 149 |
| Jan. 14 | Referred to Revenue Committee | 163 |

| | | |
|---------|-------------------------|------|
| Jan. 29 | Notice of hearing (2/6) | 398 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1026. By Wickersham, Baker

| | | |
|---------|---|------|
| Jan. 11 | Read first time | 149 |
| Jan. 14 | Referred to Natural Resources Committee | 164 |
| Jan. 29 | Notice of hearing (2/7) | 416 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1027. By Wickersham

| | | |
|---------|---|------|
| Jan. 11 | Read first time | 150 |
| Jan. 14 | Referred to Nebraska Retirement Systems Committee | 164 |
| Jan. 22 | Notice of hearing (1/30) | 311 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 1027 amended into LB 407 by Com AM2886)

LEGISLATIVE BILL 1028. By Robak, Aguilar, Price, Suttle, Thompson, Tyson

| | | |
|---------|--|------|
| Jan. 11 | Read first time | 150 |
| Jan. 14 | Referred to Transportation and Telecommunications Committee | 164 |
| Jan. 31 | Robak priority bill | 444 |
| Feb. 5 | Notice of hearing (2/19) | 495 |
| Feb. 6 | Notice of hearing (2/19) (cancel). Notice of hearing (2/25) (reschedule) | 507 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1029. By Robak

| | | |
|---------|---|------|
| Jan. 11 | Read first time | 150 |
| Jan. 14 | Referred to Government, Military and Veterans Affairs Committee | 164 |
| Jan. 16 | Notice of hearing (1/24) | 235 |
| Jan. 25 | Placed on General File | 379 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1030. By Wickersham, Wehrbein

| | | |
|---------|-------------------------------|-----|
| Jan. 11 | Read first time | 150 |
| Jan. 14 | Referred to Revenue Committee | 164 |
| Jan. 16 | Notice of hearing (1/24) | 246 |
| Feb. 7 | Indefinitely postponed | 553 |

(Provisions/portions of LB 1030 amended into LB 994 by Com AM2625)

LEGISLATIVE BILL 1031. By Bromm, Janssen

| | | |
|---------|---|-----|
| Jan. 11 | Read first time | 150 |
| Jan. 14 | Referred to Government, Military and Veterans Affairs Committee | 164 |
| Jan. 30 | Notice of hearing (2/13) | 434 |

| | | |
|---------|------------------------|------|
| Feb. 19 | Placed on General File | 644 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 1031 amended into LB 1062 by AM3606)

LEGISLATIVE BILL 1032. By Jensen

| | | |
|---------|---|------|
| Jan. 11 | Read first time | 150 |
| Jan. 14 | Referred to Health and Human Services Committee | 164 |
| Jan. 29 | Notice of hearing (2/13) | 394 |
| Feb. 14 | Placed on General File | 627 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1033. By Wickersham, Jensen

| | | |
|---------|--|------|
| Jan. 11 | Read first time | 150 |
| Jan. 14 | Referred to Health and Human Services Committee | 164 |
| Jan. 16 | Notice of hearing (1/24) | 247 |
| Feb. 13 | Erdman priority bill | 619 |
| Feb. 19 | Placed on General File - Com AM2761 | 643 |
| Apr. 3 | Jensen AM3321 to Com AM2761 printed | 1359 |
| Apr. 4 | Com AM2761 p. 643 adopted as amended by Jensen pending AM3321 p. 1359. Advanced for Review | 1457 |
| Apr. 8 | Placed on Select File - AM7221 | 1516 |
| Apr. 10 | AM7221 (E & R) p. 1516 adopted. Advanced for Engrossment | 1617 |
| Apr. 11 | Correctly Engrossed | 1667 |
| Apr. 11 | Erdman name added | 1668 |
| Apr. 19 | Subtle motion to return to Select File for specific FA1114 withdrawn | 1788 |
| Apr. 19 | Final Reading 41-3-5 | 1788 |
| Apr. 19 | Speaker signed | 1796 |
| Apr. 19 | Presented to Governor (4/19) | 1798 |
| Apr. 19 | Approved by Governor (4/19) | 1799 |

LEGISLATIVE BILL 1033A. By Wickersham

| | | |
|---------|--|------|
| Apr. 4 | Read first time. Placed on General File | 1458 |
| Apr. 8 | Wickersham AM3613 printed | 1488 |
| Apr. 9 | Wickersham pending AM3613 p. 1488 adopted. Advanced for Review | 1558 |
| Apr. 9 | Placed on Select File | 1563 |
| Apr. 10 | Advanced for Engrossment | 1617 |
| Apr. 11 | Correctly Engrossed | 1667 |
| Apr. 16 | Wickersham AM3727 printed | 1714 |
| Apr. 17 | Returned to Select File for Wickersham specific pending AM3727 p. 1714. Wickersham specific pending AM3727 p. 1714 adopted. Advanced for Reengrossment | 1749 |
| Apr. 17 | Correctly Reengrossed | 1757 |
| Apr. 19 | Final Reading 28-14-7 | 1789 |
| Apr. 19 | Speaker signed | 1796 |

| | | |
|---------|------------------------------|------|
| Apr. 19 | Presented to Governor (4/19) | 1798 |
| Apr. 19 | Approved by Governor (4/19) | 1799 |

LEGISLATIVE BILL 1034. By Hartnett

| | | |
|---------|---------------------------------|------|
| Jan. 11 | Read first time | 151 |
| Jan. 14 | Referred to Judiciary Committee | 164 |
| Jan. 16 | Notice of hearing (1/23) | 236 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1035. By Hartnett

| | | |
|---------|---|------|
| Jan. 11 | Read first time | 151 |
| Jan. 14 | Referred to Health and Human Services Committee | 164 |
| Jan. 29 | Notice of hearing (2/6) | 394 |
| Feb. 22 | Attorney General's Opinion #02006 to Byars | 690 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1036. By Landis

| | | |
|---------|-------------------------------|-----|
| Jan. 11 | Read first time | 151 |
| Jan. 14 | Referred to Revenue Committee | 164 |
| Jan. 29 | Notice of hearing (2/7) | 398 |
| Feb. 20 | Indefinitely postponed | 652 |

LEGISLATIVE BILL 1037. By Landis

| | | |
|---------|-------------------------------|-----|
| Jan. 11 | Read first time | 151 |
| Jan. 14 | Referred to Revenue Committee | 164 |
| Jan. 29 | Notice of hearing (2/7) | 398 |
| Feb. 20 | Indefinitely postponed | 652 |

LEGISLATIVE BILL 1038. By Landis

| | | |
|---------|---|------|
| Jan. 11 | Read first time | 151 |
| Jan. 14 | Referred to Nebraska Retirement Systems Committee | 164 |
| Jan. 22 | Notice of hearing (1/30) | 311 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1039. By Schrock, Beutler, Bourne, Byars, Connealy, Cudaback, Cunningham, Dierks, Janssen, Kremer, D. Pederson, Preister, Schimek, Stuhr, Tyson, Vrtiska, Wehrbein

| | | |
|---------|-------------------------------|-----|
| Jan. 11 | Read first time | 151 |
| Jan. 14 | Referred to Revenue Committee | 164 |
| Jan. 29 | Notice of hearing (2/13) | 398 |
| Feb. 26 | Indefinitely postponed | 740 |

LEGISLATIVE BILL 1040. By Business and Labor Committee

| | | |
|---------|--|-----|
| Jan. 11 | Read first time | 152 |
| Jan. 14 | Referred to Business and Labor Committee | 164 |
| Feb. 14 | Notice of hearing (2/25) | 636 |
| Mar. 5 | Placed on General File - Com AM2938 | 787 |

CHRONOLOGY OF BILLS

1915

| | | |
|---------|---|------|
| Mar. 26 | Com AM2938 p. 787 adopted as amended by Brashear FA949. Advanced for Review | 1138 |
| Mar. 27 | Placed on Select File - AM7210 | 1191 |
| Apr. 2 | Connealy AM3484 printed | 1346 |
| Apr. 3 | AM7210 (E & R) p. 1191 adopted. Connealy pending AM3484 p. 1346 withdrawn. Advanced for Engrossment | 1358 |
| Apr. 4 | Correctly Engrossed | 1440 |
| Apr. 10 | Final Reading w/E 45-0-4 | 1586 |
| Apr. 10 | Speaker signed | 1586 |
| Apr. 10 | Presented to Governor (4/10) | 1588 |
| Apr. 16 | Approved by Governor (4/15) | 1672 |

LEGISLATIVE BILL 1041. By Connealy, Bromm, Dierks, Hartnett, Schimek, Vrtiska

| | | |
|---------|--------------------------------------|------|
| Jan. 11 | Read first time | 152 |
| Jan. 14 | Referred to Appropriations Committee | 164 |
| Jan. 29 | Notice of hearing (2/12) | 400 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1042. By Wickersham

| | | |
|---------|-------------------------------|-----|
| Jan. 11 | Read first time | 152 |
| Jan. 14 | Referred to Revenue Committee | 164 |
| Jan. 23 | Notice of hearing (1/30) | 338 |
| Feb. 26 | Indefinitely postponed | 740 |

(Provisions/portions of LB 1042 amended into LB 994 by Com AM2625)

LEGISLATIVE BILL 1043. By Kristensen, Bourne, Connealy, Tyson

| | | |
|---------|---------------------------------|------|
| Jan. 11 | Read first time | 152 |
| Jan. 14 | Referred to Judiciary Committee | 164 |
| Jan. 16 | Notice of hearing (1/25) | 236 |
| Feb. 25 | Placed on General File | 726 |
| Feb. 25 | Synowiecki name added | 738 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 1043 amended into LB 876 by Com AM2941)

LEGISLATIVE BILL 1044. By Smith, Erdman, Redfield

| | | |
|---------|-------------------------------|-----|
| Jan. 11 | Read first time | 152 |
| Jan. 14 | Referred to Revenue Committee | 164 |
| Jan. 16 | Notice of hearing (1/25) | 246 |
| Jan. 31 | Indefinitely postponed | 451 |

LEGISLATIVE BILL 1045. By Hartnett

| | | |
|---------|-------------------------------|------|
| Jan. 11 | Read first time | 152 |
| Jan. 14 | Referred to Revenue Committee | 164 |
| Jan. 29 | Notice of hearing (2/27) | 399 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1046. By Baker, Jones

| | | |
|---------|---------------------------------|------|
| Jan. 11 | Read first time | 152 |
| Jan. 14 | Referred to Education Committee | 164 |
| Jan. 29 | Notice of hearing (2/12) | 394 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1047. By Suttle

| | | |
|---------|---|------|
| Jan. 11 | Read first time | 153 |
| Jan. 14 | Referred to Banking, Commerce and Insurance Committee | 164 |
| Feb. 4 | Notice of hearing (2/26) | 466 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1048. By Quandahl

| | | |
|---------|---|------|
| Jan. 11 | Read first time | 153 |
| Jan. 14 | Referred to Banking, Commerce and Insurance Committee | 164 |
| Jan. 28 | Notice of hearing (2/4) | 385 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1049. By Coordsen

| | | |
|---------|---|------|
| Jan. 11 | Read first time | 153 |
| Jan. 14 | Referred to Government, Military and Veterans Affairs Committee | 164 |
| Feb. 4 | Notice of hearing (2/14) | 486 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1050. By Stuhr, Suttle

| | | |
|---------|---|-----|
| Jan. 11 | Read first time | 153 |
| Jan. 15 | Referred to Transportation and Telecommunications Committee | 220 |
| Feb. 5 | Notice of hearing (2/25) | 495 |
| Feb. 28 | Indefinitely postponed | 775 |

LEGISLATIVE BILL 1051. By Stuhr, Baker, Schrock, Vrtiska, Wehrbein

| | | |
|---------|--------------------------------------|------|
| Jan. 11 | Read first time | 153 |
| Jan. 14 | Referred to Appropriations Committee | 164 |
| Jan. 29 | Notice of hearing (2/7) | 400 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1052. By Hudkins

| | | |
|---------|---|------|
| Jan. 11 | Read first time | 153 |
| Jan. 14 | Referred to Transportation and Telecommunications Committee | 164 |
| Jan. 18 | Notice of hearing (1/29) | 281 |
| Feb. 4 | Placed on General File | 478 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1053. By Connealy

| | | |
|---------|-------------------------------|-----|
| Jan. 14 | Read first time | 187 |
| Jan. 15 | Referred to Revenue Committee | 220 |
| Jan. 29 | Notice of hearing (2/14) | 398 |
| Feb. 20 | Indefinitely postponed | 652 |

LEGISLATIVE BILL 1054. By Schimek, Aguilar, Brown, Burling, McDonald, Smith, Synowiecki, Vrtiska

| | | |
|---------|---|------|
| Jan. 14 | Read first time | 187 |
| Jan. 15 | Referred to Government, Military and Veterans Affairs Committee | 220 |
| Jan. 16 | Notice of hearing (1/23) | 235 |
| Feb. 7 | Government, Military and Veterans Affairs Committee priority bill | 552 |
| Feb. 8 | Placed on General File - Com AM2620 | 569 |
| Mar. 13 | Com AM2620 p. 569 adopted. Advanced for Review | 967 |
| Mar. 19 | Schimek AM3167 printed | 1014 |
| Mar. 19 | Placed on Select File - AM7192 | 1035 |
| Mar. 27 | Schimek AM3377 printed | 1226 |
| Apr. 4 | AM7192 (E & R) p. 1035 adopted. Schimek pending AM3167 p. 1014 and AM3377 p. 1226 adopted. Advanced for Engrossment | 1437 |
| Apr. 8 | Correctly Engrossed | 1507 |
| Apr. 8 | ER9137 change | 1508 |
| Apr. 11 | Dierks motion to return to Select File for specific FA1081 withdrawn | 1645 |
| Apr. 11 | Dispensing of reading at large approved. Final Reading 42-1-6 | 1646 |
| Apr. 11 | Speaker signed | 1664 |
| Apr. 16 | Presented to Governor (4/11) | 1671 |
| Apr. 17 | Approved by Governor (4/17) | 1739 |

(Provisions/portions of LB 796 amended into LB 1054 by AM3377)

(Provisions/portions of LB 1008 amended into LB 1054 by Com AM2620)

LEGISLATIVE BILL 1055. By Dierks

| | | |
|---------|-----------------------------------|------|
| Jan. 14 | Read first time | 188 |
| Jan. 15 | Referred to Agriculture Committee | 220 |
| Jan. 31 | Notice of hearing (2/19) | 452 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1056. By Dierks

| | | |
|---------|-----------------------------------|------|
| Jan. 14 | Read first time | 188 |
| Jan. 15 | Referred to Agriculture Committee | 220 |
| Jan. 31 | Notice of hearing (2/19) | 452 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1057. By Dierks

| | | |
|---------|-----------------------------------|------|
| Jan. 14 | Read first time | 188 |
| Jan. 15 | Referred to Agriculture Committee | 220 |
| Jan. 31 | Notice of hearing (2/19) | 452 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1058. By Dierks

| | | |
|---------|-----------------------------------|------|
| Jan. 14 | Read first time | 188 |
| Jan. 15 | Referred to Agriculture Committee | 220 |
| Jan. 31 | Notice of hearing (2/19) | 453 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1059. By Kristensen

| | | |
|---------|---------------------------------|-----|
| Jan. 14 | Read first time | 188 |
| Jan. 15 | Referred to Education Committee | 220 |
| Jan. 22 | Notice of hearing (1/29) | 300 |
| Mar. 5 | Indefinitely postponed | 787 |

(Provisions/portions of LB 1059 amended into LB 1172 by AM2952)

LEGISLATIVE BILL 1060. By Wickersham, Raikes

| | | |
|---------|--|------|
| Jan. 14 | Read first time | 188 |
| Jan. 15 | Referred to Revenue Committee | 220 |
| Jan. 29 | Notice of hearing (2/13) | 398 |
| Feb. 21 | Placed on General File - Com AM2840 (printed separate) | 684 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1061. By Hartnett

| | | |
|---------|---------------------------------|------|
| Jan. 14 | Read first time | 188 |
| Jan. 15 | Referred to Judiciary Committee | 220 |
| Jan. 30 | Notice of hearing (2/21) | 420 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1062. By Health and Human Services Committee

| | | |
|---------|--|------|
| Jan. 14 | Read first time | 189 |
| Jan. 15 | Referred to Health and Human Services Committee | 220 |
| Jan. 16 | Notice of hearing (1/23) | 247 |
| Feb. 19 | Health and Human Services Committee priority bill | 640 |
| Mar. 21 | Placed on General File - Com AM3220 (printed separate) | 1066 |
| Mar. 27 | Com AM3220 (printed separate) adopted as amended by Byars-Jensen AM3312. Maxwell AM3351 adopted. Advanced for Review | 1216 |
| Apr. 2 | Placed on Select File - AM7214 (printed separate) | 1328 |
| Apr. 4 | Baker AM3475 to AM7214 printed | 1426 |
| Apr. 4 | Byars AM3541 to AM7214 printed | 1445 |
| Apr. 4 | Kristensen AM3548 to AM7214 printed | 1446 |
| Apr. 8 | Landis AM3618 printed (on file) | 1547 |
| Apr. 9 | Jensen AM3623 to AM7214 printed | 1553 |

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1919

| | | |
|---------|---|------|
| Apr. 9 | Bromm AM3606 to AM7214 printed | 1560 |
| Apr. 10 | Kristensen AM3659 to AM7214 printed | 1605 |
| Apr. 16 | Kristensen AM3730 to AM7214 printed | 1720 |
| Apr. 17 | AM7214 (E & R) (printed separate) adopted. Byars pending AM3541 p. 1445 and Baker pending AM3475 p. 1426 adopted. Kristensen pending AM3659 p. 1605 withdrawn. Kristensen unanimous consent to replace pending AM3548 p. 1446 with substitute amendment. No objections. Kristensen pending AM3548 p. 1446 withdrawn. Kristensen substitute pending AM3730 p. 1720 adopted. Landis pending AM3618 (on file) and Jensen pending AM3623 p. 1553 withdrawn. Bromm pending AM3606 p. 1560 adopted. Chambers FA1100 to AM3606 and FA1101 to AM7214 lost. Advanced for Engrossment | 1735 |
| Apr. 17 | Correctly Engrossed | 1757 |
| Apr. 17 | ER9150 change | 1758 |
| Apr. 19 | Dispensing of reading at large approved | 1789 |
| Apr. 19 | Final Reading w/E 44-0-5 | 1790 |
| Apr. 19 | Speaker signed | 1796 |
| Apr. 19 | Presented to Governor (4/19) | 1798 |
| Apr. 19 | Approved by Governor (4/19) | 1799 |

(Provisions/portions of LB 892 amended into LB 1062 by Com AM3220)
 (Provisions/portions of LB 896 amended into LB 1062 by Com AM3220)
 (Provisions/portions of LB 1031 amended into LB 1062 by AM3606)
 (Provisions/portions of LB 1107 amended into LB 1062 by Com AM3220)
 (Provisions/portions of LB 1152 amended into LB 1062 by Com AM3220)
 (Provisions/portions of LB 1218 amended into LB 1062 by AM3475)

LEGISLATIVE BILL 1062A. By Jensen

| | | |
|---------|--|------|
| Mar. 27 | Read first time. Placed on General File | 1230 |
| Apr. 2 | Advanced for Review | 1280 |
| Apr. 2 | Placed on Select File | 1332 |
| Apr. 2 | Wehrbein-Jensen AM3505 printed | 1346 |
| Apr. 17 | Wehrbein-Jensen pending AM3505 p. 1346 withdrawn. Wehrbein-Jensen AM3755 adopted. Advanced for Engrossment | 1741 |
| Apr. 17 | Correctly Engrossed | 1757 |
| Apr. 17 | ER9159 change | 1759 |
| Apr. 19 | Final Reading 45-0-4 | 1791 |
| Apr. 19 | Speaker signed | 1796 |
| Apr. 19 | Presented to Governor (4/19) | 1798 |
| Apr. 19 | Approved by Governor (4/19) | 1799 |

LEGISLATIVE BILL 1063. By Jensen

| | | |
|---------|-------------------------------|-----|
| Jan. 14 | Read first time | 189 |
| Jan. 15 | Referred to Revenue Committee | 220 |

| | | |
|---------|--------------------------|-----|
| Jan. 16 | Notice of hearing (1/23) | 238 |
| Jan. 31 | Indefinitely postponed | 451 |

(Provisions/portions of LB 1063 amended into LB 989 by Com AM2516)

LEGISLATIVE BILL 1064. By Vrtiska, Aguilar, Brown, Burling, Coordsen, Janssen, Jones, McDonald, Schimek, Smith

| | | |
|---------|-------------------------------|------|
| Jan. 14 | Read first time | 189 |
| Jan. 15 | Referred to Revenue Committee | 220 |
| Jan. 23 | Notice of hearing (1/31) | 338 |
| Feb. 7 | Placed on General File | 553 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1065. By Bourne

| | | |
|---------|---------------------------------|-----|
| Jan. 14 | Read first time | 189 |
| Jan. 15 | Referred to Judiciary Committee | 221 |
| Jan. 16 | Notice of hearing (1/23) | 236 |
| Feb. 25 | Indefinitely postponed | 736 |

LEGISLATIVE BILL 1066. By Schrock, Bruning, Hudkins, Jones, Kremer, Preister, Stuhr

| | | |
|---------|---|------|
| Jan. 14 | Read first time | 190 |
| Jan. 15 | Referred to Natural Resources Committee | 221 |
| Feb. 4 | Notice of hearing (2/13) | 486 |
| Feb. 19 | Placed on General File - Com AM2766 | 648 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1067. By Brown, Beutler, Bourne, Bromm, Byars, Jensen, D. Pederson, Quandahl

| | | |
|---------|---------------------------------|------|
| Jan. 14 | Read first time | 190 |
| Jan. 15 | Referred to Judiciary Committee | 221 |
| Jan. 15 | Redfield and Erdman names added | 229 |
| Jan. 30 | Notice of hearing (2/6) | 419 |
| Feb. 6 | Jensen name withdrawn | 537 |
| Feb. 8 | Smith AM2502 printed | 573 |
| Feb. 12 | Bruning AM2623 printed | 600 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1068. By Janssen, Cunningham, Schrock

| | | |
|---------|---------------------------------------|------|
| Jan. 14 | Read first time | 190 |
| Jan. 15 | Referred to General Affairs Committee | 221 |
| Jan. 28 | Notice of hearing (2/4) | 391 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1069. By Bromm

| | | |
|---------|---|-----|
| Jan. 14 | Read first time | 190 |
| Jan. 15 | Referred to Transportation and Telecommunications Committee | 221 |

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| | | |
|---------|-------------------------|------|
| Jan. 28 | Notice of hearing (2/4) | 391 |
| Feb. 11 | Placed on General File | 582 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1070. By Redfield, Bruning, Coordsen, Erdman

| | | |
|---------|---|------|
| Jan. 14 | Read first time | 199 |
| Jan. 15 | Referred to Government, Military and Veterans Affairs Committee | 221 |
| Feb. 4 | Notice of hearing (2/21) | 486 |
| Feb. 25 | Placed on General File | 720 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1071. By Beutler

| | | |
|---------|--|------|
| Jan. 14 | Read first time | 199 |
| Jan. 15 | Referred to Banking, Commerce and Insurance Committee | 221 |
| Jan. 28 | Notice of hearing (2/5) | 385 |
| Feb. 6 | Placed on General File - Com AM2512 | 525 |
| Feb. 25 | Speaker priority bill | 725 |
| Mar. 25 | Com AM2512 p. 525 adopted. Advanced for Review | 1131 |
| Mar. 26 | Placed on Select File - AM7208 | 1177 |
| Apr. 4 | AM7208 (E & R) p. 1177 adopted. Advanced for Engrossment | 1433 |
| Apr. 5 | Correctly Engrossed | 1479 |
| Apr. 11 | Final Reading 42-0-7 | 1661 |
| Apr. 11 | Speaker signed | 1664 |
| Apr. 16 | Presented to Governor (4/11) | 1671 |
| Apr. 17 | Approved by Governor (4/17) | 1739 |

LEGISLATIVE BILL 1072. By Beutler

| | | |
|---------|---------------------------------|------|
| Jan. 14 | Read first time | 199 |
| Jan. 15 | Referred to Education Committee | 221 |
| Jan. 25 | Notice of hearing (2/4) | 381 |
| Feb. 7 | Placed on General File | 539 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1073. By Thompson

| | | |
|---------|---|-----|
| Jan. 14 | Read first time | 204 |
| Jan. 15 | Referred to Transportation and Telecommunications Committee | 221 |
| Jan. 18 | Notice of hearing (1/29) | 281 |
| Jan. 30 | Thompson priority bill | 420 |
| Feb. 4 | Placed on General File | 478 |
| Feb. 5 | Aguilar, Byars, and Dw. Pedersen names added | 504 |
| Feb. 13 | Thompson AM2708 printed | 611 |
| Mar. 7 | Dw. Pedersen AM3039 printed | 884 |
| Mar. 11 | Aguilar AM3082 printed | 891 |

| | | |
|---------|--|------|
| Mar. 13 | Thompson pending AM2708 p. 611 withdrawn. Thompson AM3123 adopted. Dw. Pedersen pending AM3039 p. 884 pending | 958 |
| Mar. 13 | Smith AM3034 printed | 964 |
| Mar. 13 | Smith AM3054 printed | 965 |
| Mar. 13 | Aguilar pending AM3082 p. 891 lost | 967 |
| Mar. 13 | Preister name added | 978 |
| Mar. 14 | Smith pending AM3034 p. 964 adopted. Bromm FA914 to AM3034 lost | 1002 |
| Mar. 14 | Smith AM3148 printed | 1003 |
| Mar. 19 | Smith pending AM3054 p. 965 lost. Dw. Pedersen pending AM3039 p. 884 withdrawn. Smith AM3158 withdrawn. Smith pending AM3148 p. 1003 withdrawn. Thompson FA916 adopted. Advanced for Review | 1011 |
| Mar. 19 | Smith AM3159 and AM3178 printed | 1014 |
| Mar. 19 | Schimek AM2940 printed | 1015 |
| Mar. 20 | Placed on Select File - AM7197 | 1043 |
| Apr. 2 | Smith AM3470 to AM7197 printed | 1307 |
| Apr. 2 | Smith AM3424 printed separate | 1314 |
| Apr. 3 | AM7197 (E & R) p. 1043 adopted. Smith unanimous consent to replace reoffered AM3158 p. 1012 with substitute amendment. No objections. Smith pending AM3158 p. 1012 withdrawn. Chair ruled Smith substitute pending AM3424 (printed separate) not germane to bill. Smith motion to overrule Chair failed. Smith unanimous consent to replace pending AM3159 p. 1014 with substitute amendment. No objections. Smith pending AM3159 p. 1014 withdrawn. Smith substitute pending AM3470 p. 1307 lost. Smith pending AM3178 p. 1014 and Schimek pending AM2940 p. 1015 withdrawn. Advanced for Engrossment | 1388 |
| Apr. 4 | Correctly Engrossed | 1440 |
| Apr. 4 | ER9134 change | 1442 |
| Apr. 11 | Final Reading 34-11-4 | 1647 |
| Apr. 11 | Speaker signed | 1664 |
| Apr. 16 | Presented to Governor (4/11) | 1671 |
| Apr. 17 | Approved by Governor (4/17) | 1739 |

LEGISLATIVE BILL 1073A. By Thompson

| | | |
|---------|--|------|
| Feb. 26 | Read first time. Placed on General File | 742 |
| Mar. 19 | Failed to advance for Review | 1013 |
| Apr. 2 | Thompson motion to indefinitely postpone printed | 1307 |
| Apr. 3 | Thompson pending motion p. 1307 to indefinitely postpone prevailed | 1355 |

LEGISLATIVE BILL 1074. By Thompson

| | | |
|---------|---|-----|
| Jan. 14 | Read first time | 204 |
| Jan. 15 | Referred to Transportation and Telecommunications Committee | 221 |

CHRONOLOGY OF BILLS

1923

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|---------|--------------------------|------|
| Jan. 18 | Notice of hearing (1/29) | 281 |
| Feb. 4 | Placed on General File | 478 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1075. By Tyson, Robak

| | | |
|---------|---------------------------------|------|
| Jan. 14 | Read first time | 204 |
| Jan. 15 | Referred to Judiciary Committee | 221 |
| Jan. 16 | Notice of hearing (1/24) | 236 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1076. By Tyson

| | | |
|---------|---------------------------------|------|
| Jan. 14 | Read first time | 204 |
| Jan. 15 | Referred to Judiciary Committee | 221 |
| Jan. 23 | Notice of hearing (1/30) | 330 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1077. By Tyson

| | | |
|---------|---|------|
| Jan. 14 | Read first time | 204 |
| Jan. 15 | Referred to Health and Human Services Committee | 221 |
| Jan. 29 | Notice of hearing (2/8) | 394 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1078. By Tyson

| | | |
|---------|--|-----|
| Jan. 14 | Read first time | 204 |
| Jan. 15 | Referred to Business and Labor Committee | 221 |
| Jan. 25 | Notice of hearing (2/4) | 382 |
| Feb. 6 | Indefinitely postponed | 532 |

LEGISLATIVE BILL 1079. By Thompson

| | | |
|---------|---------------------------------|-----|
| Jan. 14 | Read first time | 204 |
| Jan. 15 | Referred to Education Committee | 221 |
| Jan. 18 | Notice of hearing (1/28) | 273 |
| Mar. 5 | Indefinitely postponed | 787 |

LEGISLATIVE BILL 1080. By Stuhr, Baker, Cunningham, Hudkins, Price, Quandahl, Schrock

| | | |
|---------|---------------------------------|------|
| Jan. 14 | Read first time | 205 |
| Jan. 15 | Referred to Judiciary Committee | 221 |
| Jan. 23 | Notice of hearing (1/31) | 330 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1081. By Transportation and Telecommunications Committee, Thompson

| | | |
|---------|---|-----|
| Jan. 14 | Read first time | 205 |
| Jan. 15 | Referred to Transportation and Telecommunications Committee | 221 |
| Jan. 29 | Notice of hearing (2/11) | 397 |

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| Feb. 14 | Placed on General File | 628 |
| Feb. 20 | Transportation and Telecommunications Committee priority bill | 652 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1082. By Landis, Beutler, Price, Schimek

| | | |
|---------|---------------------------------|-----|
| Jan. 14 | Read first time | 205 |
| Jan. 15 | Referred to Education Committee | 221 |
| Jan. 29 | Notice of hearing (2/12) | 394 |
| Mar. 5 | Indefinitely postponed | 787 |

LEGISLATIVE BILL 1083. By Landis, Price, Schimek

| | | |
|---------|---------------------------------|------|
| Jan. 14 | Read first time | 205 |
| Jan. 15 | Referred to Judiciary Committee | 221 |
| Jan. 16 | Notice of hearing (1/24) | 236 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1084. By Connealy, Bourne, Cunningham

| | | |
|---------|--|------|
| Jan. 14 | Read first time | 205 |
| Jan. 15 | Referred to Government, Military and Veterans Affairs Committee | 221 |
| Jan. 30 | Notice of hearing (2/8) | 434 |
| Feb. 25 | Speaker priority bill | 725 |
| Feb. 28 | Placed on General File | 775 |
| Apr. 9 | Chambers FA1068 adopted. Chambers motion to indefinitely postpone pending. Laid over | 1558 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1085. By Revenue Committee

| | | |
|---------|--|------|
| Jan. 14 | Read first time | 206 |
| Jan. 15 | Referred to Revenue Committee | 221 |
| Jan. 16 | Notice of hearing (1/25) | 246 |
| Feb. 14 | Wickersham priority bill | 637 |
| Mar. 19 | Placed on General File - Com AM3155 (printed separate) | 1010 |
| Mar. 19 | Brashear FA932 to Com AM3155 printed | 1039 |
| Mar. 20 | Bourne AM3182 to Com AM3155 printed | 1052 |
| Mar. 20 | Brashear AM3216 printed separate. Beutler FA937 and FA938 and D. Pederson FA939 to Com AM3155 printed | 1063 |
| Mar. 21 | Brashear AM3241 and AM3240 printed separate. D. Pederson-Schrock-Kruse-Dw. Pedersen-Engel-Byars AM3199 to Com AM3155 printed | 1073 |
| Mar. 22 | Com AM3155 (printed separate) pending | 1077 |
| Mar. 22 | Chambers motion to recommit to committee pending | 1078 |
| Mar. 22 | Jensen AM3259 to Com AM3155 printed | 1081 |
| Mar. 22 | Jensen AM3211 to Com AM3155 printed | 1085 |
| Mar. 22 | Kruse AM3254 to Com AM3155 printed | 1088 |
| Mar. 22 | Kruse AM3252 to Com AM3155 printed | 1090 |

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| Mar. 22 | Hartnett AM3276 to Com AM3155 printed | 1092 |
| Mar. 25 | Chair sustained request for division of question on Com AM3155 (printed separate). Com FA947 (1st) and Com FA948 (2nd) adopted. Beutler pending FA937 p. 1063 withdrawn. Com FA945 (3rd) pending. Landis motion to bracket until 3/26/2002 withdrawn. Beutler pending FA938 p. 1063 withdrawn. Jensen pending AM3259 p. 1081 pending | 1099 |
| Mar. 25 | Jensen pending AM3259 p. 1081 withdrawn. Jensen AM3304 to Com FA945 (3rd) adopted. Chambers motion to reconsider vote on Jensen AM3304 failed | 1115 |
| Mar. 25 | Com FA945 (3rd) p. 1106 lost as amended | 1130 |
| Mar. 25 | Jensen AM3210 to Com AM3155 printed | 1132 |
| Mar. 25 | Brashear AM3308 printed separate. Landis motion to reconsider vote on Com FA945 (3rd) printed. Hartnett AM3314 to Com AM3155 printed | 1133 |
| Mar. 26 | Landis pending motion p. 1133 to reconsider vote on Com FA945 (3rd) pending | 1140 |
| Mar. 26 | Landis pending motion p. 1133 to reconsider vote on Com FA945 (3rd) prevailed. Com FA945 (3rd) p. 1106 pending. Jensen-Wickersham AM3325 to Com FA945 (3rd) adopted. Chambers motion to reconsider vote on Jensen-Wickersham AM3325 pending | 1141 |
| Mar. 26 | Chambers pending motion p. 1146 to reconsider vote on Jensen-Wickersham AM3325 failed. Chambers pending motion p. 1078 to recommit to committee pending | 1147 |
| Mar. 26 | Chambers pending motion p. 1078 to recommit to committee withdrawn. Com FA946 (4th) adopted as amended by Wickersham AM3323 (printed separate). Com FA945 (3rd) p. 1106 lost as amended. Bourne pending AM3182 p. 1052 and Hartnett pending AM3276 p. 1092 and AM3314 p. 1133 withdrawn. Advanced for Review | 1153 |
| Mar. 27 | Brashear AM3317 printed separate. Hartnett AM3329 to Com AM3155 printed | 1183 |
| Mar. 27 | Raikes AM3328 to Com FA948 (2nd) printed | 1184 |
| Mar. 27 | Brashear AM3338 printed separate. Tyson FA950 to AM3216, FA951 to AM3240, FA952 to AM3241, FA953 to AM3338, FA954 to AM3317, and FA955 to AM3308 printed | 1185 |
| Mar. 27 | Stuhr-Kremer FA956 to Com FA946 (4th) printed | 1186 |
| Mar. 28 | Placed on Select File - AM7211 (printed separate) | 1238 |
| Mar. 28 | D. Pederson AM3385 and Schrock AM3355 to AM7211 printed | 1249 |
| Mar. 28 | Hartnett AM3390 to AM7211 printed | 1250 |
| Mar. 28 | Raikes AM3391 to AM7211 printed | 1251 |
| Mar. 28 | Kruse AM3388 to AM7211 printed | 1271 |
| Mar. 28 | Kruse AM3389 to AM7211 printed | 1274 |

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|---------|---|------|
| Mar. 28 | Baker AM3357 to AM7211 printed | 1276 |
| Mar. 28 | Baker AM3356 to AM7211 printed | 1277 |
| Apr. 2 | Vrtiska AM3303 to AM7211 printed | 1289 |
| Apr. 2 | Wickersham AM3440 to AM7211 printed | 1308 |
| Apr. 2 | Brashear AM3494 printed separate | 1332 |
| Apr. 2 | Jensen AM3503 to AM7211 printed | 1333 |
| Apr. 3 | Correction | 1349 |
| Apr. 3 | Executive Board approval of Speaker major proposal | 1350 |
| Apr. 3 | Wickersham AM3531 and FA1042 to AM3440 printed | 1398 |
| Apr. 4 | Baker AM3525 to AM3494 printed | 1426 |
| Apr. 4 | Engel AM3576 to AM3385 printed | 1459 |
| Apr. 5 | AM7211 (E & R) (printed separate) adopted. Brashear pending AM3494 (printed separate) pending | 1470 |
| Apr. 5 | Baker pending AM3525 p. 1426 adopted. Janssen AM3578 to AM3494 lost | 1474 |
| Apr. 5 | Jensen AM3593 to AM3494 lost. Brashear pending AM3494 (printed separate) lost as amended. Jensen pending AM3503 p. 1333 pending | 1477 |
| Apr. 5 | Brashear motion to reconsider vote on AM3494 printed | 1479 |
| Apr. 8 | Jensen pending AM3503 p. 1333 adopted. Janssen AM3605 to AM3503 lost. D. Pederson FA1061 to AM7211 pending. Engel AM3576 to FA1061 lost | 1481 |
| Apr. 8 | D. Pederson pending FA1061 p. 1485 withdrawn. Wickersham AM3608 to AM7211 pending. Wickersham FA1062 to AM3608 adopted | 1500 |
| Apr. 8 | Wickersham pending AM3608 p. 1500 adopted as amended | 1510 |
| Apr. 8 | Kristensen-Wickersham AM3624 adopted. Brashear pending FA932 p. 1039 and AM3216, AM3241, AM3240, AM3308, AM3317, and AM3338 (printed separate) withdrawn. D. Pederson pending FA939 p. 1063 and D. Pederson et al. AM3199 p. 1073 withdrawn. Jensen pending AM3211 p. 1085 withdrawn. Kruse pending AM3254 p. 1088 and AM3252 p. 1090 withdrawn. Jensen pending AM3210 p. 1132 withdrawn. Hartnett pending AM3329 p. 1183 and AM3390 p. 1250 withdrawn. Raikes pending AM3328 p. 1184 and AM3391 p. 1251 withdrawn. Tyson pending FA950, FA951, FA952, FA953, FA954, and FA955 p. 1185 withdrawn. Stuhr-Kremer pending FA956 p. 1186 and Schrock pending AM3355 p. 1249 withdrawn. Kruse pending AM3388 p. 1271 and AM3389 p. 1274 withdrawn. Baker pending AM3357 p. 1276 and AM3356 p. 1277 withdrawn. Vrtiska unanimous consent to replace pending AM3303 p. 1289 with substitute amendment. No objections. Vrtiska pending AM3303 p. 1289 withdrawn. Vrtiska substitute AM3638 to AM3624 lost. D. Pederson pending AM3385 p. 1249 | |

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| | withdrawn. Wickersham pending AM3440 p. 1308 and AM3531 and FA1042 p. 1398 withdrawn. Redfield AM3629 to AM7211 lost. Wickersham-Kristensen AM3630 to AM3624 adopted. Kruse AM3634 to AM3624 and Chambers FA1063 to AM3634 lost. Brashear pending motion p. 1479 to reconsider vote on AM3494 withdrawn. Advanced for Engrossment | 1522 |
| Apr. 8 | Correctly Engrossed | 1546 |
| Apr. 8 | ER9142 change | 1547 |
| Apr. 10 | Wickersham motion to return to Select File for specific FA1075 withdrawn. Quandahl motion to return to Select File for specific AM3656 failed. Wickersham motion to return to Select File for specific FA1076 withdrawn | 1581 |
| Apr. 10 | Dispensing of reading at large approved. Failed on Final Reading w/E 30-17-2 | 1582 |
| Apr. 10 | Final Reading w/E stricken 29-19-1 | 1583 |
| Apr. 10 | Correctly Enrolled | 1586 |
| Apr. 10 | Speaker signed | 1586 |
| Apr. 10 | Presented to Governor (4/10) | 1588 |
| Apr. 10 | Returned by Governor without approval (4/10) | 1590 |
| Apr. 10 | Wickersham motion to override veto printed | 1605 |
| Apr. 11 | Wickersham pending motion p. 1605 to override veto passed 30-19-0 | 1620 |
| Apr. 11 | Communication. Certificate | 1626 |

(Provisions/portions of LB 1085 amended into LB 994 by Com AM2625)
 (Provisions/portions of LB 1122 amended into LB 1085 by Com AM3155)

LEGISLATIVE BILL 1085A. By Wickersham

| | | |
|---------|---|------|
| Apr. 3 | Read first time. Placed on General File | 1369 |
| Apr. 8 | Wickersham AM3633 adopted. Advanced for Review | 1538 |
| Apr. 8 | Placed on Select File | 1542 |
| Apr. 8 | Advanced for Engrossment | 1542 |
| Apr. 8 | Correctly Engrossed | 1546 |
| Apr. 10 | Failed on Final Reading w/E 28-18-3 | 1584 |
| Apr. 10 | Wickersham motion to reconsider vote on final passage prevailed. Final Reading w/E 34-6-9 | 1585 |
| Apr. 10 | Speaker signed | 1586 |
| Apr. 10 | Presented to Governor (4/10) | 1588 |
| Apr. 10 | Returned by Governor without approval (4/10) | 1590 |
| Apr. 10 | Wickersham motion to override veto printed | 1605 |
| Apr. 11 | Wickersham pending motion p. 1605 to override veto passed 33-11-5 | 1621 |
| Apr. 11 | Communication. Certificate | 1627 |

LEGISLATIVE BILL 1086. By Chambers

| | | |
|---------|---|-----|
| Jan. 14 | Read first time | 206 |
| Jan. 15 | Referred to Government, Military and Veterans Affairs Committee | 221 |

| | | |
|---------|---|------|
| Feb. 4 | Notice of hearing (2/14) | 486 |
| Feb. 21 | Placed on General File - Com AM2847 | 682 |
| Feb. 25 | Speaker priority bill | 725 |
| Mar. 12 | Chambers AM3049 to Com AM2847 printed | 919 |
| Mar. 13 | Chambers AM3114 to Com AM2847 printed | 954 |
| Mar. 19 | Schimek AM3166 printed | 1019 |
| Mar. 27 | Com AM2847 p. 682 adopted as amended by Chambers pending AM3114 p. 954. Chambers pending AM3049 p. 919 withdrawn. Beutler AM3364 to AM3314 withdrawn. Schimek pending AM3166 p. 1019 withdrawn. Schimek AM3341 adopted. Advanced for Review | 1202 |
| Apr. 2 | Placed on Select File - AM7213 | 1325 |
| Apr. 4 | Beutler AM3485 to AM7213 printed | 1448 |
| Apr. 4 | Schimek AM3574 to AM7213 printed | 1459 |
| Apr. 16 | AM7213 (E & R) p. 1325 adopted. Beutler pending AM3485 p. 1448 withdrawn. Schimek pending AM3574 p. 1459 adopted. Advanced for Engrossment | 1679 |
| Apr. 16 | Correctly Engrossed | 1717 |
| Apr. 18 | Chambers motion to return to Select File for specific AM3771 withdrawn | 1770 |
| Apr. 18 | Final Reading 42-1-6 | 1772 |
| Apr. 18 | Speaker signed | 1775 |
| Apr. 18 | Presented to Governor (4/18) | 1776 |
| Apr. 19 | Approved by Governor (4/19) | 1799 |

LEGISLATIVE BILL 1087. By Tyson, Dierks

| | | |
|---------|-------------------------------|-----|
| Jan. 14 | Read first time | 206 |
| Jan. 15 | Referred to Revenue Committee | 221 |
| Jan. 29 | Notice of hearing (2/8) | 398 |
| Feb. 20 | Indefinitely postponed | 652 |

LEGISLATIVE BILL 1088. By Landis

| | | |
|---------|---|------|
| Jan. 15 | Read first time | 210 |
| Jan. 16 | Referred to Transportation and Telecommunications Committee | 239 |
| Feb. 5 | Notice of hearing (2/12) | 495 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1089. By Landis

| | | |
|---------|---|-----|
| Jan. 15 | Read first time | 210 |
| Jan. 16 | Referred to Banking, Commerce and Insurance Committee | 239 |
| Jan. 17 | Notice of hearing (1/29) | 270 |
| Jan. 24 | Brown priority bill | 345 |
| Jan. 30 | Placed on General File | 430 |
| Feb. 5 | Tyson AM2555 printed | 498 |
| Feb. 22 | Jensen AM2695 printed | 712 |
| Mar. 7 | Tyson pending AM2555 p. 498 lost. Landis FA882 adopted. Advanced for Review | 876 |

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| | | |
|---------|--|------|
| Mar. 14 | Placed on Select File - AM7182 | 985 |
| Apr. 2 | AM7182 (E & R) p. 985 adopted. Cunningham unanimous consent to replace AM3447 with substitute amendment. No objections. Cunningham AM3447 withdrawn. Bromm-Cunningham-Kristensen substitute AM3331 adopted | 1292 |
| Apr. 2 | Jensen pending AM2695 p. 712 adopted. Advanced for Engrossment | 1318 |
| Apr. 4 | Correctly Engrossed | 1440 |
| Apr. 4 | ER9128 change | 1442 |
| Apr. 16 | Schimek AM3741 printed | 1720 |
| Apr. 17 | Landis motion to return to Select File for specific FA1086 withdrawn. Schimek motion to return to Select File for specific pending AM3741 p. 1720 failed | 1749 |
| Apr. 17 | Dispensing of reading at large approved. Final Reading 29-12-8 | 1750 |
| Apr. 17 | Speaker signed | 1761 |
| Apr. 18 | Presented to Governor (4/17) | 1763 |
| Apr. 19 | Approved by Governor (4/18) | 1779 |

LEGISLATIVE BILL 1090. By Bourne, Quandahl

| | | |
|---------|---|-----|
| Jan. 15 | Read first time | 211 |
| Jan. 16 | Referred to Banking, Commerce and Insurance Committee | 239 |
| Feb. 4 | Notice of hearing (2/11) | 466 |
| Feb. 14 | Indefinitely postponed | 621 |

LEGISLATIVE BILL 1091. By Bourne

| | | |
|---------|---------------------------------|------|
| Jan. 15 | Read first time | 211 |
| Jan. 16 | Referred to Judiciary Committee | 239 |
| Jan. 30 | Notice of hearing (2/6) | 419 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1092. By Landis

| | | |
|---------|--|------|
| Jan. 15 | Read first time | 211 |
| Jan. 16 | Referred to Banking, Commerce and Insurance Committee | 239 |
| Jan. 17 | Notice of hearing (1/28) | 270 |
| Apr. 5 | Banking, Commerce & Insurance Committee meeting on AM3592 (4/10) | 1477 |
| Apr. 5 | Landis AM3592 printed separate | 1477 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 1092 amended into LB 1139 by Com AM2460)

LEGISLATIVE BILL 1093. By Stuhr, Dw. Pedersen, Thompson

| | | |
|---------|---------------------------------|------|
| Jan. 15 | Read first time | 211 |
| Jan. 16 | Referred to Judiciary Committee | 239 |
| Jan. 30 | Notice of hearing (2/21) | 420 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1094. By Landis

| | | |
|---------|---|------|
| Jan. 15 | Read first time | 212 |
| Jan. 16 | Referred to Banking, Commerce and Insurance Committee | 239 |
| Jan. 17 | Notice of hearing (1/29) | 270 |
| Jan. 30 | Placed on General File | 430 |
| Mar. 14 | Chambers motion to bracket until 4/10/2002 failed. Advanced for Review | 1000 |
| Mar. 19 | Placed on Select File - AM7194 | 1035 |
| Apr. 4 | AM7194 (E & R) p. 1035 adopted. Advanced for Engrossment | 1433 |
| Apr. 5 | Correctly Engrossed | 1479 |
| Apr. 11 | Dispensing of reading at large approved. Final Reading 43-0-6 | 1662 |
| Apr. 11 | Speaker signed | 1664 |
| Apr. 16 | Presented to Governor (4/11) | 1671 |
| Apr. 17 | Approved by Governor (4/17) | 1739 |

LEGISLATIVE BILL 1095. By Jensen

| | | |
|---------|---|------|
| Jan. 15 | Read first time | 212 |
| Jan. 16 | Referred to Health and Human Services Committee | 239 |
| Jan. 16 | Notice of hearing (1/23) | 247 |
| Mar. 27 | Placed on General File - Com AM3347 | 1191 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1096. By Jensen

| | | |
|---------|---|------|
| Jan. 15 | Read first time | 212 |
| Jan. 16 | Referred to Health and Human Services Committee | 239 |
| Jan. 16 | Notice of hearing (1/25) | 247 |
| Jan. 29 | Placed on General File - Com AM2439 | 393 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 1096 amended into LB 1021 by AM3106)

LEGISLATIVE BILL 1096A. By Jensen

| | | |
|---------|---|------|
| Feb. 27 | Read first time. Placed on General File | 759 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1097. By Wickersham, Coordsen, Dierks, Hartnett, Raikes, Redfield

| | | |
|---------|-------------------------------|------|
| Jan. 15 | Read first time | 212 |
| Jan. 16 | Referred to Revenue Committee | 239 |
| Jan. 29 | Notice of hearing (2/20) | 398 |
| Feb. 21 | Placed on General File | 684 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1098. By Wickersham, Coordsen, Dierks, Hartnett, Janssen, Raikes

| | | |
|---------|-----------------|-----|
| Jan. 15 | Read first time | 212 |
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|---------|-------------------------------|-----|
| Jan. 16 | Referred to Revenue Committee | 239 |
| Jan. 23 | Notice of hearing (1/30) | 338 |
| Jan. 31 | Indefinitely postponed | 451 |

LEGISLATIVE BILL 1099. By Wickersham

| | | |
|---------|-------------------------------|------|
| Jan. 15 | Read first time | 212 |
| Jan. 16 | Referred to Revenue Committee | 239 |
| Jan. 29 | Notice of hearing (2/20) | 398 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1100. By Speaker Kristensen at the request of the Governor

| | | |
|---------|--------------------------------------|------|
| Jan. 15 | Read first time | 219 |
| Jan. 16 | Referred to Appropriations Committee | 239 |
| Jan. 25 | Notice of hearing (2/4) | 378 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1101. By Speaker Kristensen at the request of the Governor

| | | |
|---------|---|-----|
| Jan. 15 | Read first time | 219 |
| Jan. 16 | Referred to Appropriations Committee | 239 |
| Jan. 25 | Notice of hearing (2/4) | 378 |
| Feb. 5 | Placed on General File - Com AM2562 | 503 |
| Feb. 8 | Com AM2562 p. 503 adopted. Advanced for Review | 571 |
| Feb. 11 | Placed on Select File - AM7169 | 590 |
| Feb. 13 | AM7169 (E & R) p. 590 adopted. Advanced for Engrossment | 611 |
| Feb. 13 | Correctly Engrossed | 619 |
| Feb. 21 | Final Reading w/E 41-1-7 | 680 |
| Feb. 21 | Speaker signed | 681 |
| Feb. 21 | Presented to Governor (2/21) | 687 |
| Feb. 22 | Approved by Governor (2/22) | 713 |

(Provisions/portions of LB 1101 amended into LB 1310 by Com FA917)

LEGISLATIVE BILL 1102. By Jones

| | | |
|---------|---------------------------------|-----|
| Jan. 15 | Read first time | 219 |
| Jan. 16 | Referred to Education Committee | 239 |
| Jan. 18 | Notice of hearing (1/28) | 273 |
| Jan. 30 | Indefinitely postponed | 433 |

LEGISLATIVE BILL 1103. By Connealy

| | | |
|---------|---|-----|
| Jan. 15 | Read first time | 219 |
| Jan. 16 | Referred to Natural Resources Committee | 239 |
| Feb. 4 | Notice of hearing (2/13) | 486 |
| Feb. 27 | Indefinitely postponed | 760 |

LEGISLATIVE BILL 1104. By Vrtiska, Janssen, Thompson

| | | |
|---------|-------------------------------|------|
| Jan. 15 | Read first time | 220 |
| Jan. 16 | Referred to Revenue Committee | 239 |
| Jan. 24 | Vrtiska priority bill | 344 |
| Jan. 29 | Notice of hearing (2/6) | 398 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1105. By Transportation and Telecommunications Committee

| | | |
|---------|---|------|
| Jan. 15 | Read first time | 221 |
| Jan. 16 | Referred to Transportation and Telecommunications Committee | 240 |
| Jan. 29 | Notice of hearing (2/11) | 398 |
| Feb. 12 | Connealy name added | 605 |
| Feb. 20 | Transportation and Telecommunications Committee priority bill | 652 |
| Feb. 28 | Placed on General File - Com AM2916 (printed separate) | 774 |
| Mar. 26 | Kristensen-Bromm AM3050 printed separate | 1171 |
| Mar. 26 | Bromm AM3340 to Com AM2916 printed | 1172 |
| Mar. 27 | Com AM2916 (printed separate) adopted as amended. Kristensen-Bromm pending AM3050 (printed separate) and Bromm pending AM3340 p. 1172 withdrawn. Bromm AM3382 (on file) to Com AM2916 adopted. Kristensen motion to suspend rules to permit consideration of Kristensen-Bromm AM3395 prevailed. Kristensen-Bromm AM3395 (on file) to Com AM2916 adopted. Bromm reoffered AM3340 p. 1172 adopted. Hartnett-Bromm AM3393 to Com AM2916 adopted. Advanced for Review | 1219 |
| Apr. 2 | Placed on Select File - AM7216 | 1328 |
| Apr. 3 | Bromm AM3451 printed | 1403 |
| Apr. 3 | Bromm AM3452 printed | 1406 |
| Apr. 3 | Bromm AM3538 printed | 1412 |
| Apr. 3 | Bromm AM3533 printed separate | 1412 |
| Apr. 17 | AM7216 (E & R) p. 1328 adopted. Bromm pending AM3451 p. 1403, AM3452 p. 1406, and AM3538 p. 1412 withdrawn. Bromm pending AM3533 (printed separate) adopted. McDonald motion to suspend rules to permit consideration of McDonald-Bromm-Baker AM3396 failed. Advanced for Engrossment | 1742 |
| Apr. 17 | Correctly Engrossed | 1757 |
| Apr. 17 | ER9160 change | 1759 |
| Apr. 19 | Dispensing of reading at large approved. Final Reading 45-0-4 | 1792 |
| Apr. 19 | Speaker signed | 1796 |
| Apr. 19 | Presented to Governor (4/19) | 1798 |
| Apr. 19 | Approved by Governor (4/19) | 1799 |

(Provisions/portions of LB 490 amended into LB 1105 by AM3533)

(Provisions/portions of LB 917 amended into LB 1105 by AM3382)
 (Provisions/portions of LB 918 amended into LB 1105 by AM3533)
 (Provisions/portions of LB 925 amended into LB 1105 by AM3340)
 (Provisions/portions of LB 976 amended into LB 1105 by AM3395)
 (Provisions/portions of LB 1238 amended into LB 1105 by AM3393)

LEGISLATIVE BILL 1106. By Landis

| | | |
|---------|---|-----|
| Jan. 15 | Read first time | 222 |
| Jan. 16 | Referred to Banking, Commerce and Insurance Committee | 240 |
| Feb. 4 | Notice of hearing (2/25) | 466 |
| Feb. 26 | Indefinitely postponed | 741 |

LEGISLATIVE BILL 1107. By Maxwell

| | | |
|---------|---|------|
| Jan. 15 | Read first time | 222 |
| Jan. 16 | Referred to Health and Human Services Committee | 240 |
| Jan. 29 | Notice of hearing (2/6) | 394 |
| Feb. 7 | Placed on General File - Com AM2471 | 544 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 1107 amended into LB 1062 by Com AM3220)

LEGISLATIVE BILL 1108. By Schimek

| | | |
|---------|---|-----|
| Jan. 15 | Read first time | 222 |
| Jan. 16 | Referred to Government, Military and Veterans Affairs Committee | 240 |
| Jan. 23 | Notice of hearing (1/31) | 330 |
| Feb. 11 | Indefinitely postponed | 593 |

LEGISLATIVE BILL 1109. By Brashear

| | | |
|---------|---------------------------------|------|
| Jan. 15 | Read first time | 222 |
| Jan. 16 | Referred to Judiciary Committee | 240 |
| Jan. 23 | Notice of hearing (1/30) | 330 |
| Jan. 30 | Burling priority bill | 433 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1110. By Hartnett, D. Pederson

| | | |
|---------|--|------|
| Jan. 15 | Read first time | 222 |
| Jan. 16 | Referred to Urban Affairs Committee | 240 |
| Jan. 22 | Notice of hearing (1/29) | 311 |
| Jan. 31 | Placed on General File | 437 |
| Feb. 25 | Speaker priority bill | 725 |
| Mar. 28 | Connealy-Hudkins AM3423 withdrawn. Advanced for Review | 1265 |
| Apr. 2 | Placed on Select File | 1332 |
| Apr. 4 | Advanced for Engrossment | 1439 |
| Apr. 8 | Correctly Engrossed | 1507 |
| Apr. 11 | Final Reading w/E 45-0-4 | 1648 |
| Apr. 11 | Speaker signed | 1664 |

| | | |
|---------|------------------------------|------|
| Apr. 16 | Presented to Governor (4/11) | 1671 |
| Apr. 17 | Approved by Governor (4/17) | 1739 |

LEGISLATIVE BILL 1111. By Nebraska Retirement Systems Committee

| | | |
|---------|---|------|
| Jan. 15 | Read first time | 227 |
| Jan. 16 | Referred to Nebraska Retirement Systems Committee | 240 |
| Jan. 22 | Notice of hearing (1/30) | 311 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 1111 amended into LB 407 by Com AM2886)

LEGISLATIVE BILL 1112. By Janssen

| | | |
|---------|-------------------------------|------|
| Jan. 15 | Read first time | 227 |
| Jan. 16 | Referred to Revenue Committee | 240 |
| Jan. 16 | Notice of hearing (1/24) | 246 |
| Jan. 25 | Placed on General File | 379 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1113. By Jones, Burling

| | | |
|---------|-------------------------------|-----|
| Jan. 15 | Read first time | 227 |
| Jan. 16 | Referred to Revenue Committee | 240 |
| Jan. 16 | Notice of hearing (1/25) | 246 |
| Feb. 7 | Indefinitely postponed | 553 |

(Provisions/portions of LB 1113 amended into LB 994 by Com AM2625)

LEGISLATIVE BILL 1114. By Tyson, Quandahl

| | | |
|---------|---|------|
| Jan. 15 | Read first time | 227 |
| Jan. 16 | Referred to Banking, Commerce and Insurance Committee | 240 |
| Feb. 4 | Notice of hearing (2/19) | 466 |
| Feb. 25 | Placed on General File - Com AM2821 | 716 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1115. By Aguilar, Bourne, Bruning, Byars, Connealy, Cunningham, Janssen, Jensen, McDonald, Dw. Pedersen, Quandahl, Robak, Thompson, Tyson

| | | |
|---------|---|------|
| Jan. 15 | Read first time | 227 |
| Jan. 16 | Referred to Judiciary Committee | 240 |
| Jan. 30 | Notice of hearing (2/14) | 420 |
| Jan. 30 | Aguilar priority bill | 433 |
| Feb. 5 | Burling name added | 504 |
| Mar. 14 | Placed on General File - Com AM2986 | 991 |
| Apr. 4 | Com AM2986 p. 991 adopted as amended by Aguilar AM3536 and AM3508. Advanced for Review | 1453 |
| Apr. 8 | Placed on Select File - AM7224 | 1513 |
| Apr. 9 | Aguilar AM3654 to AM7224 printed | 1560 |
| Apr. 10 | Aguilar AM3673 to AM7224 printed | 1616 |
| Apr. 17 | AM7224 (E & R) p. 1513 adopted. Chambers motion to recommit to committee failed. Aguilar motion to invoke cloture prevailed. Advanced for Engrossment | 1747 |

CHRONOLOGY OF BILLS

1935

| | | |
|---------|------------------------|------|
| Apr. 17 | Correctly Engrossed | 1757 |
| Apr. 17 | ER9162 change | 1760 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1116. By Smith, Bruning, Engel, Foley, Kruse, Quandahl

| | | |
|---------|---|------|
| Jan. 15 | Read first time | 227 |
| Jan. 16 | Referred to Transportation and Telecommunications Committee | 240 |
| Feb. 5 | Notice of hearing (2/19) | 495 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1117. By Smith, Bourne, Bruning, Erdman, Hartnett, Quandahl, Redfield

| | | |
|---------|-------------------------------|-----|
| Jan. 15 | Read first time | 228 |
| Jan. 16 | Referred to Revenue Committee | 240 |
| Jan. 23 | Notice of hearing (1/31) | 338 |
| Feb. 4 | Indefinitely postponed | 485 |
| Feb. 6 | Suttle name added | 537 |

LEGISLATIVE BILL 1118. By Smith

| | | |
|---------|---|------|
| Jan. 15 | Read first time | 228 |
| Jan. 16 | Referred to Banking, Commerce and Insurance Committee | 240 |
| Feb. 4 | Notice of hearing (2/11) | 466 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1119. By Smith, Erdman, Redfield

| | | |
|---------|-----------------------------------|------|
| Jan. 15 | Read first time | 228 |
| Jan. 16 | Referred to Agriculture Committee | 240 |
| Jan. 31 | Notice of hearing (2/12) | 452 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1120. By Byars

| | | |
|---------|---------------------------------|------|
| Jan. 15 | Read first time | 228 |
| Jan. 16 | Referred to Judiciary Committee | 240 |
| Jan. 24 | Byars priority bill | 345 |
| Jan. 30 | Notice of hearing (2/13) | 420 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1121. By Wickersham

| | | |
|---------|-------------------------------|------|
| Jan. 15 | Read first time | 228 |
| Jan. 16 | Referred to Revenue Committee | 240 |
| Jan. 29 | Notice of hearing (2/21) | 399 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1122. By Wickersham

| | | |
|---------|-----------------|-----|
| Jan. 15 | Read first time | 228 |
|---------|-----------------|-----|

| | | |
|---------|-------------------------------|------|
| Jan. 16 | Referred to Revenue Committee | 240 |
| Jan. 29 | Notice of hearing (2/27) | 399 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 1122 amended into LB 1085 by Com AM3155)

LEGISLATIVE BILL 1123. By Raikes

| | | |
|---------|---|------|
| Jan. 16 | Read first time | 233 |
| Jan. 17 | Referred to Government, Military and Veterans Affairs Committee | 261 |
| Jan. 30 | Notice of hearing (2/13) | 434 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1124. By Jensen, Brown, Dierks, D. Pederson, Price

| | | |
|---------|-------------------------------|-----|
| Jan. 16 | Read first time | 234 |
| Jan. 17 | Referred to Revenue Committee | 261 |
| Jan. 29 | Notice of hearing (2/14) | 398 |
| Feb. 20 | Indefinitely postponed | 652 |

LEGISLATIVE BILL 1125. By Wickersham

| | | |
|---------|-------------------------------|------|
| Jan. 16 | Read first time | 234 |
| Jan. 17 | Referred to Revenue Committee | 261 |
| Jan. 29 | Notice of hearing (2/13) | 398 |
| Feb. 20 | Placed on General File | 651 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 1125 amended into LB 994 by AM3655)

LEGISLATIVE BILL 1126. By General Affairs Committee

| | | |
|---------|--|------|
| Jan. 16 | Read first time | 234 |
| Jan. 17 | Referred to General Affairs Committee | 261 |
| Jan. 28 | Notice of hearing (2/4) | 391 |
| Feb. 8 | Placed on General File - Com AM2631 | 571 |
| Feb. 22 | General Affairs Committee priority bill | 689 |
| Mar. 27 | Com AM2631 p. 571 adopted. Advanced for Review | 1222 |
| Apr. 2 | Placed on Select File | 1331 |
| Apr. 4 | Advanced for Engrossment | 1439 |
| Apr. 8 | Correctly Engrossed | 1507 |
| Apr. 11 | Returned to Select File for Landis-Beutler specific AM3675. Landis-Beutler specific AM3675 adopted. Advanced for Reengrossment | 1648 |
| Apr. 16 | Correctly Reengrossed. ER9148 change | 1672 |
| Apr. 18 | Dispensing of reading at large approved. Final Reading 45-2-2 | 1773 |
| Apr. 18 | Speaker signed | 1775 |
| Apr. 18 | Presented to Governor (4/18) | 1776 |
| Apr. 19 | Approved by Governor (4/19) | 1799 |

(Provisions/portions of LB 371 amended into LB 1126 by AM3675)

LEGISLATIVE BILL 1127. By Janssen

| | | |
|---------|---------------------------------------|------|
| Jan. 16 | Read first time | 234 |
| Jan. 17 | Referred to General Affairs Committee | 261 |
| Feb. 4 | Notice of hearing (2/11) | 480 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1128. By Landis

| | | |
|---------|-------------------------------|-----|
| Jan. 16 | Read first time | 234 |
| Jan. 17 | Referred to Revenue Committee | 261 |
| Jan. 29 | Notice of hearing (2/20) | 398 |
| Feb. 26 | Indefinitely postponed | 740 |

LEGISLATIVE BILL 1129. By Hartnett

| | | |
|---------|---|------|
| Jan. 16 | Read first time | 234 |
| Jan. 17 | Referred to Government, Military and Veterans Affairs Committee | 261 |
| Jan. 30 | Notice of hearing (2/8) | 434 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1130. By Schrock

| | | |
|---------|---|-----|
| Jan. 16 | Read first time | 235 |
| Jan. 17 | Referred to Natural Resources Committee | 261 |
| Feb. 4 | Notice of hearing (2/13) | 486 |
| Feb. 27 | Indefinitely postponed | 760 |

LEGISLATIVE BILL 1131. By Bromm, Baker, Brown, Byars, Jones, Dw. Pedersen

| | | |
|---------|---|------|
| Jan. 16 | Read first time | 235 |
| Jan. 17 | Referred to Transportation and Telecommunications Committee | 261 |
| Jan. 18 | Notice of hearing (1/28) | 277 |
| Feb. 4 | Placed on General File - Com AM2452 | 479 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1132. By McDonald, Baker

| | | |
|---------|---|------|
| Jan. 16 | Read first time | 235 |
| Jan. 17 | Referred to Transportation and Telecommunications Committee | 261 |
| Feb. 5 | Notice of hearing (2/12) | 495 |
| Feb. 14 | Placed on General File - Com AM2725 | 628 |
| Feb. 25 | Speaker priority bill | 725 |
| Feb. 26 | D. Pederson AM2909 printed | 744 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1133. By Robak, Foley, Kruse

| | | |
|---------|---------------------------------------|-----|
| Jan. 16 | Read first time | 237 |
| Jan. 17 | Referred to General Affairs Committee | 261 |

| | | |
|---------|--------------------------|------|
| Feb. 14 | Notice of hearing (2/25) | 636 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1134. By Schrock, Cunningham, Dierks, Vrtiska

| | | |
|---------|---------------------------------|-----|
| Jan. 16 | Read first time | 237 |
| Jan. 17 | Referred to Education Committee | 261 |
| Jan. 29 | Notice of hearing (2/19) | 395 |
| Mar. 5 | Indefinitely postponed | 787 |

LEGISLATIVE BILL 1135. By Robak, Kruse, Smith

| | | |
|---------|---------------------------------------|-----|
| Jan. 16 | Read first time | 237 |
| Jan. 17 | Referred to General Affairs Committee | 261 |
| Feb. 14 | Notice of hearing (2/25) | 636 |
| Feb. 26 | Indefinitely postponed | 747 |

LEGISLATIVE BILL 1136. By Wickersham, Landis

| | | |
|---------|---|------|
| Jan. 16 | Read first time | 237 |
| Jan. 17 | Referred to Revenue Committee | 261 |
| Jan. 29 | Notice of hearing (2/7) | 398 |
| Feb. 20 | Placed on General File - Com AM2782 | 651 |
| Feb. 27 | Wickersham AM2928 to Com AM2782 printed | 751 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1137. By Landis, Connealy

| | | |
|---------|-------------------------------------|------|
| Jan. 16 | Read first time | 242 |
| Jan. 17 | Referred to Revenue Committee | 261 |
| Jan. 29 | Notice of hearing (2/7) | 398 |
| Feb. 14 | Placed on General File - Com AM2765 | 629 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 1137 amended into LB 994 by AM3720)

LEGISLATIVE BILL 1138. By Tyson

| | | |
|---------|---|-----|
| Jan. 16 | Read first time | 245 |
| Jan. 17 | Referred to Government, Military and Veterans Affairs Committee | 261 |
| Feb. 4 | Notice of hearing (2/20) | 486 |
| Feb. 21 | Indefinitely postponed | 684 |

LEGISLATIVE BILL 1139. By Landis

| | | |
|---------|--|------|
| Jan. 16 | Read first time | 245 |
| Jan. 17 | Referred to Banking, Commerce and Insurance Committee | 261 |
| Jan. 17 | Notice of hearing (1/28) | 270 |
| Jan. 30 | Placed on General File - Com AM2460 (printed separate) | 430 |
| Feb. 13 | Banking, Commerce and Insurance Committee priority bill | 611 |
| Mar. 12 | Com AM2460 (printed separate) adopted. Advanced for Review | 922 |
| Mar. 19 | Placed on Select File - AM7186 | 1029 |

CHRONOLOGY OF BILLS

1939

| | | |
|---------|--|------|
| Mar. 26 | Landis AM3287 printed | 1171 |
| Apr. 3 | AM7186 (E & R) p. 1029 adopted. Landis pending AM3287 p. 1171 adopted. Beutler FA1040 adopted. Advanced for Engrossment | 1398 |
| Apr. 8 | Correctly Engrossed | 1507 |
| Apr. 8 | ER9133 change | 1509 |
| Apr. 10 | Landis-Tyson-Kremer-Aguilar-Quandahl-Jensen-Bruning-Smith AM3668 printed | 1609 |
| Apr. 11 | Returned to Select File for Landis et al. pending AM3668 p. 1609. Landis et al. pending AM3668 p. 1609 adopted. Advanced for Reengrossment | 1649 |
| Apr. 16 | Correctly Reengrossed. ER9151 change | 1672 |
| Apr. 18 | Dispensing of reading at large approved. Final Reading 47-0-2 | 1774 |
| Apr. 18 | Speaker signed | 1775 |
| Apr. 18 | Presented to Governor (4/18) | 1776 |
| Apr. 19 | Approved by Governor (4/19) | 1799 |

(Provisions/portions of LB 1092 amended into LB 1139 by Com AM2460)

LEGISLATIVE BILL 1140. By Preister, Beutler, Chambers

| | | |
|---------|---|-----|
| Jan. 16 | Read first time | 245 |
| Jan. 17 | Referred to Natural Resources Committee | 261 |
| Jan. 29 | Notice of hearing (2/6) | 416 |
| Feb. 27 | Indefinitely postponed | 760 |

LEGISLATIVE BILL 1141. By Coordsen

| | | |
|---------|-------------------------------------|------|
| Jan. 16 | Read first time | 245 |
| Jan. 17 | Referred to Education Committee | 261 |
| Jan. 25 | Notice of hearing (2/4) | 381 |
| Feb. 12 | Placed on General File - Com AM2643 | 599 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1142. By Wehrbein

| | | |
|---------|--------------------------------------|------|
| Jan. 16 | Read first time | 245 |
| Jan. 17 | Referred to Appropriations Committee | 261 |
| Jan. 25 | Notice of hearing (2/5) | 378 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 1142 amended into LB 1310 by Com FA917)

LEGISLATIVE BILL 1143. By Dw. Pedersen

| | | |
|---------|-------------------------------------|------|
| Jan. 16 | Read first time | 246 |
| Jan. 23 | Referred to Urban Affairs Committee | 315 |
| Jan. 29 | Notice of hearing (2/12) | 401 |
| Feb. 13 | Placed on General File - Com AM2724 | 618 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1144. By Bourne, Bruning

| | | |
|---------|---|------|
| Jan. 16 | Read first time | 246 |
| Jan. 17 | Referred to Nebraska Retirement Systems Committee | 261 |
| Jan. 22 | Notice of hearing (1/30) | 311 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 1144 amended into LB 407 by Com AM2886)

LEGISLATIVE BILL 1145. By Jensen, Kruse

| | | |
|---------|---|------|
| Jan. 16 | Read first time | 246 |
| Jan. 17 | Referred to Health and Human Services Committee | 261 |
| Jan. 23 | Rereferred to Revenue Committee | 315 |
| Jan. 29 | Notice of hearing (2/6) | 398 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1146. By Erdman, Byars, Cunningham, Jensen

| | | |
|---------|-------------------------------|-----|
| Jan. 16 | Read first time | 248 |
| Jan. 17 | Referred to Revenue Committee | 261 |
| Jan. 23 | Notice of hearing (1/31) | 338 |
| Feb. 4 | Indefinitely postponed | 486 |

LEGISLATIVE BILL 1147. By Vrtiska, Bromm, Stuhr

| | | |
|---------|---|-----|
| Jan. 17 | Read first time | 255 |
| Jan. 18 | Referred to Transportation and Telecommunications Committee | 292 |
| Jan. 29 | Notice of hearing (2/11) | 398 |
| Jan. 30 | Notice of hearing (2/11) (cancel) | 433 |
| Jan. 30 | Vrtiska-Stuhr motion to withdraw bill printed | 433 |
| Feb. 4 | Vrtiska-Stuhr pending motion p. 433 to withdraw bill prevailed. Withdrawn | 487 |

LEGISLATIVE BILL 1148. By Jensen, Connealy, Cudaback

| | | |
|---------|--|------|
| Jan. 17 | Read first time | 257 |
| Jan. 18 | Referred to Health and Human Services Committee | 292 |
| Jan. 18 | Price name added | 293 |
| Jan. 29 | Notice of hearing (2/7) | 401 |
| Feb. 11 | Placed on General File | 575 |
| Feb. 20 | Preister name added | 665 |
| Mar. 14 | Chambers motion to bracket until 4/10/2002 failed. Advanced for Review | 1000 |
| Mar. 19 | Placed on Select File | 1035 |
| Apr. 4 | Advanced for Engrossment | 1433 |
| Apr. 5 | Correctly Engrossed | 1479 |
| Apr. 11 | Final Reading w/E 42-0-7 | 1663 |
| Apr. 11 | Speaker signed | 1664 |
| Apr. 16 | Presented to Governor (4/11) | 1671 |
| Apr. 17 | Approved by Governor (4/17) | 1739 |

LEGISLATIVE BILL 1149. By Jensen

| | | |
|---------|--|------|
| Jan. 17 | Read first time | 257 |
| Jan. 23 | Referred to Revenue Committee | 315 |
| Jan. 25 | Jensen priority bill | 373 |
| Jan. 29 | Notice of hearing (2/6) | 398 |
| Apr. 2 | Placed on General File - Com AM3477 | 1297 |
| Apr. 3 | Baker AM3495 and AM3496 to Com AM3477 printed | 1352 |
| Apr. 3 | Byars motion to bracket until 4/19/2002 printed. Byars motion to recommit to committee printed. Byars motion to indefinitely postpone printed | 1377 |
| Apr. 3 | Byars-Suttle-Price AM3498 printed separate. Suttle-Price-Byars AM3493 printed separate. Byars-Suttle-Price AM3499 to Com AM3477 printed | 1378 |
| Apr. 3 | Byars-Suttle-Price AM3502 to Com AM3477 printed. Byars-Suttle AM3501 to Com AM3477 printed. Byars-Suttle-Price AM3500 and AM3497 to Com AM3477 printed. Suttle-Byars AM3528 printed separate | 1380 |
| Apr. 3 | Byars-Suttle-Price AM3514 to Com AM3477 printed | 1381 |
| Apr. 4 | Baker AM3504 to Com AM3477 printed | 1443 |
| Apr. 11 | Beutler AM3674 printed | 1666 |
| Apr. 16 | Passed over | 1699 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1149A. By Jensen

| | | |
|---------|---|------|
| Apr. 3 | Read first time. Placed on General File | 1401 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1150. By Coordsen

| | | |
|---------|---|------|
| Jan. 17 | Read first time | 257 |
| Jan. 18 | Referred to Transportation and Telecommunications Committee | 292 |
| Jan. 28 | Notice of hearing (2/5) | 392 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1151. By Hartnett, Bruning, Thompson, Wehrbein

| | | |
|---------|-------------------------------------|------|
| Jan. 17 | Read first time | 258 |
| Jan. 18 | Referred to Urban Affairs Committee | 292 |
| Jan. 22 | Notice of hearing (1/29) | 311 |
| Feb. 7 | Placed on General File - Com AM2497 | 551 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1152. By Thompson

| | | |
|---------|---|------|
| Jan. 17 | Read first time | 258 |
| Jan. 18 | Referred to Health and Human Services Committee | 292 |
| Jan. 29 | Notice of hearing (2/7) | 401 |
| Feb. 21 | Placed on General File - Com AM2697 | 669 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 1152 amended into LB 1062 by Com AM3220)

LEGISLATIVE BILL 1153. By Beutler

| | | |
|---------|---|------|
| Jan. 17 | Read first time | 258 |
| Jan. 18 | Referred to Banking, Commerce and Insurance Committee | 292 |
| Feb. 4 | Notice of hearing (2/25) | 466 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 1153 amended into LB 957 by AM2899)

LEGISLATIVE BILL 1154. By Landis

| | | |
|---------|---|------|
| Jan. 17 | Read first time | 258 |
| Jan. 18 | Referred to Health and Human Services Committee | 292 |
| Feb. 4 | Notice of hearing (2/14) | 466 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1155. By Landis

| | | |
|---------|--|------|
| Jan. 17 | Read first time | 258 |
| Jan. 18 | Referred to Business and Labor Committee | 292 |
| Jan. 25 | Notice of hearing (2/4) | 382 |
| Feb. 6 | Placed on General File - Com AM2594 | 532 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1156. By Kristensen

| | | |
|---------|---------------------------------|------|
| Jan. 17 | Read first time | 258 |
| Jan. 18 | Referred to Judiciary Committee | 292 |
| Jan. 30 | Notice of hearing (2/14) | 420 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1157. By Connealy

| | | |
|---------|--|------|
| Jan. 17 | Read first time | 259 |
| Jan. 18 | Referred to Business and Labor Committee | 292 |
| Jan. 25 | Notice of hearing (2/4) | 382 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1158. By Connealy

| | | |
|---------|--|------|
| Jan. 17 | Read first time | 259 |
| Jan. 18 | Referred to Business and Labor Committee | 292 |
| Jan. 25 | Notice of hearing (2/4) | 382 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1159. By Hartnett

| | | |
|---------|---------------------------------|-----|
| Jan. 17 | Read first time | 259 |
| Jan. 18 | Referred to Education Committee | 292 |
| Jan. 28 | Notice of hearing (2/5) | 391 |
| Feb. 7 | Indefinitely postponed | 539 |

LEGISLATIVE BILL 1160. By Hartnett

| | | |
|---------|-------------------------------|-----|
| Jan. 17 | Read first time | 259 |
| Jan. 18 | Referred to Revenue Committee | 293 |

| | | |
|---------|--------------------------|-----|
| Jan. 29 | Notice of hearing (2/14) | 398 |
| Feb. 20 | Indefinitely postponed | 652 |

LEGISLATIVE BILL 1161. By Hudkins

| | | |
|---------|-------------------------------------|-----|
| Jan. 17 | Read first time | 259 |
| Jan. 18 | Referred to Urban Affairs Committee | 293 |
| Jan. 22 | Notice of hearing (1/29) | 311 |
| Jan. 31 | Indefinitely postponed | 437 |

LEGISLATIVE BILL 1162. By Brown, Coordsen, Jensen, Maxwell, Price

| | | |
|---------|---------------------------------|-----|
| Jan. 17 | Read first time | 265 |
| Jan. 18 | Referred to Education Committee | 293 |
| Jan. 29 | Notice of hearing (2/19) | 395 |
| Mar. 5 | Indefinitely postponed | 787 |

LEGISLATIVE BILL 1163. By Landis

| | | |
|---------|---|------|
| Jan. 17 | Read first time | 266 |
| Jan. 18 | Referred to Banking, Commerce and Insurance Committee | 293 |
| Jan. 28 | Notice of hearing (2/4) | 385 |
| Feb. 5 | Placed on General File | 491 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1164. By Wehrbein

| | | |
|---------|--------------------------------------|------|
| Jan. 17 | Read first time | 266 |
| Jan. 18 | Referred to Appropriations Committee | 293 |
| Jan. 29 | Notice of hearing (2/6) | 399 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 1164 amended into LB 1310 by Com FA917)

LEGISLATIVE BILL 1165. By Wehrbein

| | | |
|---------|-------------------------------|-----|
| Jan. 17 | Read first time | 266 |
| Jan. 18 | Referred to Revenue Committee | 293 |
| Jan. 23 | Notice of hearing (1/30) | 338 |
| Jan. 31 | Indefinitely postponed | 451 |

LEGISLATIVE BILL 1166. By Wehrbein

| | | |
|---------|--------------------------------------|------|
| Jan. 17 | Read first time | 266 |
| Jan. 18 | Referred to Appropriations Committee | 293 |
| Jan. 29 | Notice of hearing (2/11) | 400 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1167. By Connealy, Hartnett, Vrtiska

| | | |
|---------|--|------|
| Jan. 17 | Read first time | 267 |
| Jan. 18 | Referred to Business and Labor Committee | 293 |
| Jan. 25 | Notice of hearing (2/11) | 382 |
| Feb. 28 | Placed on General File - Com AM2942 | 770 |
| Mar. 6 | Connealy AM3015 to Com AM2942 printed | 854 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1168. By Business and Labor Committee

| | | |
|---------|--|------|
| Jan. 17 | Read first time | 268 |
| Jan. 18 | Referred to Business and Labor Committee | 293 |
| Jan. 25 | Notice of hearing (2/4) | 381 |
| Feb. 6 | Placed on General File - Com AM2595 | 532 |
| Feb. 21 | Business and Labor Committee priority bill | 682 |
| Mar. 13 | Com AM2595 p. 532 adopted. Advanced for Review | 966 |
| Mar. 19 | D. Pederson AM3168 printed | 1016 |
| Mar. 19 | Placed on Select File - AM7189 | 1035 |
| Mar. 27 | Connealy AM3350 printed | 1208 |
| Apr. 3 | Bourne AM3513 printed | 1401 |
| Apr. 4 | AM7189 (E & R) p. 1035 adopted. D. Pederson pending AM3168 p. 1016 withdrawn. Connealy pending AM3350 p. 1208 adopted. Bourne pending AM3513 p. 1401 withdrawn. Advanced for Engrossment | 1437 |
| Apr. 8 | Correctly Engrossed | 1507 |
| Apr. 11 | Final Reading w/E 36-0-13 | 1650 |
| Apr. 11 | Speaker signed | 1664 |
| Apr. 16 | Presented to Governor (4/11) | 1671 |
| Apr. 17 | Approved by Governor (4/17) | 1739 |

LEGISLATIVE BILL 1169. By Raikes, Price

| | | |
|---------|-------------------------------------|------|
| Jan. 17 | Read first time | 268 |
| Jan. 18 | Referred to Education Committee | 293 |
| Jan. 22 | Schimek name added | 312 |
| Jan. 28 | Notice of hearing (2/5) | 391 |
| Feb. 7 | Placed on General File - Com AM2582 | 539 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1169A. By Raikes

| | | |
|---------|---|------|
| Feb. 26 | Read first time. Placed on General File | 742 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1170. By Raikes, Price

| | | |
|---------|---------------------------------|-----|
| Jan. 17 | Read first time | 268 |
| Jan. 18 | Referred to Education Committee | 293 |
| Jan. 28 | Notice of hearing (2/5) | 391 |
| Feb. 7 | Indefinitely postponed | 539 |

LEGISLATIVE BILL 1171. By Raikes

| | | |
|---------|---------------------------------|-----|
| Jan. 17 | Read first time | 268 |
| Jan. 18 | Referred to Education Committee | 293 |
| Jan. 22 | Notice of hearing (1/29) | 300 |
| Feb. 28 | Indefinitely postponed | 769 |

LEGISLATIVE BILL 1172. By Raikes

| | | |
|---------|-----------------|-----|
| Jan. 17 | Read first time | 268 |
|---------|-----------------|-----|

CHRONOLOGY OF BILLS

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| | | |
|---------|--|------|
| Jan. 18 | Referred to Education Committee | 293 |
| Jan. 22 | Notice of hearing (1/29) | 300 |
| Jan. 24 | Raikes priority bill | 345 |
| Feb. 27 | Placed on General File - Com AM2931 (printed separate) | 765 |
| Mar. 6 | Com AM2931 (printed separate) adopted as amended. Raikes requested ruling of Chair on Kristensen AM2952 to Com AM2931. Chair ruled Kristensen AM2952 is substantially same as LB 1059 which was indefinitely postponed. Kristensen AM2952 adopted. Advanced for Review | 855 |
| Mar. 14 | Placed on Select File - AM7179 | 984 |
| Mar. 14 | Raikes AM3147 printed | 1004 |
| Mar. 27 | Raikes AM3375 printed | 1208 |
| Apr. 2 | AM7179 (E & R) p. 984 adopted. Raikes pending AM3147 p. 1004 withdrawn. Raikes pending AM3375 p. 1208 adopted as amended by Beutler AM3473. Advanced for Engrossment | 1291 |
| Apr. 3 | Correctly Engrossed | 1393 |
| Apr. 3 | ER9126 change | 1394 |
| Apr. 11 | Final Reading 40-0-9 | 1650 |
| Apr. 11 | Speaker signed | 1664 |
| Apr. 16 | Presented to Governor (4/11) | 1671 |
| Apr. 17 | Approved by Governor (4/17) | 1739 |

(Provisions/portions of LB 1059 amended into LB 1172 by AM2952)

LEGISLATIVE BILL 1173. By Raikes

| | | |
|---------|---------------------------------|-----|
| Jan. 17 | Read first time | 268 |
| Jan. 18 | Referred to Education Committee | 293 |
| Jan. 22 | Notice of hearing (1/29) | 300 |
| Feb. 28 | Indefinitely postponed | 769 |

LEGISLATIVE BILL 1174. By Raikes

| | | |
|---------|---------------------------------|-----|
| Jan. 17 | Read first time | 268 |
| Jan. 18 | Referred to Education Committee | 293 |
| Jan. 22 | Notice of hearing (1/29) | 300 |
| Feb. 28 | Indefinitely postponed | 769 |

LEGISLATIVE BILL 1175. By Raikes

| | | |
|---------|---------------------------------|-----|
| Jan. 17 | Read first time | 269 |
| Jan. 18 | Referred to Education Committee | 293 |
| Jan. 22 | Notice of hearing (1/29) | 300 |
| Feb. 28 | Indefinitely postponed | 769 |

LEGISLATIVE BILL 1176. By Coordsen, Redfield

| | | |
|---------|-------------------------------|-----|
| Jan. 17 | Read first time | 269 |
| Jan. 18 | Referred to Revenue Committee | 293 |
| Jan. 23 | Notice of hearing (1/31) | 338 |

| | | |
|---------|-------------------------------------|------|
| Feb. 14 | Placed on General File - Com AM2762 | 631 |
| Feb. 25 | Speaker priority bill | 725 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1177. By Kristensen

| | | |
|---------|--------------------------------------|------|
| Jan. 18 | Read first time | 273 |
| Jan. 23 | Referred to Appropriations Committee | 315 |
| Jan. 29 | Notice of hearing (2/13) | 400 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1178. By Robak

| | | |
|---------|-------------------------------|-----|
| Jan. 18 | Read first time | 277 |
| Jan. 23 | Referred to Revenue Committee | 315 |
| Jan. 29 | Notice of hearing (2/7) | 398 |
| Feb. 20 | Indefinitely postponed | 652 |

LEGISLATIVE BILL 1179. By Stuhr, Aguilar, McDonald

| | | |
|---------|--------------------------------------|------|
| Jan. 18 | Read first time | 277 |
| Jan. 23 | Referred to Appropriations Committee | 315 |
| Jan. 29 | Notice of hearing (2/7) | 400 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1180. By Price

| | | |
|---------|---------------------------------|-----|
| Jan. 18 | Read first time | 277 |
| Jan. 23 | Referred to Education Committee | 315 |
| Jan. 28 | Notice of hearing (2/5) | 391 |
| Feb. 7 | Indefinitely postponed | 539 |

LEGISLATIVE BILL 1181. By Quandahl

| | | |
|---------|---------------------------------|------|
| Jan. 18 | Read first time | 277 |
| Jan. 23 | Referred to Judiciary Committee | 315 |
| Jan. 30 | Notice of hearing (2/20) | 420 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1182. By Quandahl

| | | |
|---------|---------------------------------|------|
| Jan. 18 | Read first time | 277 |
| Jan. 23 | Referred to Judiciary Committee | 315 |
| Jan. 30 | Notice of hearing (2/20) | 420 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1183. By Raikes, Wickersham

| | | |
|---------|---------------------------------|------|
| Jan. 18 | Read first time | 277 |
| Jan. 23 | Referred to Education Committee | 315 |
| Jan. 25 | Notice of hearing (2/4) | 381 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1184. By Wehrbein, Hudkins

| | | |
|---------|-------------------------------|-----|
| Jan. 18 | Read first time | 278 |
| Jan. 23 | Referred to Revenue Committee | 315 |
| Jan. 29 | Notice of hearing (2/8) | 398 |
| Feb. 20 | Indefinitely postponed | 652 |

LEGISLATIVE BILL 1185. By Bromm, Connealy

| | | |
|---------|---|------|
| Jan. 18 | Read first time | 278 |
| Jan. 23 | Referred to Business and Labor Committee | 315 |
| Jan. 25 | Notice of hearing (2/11) | 382 |
| Feb. 21 | Bromm priority bill | 667 |
| Feb. 21 | Placed on General File - Com AM2841 | 684 |
| Mar. 28 | Hudkins AM3422 to Com AM2841 printed | 1239 |
| Mar. 28 | Bromm-Connealy AM3432 to Com AM2841 printed | 1246 |
| Apr. 10 | Beutler AM3612 to AM3566 printed | 1612 |
| Apr. 16 | Com AM2841 p. 684 pending. Bromm-Connealy pending AM3432 p. 1246 withdrawn. Bromm-Connealy AM3566 to Com AM2841 adopted. Beutler AM3568 and AM3567 to AM3566 lost | 1700 |
| Apr. 16 | Beutler AM3570 to AM3566 adopted. Beutler pending AM3612 p. 1612 withdrawn. Beutler AM3722 to AM3566 adopted. Dierks FA1088 to AM3566 lost. Hudkins pending AM3422 p. 1239 withdrawn. Hudkins AM3740 to Com AM2841 adopted. Com AM2841 p. 684 adopted as amended. Advanced for Review | 1707 |
| Apr. 17 | Placed on Select File - AM7232 (printed separate) | 1725 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1186. By Aguilar, Tyson

| | | |
|---------|---|------|
| Jan. 18 | Read first time | 279 |
| Jan. 23 | Referred to Natural Resources Committee | 315 |
| Feb. 4 | Notice of hearing (2/20) | 487 |
| Feb. 27 | Placed on General File - Com AM2877 | 759 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 1186 amended into LB 1003 by AM2872)

LEGISLATIVE BILL 1187. By Kruse, Burling, Preister, Smith

| | | |
|---------|---------------------------------|------|
| Jan. 18 | Read first time | 279 |
| Jan. 23 | Referred to Judiciary Committee | 315 |
| Jan. 28 | Kruse priority bill | 392 |
| Jan. 30 | Notice of hearing (2/6) | 419 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1188. By Raikes

| | | |
|---------|-------------------------------|-----|
| Jan. 18 | Read first time | 279 |
| Jan. 23 | Referred to Revenue Committee | 315 |
| Jan. 29 | Notice of hearing (2/8) | 398 |
| Feb. 20 | Indefinitely postponed | 652 |

LEGISLATIVE BILL 1189. By Dierks, McDonald

| | | |
|---------|---|------|
| Jan. 18 | Read first time | 280 |
| Jan. 23 | Referred to Government, Military and Veterans Affairs Committee | 315 |
| Feb. 4 | Notice of hearing (2/20) | 486 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1190. By Landis

| | | |
|---------|---------------------------------|------|
| Jan. 18 | Read first time | 280 |
| Jan. 23 | Referred to Judiciary Committee | 316 |
| Jan. 23 | Notice of hearing (1/31) | 330 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1191. By Wehrbein

| | | |
|---------|--------------------------------------|------|
| Jan. 18 | Read first time | 280 |
| Jan. 23 | Referred to Appropriations Committee | 316 |
| Jan. 29 | Notice of hearing (2/13) | 400 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1192. By Erdman

| | | |
|---------|---|------|
| Jan. 18 | Read first time | 283 |
| Jan. 23 | Referred to Government, Military and Veterans Affairs Committee | 316 |
| Feb. 4 | Notice of hearing (2/20) | 486 |
| Feb. 12 | Vrtiska name added | 605 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1193. By Hudkins, Wehrbein

| | | |
|---------|---|------|
| Jan. 18 | Read first time | 283 |
| Jan. 23 | Referred to Banking, Commerce and Insurance Committee | 316 |
| Feb. 4 | Notice of hearing (2/19) | 466 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1194. By Hudkins

| | | |
|---------|--|------|
| Jan. 18 | Read first time | 284 |
| Jan. 23 | Referred to Business and Labor Committee | 316 |
| Jan. 25 | Notice of hearing (2/11) | 382 |
| Feb. 25 | Placed on General File - Com AM2851 | 715 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1195. By Bromm

| | | |
|---------|---|------|
| Jan. 18 | Read first time | 284 |
| Jan. 23 | Referred to Transportation and Telecommunications Committee | 316 |
| Jan. 28 | Notice of hearing (2/4) | 391 |
| Feb. 11 | Placed on General File - Com AM2490 | 588 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 1195 amended into LB 1211 by AM3060)

LEGISLATIVE BILL 1195A. By Bromm

| | | |
|---------|---|------|
| Feb. 19 | Read first time. Placed on General File | 646 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1196. By Hudkins

| | | |
|---------|---------------------------------|-----|
| Jan. 18 | Read first time | 284 |
| Jan. 23 | Referred to Judiciary Committee | 316 |
| Jan. 23 | Notice of hearing (1/30) | 330 |
| Feb. 22 | Indefinitely postponed | 712 |

LEGISLATIVE BILL 1197. By Wehrbein

| | | |
|---------|--------------------------------------|------|
| Jan. 18 | Read first time | 284 |
| Jan. 23 | Referred to Appropriations Committee | 316 |
| Jan. 29 | Notice of hearing (2/6) | 399 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 1197 amended into LB 1310 by Com FA917)

LEGISLATIVE BILL 1198. By Kremer

| | | |
|---------|---|------|
| Jan. 18 | Read first time | 284 |
| Jan. 23 | Referred to Banking, Commerce and Insurance Committee | 316 |
| Feb. 4 | Notice of hearing (2/26) | 466 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1199. By Bourne

| | | |
|---------|---|------|
| Jan. 18 | Read first time | 284 |
| Jan. 23 | Referred to Banking, Commerce and Insurance Committee | 316 |
| Feb. 4 | Notice of hearing (2/26) | 467 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1200. By Thompson

| | | |
|---------|---|------|
| Jan. 22 | Read first time | 296 |
| Jan. 24 | Referred to Government, Military and Veterans Affairs Committee | 343 |
| Jan. 30 | Notice of hearing (2/13) | 434 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1201. By Suttle

| | | |
|---------|--|------|
| Jan. 22 | Read first time | 296 |
| Jan. 24 | Referred to Education Committee | 343 |
| Jan. 29 | Notice of hearing (2/19) | 395 |
| Feb. 7 | Raikes motion to suspend rules to permit cancellation of hearing prevailed | 544 |
| Feb. 7 | Notice of hearing (2/19) (cancel). Notice of hearing (2/11) (reschedule) | 546 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1202. By Thompson

| | | |
|---------|---------------------------------|------|
| Jan. 22 | Read first time | 296 |
| Jan. 24 | Referred to Judiciary Committee | 343 |
| Jan. 30 | Notice of hearing (2/8) | 419 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1203. By Stuhr

| | | |
|---------|-------------------------------------|------|
| Jan. 22 | Read first time | 296 |
| Jan. 24 | Referred to Urban Affairs Committee | 343 |
| Jan. 29 | Notice of hearing (2/12) | 401 |
| Feb. 13 | Placed on General File - Com AM2723 | 614 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1204. By Raikes

| | | |
|---------|-------------------------------------|------|
| Jan. 22 | Read first time | 297 |
| Jan. 24 | Referred to Education Committee | 343 |
| Jan. 29 | Notice of hearing (2/11) | 394 |
| Mar. 6 | Placed on General File - Com AM2755 | 829 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1205. By Quandahl

| | | |
|---------|---|------|
| Jan. 22 | Read first time | 297 |
| Jan. 24 | Referred to Banking, Commerce and Insurance Committee | 343 |
| Feb. 4 | Notice of hearing (2/25) | 466 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1206. By Raikes, Coordsen, Maxwell, Price, Stuhr, Wickersham

| | | |
|---------|--|------|
| Jan. 22 | Read first time | 297 |
| Jan. 24 | Referred to Education Committee | 343 |
| Jan. 29 | Notice of hearing (2/11) | 394 |
| Feb. 22 | Education Committee priority bill | 689 |
| Mar. 22 | Placed on General File - Com AM3173 (printed separate) | 1094 |
| Mar. 26 | Suttle AM3318 and AM3319 printed separate | 1149 |
| Mar. 27 | Suttle AM3368 printed separate | 1198 |
| Mar. 27 | Erdman AM3365 printed | 1224 |
| Apr. 3 | Erdman AM3509 printed | 1350 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1207. By Jensen, Bruning

| | | |
|---------|---|------|
| Jan. 22 | Read first time | 298 |
| Jan. 24 | Referred to Health and Human Services Committee | 343 |
| Jan. 29 | Notice of hearing (2/6) | 394 |
| Feb. 12 | Engel name added | 605 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1208. By Landis

| | | |
|---------|-------------------------------|------|
| Jan. 22 | Read first time | 298 |
| Jan. 24 | Referred to Revenue Committee | 343 |
| Jan. 29 | Notice of hearing (2/27) | 399 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1209. By Schrock

| | | |
|---------|-----------------------------------|------|
| Jan. 22 | Read first time | 301 |
| Jan. 24 | Referred to Agriculture Committee | 343 |
| Jan. 31 | Notice of hearing (2/12) | 452 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1210. By Price

| | | |
|---------|---|------|
| Jan. 22 | Read first time | 301 |
| Jan. 24 | Referred to Transportation and Telecommunications Committee | 343 |
| Feb. 5 | Notice of hearing (2/25) | 495 |
| Feb. 28 | Placed on General File - Com AM2796 | 775 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1211. By Transportation and Telecommunications Committee, Tyson, Wehrbein

| | | |
|---------|---|------|
| Jan. 22 | Read first time | 302 |
| Jan. 24 | Referred to Transportation and Telecommunications Committee | 344 |
| Jan. 24 | Tyson priority bill | 345 |
| Jan. 28 | Notice of hearing (2/4) | 391 |
| Feb. 27 | Placed on General File - Com AM2930 | 760 |
| Mar. 6 | Com AM2930 p. 760 adopted. Advanced for Review | 854 |
| Mar. 13 | Bromm AM3060 to AM7180 printed | 972 |
| Mar. 14 | Placed on Select File - AM7180 (printed separate) | 984 |
| Mar. 25 | Bromm AM3265 to AM7180 printed | 1129 |
| Apr. 2 | AM7180 (E & R) (printed separate) adopted. Bromm pending AM3060 p. 972 adopted as amended by Beutler AM3469. Bromm pending AM3265 p. 1129 pending | 1287 |
| Apr. 2 | Bromm pending AM3265 p. 1129 adopted. Wehrbein unanimous consent to bracket until 4/9/2002. No objections | 1291 |
| Apr. 8 | Bromm AM3601 to AM7180 printed | 1540 |
| Apr. 9 | Beutler motion to indefinitely postpone withdrawn. Beutler AM3643 to AM7180 adopted as amended by Bromm FA1067. Bromm FA1065 to AM3643 withdrawn. Beutler AM3460 to AM7180 adopted. Bromm pending AM3601 p. 1540 withdrawn. Wickersham FA1066 to AM7180 pending | 1549 |
| Apr. 9 | Beutler AM3468 to AM3060 printed | 1555 |

| | | |
|---------|---|------|
| Apr. 10 | Wickersham pending FA1066 p. 1551 lost. Beutler pending AM3468 p. 1555 withdrawn. Beutler AM3667 adopted. Wickersham FA1079 to AM7180 withdrawn. Wickersham AM3672 to AM7180 lost. Advanced for Engrossment | 1602 |
| Apr. 11 | Correctly Engrossed. ER9145 change | 1667 |
| Apr. 17 | Wehrbein motion to return to Select File for specific FA1083 withdrawn. Wickersham motion to return to Select File for specific FA1111 withdrawn | 1754 |
| Apr. 17 | Dispensing of reading at large approved. Final Reading w/E 33-11-5 | 1755 |
| Apr. 17 | Speaker signed | 1761 |
| Apr. 18 | Presented to Governor (4/17) | 1763 |
| Apr. 19 | Approved by Governor (4/19) | 1799 |

(Provisions/portions of LB 1195 amended into LB 1211 by AM3060)

(Provisions/portions of LB 1286 amended into LB 1211 by AM3060)

LEGISLATIVE BILL 1212. By Tyson, Raikes

| | | |
|---------|---------------------------------|------|
| Jan. 22 | Read first time | 302 |
| Jan. 24 | Referred to Education Committee | 344 |
| Jan. 29 | Notice of hearing (2/11) | 394 |
| Feb. 13 | Placed on General File | 619 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 1212 amended into LB 460 by AM3011)

LEGISLATIVE BILL 1213. By Chambers

| | | |
|---------|---------------------------------|------|
| Jan. 22 | Read first time | 302 |
| Jan. 24 | Referred to Education Committee | 344 |
| Jan. 25 | Notice of hearing (2/4) | 381 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1214. By Brown

| | | |
|---------|-------------------------------|------|
| Jan. 22 | Read first time | 302 |
| Jan. 24 | Referred to Revenue Committee | 344 |
| Jan. 29 | Notice of hearing (2/22) | 399 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1215. By Quandahl, Bourne, Landis

| | | |
|---------|---|------|
| Jan. 22 | Read first time | 302 |
| Jan. 24 | Referred to Banking, Commerce and Insurance Committee | 344 |
| Feb. 4 | Notice of hearing (2/12) | 466 |
| Feb. 14 | Placed on General File | 621 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1216. By Byars

| | | |
|---------|---|-----|
| Jan. 22 | Read first time | 303 |
| Jan. 24 | Referred to Health and Human Services Committee | 344 |

CHRONOLOGY OF BILLS

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| | | |
|---------|-------------------------|------|
| Jan. 29 | Notice of hearing (2/6) | 394 |
| Feb. 21 | Placed on General File | 669 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1217. By Aguilar, Stuhr

| | | |
|---------|---------------------------------|------|
| Jan. 22 | Read first time | 303 |
| Jan. 24 | Referred to Judiciary Committee | 344 |
| Jan. 30 | Notice of hearing (2/7) | 419 |
| Feb. 25 | Speaker priority bill | 725 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1218. By Baker

| | | |
|---------|-------------------------------------|------|
| Jan. 22 | Read first time | 303 |
| Jan. 24 | Referred to Judiciary Committee | 344 |
| Jan. 30 | Notice of hearing (2/20) | 420 |
| Feb. 25 | Speaker priority bill | 725 |
| Feb. 25 | Placed on General File - Com AM2844 | 731 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 1218 amended into LB 1062 by AM3475)

LEGISLATIVE BILL 1219. By Schrock

| | | |
|---------|--------------------------------------|------|
| Jan. 22 | Read first time | 303 |
| Jan. 24 | Referred to Appropriations Committee | 344 |
| Jan. 29 | Notice of hearing (2/13) | 400 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1220. By Coordsen

| | | |
|---------|---------------------------------|------|
| Jan. 22 | Read first time | 303 |
| Jan. 24 | Referred to Judiciary Committee | 344 |
| Jan. 30 | Notice of hearing (2/7) | 419 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1221. By Coordsen

| | | |
|---------|-------------------------------|------|
| Jan. 22 | Read first time | 303 |
| Jan. 24 | Referred to Revenue Committee | 344 |
| Jan. 29 | Notice of hearing (2/22) | 399 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1222. By Schimek

| | | |
|---------|---|------|
| Jan. 22 | Read first time | 303 |
| Jan. 24 | Referred to Government, Military and Veterans Affairs Committee | 344 |
| Feb. 4 | Notice of hearing (2/20) | 486 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1223. By Thompson

| | | |
|---------|-----------------|-----|
| Jan. 22 | Read first time | 304 |
|---------|-----------------|-----|

| | | |
|---------|---------------------------------|------|
| Jan. 24 | Referred to Judiciary Committee | 344 |
| Jan. 30 | Notice of hearing (2/8) | 420 |
| Mar. 5 | Placed on General File | 795 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1224. By Brown

| | | |
|---------|---|------|
| Jan. 22 | Read first time | 304 |
| Jan. 25 | Referred to Health and Human Services Committee | 371 |
| Jan. 29 | Notice of hearing (2/13) | 394 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1225. By Dw. Pedersen

| | | |
|---------|-------------------------------|------|
| Jan. 22 | Read first time | 304 |
| Jan. 24 | Referred to Revenue Committee | 344 |
| Jan. 29 | Notice of hearing (2/21) | 398 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1226. By Kristensen

| | | |
|---------|-----------------------------------|------|
| Jan. 22 | Read first time | 304 |
| Jan. 24 | Referred to Education Committee | 344 |
| Jan. 25 | Notice of hearing (2/4) | 381 |
| Feb. 22 | Education Committee priority bill | 689 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1227. By Dw. Pedersen, Schimek

| | | |
|---------|---------------------------------|------|
| Jan. 22 | Read first time | 304 |
| Jan. 24 | Referred to Judiciary Committee | 344 |
| Jan. 30 | Notice of hearing (2/21) | 420 |
| Feb. 12 | Dw. Pedersen priority bill | 605 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1228. By Foley

| | | |
|---------|---|------|
| Jan. 22 | Read first time | 305 |
| Jan. 24 | Referred to Transportation and Telecommunications Committee | 344 |
| Feb. 5 | Notice of hearing (2/19) | 495 |
| Feb. 20 | Placed on General File | 652 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1229. By Hartnett

| | | |
|---------|-------------------------------------|------|
| Jan. 22 | Read first time | 305 |
| Jan. 24 | Referred to Urban Affairs Committee | 344 |
| Jan. 29 | Notice of hearing (2/12) | 401 |
| Apr. 17 | Indefinitely postponed | 1730 |

LEGISLATIVE BILL 1230. By Hartnett

| | | |
|---------|-----------------|-----|
| Jan. 22 | Read first time | 305 |
|---------|-----------------|-----|

| | | |
|---------|-------------------------------------|-----|
| Jan. 24 | Referred to Urban Affairs Committee | 344 |
| Jan. 29 | Notice of hearing (2/5) | 400 |
| Feb. 7 | Indefinitely postponed | 552 |

LEGISLATIVE BILL 1231. By Hartnett

| | | |
|---------|--|------|
| Jan. 22 | Read first time | 305 |
| Jan. 24 | Referred to Business and Labor Committee | 344 |
| Jan. 25 | Notice of hearing (2/11) | 382 |
| Feb. 19 | Placed on General File - Com AM2731 | 639 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1232. By Hartnett

| | | |
|---------|-------------------------------------|------|
| Jan. 22 | Read first time | 306 |
| Jan. 24 | Referred to Revenue Committee | 344 |
| Jan. 29 | Notice of hearing (2/22) | 399 |
| Feb. 5 | Hartnett AM2498 printed | 498 |
| Mar. 5 | Placed on General File - Com AM2972 | 797 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 1232 amended into LB 994 by AM3564)

LEGISLATIVE BILL 1233. By Hartnett

| | | |
|---------|---|-----|
| Jan. 22 | Read first time | 306 |
| Jan. 24 | Referred to Government, Military and Veterans Affairs Committee | 344 |
| Jan. 30 | Notice of hearing (2/13) | 434 |
| Feb. 19 | Indefinitely postponed | 645 |

LEGISLATIVE BILL 1234. By Wehrbein

| | | |
|---------|--------------------------------------|------|
| Jan. 23 | Read first time | 316 |
| Jan. 25 | Referred to Appropriations Committee | 371 |
| Jan. 29 | Notice of hearing (2/6) | 399 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 1234 amended into LB 1310 by Com FA917)

LEGISLATIVE BILL 1235. By Wehrbein

| | | |
|---------|--------------------------------------|------|
| Jan. 23 | Read first time | 316 |
| Jan. 25 | Referred to Appropriations Committee | 371 |
| Jan. 29 | Notice of hearing (2/6) | 399 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 1235 amended into LB 1310 by Com FA917)

LEGISLATIVE BILL 1236. By Wehrbein

| | | |
|---------|-------------------------------------|-----|
| Jan. 23 | Read first time | 317 |
| Jan. 25 | Referred to Agriculture Committee | 371 |
| Jan. 25 | Notice of hearing (2/5) | 382 |
| Feb. 14 | Agriculture Committee priority bill | 637 |
| Feb. 28 | D. Pederson AM2939 printed separate | 779 |

| | | |
|---------|---|------|
| Feb. 28 | Placed on General File - Com AM2946 (printed separate) | 785 |
| Mar. 5 | Attorney General's Opinion #02007 to Dierks | 789 |
| Mar. 22 | Com AM2946 (printed separate) adopted. D. Pederson motion to bracket until 4/19/2002 failed. D. Pederson pending AM2939 (printed separate) withdrawn. Advanced for Review | 1080 |
| Mar. 25 | Placed on Select File - AM7204 | 1126 |
| Apr. 3 | Beutler AM3523 to Com AM2946 printed | 1403 |
| Apr. 4 | AM7204 (E & R) p. 1126 adopted. Beutler pending AM3523 p. 1403 adopted as amended by Wickersham FA1058. Wickersham FA1057 to AM3523 withdrawn. Advanced for Engrossment | 1438 |
| Apr. 8 | Correctly Engrossed | 1507 |
| Apr. 8 | ER9138 change | 1510 |
| Apr. 11 | Wehrbein motion to return to Select File for specific FA1084 withdrawn | 1651 |
| Apr. 11 | Dispensing of reading at large approved. Final Reading 41-0-8 | 1651 |
| Apr. 11 | Speaker signed | 1664 |
| Apr. 16 | Presented to Governor (4/11) | 1671 |
| Apr. 17 | Approved by Governor (4/17) | 1739 |

LEGISLATIVE BILL 1237. By Redfield

| | | |
|---------|-------------------------------|-----|
| Jan. 23 | Read first time | 317 |
| Jan. 25 | Referred to Revenue Committee | 371 |
| Jan. 29 | Notice of hearing (2/20) | 398 |
| Feb. 26 | Indefinitely postponed | 740 |

LEGISLATIVE BILL 1238. By Urban Affairs Committee

| | | |
|---------|---|------|
| Jan. 23 | Read first time | 317 |
| Jan. 25 | Referred to Transportation and Telecommunications Committee | 371 |
| Jan. 29 | Notice of hearing (2/11) | 398 |
| Feb. 14 | Placed on General File - Com AM2698 | 629 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 1238 amended into LB 1105 by AM3393)

LEGISLATIVE BILL 1239. By Urban Affairs Committee

| | | |
|---------|-------------------------------------|------|
| Jan. 23 | Read first time | 318 |
| Jan. 25 | Referred to Urban Affairs Committee | 371 |
| Jan. 29 | Notice of hearing (2/5) | 400 |
| Feb. 13 | Placed on General File - Com AM2722 | 614 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 1239 amended into LB 176 by AM2921)

LEGISLATIVE BILL 1240. By Hartnett

| | | |
|---------|-----------------|-----|
| Jan. 23 | Read first time | 318 |
|---------|-----------------|-----|

CHRONOLOGY OF BILLS

1957

| | | |
|---------|---|------|
| Jan. 25 | Referred to Government, Military and Veterans Affairs Committee | 371 |
| Jan. 29 | Hartnett AM2461 printed | 416 |
| Jan. 30 | Bruning motion to indefinitely postpone printed | 434 |
| Feb. 4 | Notice of hearing (2/21) | 486 |
| Feb. 22 | Hartnett priority bill | 712 |
| Feb. 28 | Placed on General File - Com AM2944 | 775 |
| Mar. 5 | Hartnett AM2958 printed | 805 |
| Mar. 27 | Hartnett AM3373 to Com AM2944 printed | 1211 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1241. By Erdman

| | | |
|---------|---|-----|
| Jan. 23 | Read first time | 318 |
| Jan. 25 | Referred to Natural Resources Committee | 371 |
| Feb. 4 | Notice of hearing (2/20) | 487 |
| Feb. 27 | Indefinitely postponed | 760 |

LEGISLATIVE BILL 1242. By Raikes

| | | |
|---------|-------------------------------------|------|
| Jan. 23 | Read first time | 318 |
| Jan. 25 | Referred to Revenue Committee | 371 |
| Jan. 29 | Notice of hearing (2/21) | 398 |
| Mar. 5 | Placed on General File - Com AM2973 | 798 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1243. By Hartnett

| | | |
|---------|-------------------------------|------|
| Jan. 23 | Read first time | 318 |
| Jan. 25 | Referred to Revenue Committee | 371 |
| Jan. 29 | Notice of hearing (2/21) | 398 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1244. By Hartnett, Preister

| | | |
|---------|-------------------------------|------|
| Jan. 23 | Read first time | 318 |
| Jan. 25 | Referred to Revenue Committee | 372 |
| Jan. 29 | Notice of hearing (2/21) | 398 |
| Jan. 31 | Cunningham name added | 453 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1245. By Dierks

| | | |
|---------|-------------------------------|-----|
| Jan. 23 | Read first time | 319 |
| Jan. 25 | Referred to Revenue Committee | 372 |
| Jan. 29 | Notice of hearing (2/13) | 398 |
| Feb. 26 | Indefinitely postponed | 740 |

LEGISLATIVE BILL 1246. By Aguilar

| | | |
|---------|-------------------------------|-----|
| Jan. 23 | Read first time | 319 |
| Jan. 25 | Referred to Revenue Committee | 372 |
| Jan. 29 | Notice of hearing (2/22) | 399 |

| | | |
|---------|--|------|
| Apr. 5 | Attorney General's Opinion #02011 to Aguilar | 1462 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1247. By Beutler

| | | |
|---------|--|------|
| Jan. 23 | Read first time | 319 |
| Jan. 25 | Referred to General Affairs Committee | 372 |
| Jan. 28 | Notice of hearing (2/4) | 391 |
| Feb. 22 | Placed on General File - Com AM2839 (printed separate) | 689 |
| Feb. 22 | General Affairs Committee priority bill | 689 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1248. By Beutler

| | | |
|---------|---------------------------------|-----|
| Jan. 23 | Read first time | 319 |
| Jan. 25 | Referred to Education Committee | 372 |
| Jan. 28 | Notice of hearing (2/5) | 391 |
| Feb. 7 | Indefinitely postponed | 539 |

LEGISLATIVE BILL 1249. By Beutler

| | | |
|---------|--------------------------------------|------|
| Jan. 23 | Read first time | 319 |
| Jan. 25 | Referred to Appropriations Committee | 372 |
| Jan. 29 | Notice of hearing (2/7) | 400 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1250. By Beutler

| | | |
|---------|-------------------------------------|------|
| Jan. 23 | Read first time | 320 |
| Jan. 24 | Kruse name added | 367 |
| Jan. 25 | Referred to Education Committee | 372 |
| Jan. 29 | Notice of hearing (2/12) | 394 |
| Feb. 14 | Placed on General File - Com AM2746 | 627 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 1250 amended into LB 647 by AM3725)

LEGISLATIVE BILL 1251. By Raikes

| | | |
|---------|---------------------------------|------|
| Jan. 23 | Read first time | 320 |
| Jan. 25 | Referred to Education Committee | 372 |
| Jan. 29 | Notice of hearing (2/19) | 395 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1252. By Raikes

| | | |
|---------|-------------------------------------|------|
| Jan. 23 | Read first time | 320 |
| Jan. 25 | Referred to Education Committee | 372 |
| Jan. 29 | Notice of hearing (2/19) | 395 |
| Mar. 19 | Placed on General File - Com AM3172 | 1036 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 1252 amended into LB 898 by Com AM3171)

CHRONOLOGY OF BILLS

1959

LEGISLATIVE BILL 1253. By Raikes

| | | |
|---------|---------------------------------|-----|
| Jan. 23 | Read first time | 320 |
| Jan. 25 | Referred to Education Committee | 372 |
| Jan. 29 | Notice of hearing (2/11) | 394 |
| Feb. 20 | Indefinitely postponed | 659 |

LEGISLATIVE BILL 1254. By Raikes

| | | |
|---------|--|-----|
| Jan. 23 | Read first time | 320 |
| Jan. 25 | Referred to Education Committee | 372 |
| Jan. 25 | Raikes motion to suspend rules to permit scheduling of hearing prevailed | 381 |
| Jan. 25 | Notice of hearing (1/29) | 381 |
| Feb. 28 | Indefinitely postponed | 769 |

LEGISLATIVE BILL 1255. By Schrock

| | | |
|---------|---|-----|
| Jan. 23 | Read first time | 320 |
| Jan. 25 | Referred to Natural Resources Committee | 372 |
| Jan. 31 | Notice of hearing (2/8) | 452 |
| Feb. 12 | Indefinitely postponed | 599 |

LEGISLATIVE BILL 1256. By Schrock

| | | |
|---------|---|-----|
| Jan. 23 | Read first time | 321 |
| Jan. 25 | Referred to Natural Resources Committee | 372 |
| Jan. 29 | Notice of hearing (2/6) | 416 |
| Feb. 27 | Indefinitely postponed | 760 |

LEGISLATIVE BILL 1257. By Dierks, Cunningham, Jones, Vrtiska

| | | |
|---------|---|------|
| Jan. 23 | Read first time | 321 |
| Jan. 24 | Cunningham priority bill | 345 |
| Jan. 25 | Referred to Executive Board | 372 |
| Jan. 25 | Notice of hearing (2/4) | 379 |
| Jan. 29 | Attorney General's Opinion #02003 to Dierks | 402 |
| Feb. 6 | Dierks motion to suspend rules to permit consideration of motion to place on General File printed. Dierks motion to place on General File printed | 524 |
| Feb. 11 | Dierks pending motion p. 524 to suspend rules to permit consideration of motion to place on General File failed | 589 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1258. By Bromm, Baker, Brown

| | | |
|---------|-------------------------------------|------|
| Jan. 23 | Read first time | 321 |
| Jan. 25 | Referred to Urban Affairs Committee | 372 |
| Jan. 29 | Notice of hearing (2/5) | 400 |
| Apr. 17 | Indefinitely postponed | 1730 |

LEGISLATIVE BILL 1259. By Beutler

| | | |
|---------|---------------------------------|-----|
| Jan. 23 | Read first time | 321 |
| Jan. 25 | Referred to Education Committee | 372 |

| | | |
|---------|-------------------------|------|
| Jan. 25 | Notice of hearing (2/4) | 381 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1260. By Hartnett

| | | |
|---------|-------------------------------|------|
| Jan. 23 | Read first time | 321 |
| Jan. 25 | Referred to Revenue Committee | 372 |
| Jan. 29 | Notice of hearing (2/21) | 399 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1261. By Brown

| | | |
|---------|---|------|
| Jan. 23 | Read first time | 321 |
| Jan. 25 | Referred to Health and Human Services Committee | 372 |
| Jan. 29 | Notice of hearing (2/13) | 394 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1262. By Tyson

| | | |
|---------|-------------------------------------|------|
| Jan. 23 | Read first time | 322 |
| Jan. 25 | Referred to Urban Affairs Committee | 372 |
| Jan. 29 | Notice of hearing (2/5) | 400 |
| Feb. 7 | Placed on General File - Com AM2597 | 551 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 1262 amended into LB 616 by AM2814)

LEGISLATIVE BILL 1263. By Connealy, Bourne

| | | |
|---------|---|------|
| Jan. 23 | Read first time | 322 |
| Jan. 25 | Referred to Health and Human Services Committee | 372 |
| Jan. 29 | Notice of hearing (2/7) | 401 |
| Feb. 6 | Schimek name added | 537 |
| Feb. 12 | Price name added | 605 |
| Feb. 21 | Preister name added | 687 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1264. By Connealy, Aguilar

| | | |
|---------|---|------|
| Jan. 23 | Read first time | 322 |
| Jan. 25 | Referred to Government, Military and Veterans Affairs Committee | 372 |
| Jan. 30 | Notice of hearing (2/8) | 434 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1265. By Connealy

| | | |
|---------|-------------------------------------|------|
| Jan. 23 | Read first time | 322 |
| Jan. 25 | Referred to Judiciary Committee | 372 |
| Jan. 30 | Notice of hearing (2/13) | 420 |
| Mar. 5 | Placed on General File - Com AM2898 | 796 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1266. By Connealy, Engel

| | | |
|---------|---------------------------------|------|
| Jan. 23 | Read first time | 322 |
| Jan. 25 | Referred to Judiciary Committee | 372 |
| Jan. 30 | Notice of hearing (2/21) | 420 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1267. By Landis, Preister

| | | |
|---------|---|------|
| Jan. 23 | Read first time | 326 |
| Jan. 25 | Referred to Natural Resources Committee | 372 |
| Feb. 4 | Notice of hearing (2/20) | 487 |
| Feb. 22 | Preister priority bill | 712 |
| Feb. 28 | Placed on General File - Com AM2948 | 777 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1268. By Landis

| | | |
|---------|-------------------------------------|------|
| Jan. 23 | Read first time | 326 |
| Jan. 25 | Referred to Judiciary Committee | 372 |
| Jan. 30 | Notice of hearing (2/20) | 420 |
| Mar. 14 | Placed on General File - Com AM2976 | 992 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1269. By Landis

| | | |
|---------|---|------|
| Jan. 23 | Read first time | 326 |
| Jan. 25 | Referred to Transportation and Telecommunications Committee | 372 |
| Jan. 28 | Notice of hearing (2/4) | 391 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1270. By Jones, Bromm, Bruning, Hudkins, Kremer, Stuhr

| | | |
|---------|---|-----|
| Jan. 23 | Read first time | 327 |
| Jan. 25 | Referred to Natural Resources Committee | 372 |
| Jan. 31 | Notice of hearing (2/8) | 452 |
| Feb. 27 | Indefinitely postponed | 760 |

LEGISLATIVE BILL 1271. By Smith

| | | |
|---------|---|-----|
| Jan. 23 | Read first time | 327 |
| Jan. 25 | Referred to Government, Military and Veterans Affairs Committee | 372 |
| Feb. 4 | Notice of hearing (2/21) | 486 |
| Feb. 25 | Indefinitely postponed | 720 |

LEGISLATIVE BILL 1272. By Brown, Chambers, Kruse

| | | |
|---------|---|-----|
| Jan. 23 | Read first time | 327 |
| Jan. 25 | Referred to Natural Resources Committee | 372 |
| Feb. 4 | Notice of hearing (2/20) | 487 |
| Feb. 7 | Bourne name added | 559 |

| | | |
|---------|------------------------|-----|
| Feb. 21 | Redfield name added | 687 |
| Feb. 27 | Indefinitely postponed | 760 |

LEGISLATIVE BILL 1273. By Brown

| | | |
|---------|---------------------------------|------|
| Jan. 23 | Read first time | 327 |
| Jan. 25 | Referred to Education Committee | 372 |
| Jan. 29 | Notice of hearing (2/11) | 394 |
| Feb. 12 | Placed on General File | 599 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 1273 amended into LB 935 by AM2774)

LEGISLATIVE BILL 1274. By Byars

| | | |
|---------|---|------|
| Jan. 23 | Read first time | 327 |
| Jan. 25 | Referred to Health and Human Services Committee | 372 |
| Jan. 29 | Notice of hearing (2/13) | 394 |
| Feb. 19 | Placed on General File - Com AM2719 | 647 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1275. By Connealy, Kruse, Synowiecki

| | | |
|---------|--|------|
| Jan. 23 | Read first time | 327 |
| Jan. 25 | Referred to Business and Labor Committee | 372 |
| Feb. 14 | Notice of hearing (2/25) | 636 |
| Feb. 28 | Placed on General File | 769 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1276. By Thompson

| | | |
|---------|---|-----|
| Jan. 23 | Read first time | 327 |
| Jan. 25 | Referred to Urban Affairs Committee | 372 |
| Jan. 29 | Notice of hearing (2/5) | 400 |
| Jan. 30 | Bruning motion to indefinitely postpone printed | 434 |
| Feb. 7 | Indefinitely postponed | 552 |

LEGISLATIVE BILL 1277. By Jensen

| | | |
|---------|---|------|
| Jan. 23 | Read first time | 328 |
| Jan. 25 | Referred to Health and Human Services Committee | 372 |
| Jan. 29 | Notice of hearing (2/14) | 394 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1278. By Brashear, Dierks

| | | |
|---------|--|------|
| Jan. 23 | Read first time | 328 |
| Jan. 24 | Dierks priority bill | 361 |
| Jan. 24 | D. Pederson name added | 367 |
| Jan. 25 | Referred to Judiciary Committee | 372 |
| Jan. 30 | Notice of hearing (2/27) | 420 |
| Mar. 14 | Placed on General File - Com AM3080 (printed separate) | 993 |
| Apr. 4 | Com AM3080 (printed separate) adopted. Advanced for Review | 1451 |

CHRONOLOGY OF BILLS

1963

| | | |
|---------|---|------|
| Apr. 8 | Placed on Select File - AM7223 (printed separate) | 1511 |
| Apr. 10 | AM7223 (E & R) (printed separate) adopted. Advanced for Engrossment | 1604 |
| Apr. 11 | Correctly Engrossed | 1667 |
| Apr. 17 | Dispensing of reading at large approved. Final Reading 45-0-4 | 1756 |
| Apr. 17 | Speaker signed | 1761 |
| Apr. 18 | Presented to Governor (4/17) | 1763 |
| Apr. 19 | Approved by Governor (4/18) | 1779 |

LEGISLATIVE BILL 1279. By Brashear, Jensen

| | | |
|---------|-----------------------------------|------|
| Jan. 23 | Read first time | 328 |
| Jan. 25 | Referred to Judiciary Committee | 372 |
| Jan. 30 | Notice of hearing (2/13) | 420 |
| Feb. 22 | Judiciary Committee priority bill | 712 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1280. By Brashear

| | | |
|---------|-------------------------------|------|
| Jan. 23 | Read first time | 328 |
| Jan. 25 | Referred to Revenue Committee | 372 |
| Jan. 29 | Notice of hearing (2/21) | 399 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1281. By Brashear

| | | |
|---------|---------------------------------|------|
| Jan. 23 | Read first time | 328 |
| Jan. 25 | Referred to Judiciary Committee | 372 |
| Jan. 30 | Notice of hearing (2/27) | 420 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1282. By Brashear

| | | |
|---------|---------------------------------|------|
| Jan. 23 | Read first time | 329 |
| Jan. 25 | Referred to Judiciary Committee | 372 |
| Jan. 30 | Notice of hearing (2/14) | 420 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1283. By Synowiecki

| | | |
|---------|---------------------------------|------|
| Jan. 23 | Read first time | 329 |
| Jan. 25 | Referred to Judiciary Committee | 372 |
| Jan. 30 | Notice of hearing (2/20) | 420 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1284. By Kremer

| | | |
|---------|-------------------------------|-----|
| Jan. 23 | Read first time | 329 |
| Jan. 25 | Referred to Revenue Committee | 372 |
| Jan. 29 | Notice of hearing (2/7) | 398 |
| Feb. 20 | Indefinitely postponed | 652 |

LEGISLATIVE BILL 1285. By Bromm, Dierks, Jones, Raikes, Robak, Vrtiska, Wehrbein

| | | |
|---------|-----------------------------------|-----|
| Jan. 23 | Read first time | 329 |
| Jan. 25 | Referred to Agriculture Committee | 372 |
| Jan. 31 | Notice of hearing (2/12) | 452 |
| Jan. 31 | Burling name added | 453 |
| Feb. 28 | Indefinitely postponed | 785 |

LEGISLATIVE BILL 1286. By Bromm, Byars, Hudkins, Jones

| | | |
|---------|---|------|
| Jan. 23 | Read first time | 329 |
| Jan. 25 | Referred to Transportation and Telecommunications Committee | 372 |
| Jan. 28 | Notice of hearing (2/4) | 392 |
| Mar. 11 | Placed on General File - Com AM2893 | 899 |
| Apr. 19 | Indefinitely postponed | 1800 |

(Provisions/portions of LB 1286 amended into LB 1211 by AM3060)

LEGISLATIVE BILL 1287. By Bromm

| | | |
|---------|-------------------------------------|------|
| Jan. 23 | Read first time | 329 |
| Jan. 25 | Referred to Judiciary Committee | 372 |
| Jan. 30 | Notice of hearing (2/6) | 419 |
| Mar. 5 | Placed on General File - Com AM2626 | 797 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1288. By Beutler, Jones

| | | |
|---------|---|-----|
| Jan. 23 | Read first time | 338 |
| Jan. 25 | Referred to Natural Resources Committee | 372 |
| Jan. 29 | Notice of hearing (2/7) | 416 |
| Feb. 12 | Indefinitely postponed | 599 |

(Provisions/portions of LB 1288 amended into LB 1003 by Com AM2691)

LEGISLATIVE BILL 1289. By Kristensen

| | | |
|---------|---------------------------------|------|
| Jan. 23 | Read first time | 338 |
| Jan. 25 | Referred to Judiciary Committee | 372 |
| Jan. 30 | Notice of hearing (2/27) | 420 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1290. By Coordsen, Bromm, Chambers, Kristensen, Dw. Pedersen

| | | |
|---------|-------------------------------|------|
| Jan. 23 | Read first time | 338 |
| Jan. 25 | Referred to Executive Board | 372 |
| Jan. 29 | Notice of hearing (2/14) | 399 |
| Feb. 19 | Placed on General File | 648 |
| Feb. 21 | Executive Board priority bill | 682 |
| Mar. 27 | Advanced for Review | 1222 |
| Apr. 2 | Placed on Select File | 1332 |
| Apr. 4 | Bromm AM3554 printed | 1446 |

| | | |
|---------|--|------|
| Apr. 17 | Bromm pending AM3554 p. 1446 adopted. Advanced for Engrossment | 1745 |
| Apr. 17 | Correctly Engrossed | 1757 |
| Apr. 17 | ER9161 change | 1761 |
| Apr. 19 | Failed on Final Reading w/E 19-23-7 | 1793 |
| Apr. 19 | Failed on Final Reading w/E stricken 16-22-11 | 1794 |

LEGISLATIVE BILL 1290A. By Coordsen

| | | |
|---------|---|------|
| Mar. 5 | Read first time. Placed on General File | 808 |
| Mar. 27 | Advanced for Review | 1222 |
| Apr. 2 | Placed on Select File | 1332 |
| Apr. 17 | Coordsen AM3746 withdrawn. Advanced for Engrossment | 1745 |
| Apr. 17 | Correctly Engrossed | 1757 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1291. By Preister

| | | |
|---------|---|-----|
| Jan. 23 | Read first time | 339 |
| Jan. 25 | Referred to Natural Resources Committee | 372 |
| Feb. 4 | Notice of hearing (2/13) | 486 |
| Feb. 27 | Indefinitely postponed | 760 |

LEGISLATIVE BILL 1292. By Preister

| | | |
|---------|---|------|
| Jan. 23 | Read first time | 339 |
| Jan. 25 | Referred to Health and Human Services Committee | 372 |
| Jan. 29 | Notice of hearing (2/14) | 394 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1293. By Preister

| | | |
|---------|---------------------------------|------|
| Jan. 23 | Read first time | 339 |
| Jan. 25 | Referred to Judiciary Committee | 373 |
| Jan. 30 | Notice of hearing (2/14) | 420 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1294. By Preister

| | | |
|---------|-----------------------------------|-----|
| Jan. 23 | Read first time | 339 |
| Jan. 25 | Referred to Agriculture Committee | 373 |
| Jan. 25 | Notice of hearing (2/5) | 382 |
| Feb. 27 | Indefinitely postponed | 765 |

LEGISLATIVE BILL 1295. By Preister

| | | |
|---------|-----------------------------------|-----|
| Jan. 23 | Read first time | 339 |
| Jan. 25 | Referred to Agriculture Committee | 373 |
| Jan. 25 | Notice of hearing (2/5) | 382 |
| Feb. 27 | Indefinitely postponed | 765 |

LEGISLATIVE BILL 1296. By Preister

| | | |
|---------|-----------------------------------|-----|
| Jan. 23 | Read first time | 339 |
| Jan. 25 | Referred to Agriculture Committee | 373 |

| | | |
|---------|-------------------------|------|
| Jan. 25 | Notice of hearing (2/5) | 382 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1297. By Preister

| | | |
|---------|---|-----|
| Jan. 23 | Read first time | 340 |
| Jan. 25 | Referred to Natural Resources Committee | 373 |
| Jan. 31 | Notice of hearing (2/8) | 452 |
| Feb. 27 | Indefinitely postponed | 760 |

LEGISLATIVE BILL 1298. By Coordsen, Dierks

| | | |
|---------|---|-----|
| Jan. 23 | Read first time | 340 |
| Jan. 25 | Referred to Transportation and Telecommunications Committee | 373 |
| Jan. 28 | Notice of hearing (2/5) | 392 |
| Feb. 11 | Indefinitely postponed | 588 |

LEGISLATIVE BILL 1299. By Hartnett, Thompson

| | | |
|---------|-------------------------------|-----|
| Jan. 23 | Read first time | 340 |
| Jan. 25 | Referred to Revenue Committee | 373 |
| Jan. 29 | Notice of hearing (2/20) | 398 |
| Feb. 26 | Indefinitely postponed | 740 |

LEGISLATIVE BILL 1300. By Hartnett

| | | |
|---------|-------------------------------------|------|
| Jan. 23 | Read first time | 340 |
| Jan. 25 | Referred to Revenue Committee | 373 |
| Jan. 29 | Notice of hearing (2/7) | 398 |
| Feb. 12 | Engel name added | 605 |
| Feb. 14 | Placed on General File - Com AM2763 | 633 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1301. By Hartnett

| | | |
|---------|-------------------------------|------|
| Jan. 23 | Read first time | 340 |
| Jan. 25 | Referred to Revenue Committee | 373 |
| Jan. 29 | Notice of hearing (2/22) | 399 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1302. By Beutler

| | | |
|---------|---|------|
| Jan. 23 | Read first time | 340 |
| Jan. 25 | Referred to Government, Military and Veterans Affairs Committee | 373 |
| Feb. 4 | Notice of hearing (2/14) | 486 |
| Feb. 28 | Placed on General File - Com AM2923 | 776 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1303. By Bromm

| | | |
|---------|---------------------------------|-----|
| Jan. 23 | Read first time | 340 |
| Jan. 25 | Referred to Judiciary Committee | 373 |

CHRONOLOGY OF BILLS

1967

| | | |
|---------|---|------|
| Jan. 30 | Notice of hearing (2/6) | 419 |
| Feb. 22 | Judiciary Committee priority bill | 712 |
| Mar. 14 | Placed on General File - Com AM3134 | 994 |
| Mar. 22 | Com AM3134 p. 994 adopted. Beutler FA944 to Com AM3134 withdrawn. Advanced for Review | 1094 |
| Mar. 25 | Placed on Select File | 1126 |
| Apr. 2 | Bromm AM3446 to Com AM3134 printed | 1315 |
| Apr. 3 | Beutler FA944 to Com AM3134 printed | 1402 |
| Apr. 3 | Robak AM3522 to Com AM3134 printed | 1403 |
| Apr. 4 | Bromm pending AM3446 p. 1315 adopted. Beutler pending FA944 p. 1402 withdrawn. Chambers FA1059 to Com AM3134 adopted | 1439 |
| Apr. 4 | Coordsen AM3561 to Com AM3134 printed | 1458 |
| Apr. 17 | Robak pending AM3522 p. 1403 adopted. Coordsen pending AM3561 p. 1458 withdrawn. Chambers FA1091 to AM3561 lost. Synowiecki FA1093 to Com AM3134 withdrawn. Chambers FA1090 to Com AM3134 lost. Chambers FA1094 to Com AM3134 adopted | 1725 |
| Apr. 17 | Synowiecki-Bromm FA1095 to Com AM3134 adopted. Chambers FA1096 to Com AM3134 lost | 1729 |
| Apr. 17 | Chambers FA1097 adopted. Advanced for Engrossment | 1731 |
| Apr. 17 | Correctly Engrossed. ER9157 change | 1740 |
| Apr. 19 | Final Reading 42-1-6 | 1795 |
| Apr. 19 | Speaker signed | 1796 |
| Apr. 19 | Presented to Governor (4/19) | 1798 |
| Apr. 19 | Approved by Governor (4/19) | 1799 |

(Provisions/portions of LB 345 amended into LB 1303 by AM3522)

LEGISLATIVE BILL 1304. By Smith, Dierks, Erdman

| | | |
|---------|-------------------------------|-----|
| Jan. 23 | Read first time | 341 |
| Jan. 25 | Referred to Revenue Committee | 373 |
| Jan. 29 | Notice of hearing (2/13) | 398 |
| Feb. 26 | Indefinitely postponed | 740 |

LEGISLATIVE BILL 1305. By Kremer, Burling, Robak

| | | |
|---------|---------------------------------|------|
| Jan. 23 | Read first time | 341 |
| Jan. 25 | Referred to Education Committee | 373 |
| Jan. 29 | Notice of hearing (2/11) | 394 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1306. By Preister

| | | |
|---------|---------------------------------------|------|
| Jan. 23 | Read first time | 341 |
| Jan. 25 | Referred to General Affairs Committee | 373 |
| Feb. 14 | Notice of hearing (2/25) | 636 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1307. By Executive Board

| | | |
|---------|-----------------------------|------|
| Jan. 23 | Read first time | 341 |
| Jan. 25 | Referred to Executive Board | 373 |
| Jan. 29 | Notice of hearing (2/19) | 399 |
| Feb. 21 | Placed on General File | 670 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE BILL 1308. By Business and Labor Committee

| | | |
|---------|---|-----|
| Feb. 14 | Connealy motion to introduce bill printed | 637 |
| Feb. 19 | Connealy pending motion p. 637 to introduce bill prevailed. Read first time | 647 |
| Feb. 20 | Referred to Business and Labor Committee | 654 |
| Feb. 21 | Connealy motion to suspend rules to permit scheduling of hearing prevailed | 667 |
| Feb. 21 | Notice of hearing (2/25) | 668 |
| Feb. 28 | Indefinitely postponed | 770 |

LEGISLATIVE BILL 1309. By Speaker Kristensen, at the request of the Governor

| | | |
|---------|--|------|
| Mar. 5 | Read first time | 803 |
| Mar. 5 | Referred to Appropriations Committee | 808 |
| Mar. 6 | Wehrbein motion to suspend rules to permit scheduling of hearing prevailed. Notice of hearing (3/8) | 835 |
| Mar. 14 | Placed on General File - Com AM3079 (printed separate) | 997 |
| Mar. 19 | Schimek AM3175 to Com AM3079 printed | 1037 |
| Mar. 19 | Smith AM3187 to Com AM3079 printed | 1038 |
| Mar. 19 | Tyson AM3194 and Preister AM3189 to Com AM3079 printed | 1039 |
| Mar. 20 | Com AM3079 (printed separate) pending | 1049 |
| Mar. 20 | Schimek pending AM3175 p. 1037 withdrawn. Smith pending AM3187 p. 1038 and Tyson pending AM3194 p. 1039 lost | 1050 |
| Mar. 20 | Preister pending AM3189 p. 1039 withdrawn. Chambers motion to recommit to committee withdrawn. Chambers unanimous consent to replace FA935 to Com AM3079 with substitute amendment. No objections. Chambers FA935 withdrawn. Chambers-Wehrbein substitute AM3243 to Com AM3079 adopted | 1056 |
| Mar. 21 | Redfield AM3191 to Com AM3079 pending | 1065 |
| Mar. 21 | Redfield pending AM3191 p. 1065 lost. Wehrbein AM3206 to Com AM3079 withdrawn. Com AM3079 (printed separate) adopted as amended. Advanced for Review | 1066 |
| Mar. 25 | Placed on Select File - AM7202 | 1109 |
| Mar. 26 | Wehrbein AM3315 to Com AM3079 printed | 1149 |

CHRONOLOGY OF BILLS

1969

| | | |
|---------|---|------|
| Mar. 27 | AM7202 (E & R) p. 1109 adopted. Wehrbein pending AM3315 p. 1149 adopted. Preister AM3327 to Com AM3079 adopted. Jones AM3348 to Com AM3079 lost. Thompson FA957 to AM3348 withdrawn. Baker motion to bracket until 4/3/2002 failed. Jones AM3339 to Com AM3079 lost. Chambers AM3346 pending | 1186 |
| Mar. 27 | Chambers pending AM3346 p. 1190 withdrawn. Dw. Pedersen FA958 to Com AM3079 withdrawn. Dw. Pedersen AM3313 to Com AM3079 adopted | 1197 |
| Mar. 27 | Erdman AM3369 withdrawn. Erdman AM3372 to Com AM3079 lost. Advanced for Engrossment | 1200 |
| Mar. 28 | Correctly Engrossed | 1252 |
| Apr. 3 | Executive Board approval of Speaker major proposal | 1350 |
| Apr. 3 | Dispensing of reading at large approved. Final Reading w/E 47-1-1 | 1356 |
| Apr. 3 | Speaker signed | 1357 |
| Apr. 3 | Presented to Governor (4/3) | 1359 |
| Apr. 8 | Approved by Governor with line-item vetoes (4/8) | 1506 |
| Apr. 9 | Appropriations Committee Report | 1559 |
| Apr. 9 | Appropriations Committee motion to override line-item vetoes pending | 1559 |
| Apr. 9 | Appropriations Committee pending motion p. 1559 to override line-item vetoes pending. Chambers amendment to Appropriations Committee motion pending | 1563 |
| Apr. 10 | Chambers pending amendment p. 1563 withdrawn. Appropriations Committee pending motion p. 1559 to override line-item vetoes withdrawn. Appropriations Committee motion to override line-item vetoes pending | 1587 |
| Apr. 10 | Appropriations Committee pending motion p. 1587 to override line-item vetoes passed 30-15-4. Stuhr FA1077 and Connealy FA1078 to Appropriations Committee motion lost. Jones motion to override line-item veto and Burling motion to override line-item veto failed. Schimek motion to override line-item vetoes failed | 1592 |
| Apr. 11 | Communication. Certificate | 1624 |

(Provisions/portions of LB 272 amended into LB 1309 by Com AM3079)

(Provisions/portions of LB 929 amended into LB 1309 by Com AM3079)

LEGISLATIVE BILL 1310. By Speaker Kristensen, at the request of the Governor

| | | |
|---------|--|------|
| Mar. 5 | Read first time | 804 |
| Mar. 5 | Referred to Appropriations Committee | 808 |
| Mar. 6 | Wehrbein motion to suspend rules to permit scheduling of hearing prevailed. Notice of hearing (3/8) | 835 |
| Mar. 14 | Placed on General File - Com AM3035 (printed separate) | 996 |
| Mar. 19 | Chair sustained request for division of question on Com AM3035 (printed separate). Com FA917 (1st) (on file) adopted. Com FA918 (2nd) lost. Chambers FA919 to Com FA917 (1st) lost | 1024 |

| | | |
|---------|---|------|
| Mar. 19 | Chambers FA920 to Com FA917 (1st) lost. Chambers FA921 to Com FA917 (1st) pending | 1039 |
| Mar. 20 | Chambers pending FA921 p. 1040 withdrawn. Chambers unanimous consent to replace FA933 to Com FA917 (1st) with substitute amendment. No objections. Chambers FA933 withdrawn. Chambers substitute FA934 to Com FA917 (1st) adopted. Chambers FA931 withdrawn. Baker AM3212 to Com FA917 (1st) withdrawn. Advanced for Review | 1045 |
| Mar. 21 | Placed on Select File - AM7198 (printed separate) | 1072 |
| Mar. 26 | AM7198 (E & R) (printed separate) adopted. Baker reoffered AM3212 p. 1046 withdrawn. Wehrbein AM3299 to AM7198 adopted. Advanced for Engrossment | 1179 |
| Mar. 27 | Correctly Engrossed. ER9123 change | 1213 |
| Apr. 3 | Dispensing of reading at large approved. Final Reading w/E 45-2-2 | 1355 |
| Apr. 3 | Speaker signed | 1357 |
| Apr. 3 | Presented to Governor (4/3) | 1359 |
| Apr. 8 | Approved by Governor (4/8) | 1506 |

(Provisions/portions of LB 1101 amended into LB 1310 by Com FA917)

(Provisions/portions of LB 1142 amended into LB 1310 by Com FA917)

(Provisions/portions of LB 1164 amended into LB 1310 by Com FA917)

(Provisions/portions of LB 1197 amended into LB 1310 by Com FA917)

(Provisions/portions of LB 1234 amended into LB 1310 by Com FA917)

(Provisions/portions of LB 1235 amended into LB 1310 by Com FA917)

**CHRONOLOGY OF CONSTITUTIONAL AMENDMENTS
AND RESOLUTIONS REFERRED TO COMMITTEE**

**NINETY-SEVENTH LEGISLATURE
SECOND SESSION**

2002

LEGISLATIVE RESOLUTION 2CA. By Quandahl, Schimek

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 73 |
| Jan. 11 | Placed on General File | 154 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE RESOLUTION 4CA. By Landis

| | | |
|---------|---|------|
| Jan. 9 | Title | 73 |
| Feb. 25 | Speaker priority resolution | 725 |
| Mar. 28 | Com AM546, p. 824, First Session, adopted as amended by Beutler FA1033. Advanced for Review | 1265 |
| Apr. 2 | Placed on Select File | 1332 |
| Apr. 4 | Advanced for Engrossment | 1439 |
| Apr. 8 | Correctly Engrossed | 1507 |
| Apr. 8 | ER9139 change | 1510 |
| Apr. 11 | Final Reading for general election 38-0-11 | 1652 |
| Apr. 11 | Speaker signed | 1664 |
| Apr. 16 | Presented to Secretary of State (4/11) | 1671 |

LEGISLATIVE RESOLUTION 5CA. By Baker

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 75 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE RESOLUTION 6CA. By Schimek, Janssen, Aguilar, Bourne, Connealy, Cudaback, Cunningham, Hilgert, Dw. Pedersen, Robak, Schrock, Thompson

| | | |
|---------|--|-----|
| Jan. 9 | Title | 75 |
| Jan. 14 | Placed on General File | 195 |
| Jan. 24 | Schimek priority resolution | 345 |
| Jan. 30 | Bruning motion to indefinitely postpone printed | 433 |
| Feb. 19 | Schimek FA858 pending | 647 |
| Feb. 20 | Schimek pending FA858 p. 647 withdrawn. Beutler AM2819 pending. Janssen FA860 to AM2819 withdrawn. Schrock FA861 to AM2819 adopted. Janssen AM2825 to AM2819 pending | 654 |
| Feb. 21 | Janssen pending AM2825 p. 657 withdrawn. Janssen AM2826 to AM2819 lost. Beutler pending AM2819 p. 654 lost as amended | 668 |
| Feb. 21 | Bruning pending motion p. 433 to indefinitely postpone pending | 680 |

| | | |
|---------|--|------|
| Feb. 21 | Bruning pending motion p. 433 to indefinitely postpone failed | 681 |
| Feb. 21 | Coordsen AM2838 printed | 686 |
| Feb. 21 | Smith motion to reconsider vote on Bruning motion p. 433 to indefinitely postpone printed | 687 |
| Feb. 22 | Brashear motion to reconsider vote on Beutler AM2819 p. 654 printed | 713 |
| Feb. 25 | Brashear pending motion p. 713 to reconsider vote on Beutler AM2819 prevailed. Beutler reconsidered AM2819 p. 654 lost as amended. Smith pending motion p. 687 to reconsider vote on Bruning motion p. 433 to indefinitely postpone withdrawn. Coordsen pending AM2838 p. 686 withdrawn. Coordsen AM2885 lost. Advanced for Review | 720 |
| Feb. 26 | Placed on Select File - AM7174 | 739 |
| Mar. 25 | Beutler-Schimek AM3288 printed | 1127 |
| Mar. 25 | Schrock AM3294 printed | 1129 |
| Apr. 3 | AM7174 (E & R) p. 739 adopted. Beutler-Schimek pending AM3288 p. 1127 adopted | 1358 |
| Apr. 3 | Schrock pending AM3294 p. 1129 pending | 1363 |
| Apr. 3 | Schrock pending AM3294 p. 1129 lost | 1368 |
| Apr. 3 | Raikes FA1038 to AM3288 lost. Failed to advance for engrossment | 1381 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE RESOLUTION 8CA. By Kristensen

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 76 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE RESOLUTION 14CA. By Hartnett, Brown, Smith, Wehrbein, Schimek, Erdman

| | | |
|---------|-----------------------------|------|
| Jan. 9 | Title | 77 |
| Feb. 25 | Speaker priority resolution | 725 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE RESOLUTION 16CA. By Beutler

| | | |
|---------|-------------------------------------|------|
| Jan. 9 | Title | 78 |
| Jan. 14 | Placed on General File - Com AM2288 | 195 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE RESOLUTION 18CA. By Smith, Engel, Erdman

| | | |
|---------|------------------------|------|
| Jan. 9 | Title | 80 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE RESOLUTION 21CA. By McDonald

| | | |
|---------|-------------------------------------|------|
| Jan. 9 | Title | 81 |
| Jan. 18 | Placed on General File - Com AM2238 | 280 |
| Apr. 19 | Indefinitely postponed | 1800 |

CHRONOLOGY OF CONSTITUTIONAL AMENDMENTS 1973
AND RESOLUTIONS REFERRED TO COMMITTEE

LEGISLATIVE RESOLUTION 277CA. By Schimek

| | | |
|---------|---|------|
| Jan. 10 | Read first time. Referred to Reference Committee | 142 |
| Jan. 11 | Referred to Government, Military and Veterans Affairs Committee | 156 |
| Jan. 11 | Kruse name added | 159 |
| Jan. 16 | Notice of hearing (1/23) | 235 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE RESOLUTION 282CA. By Coordsen

| | | |
|---------|--|------|
| Jan. 14 | Read first time. Referred to Reference Committee | 194 |
| Jan. 15 | Referred to General Affairs Committee | 221 |
| Jan. 18 | Notice of hearing (1/28) | 276 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE RESOLUTION 283CA. By Jones, Baker, Bromm, Cunningham, Dierks, Erdman, Stuhr, Vrtiska

| | | |
|---------|--|-----|
| Jan. 14 | Read first time. Referred to Reference Committee | 195 |
| Jan. 15 | Referred to Executive Board | 221 |
| Jan. 29 | Notice of hearing (2/19) | 399 |
| Feb. 21 | Indefinitely postponed | 670 |

LEGISLATIVE RESOLUTION 289CA. By Brown

| | | |
|---------|--|-----|
| Jan. 22 | Read first time. Referred to Reference Committee | 298 |
| Jan. 24 | Referred to Executive Board | 344 |
| Jan. 29 | Notice of hearing (2/14) | 399 |
| Feb. 19 | Indefinitely postponed | 648 |

LEGISLATIVE RESOLUTION 292CA. By Beutler

| | | |
|---------|--|------|
| Jan. 23 | Read first time. Referred to Reference Committee | 331 |
| Jan. 25 | Referred to General Affairs Committee | 373 |
| Feb. 4 | Notice of hearing (2/11) | 480 |
| Feb. 20 | Placed on General File - Com AM2799 | 657 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE RESOLUTION 293CA. By Bromm, Dw. Pedersen

| | | |
|---------|--|------|
| Jan. 23 | Read first time. Referred to Reference Committee | 332 |
| Jan. 25 | Referred to Executive Board | 373 |
| Jan. 29 | Notice of hearing (2/14) | 399 |
| Apr. 19 | Indefinitely postponed | 1800 |

LEGISLATIVE RESOLUTION 294CA. By Synowiecki

| | | |
|---------|---|------|
| Jan. 23 | Read first time. Referred to Reference Committee | 333 |
| Jan. 25 | Referred to Government, Military and Veterans Affairs Committee | 373 |
| Feb. 4 | Notice of hearing (2/21) | 486 |
| Feb. 28 | Placed on General File - Com AM2925 | 776 |
| Apr. 19 | Indefinitely postponed | 1800 |

1974

**INTRODUCERS OF BILLS AND RESOLUTIONS
REFERRED TO COMMITTEE**

**NINETY-SEVENTH LEGISLATURE
SECOND SESSION
2002**

RAY AGUILAR

LB

- 112 * Change provisions for work arrangements for persons committed to the Dept. of Correctional Services.
- 227 * Change provisions of the Nebraska Clean Indoor Air Act.
- 271 * Adopt the Elementary and Secondary Scholarship Assistance Act.
- 272 * Adopt the Nebraska Juvenile Justice Institute Act.
- 276 * Provide and change penalties relating to criminal impersonation, financial transaction devices, payment cards, and personal information.
- 288 * Appropriate funds to the Organ and Tissue Donor Awareness and Education Fund.
- 291 * Provide for license plates recognizing service in the United States Armed Forces.
- 293 * Prohibit riding on vehicles.
- 326 * Adopt the Nebraska Read, Educate, and Develop Youth Act.
- 391 * Adopt the Nebraska Schools Construction Alternatives Act.
- 392 * Change provisions for valuation of agricultural land and horticultural land.
- 394 * Change provisions relating to student records.
- 395 * Require voters to present proof of identity prior to voting.
- 479 * Change provisions for the commitment of mentally incompetent persons to the Dept. of Health and Human Services.
- 524 * Provide for community action services.
- 530 * Create the Mental and Behavioral Health and Substance Abuse Services Task Force.
- 558 * Change Election Act provisions relating to election workers, petition procedures, voters, and ballots.
- 575 * Change provisions for assessments and bonds relating to municipalities.
- 584 * Change motorcycle and moped operation, licensure, and violation provisions.
- 601 * Adopt the Health Care Prompt Payment Act.
- 661 * Provide for a task force and study of the Omaha to Lincoln Interstate 80 corridor.
- 685 * Change prescription drug provisions under medical benefit contracts.
- 798 * Change insurance provisions with respect to creditors claims.
- 823 * Provide that the term person includes an unborn child for purposes of wrongful death actions.

1976

LEGISLATIVE JOURNAL

- 824 * Adopt the Homicide of the Unborn Child Act.
 - 882 * Change private detective licensing provisions.
 - 955 * Change resident postsecondary tuition provisions.
 - 962 * Change liability provisions of buyers of farm products subject to liens.
 - 974 * Redefine recreational purposes for liability purposes.
 - 977 * Change veterans' aid application procedures.
 - 978 * Provide rights for trainers of dogs for disabled persons.
 - 979 * Change inmate medical expense payment provisions.
 - 980 * Eliminate recognition of holiday proclamations by the President.
 - 1023 * Provide for a Water Policy Task Force.
 - 1028 * Change occupant protection provisions for motor vehicles and school buses.
 - 1054 * Change provisions relating to elections and civil rights.
 - 1064 * Change a date relating to homestead exemptions.
 - 1073 * Change provisions and penalties relating to occupant protection systems.
 - 1115 * Authorize drug court programs.
 - 1179 * Transfers funds within the Department of Economic Development.
 - 1186 * Change provisions relating to authorized weaponry for hunting certain wild animals.
 - 1217 * Adopt the Security Services Act to regulate security guards and security companies.
 - 1246 Provide tax exempt status for certain nonprofit corporations.
 - 1264 * Adopt a policy toward newcomers to the state.
- LR**
- 6CA* Constitutional amendment to permit gaming on Indian lands.

TOM BAKER

LB

- 110 Create the Lawyers Fund for Client Protection and provide for payment of claims.
- 112 * Change provisions for work arrangements for persons committed to the Dept. of Correctional Services.
- 139 * Exempt certain United States Postal Service delivery charges from sales and use taxes.
- 141 * Change income tax adjustments relating to the Nebraska educational savings plan trust.
- 271 * Adopt the Elementary and Secondary Scholarship Assistance Act.
- 276 * Provide and change penalties relating to criminal impersonation, financial transaction devices, payment cards, and personal information.
- 290 * Change provisions for valuation of agricultural and horticultural land and school state aid calculations.
- 378 * Change provisions for calculation of the local effort rate under the Tax Equity and Educational Opportunities Support Act.

INTRODUCERS OF BILLS AND RESOLUTIONS 1977
REFERRED TO COMMITTEE

- 384 * Adopt the Municipal Natural Gas System Condemnation Act.
- 429 * Change provisions relating to benefits under the federal Food Stamp Act program.
- 458 Change provisions relating to ground water transfers, water wells, and filing fees.
- 474 * Change Nebraska Wheat Development, Utilization, and Marketing Board provisions.
- 479 * Change provisions for the commitment of mentally incompetent persons to the Dept. of Health and Human Services.
- 491 * Change provisions for letting road contracts and regulating engine brakes.
- 494 * Provide for five-year issuance of license plates.
- 496 * Adopt the Concealed Handgun Permit Act.
- 499 * Change provisions relating to motor vehicle registration and commercial motor vehicles.
- 500 * Change provisions relating to controlled substances.
- 564 Change provisions relating to sex offenders and the Sex Offender Registration Act.
- 584 * Change motorcycle and moped operation, licensure, and violation provisions.
- 680 * Change lottery ticket sale provisions with respect to vending or dispensing devices.
- 684 * Change warning sign provisions for equine activities.
- 715 * Adopt the Recruiting Educators to Nebraska Act.
- 777 * Change provisions of the Nongame and Endangered Species Conservation Act.
- 778 * Provide for the confidentiality and disclosure of certain information by the Game and Parks Commission.
- 791 * Change provisions for transfer of funds under the State Lottery Act.
- 805 * Change petition signer, circulator, and verification provisions.
- 812 * Change adjusted formula student provisions under the Tax Equity and Educational Opportunities Support Act.
- 823 * Provide that the term person includes an unborn child for purposes of wrongful death actions.
- 824 * Adopt the Homicide of the Unborn Child Act.
- 920 * Exempt machine tools from sales tax.
- 928 * Change a provision for correction of a levy.
- 948 * Exempt agricultural machinery repairs and parts from sales tax.
- 949 Change postconviction proceedings.
- 964 * Authorize the Auditor of Public Accounts to conduct performance audits.
- 973 * Change life insurance death benefits for volunteer fire companies.
- 980 * Eliminate recognition of holiday proclamations by the President.

1978

LEGISLATIVE JOURNAL

- 1023 * Provide for a Water Policy Task Force.
- 1026 * Adopt the Water Rights Leasing Act.
- 1046 * Change the member districts of the Board of Educational Lands and Funds.
- 1051 * Change an appropriation to the Department of Roads.
- 1080 * Change provisions and penalties relating to tobacco products and tobacco licensees.
- 1131 * Change motor vehicle dealer franchise's community restrictions.
- 1132 * Change provisions relating to duties of and loans made by the Nebraska Railway Council.
- 1218 Change health insurance provisions to require use of the national medical support notice for children.
- 1258 * Authorize the Director-State Engineer to provide construction specifications relating to viaducts and subways.

LR

- 5 CA Constitutional amendment to eliminate constitutional references to the Board of Educational Lands and Funds.
- 283 CA * Authorize an increase in the number of members of the Legislature.

CHRIS BEUTLER

LB

- 79 * Change provisions for offenses against animals.
- 145 * Require mental health regions to provide services to jails and detention centers.
- 304 Prohibit the sale and transfer of fetal tissue.
- 348 Provide for transfer of the clerk of the district court from county to a state reimbursed position.
- 447 Provide for acquisition of country roads through arbitration.
- 460 * Change provisions relating to school reorganizations and allowable budget reserves.
- 469 * Create the Program for Summer Learning.
- 560 Provide for extended contract days under the Tax Equity and Educational Opportunities Support Act.
- 626 Require minimum wages for employees of certain state contractors.
- 627 Provide a minimum wage for state employees.
- 628 Regulate dredge and fill materials under the Environmental Protection Act.
- 630 Authorize transfers from the Nebraska Collection Agency Fund to the General Fund.
- 631 Appropriate funds to the Secretary of State to enhance administrative oversight of the office.
- 632 Redistrict the Game and Parks Commission.
- 633 Provide an increase in the minimum wage.
- 634 Change funding, fee, and use provisions for the Natural Resources Enhancement Fund.
- 635 Appropriate funds to the Dept. of Natural Resources.

INTRODUCERS OF BILLS AND RESOLUTIONS
REFERRED TO COMMITTEE

1979

- 636 Authorize Nebraska Natural Heritage License Plates.
- 643 * Provide reimbursement for summer enrichment programs and before-and-after-school programs.
- 655 Change Building Renewal Allocation Fund and Cash Reserve Fund provisions.
- 704 Change Nebraska State Capital Environs District specifications.
- 705 * Appropriate funds to the Dept. of Health and Human Services for domestic violence programs.
- 707 Change campaign expenditure, public fund, and Nebraska Accountability and Disclosure Commission provisions.
- 719 Provide an exemption under the Small Employer Health Insurance Availability Act.
- 782 * Adopt the Community Scholarship Partnership Program Act.
- 783 Provide additional disclosure requirements with respect to job training grants.
- 784 Change child custody determination, parenting plan, and costs provisions relating to divorce.
- 795 * Change firearm storage and sale provisions.
- 814 Change provisions for the sale of alcoholic liquor near churches, colleges, and universities.
- 839 * Require telecommunications companies to provide an informational statement regarding unsolicited calls or faxes.
- 847 * Change provisions for victim's rights.
- 891 * Change administrative structure of the Nebraska Environmental Trust Board.
- 954 * Provide for the design of a new state flag.
- 955 * Change resident postsecondary tuition provisions.
- 1008 * Change candidate filing form provisions.
- 1039 * Change motor fuel tax rates and diesel fuel tax refund provisions.
- 1067 * Prohibit activities relating to human reproductive cloning.
- 1071 Change provisions relating to abstracters.
- 1072 Change provisions of the Minority Scholarship Program Act.
- 1082 * Require schools to adopt a bullying policy.
- 1140 * Change membership and duties of the Environmental Quality Council.
- 1153 Change provisions relating to mortgages and trust deeds.
- 1247 Authorize the use of pickle card technological aids as prescribed.
- 1248 Provide for extended contract days for teachers and provide for funding.
- 1249 Change funding provisions of the Public Service Commission.
- 1250 * Require textbook publishers to provide versions to accommodate persons with disabilities.
- 1259 Adopt the Forward Nebraska Scholarship Program Act.
- 1288 * Change Niobrara Council powers and duties relating to the Niobrara scenic river corridor.

- 1302 Change provisions of the Campaign Finance Limitation Act.
LR
 16 CA Create an Ethics and Compensation Review Commission for the Legislature.
 292 CA Constitutional amendment to authorize gaming on Indian lands and interdiction gaming zones.

PATRICK BOURNE

- LB**
 109 * Change provisions relating to retirement age and benefits for judges.
 160 Provide for issuance of message plates for utility trailers.
 161 Change amounts recoverable under the Political Subdivisions Tort Claims Act.
 176 Change sanitary and improvement district provisions.
 178 Change provisions relating to motor vehicle registration and In Transit decals.
 272 * Adopt the Nebraska Juvenile Justice Institute Act.
 287 * Adopt the Post-Organ-Transplant Program Act.
 288 * Appropriate funds to the Organ and Tissue Donor Awareness and Education Fund.
 381 Change provisions relating to fingerprint and description reporting and criminal history record information.
 445 Create the Administrative Rules Review Committee of the Legislature and provide duties.
 479 * Change provisions for the commitment of mentally incompetent persons to the Dept. of Health and Human Services.
 497 Require interrogations to be electronically recorded under the Nebraska Evidence Rules.
 498 * Exempt certain clothing and footwear from sales and use taxation for a certain period of time.
 584 * Change motorcycle and moped operation, licensure, and violation provisions.
 595 * Change provisions for preadjudication and postadjudication costs associated with juveniles.
 701 Change allowable growth rate exception provisions under the Tax Equity and Educational Opportunities Support Act.
 779 Provide for confidential communications in cases of domestic violence and sexual assault.
 798 * Change insurance provisions with respect to creditors claims.
 843 * Adopt the Uniform Athlete Agents Act.
 943 * Change provisions relating to homestead exemptions.
 1000 Remove judges as members of a board and a commission.
 1001 Require itemized deductions on paychecks.
 1002 Double fines for speeding in a residential area.
 1007 * Change provisions relating to motor vehicle towing and storage costs.
 1023 * Provide for a Water Policy Task Force.

INTRODUCERS OF BILLS AND RESOLUTIONS
REFERRED TO COMMITTEE

1981

- 1039 * Change motor fuel tax rates and diesel fuel tax refund provisions.
- 1043 * Change court fees.
- 1065 Prohibit the issuance of gift certificates as prescribed.
- 1067 * Prohibit activities relating to human reproductive cloning.
- 1084 * Prioritize location of state facilities in rural areas.
- 1090 * Authorize credit unions to receive funds of political subdivisions for deposit.
- 1091 Change abuse of public record provisions.
- 1115 * Authorize drug court programs.
- 1117 * Exempt certain members of the armed forces from income tax.
- 1144 * Change Class V school employee retirement system provisions relating to transfers and rollovers.
- 1199 Provide appraisal requirements for insurance purposes.
- 1215 * Change loan provisions with respect to mortgages, installment loans, and trust deeds.
- 1263 * Adopt the Nebraska Senior Drug Program Act.
- 1272 * Create the Environmental Response Contingency Fund and change lottery money distribution.

LR

- 6 CA* Constitutional amendment to permit gaming on Indian lands.

KERMIT A. BRASHEAR

LB

- 77 * Change the hours during which the election polls are open.
- 79 * Change provisions for offenses against animals.
- 80 Change the amount recoverable under the Nebraska Hospital-Medical Liability Act.
- 82 * Change provisions relating to crimes and offenses.
- 82 A Appropriation Bill.
- 86 Provide penalties for criminal attempt.
- 87 Change provisions relating to preliminary hearings.
- 88 Limit access to certain court records and information in determination of inheritance tax.
- 272 * Adopt the Nebraska Juvenile Justice Institute Act.
- 351 * Change the penalty for unlawful possession of a firearm on school grounds.
- 352 * Provide for a driver's safety training program as pretrial diversion.
- 353 Provide for the disposition of certain forfeited money and property.
- 355 Change limitation of action provisions under the Political Subdivisions Tort Claims Act.
- 356 Change the method of inflicting the death penalty.
- 577 Change provisions relating to postconviction proceedings and provide for performance of fingerprint and forensic DNA testing.
- 599 ** Change juvenile corrections provisions and provide for secure

- youth treatment facilities.
- 841 Change income tax, sales and use tax, and homestead exemption provisions.
- 842 * Change child custody determination provisions relating to divorce.
- 843 * Adopt the Uniform Athlete Agents Act.
- 844 * Change provisions relating to enhanced penalties and procedure.
- 846 Change provisions relating to burglary.
- 847 * Change provisions for victim's rights.
- 848 Change admission and membership requirements for the Nebraska bar.
- 848 A Appropriation Bill.
- 874 Change holiday schedules applicable to courts.
- 875 Change the distribution of court reports.
- 876 Change court procedure provisions.
- 876 A Appropriation Bill.
- 1016 Change filing requirements for businesses engaged in professional services.
- 1017 Provide confidentiality for prescribing physicians.
- 1109 Change provisions relating to criminal procedure and administration.
- 1278 * Provide for indirect damages in certain anti-trust actions.
- 1279 * Adopt the Nebraska Family Trust Act.
- 1280 Change sales tax, income tax, and property tax provisions.
- 1281 Change the method of inflicting the death penalty.
- 1282 Authorize the Supreme Court to promulgate rules of pleading in civil actions.

CURT BROMM

LB

- 91 * Extend benefits to certain cooperatives under the Employment and Investment Growth Act.
- 102 * Provide a size, weight, and load exemption for authorized emergency vehicles.
- 190 * Authorize enforcement of occupant protection system requirements.
- 271 * Adopt the Elementary and Secondary Scholarship Assistance Act.
- 276 * Provide and change penalties relating to criminal impersonation, financial transaction devices, payment cards, and personal information.
- 290 * Change provisions for valuation of agricultural and horticultural land and school state aid calculations.
- 336 * Appropriate funds to Central Community College.
- 343 * Provide immunity in actions relating to job references.
- 369 * Change provisions relating to annexation and schools.
- 378 * Change provisions for calculation of the local effort rate under the Tax Equity and Educational Opportunities Support Act.

INTRODUCERS OF BILLS AND RESOLUTIONS
REFERRED TO COMMITTEE

1983

- 388 Change provisions relating to motor vehicle registration and certificates of title.
- 470 A Appropriation Bill.
- 479 * Change provisions for the commitment of mentally incompetent persons to the Dept. of Health and Human Services.
- 490 * Change size, weight, and load provisions under the Nebraska Rules of the Road.
- 491 * Change provisions for letting road contracts and regulating engine brakes.
- 519 * Change state aid calculations for schools.
- 600 * Change agricultural and horticultural land valuation provisions.
- 679 * Change provisions of the Nebraska Public Safety Wireless Communication System Act.
- 823 * Provide that the term person includes an unborn child for purposes of wrongful death actions.
- 824 * Adopt the Homicide of the Unborn Child Act.
- 826 Provide employees of the Nebraska Library Commission are state employees for eligibility for state insurance benefits.
- 830 Change provisions relating to certificates of title, motor vehicle registration, license plates, and fees.
- 830 A * Appropriation Bill.
- 834 * Provide for damages with respect to certain agricultural research projects.
- 835 Authorize joint plan sponsored employee benefit plans under the Political Subdivisions Self-Funding Benefits Act.
- 837 * Change Dept. of Natural Resources provisions for notices and hearings.
- 847 * Change provisions for victim's rights.
- 878 Change provisions relating to tax lists.
- 918 Change and reorganize provisions relating to telecommunications, technology, and transportation.
- 922 Authorize the acceptance of out-of-state motor vehicle titles.
- 923 Change aeronautics and Department of Aeronautics provisions.
- 924 Provide for biometric identifiers on drivers' licenses and identification cards.
- 925 Change provisions relating to motor vehicle auction dealers.
- 962 * Change liability provisions of buyers of farm products subject to liens.
- 970 * Change city of the first class ward provisions.
- 971 Adopt federal railroad safety standards.
- 972 Change dates relating to telecommunications relay system surcharges.
- 976 * Authorize the use of electric personal assistive mobility devices.
- 986 Provide notice and payment requirements for automobile

- liability policies.
- 1003 * Change provisions relating to the environment.
- 1005 * Change law enforcement officer's primary jurisdiction with respect to DUI chemical testing procedures.
- 1023 * Provide for a Water Policy Task Force.
- 1031 * Change board of trustees residency requirements for county medical and multiunit facilities.
- 1041 * Include funding for administrative license revocation appeals in the Attorney General's budget.
- 1067 * Prohibit activities relating to human reproductive cloning.
- 1069 Change filing and hearing fees of the Public Service Commission.
- 1131 * Change motor vehicle dealer franchise's community restrictions.
- 1147 * Provide for pioneer family and shrine hospital license plates.
- 1185 * Change workers' compensation applicability provisions for agricultural employees and certain volunteers and companies.
- 1195 Authorize use of funds by the Public Service Commission for monitoring federally mandated telecommunications competition requirements.
- 1195 A Appropriation Bill.
- 1258 * Authorize the Director-State Engineer to provide construction specifications relating to viaducts and subways.
- 1270 * Provide requirements for net metering systems for electrical energy.
- 1285 * Create the Livestock Industry Issue Task Force.
- 1286 * Authorize regulation and registration of wireless carriers.
- 1287 Change provisions for failure to appear in cases of misdemeanor or city or village ordinance violations.
- 1290 * Authorize certain public officials and employees to participate in the state insurance program.
- 1303 Change provisions relating to vehicular offenses and fuel.
- LR**
- 283 CA* Authorize an increase in the number of members of the Legislature.
- 293 CA* Constitutional amendment to authorize members of the Legislature to participate in the state group insurance program.

PAM BROWN

LB

- 227 * Change provisions of the Nebraska Clean Indoor Air Act.
- 322 * Create the Child Care Licensure Act.
- 367 * Direct the Legislative Fiscal Analyst to create a price index.
- 394 * Change provisions relating to student records.
- 395 * Require voters to present proof of identity prior to voting.
- 400 * Change training and licensure provisions under the Quality Child Care Act.
- 400 A Appropriation Bill.
- 479 * Change provisions for the commitment of mentally

INTRODUCERS OF BILLS AND RESOLUTIONS
REFERRED TO COMMITTEE

1985

- incompetent persons to the Dept. of Health and Human Services.
- 498 * Exempt certain clothing and footwear from sales and use taxation for a certain period of time.
- 529 * Adopt the Employment Screening and Protection Act.
- 534 * Authorize local authorities to pass traffic regulation ordinances and resolutions relating to photographic evidence.
- 558 * Change Election Act provisions relating to election workers, petition procedures, voters, and ballots.
- 601 * Adopt the Health Care Prompt Payment Act.
- 691 *** Appropriate funds to the Dept. of Health and Human Services for substance abuse and mental health services and programming for juveniles in state custody.
- 815 * Include anhydrous ammonia under drug paraphernalia provisions.
- 883 * Authorize the charging of fees for insufficient funds motor vehicle transactions.
- 961 * Create the State Fair Commission.
- 976 * Authorize the use of electric personal assistive mobility devices.
- 980 * Eliminate recognition of holiday proclamations by the President.
- 988 * Change eligibility under the Early Intervention Act.
- 1003 * Change provisions relating to the environment.
- 1054 * Change provisions relating to elections and civil rights.
- 1064 * Change a date relating to homestead exemptions.
- 1067 * Prohibit activities relating to human reproductive cloning.
- 1124 * Provide an exception to school levy limitations for certain medical costs.
- 1131 * Change motor vehicle dealer franchise's community restrictions.
- 1162 * Provide a quality education incentive factor in the state aid formula.
- 1214 Provide method of assessing property rented to low income persons.
- 1224 Adopt the Emergency Health Powers Act for response to a public health emergency.
- 1258 * Authorize the Director-State Engineer to provide construction specifications relating to viaducts and subways.
- 1261 Adopt the Hepatitis C Education and Prevention Act.
- 1272 * Create the Environmental Response Contingency Fund and change lottery money distribution.
- 1273 Change redistricting provisions for Class V school districts.
- LR**
- 14 CA* Constitutional amendment to authorize property tax exemption for historically significant real property.
- 289 CA Change residency requirements for members of the Legislature.

JON BRUNING

LB

- 28 * Change an exemption amount subject to inheritance tax and create the County Inheritance Tax Replacement Fund.
- 30 * Adopt the In the Line of Duty Dependent Education Act.
- 62 Change the method of inflicting the death penalty.
- 63 * Change provisions for operating a motor vehicle to avoid arrest.
- 64 Change penalty provisions for motor vehicle impoundment.
- 66 Change provisions relating to violations of protection orders and penalties.
- 82 * Change provisions relating to crimes and offenses.
- 109 * Change provisions relating to retirement age and benefits for judges.
- 141 * Change income tax adjustments relating to the Nebraska educational savings plan trust.
- 185 * Require a minimum number of persons for a train crew.
- 276 * Provide and change penalties relating to criminal impersonation, financial transaction devices, payment cards, and personal information.
- 290 * Change provisions for valuation of agricultural and horticultural land and school state aid calculations.
- 298 Change various fees charged by the Secretary of State.
- 306 * Change provisions for the transfer of funds to the Compulsive Gamblers Assistance Fund.
- 340 * Create the crime of criminal impersonation of a person entitled to notification regarding abortion.
- 341 * Change provisions relating to abortion, voluntary and informed consent, printed materials, notification, and civil liability.
- 342 * Change provisions relating to abortion, notification, and eliminate provisions requiring school districts to provide written information.
- 373 * Change certain name and charter amendment requirements for public power districts.
- 384 * Adopt the Municipal Natural Gas System Condemnation Act.
- 392 * Change provisions for valuation of agricultural land and horticultural land.
- 394 * Change provisions relating to student records.
- 400 * Change training and licensure provisions under the Quality Child Care Act.
- 426 * Adopt the Peace Officer Employer-Employee Relations Act.
- 454 * Change provisions for ballots cast by presidential electors.
- 455 Change certified public accountant provisions.
- 462 * Regulate and prohibit the use of human fetal tissue.
- 474 * Change Nebraska Wheat Development, Utilization, and Marketing Board provisions.
- 479 * Change provisions for the commitment of mentally incompetent persons to the Dept. of Health and Human Services.

INTRODUCERS OF BILLS AND RESOLUTIONS
REFERRED TO COMMITTEE

1987

- 494 * Provide for five-year issuance of license plates.
- 496 * Adopt the Concealed Handgun Permit Act.
- 534 * Authorize local authorities to pass traffic regulation ordinances and resolutions relating to photographic evidence.
- 584 * Change motorcycle and moped operation, licensure, and violation provisions.
- 619 Change retirement provisions for police officers of first and second class cities and villages.
- 787 * Change provisions for limited permits under the Game Law.
- 798 * Change insurance provisions with respect to creditors claims.
- 823 * Provide that the term person includes an unborn child for purposes of wrongful death actions.
- 824 * Adopt the Homicide of the Unborn Child Act.
- 847 * Change provisions for victim's rights.
- 864 Change Public Accountancy Act fee provisions.
- 865 Change the method of inflicting the death penalty.
- 866 * Adopt the Safe at Home Act that provides for confidentiality of addresses.
- 899 * Provide requirements relating to renewable fuel.
- 964 * Authorize the Auditor of Public Accounts to conduct performance audits.
- 980 * Eliminate recognition of holiday proclamations by the President.
- 988 * Change eligibility under the Early Intervention Act.
- 1003 * Change provisions relating to the environment.
- 1010 * Provide powers for military officers to act as notaries public.
- 1023 * Provide for a Water Policy Task Force.
- 1066 * Change penalty for violation of a cease and desist order issued by a natural resources district.
- 1070 * Provide an alternative method to provide reports to the Legislature.
- 1115 * Authorize drug court programs.
- 1116 * Eliminate ignition interlock devices as an option for certain DUI violations.
- 1117 * Exempt certain members of the armed forces from income tax.
- 1144 * Change Class V school employee retirement system provisions relating to transfers and rollovers.
- 1151 * Change vehicle registration fee provisions for metropolitan class cities.
- 1207 * Provide that child care licenses can be revoked or denied for dangerous environmental conditions.
- 1270 * Provide requirements for net metering systems for electrical energy.

CARROLL BURLING

LB

- 140 * Provide for a state meat inspection pilot program.
- 141 * Change income tax adjustments relating to the Nebraska

- educational savings plan trust.
- 227 * Change provisions of the Nebraska Clean Indoor Air Act.
- 273 * Provide for cultivation of industrial hemp.
- 276 * Provide and change penalties relating to criminal impersonation, financial transaction devices, payment cards, and personal information.
- 369 * Change provisions relating to annexation and schools.
- 392 * Change provisions for valuation of agricultural land and horticultural land.
- 394 * Change provisions relating to student records.
- 479 * Change provisions for the commitment of mentally incompetent persons to the Dept. of Health and Human Services.
- 496 * Adopt the Concealed Handgun Permit Act.
- 530 * Create the Mental and Behavioral Health and Substance Abuse Services Task Force.
- 545 * Change provisions relating to bingo, pickle cards, lotteries, and raffles.
- 556 * Change provisions for valuation of agricultural and horticultural land.
- 558 * Change Election Act provisions relating to election workers, petition procedures, voters, and ballots.
- 584 * Change motorcycle and moped operation, licensure, and violation provisions.
- 597 * State intent relating to pay rates for behavioral health services.
- 600 * Change agricultural and horticultural land valuation provisions.
- 605 * Provide additional penalties for littering.
- 774 * Change measuring of blood-alcohol or breath-alcohol concentration provisions for certain unlawful acts.
- 775 * Change child abuse provisions.
- 776 * Change penalties for persons under twenty-one years of age driving under the influence.
- 777 * Change provisions of the Nongame and Endangered Species Conservation Act.
- 778 * Provide for the confidentiality and disclosure of certain information by the Game and Parks Commission.
- 812 * Change adjusted formula student provisions under the Tax Equity and Educational Opportunities Support Act.
- 823 * Provide that the term person includes an unborn child for purposes of wrongful death actions.
- 824 * Adopt the Homicide of the Unborn Child Act.
- 907 * Change a sales tax exemption for molds, dies, and patterns.
- 920 * Exempt machine tools from sales tax.
- 952 * Change adoption and adoption records provisions.
- 952 A Appropriation Bill.
- 962 * Change liability provisions of buyers of farm products subject to liens.
- 964 * Authorize the Auditor of Public Accounts to conduct

INTRODUCERS OF BILLS AND RESOLUTIONS
REFERRED TO COMMITTEE

1989

- performance audits.
- 980 * Eliminate recognition of holiday proclamations by the President.
- 982 * Change provisions relating to Americanism instruction.
- 988 * Change eligibility under the Early Intervention Act.
- 1006 * Change provisions relating to sales under the Uniform Commercial Code.
- 1023 * Provide for a Water Policy Task Force.
- 1054 * Change provisions relating to elections and civil rights.
- 1064 * Change a date relating to homestead exemptions.
- 1113 * Change property tax assessment provisions relating to reports of property improvements.
- 1115 * Authorize drug court programs.
- 1187 * Change testing procedures relating to driving under the influence.
- 1285 * Create the Livestock Industry Issue Task Force.
- 1305 * Change provisions relating to transfer of school district territory as a result of annexation of property by cities.

DENNIS BYARS

LB

- 29 * Change collective bargaining representation provisions.
- 30 * Adopt the In the Line of Duty Dependent Education Act.
- 145 * Require mental health regions to provide services to jails and detention centers.
- 188 Change provisions relating to filing petitions with the clerk of the district court under the Nebraska Mental Health Commitment Act.
- 189 Appropriate funds to the Dept. of Education for adult basic education programs.
- 190 * Authorize enforcement of occupant protection system requirements.
- 235 Change provisions for newborn screening for metabolic diseases, food supplements and treatment, and fees.
- 235 A Appropriation Bill.
- 255 * Adopt the Community-Based Neurobehavioral Rehabilitation Implementation Act.
- 272 * Adopt the Nebraska Juvenile Justice Institute Act.
- 276 * Provide and change penalties relating to criminal impersonation, financial transaction devices, payment cards, and personal information.
- 287 * Adopt the Post-Organ-Transplant Program Act.
- 288 * Appropriate funds to the Organ and Tissue Donor Awareness and Education Fund.
- 293 * Prohibit riding on vehicles.
- 399 * Adopt the Outpatient Surgical Procedures Data Act.
- 440 A Appropriation Bill.
- 479 * Change provisions for the commitment of mentally

- incompetent persons to the Dept. of Health and Human Services.
- 496 * Adopt the Concealed Handgun Permit Act.
- 524 * Provide for community action services.
- 530 * Create the Mental and Behavioral Health and Substance Abuse Services Task Force.
- 531 * Change state building capital improvement depreciation charge provisions.
- 549 A Appropriation Bill.
- 583 Provide for gubernatorial appointment of professional examining boards.
- 612 * Change medical assistance program provisions with respect to coverage for anti-obesity drugs.
- 669 Recognize American Sign Language as a distinct and separate language.
- 824 * Adopt the Homicide of the Unborn Child Act.
- 862 Adopt the Cremation of Human Remains Act.
- 862 A Appropriation Bill.
- 863 * Change provisions relating to real estate disclosure statements and licensure and regulation of real estate professionals.
- 892 * Provide for dental faculty licenses.
- 896 * Change respite care licensing and funding provisions.
- 897 Refund certain fees under the Securities Act of Nebraska.
- 928 * Change a provision for correction of a levy.
- 955 * Change resident postsecondary tuition provisions.
- 958 * Change provisions relating to health care facilities and personnel.
- 960 Change variances from visible air emission standards.
- 980 * Eliminate recognition of holiday proclamations by the President.
- 982 * Change provisions relating to Americanism instruction.
- 983 * Prohibit minors from disaffirming certain contracts.
- 988 * Change eligibility under the Early Intervention Act.
- 1022 * Change property tax depreciation schedules for certain equipment.
- 1023 * Provide for a Water Policy Task Force.
- 1024 * Exempt agricultural machinery repairs and parts from sales tax.
- 1039 * Change motor fuel tax rates and diesel fuel tax refund provisions.
- 1067 * Prohibit activities relating to human reproductive cloning.
- 1073 * Change provisions and penalties relating to occupant protection systems.
- 1115 * Authorize drug court programs.
- 1120 Change provisions and provide duties relating to certain discriminatory employment practices and community-based treatment services.
- 1131 * Change motor vehicle dealer franchise's community restrictions.

INTRODUCERS OF BILLS AND RESOLUTIONS 1991
REFERRED TO COMMITTEE

- 1146 * Adopt the Medical Savings Account Act.
- 1216 Require a statewide plan and report regarding services for persons with disabilities.
- 1274 Include public safety officials in disease exposure procedures.
- 1286 * Authorize regulation and registration of wireless carriers.

ERNIE CHAMBERS

LB

- 14 Require certain proceedings of the Nebraska Police Standards Advisory Council to be open to the public.
- 16 Provide for the election of the Attorney General on a nonpartisan basis.
- 18 Eliminate the death penalty and provide for life imprisonment without parole.
- 19 Prohibit employment discrimination based on sexual orientation.
- 272 * Adopt the Nebraska Juvenile Justice Institute Act.
- 273 * Provide for cultivation of industrial hemp.
- 352 * Provide for a driver's safety training program as pretrial diversion.
- 565 Prohibit inclusion of social security numbers on citations.
- 566 Prohibit the use of the term fetus by public school employees.
- 567 Change references to unborn child to fetus.
- 752 Provide restrictions on admissibility of jailhouse informers' testimony.
- 753 Change references from unborn child to fetus.
- 754 Change provisions for misdemeanor sentences served in a Dept. of Correctional Services institution.
- 754 A Appropriation Bill.
- 756 Provide procedures relating to jailhouse informer testimony.
- 767 * Adopt the Substance Abuse and Crime Prevention Act.
- 801 * Adopt the Employees of Elected Constitutional Offices Supplemental Retirement Plan Act.
- 844 * Change provisions relating to enhanced penalties and procedure.
- 1011 * Authorize employment of Counsel to the Legislature.
- 1086 Prohibit state funding of advertising materials and certain gifts to public officials and allow the use of campaign funds for travel by the Governor's family.
- 1140 * Change membership and duties of the Environmental Quality Council.
- 1213 Eliminate the Postsecondary Education Award Program Act.
- 1272 * Create the Environmental Response Contingency Fund and change lottery money distribution.
- 1290 * Authorize certain public officials and employees to participate in the state insurance program.

MATT CONNEALY

LB

- 123 * Provide a sales and use tax exemption for certain drainage districts and county fair boards.
- 140 * Provide for a state meat inspection pilot program.
- 281 Change court jurisdiction provisions relating to divorce.
- 287 * Adopt the Post-Organ-Transplant Program Act.
- 288 * Appropriate funds to the Organ and Tissue Donor Awareness and Education Fund.
- 378 * Change provisions for calculation of the local effort rate under the Tax Equity and Educational Opportunities Support Act.
- 379 * Provide medicare supplement insurance for retired state employees.
- 380 * State intent relating to countywide school districts.
- 415 * Change farm labor contractor provisions.
- 425 * Provide for firefighter license plates.
- 426 * Adopt the Peace Officer Employer-Employee Relations Act.
- 479 * Change provisions for the commitment of mentally incompetent persons to the Dept. of Health and Human Services.
- 530 * Create the Mental and Behavioral Health and Substance Abuse Services Task Force.
- 592 * Adopt the Agricultural Production Contract Act.
- 600 * Change agricultural and horticultural land valuation provisions.
- 695 Adopt the Certified Safe Farms Act.
- 899 * Provide requirements relating to renewable fuel.
- 955 * Change resident postsecondary tuition provisions.
- 1009 Prohibit installation or reinstallation in a motor vehicle, as part of the inflatable restraint system, or any object other than an air bag.
- 1023 * Provide for a Water Policy Task Force.
- 1039 * Change motor fuel tax rates and diesel fuel tax refund provisions.
- 1041 * Include funding for administrative license revocation appeals in the Attorney General's budget.
- 1043 * Change court fees.
- 1053 Change maximum levy exemptions for schools.
- 1084 * Prioritize location of state facilities in rural areas.
- 1103 Redefine tire processing for purposes of the Waste Reduction and Recycling Incentive Act.
- 1105 * Change provisions relating to transportation and telecommunications.
- 1115 * Authorize drug court programs.
- 1137 * Change levy authority calculations.
- 1148 * Provide for a legislative study and report on prescription drug assistance.
- 1157 Change employee safety provisions.
- 1158 Change workers' compensation provisions.

INTRODUCERS OF BILLS AND RESOLUTIONS
REFERRED TO COMMITTEE

1993

- 1167 * Change Nebraska Workforce Investment Board provisions.
 - 1185 * Change workers' compensation applicability provisions for agricultural employees and certain volunteers and companies.
 - 1263 * Adopt the Nebraska Senior Drug Program Act.
 - 1264 * Adopt a policy toward newcomers to the state.
 - 1265 Adopt the Owner Protection Construction Contract Payment Act.
 - 1266 * Authorize private contracts for transportation of prisoners and other persons under control of the state as prescribed.
 - 1275 * Develop a pilot project for individual development accounts.
- LR
- 6CA* Constitutional amendment to permit gaming on Indian lands.

GEORGE COORDSEN

LB

- 58 Change unfair claims settlement practices provisions.
- 91 * Extend benefits to certain cooperatives under the Employment and Investment Growth Act.
- 276 * Provide and change penalties relating to criminal impersonation, financial transaction devices, payment cards, and personal information.
- 311 Provide monitoring and reporting of possible discontinued or abandoned rail service.
- 312 Provide for firefighter license plates.
- 378 * Change provisions for calculation of the local effort rate under the Tax Equity and Educational Opportunities Support Act.
- 421 * Change the calculation of local effort rate and adjust levy amounts relating to school finance.
- 479 * Change provisions for the commitment of mentally incompetent persons to the Dept. of Health and Human Services.
- 531 * Change state building capital improvement depreciation charge provisions.
- 584 * Change motorcycle and moped operation, licensure, and violation provisions.
- 600 * Change agricultural and horticultural land valuation provisions.
- 600 A Appropriation Bill.
- 758 Authorize an additional use for the Fertilizers and Soil Conditioners Administrative Fund.
- 758 A Appropriation Bill.
- 801 * Adopt the Employees of Elected Constitutional Offices Supplemental Retirement Plan Act.
- 823 * Provide that the term person includes an unborn child for purposes of wrongful death actions.
- 824 * Adopt the Homicide of the Unborn Child Act.
- 891 * Change administrative structure of the Nebraska Environmental Trust Board.

- 905 * Change estate and generation-skipping transfer tax provisions.
 946 * Change funding provisions of tax incentive laws.
 970 * Change city of the first class ward provisions.
 1014 Eliminate the Nebraska Futures Center.
 1049 Change provisions relating to the standard of review under the Administrative Procedures Act.
 1064 * Change a date relating to homestead exemptions.
 1070 * Provide an alternative method to provide reports to the Legislature.
 1097 * Change budget limitation provisions.
 1098 * Change information on and duties related to tax statements.
 1141 Change provisions for filling vacancies on the Board of Regents.
 1150 Include farm trailers in vehicle titling provisions prospectively.
 1162 * Provide a quality education incentive factor in the state aid formula.
 1176 * Change calculations relating to homesteads.
 1206 * Change and eliminate provisions relating to schools.
 1220 Provide for removal of disorderly persons from school events.
 1221 Change agricultural and horticultural land valuation.
 1290 * Authorize certain public officials and employees to participate in the state insurance program.
 1290 A Appropriation Bill.
 1298 * Redefine commercial motor vehicle.
LR
 282 CA Constitutional amendment to authorize games of chance.

JIM D. CUDABACK

- LB**
 141 * Change income tax adjustments relating to the Nebraska educational savings plan trust.
 157 * Change provisions for motor vehicle certificates of title.
 157 A Appropriation Bill.
 184 * Provide an exemption from motor vehicle taxes and fees for Purple Heart recipients.
 185 * Require a minimum number of persons for a train crew.
 273 * Provide for cultivation of industrial hemp.
 276 * Provide and change penalties relating to criminal impersonation, financial transaction devices, payment cards, and personal information.
 291 * Provide for license plates recognizing service in the United States Armed Forces.
 384 * Adopt the Municipal Natural Gas System Condemnation Act.
 479 * Change provisions for the commitment of mentally incompetent persons to the Dept. of Health and Human Services.
 494 * Provide for five-year issuance of license plates.
 496 * Adopt the Concealed Handgun Permit Act.
 533 * Change grant approval conditions under the Local Civic,

INTRODUCERS OF BILLS AND RESOLUTIONS
REFERRED TO COMMITTEE

1995

- Cultural, and Convention Center Financing Act.
545 * Change provisions relating to bingo, pickle cards, lotteries, and raffles.
592 * Adopt the Agricultural Production Contract Act.
700 * Create the Dept. of Building Renewal and eliminate the Task Force for Building Renewal.
823 * Provide that the term person includes an unborn child for purposes of wrongful death actions.
824 * Adopt the Homicide of the Unborn Child Act.
830 A * Appropriation Bill.
873 Adopt the 2002 National Electrical Code.
928 * Change a provision for correction of a levy.
955 * Change resident postsecondary tuition provisions.
973 * Change life insurance death benefits for volunteer fire companies.
975 Change petition signature requirements for presidential and vice-presidential candidates.
980 * Eliminate recognition of holiday proclamations by the President.
1006 * Change provisions relating to sales under the Uniform Commercial Code.
1023 * Provide for a Water Policy Task Force.
1039 * Change motor fuel tax rates and diesel fuel tax refund provisions.
1148 * Provide for a legislative study and report on prescription drug assistance.
- LR**
6 CA* Constitutional amendment to permit gaming on Indian lands.

DOUGLAS CUNNINGHAM

- LB**
28 * Change an exemption amount subject to inheritance tax and create the County Inheritance Tax Replacement Fund.
139 * Exempt certain United States Postal Service delivery charges from sales and use taxes.
140 * Provide for a state meat inspection pilot program.
141 * Change income tax adjustments relating to the Nebraska educational savings plan trust.
175 * Change provisions relating to required payments by wineries to the Nebraska Liquor Control Commission.
196 * Require certain partnerships to file a statement of agricultural activity and real estate holding.
273 * Provide for cultivation of industrial hemp.
291 * Provide for license plates recognizing service in the United States Armed Forces.
392 * Change provisions for valuation of agricultural land and horticultural land.
399 * Adopt the Outpatient Surgical Procedures Data Act.

- 399 A Appropriation Bill.
- 421 * Change the calculation of local effort rate and adjust levy amounts relating to school finance.
- 429 * Change provisions relating to benefits under the federal Food Stamp Act program.
- 474 * Change Nebraska Wheat Development, Utilization, and Marketing Board provisions.
- 479 * Change provisions for the commitment of mentally incompetent persons to the Dept. of Health and Human Services.
- 490 * Change size, weight, and load provisions under the Nebraska Rules of the Road.
- 496 * Adopt the Concealed Handgun Permit Act.
- 503 * Change provisions governing disposition of the remains of deceased persons.
- 530 * Create the Mental and Behavioral Health and Substance Abuse Services Task Force.
- 535 * Change local system formula resources computations under the Tax Equity and Educational Opportunities Support Act.
- 546 * Change bingo, pickle card, and lottery provisions.
- 572 * Change provisions relating to farm wineries.
- 584 * Change motorcycle and moped operation, licensure, and violation provisions.
- 600 * Change agricultural and horticultural land valuation provisions.
- 605 * Provide additional penalties for littering.
- 670 * Change provisions for municipal officers in second class cities and villages.
- 680 * Change lottery ticket sale provisions with respect to vending or dispensing devices.
- 791 * Change provisions for transfer of funds under the State Lottery Act.
- 812 * Change adjusted formula student provisions under the Tax Equity and Educational Opportunities Support Act.
- 813 * Adopt the Public Facilities Construction and Finance Act.
- 824 * Adopt the Homicide of the Unborn Child Act.
- 834 * Provide for damages with respect to certain agricultural research projects.
- 896 * Change respite care licensing and funding provisions.
- 899 * Provide requirements relating to renewable fuel.
- 911 * Encourage government purchases of calcium rich products.
- 912 * Extend the termination date of the Farm Mediation Act.
- 950 * Change Class C licenses under the Nebraska Liquor Control Act.
- 958 * Change provisions relating to health care facilities and personnel.
- 977 * Change veterans' aid application procedures.
- 979 * Change inmate medical expense payment provisions.
- 980 * Eliminate recognition of holiday proclamations by the

INTRODUCERS OF BILLS AND RESOLUTIONS
REFERRED TO COMMITTEE

1997

- President.
- 982 * Change provisions relating to Americanism instruction.
988 * Change eligibility under the Early Intervention Act.
1005 * Change law enforcement officer's primary jurisdiction with respect to DUI chemical testing procedures.
1023 * Provide for a Water Policy Task Force.
1039 * Change motor fuel tax rates and diesel fuel tax refund provisions.
1068 * Change provisions relating to pickle cards.
1080 * Change provisions and penalties relating to tobacco products and tobacco licensees.
1084 * Prioritize location of state facilities in rural areas.
1115 * Authorize drug court programs.
1134 * Provide for a separate cost grouping for certain unified systems under the Tax Equity and Educational Opportunities Support Act.
1146 * Adopt the Medical Savings Account Act.
1244 * Create a renewable energy tax credit.
1257 * Change boundaries of legislative districts.
- LR**
- 6 CA * Constitutional amendment to permit gaming on Indian lands.
283 CA * Authorize an increase in the number of members of the Legislature.

MERTON L. DIERKS

- LB**
- 20 * Change sales tax provisions relating to magazines and journals.
140 * Provide for a state meat inspection pilot program.
185 * Require a minimum number of persons for a train crew.
195 * Provide for recommendations for an agriculture continuing education program.
196 * Require certain partnerships to file a statement of agricultural activity and real estate holding.
227 * Change provisions of the Nebraska Clean Indoor Air Act.
265 * Provide for Nebraska Pioneer Farm Family License Plates.
271 * Adopt the Elementary and Secondary Scholarship Assistance Act.
273 * Provide for cultivation of industrial hemp.
276 * Provide and change penalties relating to criminal impersonation, financial transaction devices, payment cards, and personal information.
290 * Change provisions for valuation of agricultural and horticultural land and school state aid calculations.
378 * Change provisions for calculation of the local effort rate under the Tax Equity and Educational Opportunities Support Act.
392 * Change provisions for valuation of agricultural land and horticultural land.

- 414 * Create the Organic Agriculture Task Force.
- 421 * Change the calculation of local effort rate and adjust levy amounts relating to school finance.
- 422 * Change the calculation of state aid value.
- 435 A Appropriation Bill.
- 436 Change the Pesticide Act and apiary provisions.
- 436 A Appropriation Bill.
- 437 Change provisions of the Nebraska Pure Food Act.
- 474 * Change Nebraska Wheat Development, Utilization, and Marketing Board provisions.
- 479 * Change provisions for the commitment of mentally incompetent persons to the Dept. of Health and Human Services.
- 496 * Adopt the Concealed Handgun Permit Act.
- 499 * Change provisions relating to motor vehicle registration and commercial motor vehicles.
- 500 * Change provisions relating to controlled substances.
- 501 * Change provisions for custody and placement of intoxicated and mentally ill dangerous persons.
- 523 * Adopt and ratify the Southern Dairy Compact.
- 531 * Change state building capital improvement depreciation charge provisions.
- 535 * Change local system formula resources computations under the Tax Equity and Educational Opportunities Support Act.
- 587 Adopt the Agricultural Contract Unfair Practices Act.
- 588 Adopt the Rural Initiative Act.
- 589 Change provisions of the Livestock Brand Act.
- 591 Change animal damage control program provisions.
- 600 * Change agricultural and horticultural land valuation provisions.
- 605 * Provide additional penalties for littering.
- 805 * Change petition signer, circulator, and verification provisions.
- 812 * Change adjusted formula student provisions under the Tax Equity and Educational Opportunities Support Act.
- 823 * Provide that the term person includes an unborn child for purposes of wrongful death actions.
- 824 * Adopt the Homicide of the Unborn Child Act.
- 834 * Provide for damages with respect to certain agricultural research projects.
- 911 * Encourage government purchases of calcium rich products.
- 912 * Extend the termination date of the Farm Mediation Act.
- 913 Change provisions relating to wild animals.
- 914 Change hog disease provisions.
- 915 Change weights and measures provisions.
- 916 Change food regulation provisions.
- 964 * Authorize the Auditor of Public Accounts to conduct performance audits.
- 980 * Eliminate recognition of holiday proclamations by the President.

INTRODUCERS OF BILLS AND RESOLUTIONS 1999
REFERRED TO COMMITTEE

- 995 * Authorize electronic tax returns, payments, and refunds.
1005 * Change law enforcement officer's primary jurisdiction with respect to DUI chemical testing procedures.
1039 * Change motor fuel tax rates and diesel fuel tax refund provisions.
1041 * Include funding for administrative license revocation appeals in the Attorney General's budget.
1055 Change fee provisions for noxious weed control, pesticides, and liming materials.
1056 Change fee provisions under the Nebraska Commercial Fertilizer and Soil Conditioner Act.
1057 Change fee provisions in the Commercial Feed Act.
1058 Change funding provisions under the Plant Protection and Plant Pest Act.
1087 * Provide an exemption from levy limits for library technology purchases.
1097 * Change budget limitation provisions.
1098 * Change information on and duties related to tax statements.
1124 * Provide an exception to school levy limitations for certain medical costs.
1134 * Provide for a separate cost grouping for certain unified systems under the Tax Equity and Educational Opportunities Support Act.
1189 * Provide a late permit and fee relating to open burning.
1245 Change ethanol production credits, excise taxes, and intent.
1257 * Change boundaries of legislative districts.
1278 * Provide for indirect damages in certain anti-trust actions.
1285 * Create the Livestock Industry Issue Task Force.
1298 * Redefine commercial motor vehicle.
1304 * Change excise tax rates and intent relating to ethanol.
- LR**
283 CA* Authorize an increase in the number of members of the Legislature.

PAT ENGEL

- LB**
185 * Require a minimum number of persons for a train crew.
336 * Appropriate funds to Central Community College.
462 * Regulate and prohibit the use of human fetal tissue.
479 * Change provisions for the commitment of mentally incompetent persons to the Dept. of Health and Human Services.
496 * Adopt the Concealed Handgun Permit Act.
503 * Change provisions governing disposition of the remains of deceased persons.
530 * Create the Mental and Behavioral Health and Substance Abuse Services Task Force.
531 * Change state building capital improvement depreciation charge

- provisions.
- 534 * Authorize local authorities to pass traffic regulation ordinances and resolutions relating to photographic evidence.
- 605 * Provide additional penalties for littering.
- 662 * Change procedures for the transfer of the assessment function to the Property Tax Administrator.
- 683 * Appropriate funds to the Coordinating Commission for Postsecondary Education for awards.
- 791 * Change provisions for transfer of funds under the State Lottery Act.
- 823 * Provide that the term person includes an unborn child for purposes of wrongful death actions.
- 824 * Adopt the Homicide of the Unborn Child Act.
- 891 * Change administrative structure of the Nebraska Environmental Trust Board.
- 903 * Adopt the Interstate Compact Sunshine Act.
- 951 * Change provisions relating to Department of Correctional Services' braille products and contracts.
- 961 * Create the State Fair Commission.
- 980 * Eliminate recognition of holiday proclamations by the President.
- 1008 * Change candidate filing form provisions.
- 1116 * Eliminate ignition interlock devices as an option for certain DUI violations.
- 1207 * Provide that child care licenses can be revoked or denied for dangerous environmental conditions.
- 1266 * Authorize private contracts for transportation of prisoners and other persons under control of the state as prescribed.
- 1300 * Change employment requirements for the Employment and Investment Growth Act.
- LR**
- 18 CA * Constitutional amendment to change the membership of the Board of Regents of the University of Nebraska.

PHILIP ERDMAN

- LB**
- 26 * Prohibit acts relating to unsolicited electronic mail and advertising.
- 57 * Exempt copies of public records from sales and use tax.
- 91 * Extend benefits to certain cooperatives under the Employment and Investment Growth Act.
- 141 * Change income tax adjustments relating to the Nebraska educational savings plan trust.
- 276 * Provide and change penalties relating to criminal impersonation, financial transaction devices, payment cards, and personal information.
- 291 * Provide for license plates recognizing service in the United States Armed Forces.
- 338 * Change provisions relating to minors under the Nebraska

INTRODUCERS OF BILLS AND RESOLUTIONS
REFERRED TO COMMITTEE

2001

- Liquor Control Act.
- 340 * Create the crime of criminal impersonation of a person entitled to notification regarding abortion.
- 341 * Change provisions relating to abortion, voluntary and informed consent, printed materials, notification, and civil liability.
- 342 * Change provisions relating to abortion, notification, and eliminate provisions requiring school districts to provide written information.
- 378 * Change provisions for calculation of the local effort rate under the Tax Equity and Educational Opportunities Support Act.
- 392 * Change provisions for valuation of agricultural land and horticultural land.
- 395 * Require voters to present proof of identity prior to voting.
- 428 * Change recall election provisions.
- 462 * Regulate and prohibit the use of human fetal tissue.
- 474 * Change Nebraska Wheat Development, Utilization, and Marketing Board provisions.
- 479 * Change provisions for the commitment of mentally incompetent persons to the Dept. of Health and Human Services.
- 494 * Provide for five-year issuance of license plates.
- 496 * Adopt the Concealed Handgun Permit Act.
- 499 * Change provisions relating to motor vehicle registration and commercial motor vehicles.
- 500 * Change provisions relating to controlled substances.
- 530 * Create the Mental and Behavioral Health and Substance Abuse Services Task Force.
- 531 * Change state building capital improvement depreciation charge provisions.
- 556 * Change provisions for valuation of agricultural and horticultural land.
- 584 * Change motorcycle and moped operation, licensure, and violation provisions.
- 605 * Provide additional penalties for littering.
- 662 * Change procedures for the transfer of the assessment function to the Property Tax Administrator.
- 684 * Change warning sign provisions for equine activities.
- 778 * Provide for the confidentiality and disclosure of certain information by the Game and Parks Commission.
- 785 * Change eminent domain provisions with respect to railroads.
- 789 * Appropriate funds for mental health services.
- 812 * Change adjusted formula student provisions under the Tax Equity and Educational Opportunities Support Act.
- 823 * Provide that the term person includes an unborn child for purposes of wrongful death actions.
- 824 * Adopt the Homicide of the Unborn Child Act.
- 883 * Authorize the charging of fees for insufficient funds motor vehicle transactions.

- 884 * Change provisions relating to tax penalties, payments, and fees.
- 896 * Change respite care licensing and funding provisions.
- 948 * Exempt agricultural machinery repairs and parts from sales tax.
- 952 * Change adoption and adoption records provisions.
- 964 * Authorize the Auditor of Public Accounts to conduct performance audits.
- 965 * Restrict government collection and use of personally identifiable information.
- 966 * Change public records provisions.
- 974 * Redefine recreational purposes for liability purposes.
- 980 * Eliminate recognition of holiday proclamations by the President.
- 982 * Change provisions relating to Americanism instruction.
- 983 * Prohibit minors from disaffirming certain contracts.
- 984 Change population restrictions for first class cities.
- 988 * Change eligibility under the Early Intervention Act.
- 1023 * Provide for a Water Policy Task Force.
- 1033 * Change scope of practice provisions for certain out of hospital emergency care provisions.
- 1044 * Change tax deed notice requirements.
- 1067 * Prohibit activities relating to human reproductive cloning.
- 1070 * Provide an alternative method to provide reports to the Legislature.
- 1117 * Exempt certain members of the armed forces from income tax.
- 1119 * Change size of tractors required to have tractor testing prior to sale.
- 1146 * Adopt the Medical Savings Account Act.
- 1192 * Adopt the Unfunded Mandates Reform Act.
- 1241 Require gubernatorial approval of certain Game and Parks Commission actions under the Nongame and Endangered Species Conservation Act.
- 1304 * Change excise tax rates and intent relating to ethanol.
- LR**
- 14 CA* Constitutional amendment to authorize property tax exemption for historically significant real property.
- 18 CA* Constitutional amendment to change the membership of the Board of Regents of the University of Nebraska.
- 283 CA* Authorize an increase in the number of members of the Legislature.

MIKE FOLEY

LB

- 141 * Change income tax adjustments relating to the Nebraska educational savings plan trust.
- 185 * Require a minimum number of persons for a train crew.
- 264 * Prohibit tattooing and body piercing on minors.
- 271 * Adopt the Elementary and Secondary Scholarship Assistance

INTRODUCERS OF BILLS AND RESOLUTIONS 2003
REFERRED TO COMMITTEE

- Act.
- 276 * Provide and change penalties relating to criminal impersonation, financial transaction devices, payment cards, and personal information.
- 326 * Adopt the Nebraska Read, Educate, and Develop Youth Act.
- 462 * Regulate and prohibit the use of human fetal tissue.
- 479 * Change provisions for the commitment of mentally incompetent persons to the Dept. of Health and Human Services.
- 499 * Change provisions relating to motor vehicle registration and commercial motor vehicles.
- 530 * Create the Mental and Behavioral Health and Substance Abuse Services Task Force.
- 683 * Appropriate funds to the Coordinating Commission for Postsecondary Education for awards.
- 705 * Appropriate funds to the Dept. of Health and Human Services for domestic violence programs.
- 823 * Provide that the term person includes an unborn child for purposes of wrongful death actions.
- 824 * Adopt the Homicide of the Unborn Child Act.
- 825 Require insurance coverage for reproductive health care.
- 839 * Require telecommunications companies to provide an informational statement regarding unsolicited calls or faxes.
- 964 * Authorize the Auditor of Public Accounts to conduct performance audits.
- 983 * Prohibit minors from disaffirming certain contracts.
- 1008 * Change candidate filing form provisions.
- 1116 * Eliminate ignition interlock devices as an option for certain DUI violations.
- 1133 * Change penalties relating to alcoholic liquor violations by minors.
- 1228 Provide for an alternative method of appointment of mechanics for pupil transportation vehicle inspections.

D. PAUL HARTNETT

- LB**
- 271 * Adopt the Elementary and Secondary Scholarship Assistance Act.
- 373 * Change certain name and charter amendment requirements for public power districts.
- 380 * State intent relating to countywide school districts.
- 394 * Change provisions relating to student records.
- 480 Change the membership of facility boards in second class cities and villages.
- 481 Change provisions for issuance of citations for code violations in second class cities and villages.
- 482 Authorize the State Athletic Commissioner to set fees.
- 492 * Create a bargaining unit of employees of the Nebraska

- veterans homes.
- 498 * Exempt certain clothing and footwear from sales and use taxation for a certain period of time.
- 531 * Change state building capital improvement depreciation charge provisions.
- 575 * Change provisions for assessments and bonds relating to municipalities.
- 602 * Redefine general fund budget of expenditures under the Tax Equity and Educational Opportunities Support Act.
- 605 * Provide additional penalties for littering.
- 660 Change basic allowable growth rate provisions under the Tax Equity and Educational Opportunities Support Act.
- 683 * Appropriate funds to the Coordinating Commission for Postsecondary Education for awards.
- 725 Change the distribution of estate tax revenue and change the exempt amount for inheritance tax purposes.
- 726 Provide for transfer of retirement benefits between state agencies and change provisions for Nebraska State Patrol retirement system membership.
- 727 Change taxation provisions for prepaid telephone calling arrangements.
- 728 Change provisions of the Nebraska State Patrol Retirement Act.
- 729 Authorize counties to transfer jurisdiction and change city classification provisions and Nebraska State Capitol Environs District specifications as prescribed.
- 731 Change provisions relating to vacancies in certain elected offices.
- 732 Change provisions of the Nebraska Visitors Development Act.
- 774 * Change measuring of blood-alcohol or breath-alcohol concentration provisions for certain unlawful acts.
- 791 * Change provisions for transfer of funds under the State Lottery Act.
- 823 * Provide that the term person includes an unborn child for purposes of wrongful death actions.
- 824 * Adopt the Homicide of the Unborn Child Act.
- 911 * Encourage government purchases of calcium rich products.
- 980 * Eliminate recognition of holiday proclamations by the President.
- 995 * Authorize electronic tax returns, payments, and refunds.
- 1020 Change provisions relating to housing agency bonds.
- 1034 Prohibit extreme or ultimate fighting.
- 1035 Change provisions relating to receipt of developmental disabilities services.
- 1041 * Include funding for administrative license revocation appeals in the Attorney General's budget.
- 1045 Change income tax rates.
- 1061 Authorize leaves from jail for alcohol or substance abuse treatment.

INTRODUCERS OF BILLS AND RESOLUTIONS
REFERRED TO COMMITTEE

2005

- 1097 * Change budget limitation provisions.
1098 * Change information on and duties related to tax statements.
1110 * Change service awards for voluntary emergency responders.
1117 * Exempt certain members of the armed forces from income tax.
1129 Change State Fire Marshal fees.
1151 * Change vehicle registration fee provisions for metropolitan class cities.
1159 Permit schools to exceed their allowable growth rate for teacher compensation expenses.
1160 Increase the maximum school levy for teacher compensation purposes.
1167 * Change Nebraska Workforce Investment Board provisions.
1229 Change city of the metropolitan class transit authority board membership provisions.
1230 Require metropolitan utilities districts to make payments to counties for retail water and gas sales as prescribed.
1231 Change a penalty for certain late unemployment tax reports.
1232 Change provisions relating to agricultural and horticultural land valuation boards.
1233 Authorize counties to assume ownership of interstate bridges as prescribed.
1240 Change city and county responsibilities and funds under the Nebraska Visitors Development Act.
1243 Change the inheritance tax exemption.
1244 * Create a renewable energy tax credit.
1260 Impose an excise tax on natural gas and exempt natural gas from sales tax.
1299 * Change the definition of restricted funds for budget limitation purposes.
1300 * Change employment requirements for the Employment and Investment Growth Act.
1301 Adopt the Nebraska Historic Preservation Act.
LR
14 CA * Constitutional amendment to authorize property tax exemption for historically significant real property.

CAROL HUDKINS

LB

- 140 * Provide for a state meat inspection pilot program.
175 * Change provisions relating to required payments by wineries to the Nebraska Liquor Control Commission.
264 * Prohibit tattooing and body piercing on minors.
378 * Change provisions for calculation of the local effort rate under the Tax Equity and Educational Opportunities Support Act.
446 * Change provisions relating to airports.
479 * Change provisions for the commitment of mentally incompetent persons to the Dept. of Health and Human Services.

- 479 A Appropriation Bill.
- 496 * Adopt the Concealed Handgun Permit Act.
- 532 Provide for changes to adjusted valuation under the Tax Equity and Educational Opportunities Support Act.
- 545 * Change provisions relating to bingo, pickle cards, lotteries, and raffles.
- 555 * Provide for collection of funds for decommissioning a nuclear power plant.
- 556 * Change provisions for valuation of agricultural and horticultural land.
- 572 * Change provisions relating to farm wineries.
- 600 * Change agricultural and horticultural land valuation provisions.
- 661 * Provide for a task force and study of the Omaha to Lincoln Interstate 80 corridor.
- 662 * Change procedures for the transfer of the assessment function to the Property Tax Administrator.
- 770 * Change provisions of the Nebraska Mental Health Commitment Act and change custody provisions.
- 777 * Change provisions of the Nongame and Endangered Species Conservation Act.
- 787 * Change provisions for limited permits under the Game Law.
- 823 * Provide that the term person includes an unborn child for purposes of wrongful death actions.
- 824 * Adopt the Homicide of the Unborn Child Act.
- 837 * Change Dept. of Natural Resources provisions for notices and hearings.
- 1023 * Provide for a Water Policy Task Force.
- 1024 * Exempt agricultural machinery repairs and parts from sales tax.
- 1052 Change provisions relating to the motor vehicle point system.
- 1066 * Change penalty for violation of a cease and desist order issued by a natural resources district.
- 1080 * Change provisions and penalties relating to tobacco products and tobacco licensees.
- 1161 Require certain public water suppliers to pay for county services and facilities.
- 1184 * Subject payments to risk management pools to levy limitations.
- 1193 * Provide for insurance regulation of risk management pools.
- 1194 Change workers' compensation provisions relating to volunteer firefighters, ambulance drivers, and emergency care providers.
- 1196 Eliminate provisions dealing with law enforcement vehicular pursuits.
- 1270 * Provide requirements for net metering systems for electrical energy.
- 1286 * Authorize regulation and registration of wireless carriers.

INTRODUCERS OF BILLS AND RESOLUTIONS
REFERRED TO COMMITTEE

2007

RAY JANSSEN

LB

- 139 * Exempt certain United States Postal Service delivery charges from sales and use taxes.
- 140 * Provide for a state meat inspection pilot program.
- 141 * Change income tax adjustments relating to the Nebraska educational savings plan trust.
- 147 * Provide for Shriner's license plates.
- 184 * Provide an exemption from motor vehicle taxes and fees for Purple Heart recipients.
- 264 * Prohibit tattooing and body piercing on minors.
- 380 * State intent relating to countywide school districts.
- 429 * Change provisions relating to benefits under the federal Food Stamp Act program.
- 429 A Appropriation Bill.
- 479 * Change provisions for the commitment of mentally incompetent persons to the Dept. of Health and Human Services.
- 492 * Create a bargaining unit of employees of the Nebraska veterans homes.
- 531 * Change state building capital improvement depreciation charge provisions.
- 533 * Change grant approval conditions under the Local Civic, Cultural, and Convention Center Financing Act.
- 545 * Change provisions relating to bingo, pickle cards, lotteries, and raffles.
- 546 * Change bingo, pickle card, and lottery provisions.
- 571 * Change cemetery eminent domain provisions.
- 575 * Change provisions for assessments and bonds relating to municipalities.
- 600 * Change agricultural and horticultural land valuation provisions.
- 670 * Change provisions for municipal officers in second class cities and villages.
- 700 * Create the Dept. of Building Renewal and eliminate the Task Force for Building Renewal.
- 791 * Change provisions for transfer of funds under the State Lottery Act.
- 802 * Change gambling provisions and authorize the use of electronic pickle card devices and lottery equipment.
- 813 * Adopt the Public Facilities Construction and Finance Act.
- 909 * Change provisions relating to tribal-state gaming compacts.
- 928 * Change a provision for correction of a levy.
- 950 * Change Class C licenses under the Nebraska Liquor Control Act.
- 973 * Change life insurance death benefits for volunteer fire companies.
- 974 * Redefine recreational purposes for liability purposes.

- 995 * Authorize electronic tax returns, payments, and refunds.
- 1023 * Provide for a Water Policy Task Force.
- 1024 * Exempt agricultural machinery repairs and parts from sales tax.
- 1031 * Change board of trustees residency requirements for county medical and multiunit facilities.
- 1039 * Change motor fuel tax rates and diesel fuel tax refund provisions.
- 1064 * Change a date relating to homestead exemptions.
- 1068 * Change provisions relating to pickle cards.
- 1098 * Change information on and duties related to tax statements.
- 1104 * Increase the gallonage tax on beer.
- 1112 Provide a reciprocal sales tax exemption.
- 1115 * Authorize drug court programs.
- 1127 Change special designated liquor license provisions.
- LR**
- 6 CA * Constitutional amendment to permit gaming on Indian lands.

JIM JENSEN

LB

- 28 * Change an exemption amount subject to inheritance tax and create the County Inheritance Tax Replacement Fund.
- 150 * Change provisions relating to sexual assault and controlled substances schedules.
- 212 Change provisions relating to child abuse and neglect reports and the central register.
- 227 * Change provisions of the Nebraska Clean Indoor Air Act.
- 255 * Adopt the Community-Based Neurobehavioral Rehabilitation Implementation Act.
- 272 * Adopt the Nebraska Juvenile Justice Institute Act.
- 276 * Provide and change penalties relating to criminal impersonation, financial transaction devices, payment cards, and personal information.
- 282 * Provide income tax adjustments for long-term care insurance premiums.
- 301 * Change exempted activities under the Engineers and Architects Regulation Act.
- 331 Change State Board of Health provisions.
- 332 Provide an income tax credit and income tax adjustment for long-term care insurance premiums.
- 333 Change tobacco license, fee, and penalty provisions.
- 343 * Provide immunity in actions relating to job references.
- 391 * Adopt the Nebraska Schools Construction Alternatives Act.
- 399 * Adopt the Outpatient Surgical Procedures Data Act.
- 400 * Change training and licensure provisions under the Quality Child Care Act.
- 496 * Adopt the Concealed Handgun Permit Act.
- 519 * Change state aid calculations for schools.
- 529 * Adopt the Employment Screening and Protection Act.

INTRODUCERS OF BILLS AND RESOLUTIONS
REFERRED TO COMMITTEE

2009

- 531 * Change state building capital improvement depreciation charge provisions.
- 533 * Change grant approval conditions under the Local Civic, Cultural, and Convention Center Financing Act.
- 534 * Authorize local authorities to pass traffic regulation ordinances and resolutions relating to photographic evidence.
- 557 Provide an exemption from respiratory care licensure requirements.
- 601 * Adopt the Health Care Prompt Payment Act.
- 612 * Change medical assistance program provisions with respect to coverage for anti-obesity drugs.
- 661 * Provide for a task force and study of the Omaha to Lincoln Interstate 80 corridor.
- 661 A Appropriation Bill.
- 682 * Adopt the Nebraska Behavioral Health Services Act.
- 691 *** Appropriate funds to the Dept. of Health and Human Services for substance abuse and mental health services and programming for juveniles in state custody.
- 700 * Create the Dept. of Building Renewal and eliminate the Task Force for Building Renewal.
- 767 * Adopt the Substance Abuse and Crime Prevention Act.
- 770 * Change provisions of the Nebraska Mental Health Commitment Act and change custody provisions.
- 815 * Include anhydrous ammonia under drug paraphernalia provisions.
- 823 * Provide that the term person includes an unborn child for purposes of wrongful death actions.
- 824 * Adopt the Homicide of the Unborn Child Act.
- 888 * Provide keeping of automobile liability insurance records in the vehicle titling and registration computer system.
- 892 * Provide for dental faculty licenses.
- 892 A Appropriation Bill.
- 893 Exempt certain school maintenance and improvement costs from the property tax levy limit.
- 894 Provide for discipline of licenses for failure to pay student loans.
- 896 * Change respite care licensing and funding provisions.
- 911 * Encourage government purchases of calcium rich products.
- 952 * Change adoption and adoption records provisions.
- 980 * Eliminate recognition of holiday proclamations by the President.
- 981 Provide for the Nebraska Educational Finance Authority to make loans in anticipation of tuition receipts.
- 982 * Change provisions relating to Americanism instruction.
- 988 * Change eligibility under the Early Intervention Act.
- 1023 * Provide for a Water Policy Task Force.
- 1032 Provide for recommendations relating to a statewide public health system.

- 1033 * Change scope of practice provisions for certain out of hospital emergency care provisions.
- 1062 A Appropriation Bill.
- 1063 Change cigarette tax provisions.
- 1095 Reduce extended Medicaid eligibility for children under the federal option from twelve months to six months.
- 1096 Provide and change regulation of spas and swimming pools by the Department of Health and Human Services Regulation and Licensure.
- 1096 A Appropriation Bill.
- 1115 * Authorize drug court programs.
- 1124 * Provide an exception to school levy limitations for certain medical costs.
- 1145 * Provide funding for substance abuse treatment.
- 1146 * Adopt the Medical Savings Account Act.
- 1148 * Provide for a legislative study and report on prescription drug assistance.
- 1149 Change funding provisions of the Nebraska Health Care Funding Act.
- 1149 A Appropriation Bill.
- 1162 * Provide a quality education incentive factor in the state aid formula.
- 1207 * Provide that child care licenses can be revoked or denied for dangerous environmental conditions.
- 1277 Provides for agreements between parents and the Department of Health and Human Services for services for their children.
- 1279 * Adopt the Nebraska Family Trust Act.

JIM JONES

LB

- 28 * Change an exemption amount subject to inheritance tax and create the County Inheritance Tax Replacement Fund.
- 265 * Provide for Nebraska Pioneer Farm Family License Plates.
- 276 * Provide and change penalties relating to criminal impersonation, financial transaction devices, payment cards, and personal information.
- 290 * Change provisions for valuation of agricultural and horticultural land and school state aid calculations.
- 291 * Provide for license plates recognizing service in the United States Armed Forces.
- 369 * Change provisions relating to annexation and schools.
- 378 * Change provisions for calculation of the local effort rate under the Tax Equity and Educational Opportunities Support Act.
- 392 * Change provisions for valuation of agricultural land and horticultural land.
- 422 * Change the calculation of state aid value.
- 462 * Regulate and prohibit the use of human fetal tissue.
- 474 * Change Nebraska Wheat Development, Utilization, and Marketing Board provisions.

INTRODUCERS OF BILLS AND RESOLUTIONS
REFERRED TO COMMITTEE

2011

- 479 * Change provisions for the commitment of mentally incompetent persons to the Dept. of Health and Human Services.
- 494 * Provide for five-year issuance of license plates.
- 496 * Adopt the Concealed Handgun Permit Act.
- 504 * Appropriate funds to the Dept. of Natural Resources.
- 519 * Change state aid calculations for schools.
- 531 * Change state building capital improvement depreciation charge provisions.
- 535 * Change local system formula resources computations under the Tax Equity and Educational Opportunities Support Act.
- 600 * Change agricultural and horticultural land valuation provisions.
- 601 * Adopt the Health Care Prompt Payment Act.
- 662 * Change procedures for the transfer of the assessment function to the Property Tax Administrator.
- 679 * Change provisions of the Nebraska Public Safety Wireless Communication System Act.
- 684 * Change warning sign provisions for equine activities.
- 685 * Change prescription drug provisions under medical benefit contracts.
- 709 * Restrict eminent domain powers of natural resources districts.
- 777 * Change provisions of the Nongame and Endangered Species Conservation Act.
- 778 * Provide for the confidentiality and disclosure of certain information by the Game and Parks Commission.
- 785 * Change eminent domain provisions with respect to railroads.
- 787 * Change provisions for limited permits under the Game Law.
- 803 * Adopt the Nebraska Pork Industry Development Act.
- 812 * Change adjusted formula student provisions under the Tax Equity and Educational Opportunities Support Act.
- 823 * Provide that the term person includes an unborn child for purposes of wrongful death actions.
- 824 * Adopt the Homicide of the Unborn Child Act.
- 928 * Change a provision for correction of a levy.
- 964 * Authorize the Auditor of Public Accounts to conduct performance audits.
- 980 * Eliminate recognition of holiday proclamations by the President.
- 982 * Change provisions relating to Americanism instruction.
- 1006 * Change provisions relating to sales under the Uniform Commercial Code.
- 1022 * Change property tax depreciation schedules for certain equipment.
- 1023 * Provide for a Water Policy Task Force.
- 1024 * Exempt agricultural machinery repairs and parts from sales tax.
- 1046 * Change the member districts of the Board of Educational

Lands and Funds.

- 1064 * Change a date relating to homestead exemptions.
- 1066 * Change penalty for violation of a cease and desist order issued by a natural resources district.
- 1102 Eliminate provisions relating to tenure for school employees.
- 1113 * Change property tax assessment provisions relating to reports of property improvements.
- 1131 * Change motor vehicle dealer franchise's community restrictions.
- 1257 * Change boundaries of legislative districts.
- 1270 * Provide requirements for net metering systems for electrical energy.
- 1285 * Create the Livestock Industry Issue Task Force.
- 1286 * Authorize regulation and registration of wireless carriers.
- 1288 * Change Niobrara Council powers and duties relating to the Niobrara scenic river corridor.

LR

- 283 CA* Authorize an increase in the number of members of the Legislature.

BOB KREMER**LB**

- 91 * Extend benefits to certain cooperatives under the Employment and Investment Growth Act.
- 190 * Authorize enforcement of occupant protection system requirements.
- 271 * Adopt the Elementary and Secondary Scholarship Assistance Act.
- 276 * Provide and change penalties relating to criminal impersonation, financial transaction devices, payment cards, and personal information.
- 288 * Appropriate funds to the Organ and Tissue Donor Awareness and Education Fund.
- 336 * Appropriate funds to Central Community College.
- 373 * Change certain name and charter amendment requirements for public power districts.
- 378 * Change provisions for calculation of the local effort rate under the Tax Equity and Educational Opportunities Support Act.
- 404 * Provide for a task force and a study covering ground water and surface water.
- 415 * Change farm labor contractor provisions.
- 421 * Change the calculation of local effort rate and adjust levy amounts relating to school finance.
- 422 * Change the calculation of state aid value.
- 474 * Change Nebraska Wheat Development, Utilization, and Marketing Board provisions.
- 479 * Change provisions for the commitment of mentally incompetent persons to the Dept. of Health and Human Services.

INTRODUCERS OF BILLS AND RESOLUTIONS
REFERRED TO COMMITTEE

2013

- 504 * Appropriate funds to the Dept. of Natural Resources.
- 531 * Change state building capital improvement depreciation charge provisions.
- 555 * Provide for collection of funds for decommissioning a nuclear power plant.
- 600 * Change agricultural and horticultural land valuation provisions.
- 601 * Adopt the Health Care Prompt Payment Act.
- 654 Change provisions for school district transfers of land by petition.
- 662 * Change procedures for the transfer of the assessment function to the Property Tax Administrator.
- 709 * Restrict eminent domain powers of natural resources districts.
- 777 * Change provisions of the Nongame and Endangered Species Conservation Act.
- 778 * Provide for the confidentiality and disclosure of certain information by the Game and Parks Commission.
- 787 * Change provisions for limited permits under the Game Law.
- 798 * Change insurance provisions with respect to creditors claims.
- 815 * Include anhydrous ammonia under drug paraphernalia provisions.
- 823 * Provide that the term person includes an unborn child for purposes of wrongful death actions.
- 824 * Adopt the Homicide of the Unborn Child Act.
- 962 * Change liability provisions of buyers of farm products subject to liens.
- 963 Change provisions relating to the Nebraska Installment Sales Act.
- 964 * Authorize the Auditor of Public Accounts to conduct performance audits.
- 977 * Change veterans' aid application procedures.
- 978 * Provide rights for trainers of dogs for disabled persons.
- 979 * Change inmate medical expense payment provisions.
- 980 * Eliminate recognition of holiday proclamations by the President.
- 1023 * Provide for a Water Policy Task Force.
- 1039 * Change motor fuel tax rates and diesel fuel tax refund provisions.
- 1066 * Change penalty for violation of a cease and desist order issued by a natural resources district.
- 1198 Authorize claims settlement complaints by health care providers.
- 1270 * Provide requirements for net metering systems for electrical energy.
- 1284 Provide for the transfer of certain credits under the Employment and Investment Growth Act.
- 1305 * Change provisions relating to transfer of school district territory as a result of annexation of property by cities.

DOUG KRISTENSEN

LB

- 125 * Change restrictions on exit polls and other interviews with voters on election day.
- 316 Change hearing provisions for driving under the influence of alcohol.
- 343 * Provide immunity in actions relating to job references.
- 384 * Adopt the Municipal Natural Gas System Condemnation Act.
- 401 * Create the Nebraska Higher Education Board of Regents.
- 708 Adopt the Teacher Tuition Reimbursement Act.
- 712 Clarify rule and regulation authority of the Tax Commissioner.
- 801 * Adopt the Employees of Elected Constitutional Offices Supplemental Retirement Plan Act.
- 823 * Provide that the term person includes an unborn child for purposes of wrongful death actions.
- 824 * Adopt the Homicide of the Unborn Child Act.
- 861 Change provisions relating to Commission on Public Advocacy funds and personnel.
- 891 * Change administrative structure of the Nebraska Environmental Trust Board.
- 898 Change provisions relating to local effort rate.
- 898 A Appropriation Bill.
- 904 * Change provisions of the Telemarketing and Prize Promotions Act.
- 934 Change school tax levy provisions and state aid calculations.
- 976 * Authorize the use of electric personal assistive mobility devices.
- 987 Establish the Warner School of Excellence at the University of Nebraska at Kearney.
- 1011 * Authorize employment of Counsel to the Legislature.
- 1023 * Provide for a Water Policy Task Force.
- 1043 * Change court fees.
- 1059 Authorize school districts to charge fees for extracurricular activities.
- 1100 ** Provide deficit appropriations for state government expenses.
- 1101 ** Authorize and provide for certain cash fund transfers.
- 1156 Create a tax court.
- 1177 Require transfers from the General Fund to the Cash Reserve Fund.
- 1226 Adopt the Private Postsecondary Career School Assistance Program Act and reallocate funds for postsecondary education assistance.
- 1289 Change provisions governing subpoenas for witnesses in civil cases.
- 1290 * Authorize certain public officials and employees to participate in the state insurance program.
- 1309 ** Change certain appropriations.
- 1310 ** Change provisions relating to use and transfers of funds.

INTRODUCERS OF BILLS AND RESOLUTIONS
REFERRED TO COMMITTEE

2015

LR

- 8 CA Constitutional amendment to create the Nebraska Higher Education Board of Regents.

LOWEN KRUSE

LB

- 141 * Change income tax adjustments relating to the Nebraska educational savings plan trust.
- 272 * Adopt the Nebraska Juvenile Justice Institute Act.
- 287 * Adopt the Post-Organ-Transplant Program Act.
- 288 * Appropriate funds to the Organ and Tissue Donor Awareness and Education Fund.
- 394 * Change provisions relating to student records.
- 479 * Change provisions for the commitment of mentally incompetent persons to the Dept. of Health and Human Services.
- 488 * Create the motor vehicle insurance data base.
- 597 * State intent relating to pay rates for behavioral health services.
- 683 * Appropriate funds to the Coordinating Commission for Postsecondary Education for awards.
- 718 Require an advisement from a court prior to a plea of guilty or nolo contendere.
- 774 * Change measuring of blood-alcohol or breath-alcohol concentration provisions for certain unlawful acts.
- 775 * Change child abuse provisions.
- 776 * Change penalties for persons under twenty-one years of age driving under the influence.
- 951 * Change provisions relating to Department of Correctional Services' braille products and contracts.
- 955 * Change resident postsecondary tuition provisions.
- 1005 * Change law enforcement officer's primary jurisdiction with respect to DUI chemical testing procedures.
- 1007 * Change provisions relating to motor vehicle towing and storage costs.
- 1008 * Change candidate filing form provisions.
- 1116 * Eliminate ignition interlock devices as an option for certain DUI violations.
- 1133 * Change penalties relating to alcoholic liquor violations by minors.
- 1135 * Provide for a presumption of possession of alcoholic liquor by minors.
- 1145 * Provide funding for substance abuse treatment.
- 1187 * Change testing procedures relating to driving under the influence.
- 1250 * Require textbook publishers to provide versions to accommodate persons with disabilities.
- 1272 * Create the Environmental Response Contingency Fund and change lottery money distribution.

- 1275 * Develop a pilot project for individual development accounts.
 LR
 277 CA * Constitutional amendment to change the prohibition on a felon's right to vote.

DAVID LANDIS

- LB
 42 Provide for a rebuttable presumption of negligence for use of a mobile telephone while operating a motor vehicle.
 44 Change an application fee for persons applying for alternative fuel user permits.
 361 Adopt the Uniform Trust Code.
 371 Change craft brewery and keg sale provisions under the Nebraska Liquor Control Act.
 385 Provide for an exclusion from the rule against perpetuities for certain trusts.
 487 Provide an income tax credit for earned income.
 488 * Create the motor vehicle insurance data base.
 488 A Appropriation Bill.
 547 Change insurance fraud and fee provisions.
 547 A Appropriation Bill.
 696 Change recovery provisions under wrongful death actions.
 741 Change provisions governing motor carriers and certificates of convenience and necessity.
 900 Change provisions relating to the compiling of lien information.
 901 Change calculation of interest on decrees and judgments.
 955 * Change resident postsecondary tuition provisions.
 957 Change provisions relating to banking and finance.
 967 Change provisions relating to disclosures by financial institutions and the Nebraska Capital Expansion Act.
 968 Exempt the University and state colleges from bond redemption requirements.
 969 Change civil action settlement procedures.
 995 * Authorize electronic tax returns, payments, and refunds.
 1036 Change application provisions under the Employment and Investment Growth Act.
 1037 Prohibit new applications under the Employment and Investment Growth Act.
 1038 Provide additional investment options for state and county retirement system members.
 1082 * Require schools to adopt a bullying policy.
 1083 * Require schools to adopt a bullying policy and prohibit certain acts relating to firearms.
 1088 Change fees for state identification cards.
 1089 Eliminate certain branch banking restrictions.
 1092 Change provisions relating to insurance.
 1094 Eliminate references to cooperative credit associations.
 1106 Change provisions relating to filing financial statements under

INTRODUCERS OF BILLS AND RESOLUTIONS
REFERRED TO COMMITTEE

2017

- the Uniform Commercial Code.
- 1128 Change budget limitation provisions.
- 1136 * Provide public access to information under the Employment and Investment Growth Act.
- 1137 * Change levy authority calculations.
- 1139 Change insurance provisions and adopt the Multiple Employer Welfare Arrangement Act.
- 1154 Provide licensed mental health practitioners with access to birth certificate information of an adopted person.
- 1155 Change Equal Opportunity Commission hearing procedures.
- 1163 Change provisions relating to the Uniform Federal Lien Registration Act.
- 1190 Adopt the Uniform Mediation Act.
- 1208 Provide for sales tax on certain services.
- 1215 * Change loan provisions with respect to mortgages, installment loans, and trust deeds.
- 1267 * Provide for fees for radioactive waste shipments.
- 1268 Adopt uniform changes to the Uniform Interstate Family Support Act.
- 1269 Prohibit the use of customer proprietary network information by telecommunications companies.
- LR**
- 4 CA Constitutional amendment to authorize revenue bonds to develop and lease property for use by nonprofit enterprises.

CHIP MAXWELL

- LB**
- 503 * Change provisions governing disposition of the remains of deceased persons.
- 823 * Provide that the term person includes an unborn child for purposes of wrongful death actions.
- 824 * Adopt the Homicide of the Unborn Child Act.
- 988 * Change eligibility under the Early Intervention Act.
- 1107 Change licensing examination provisions for doctors.
- 1162 * Provide a quality education incentive factor in the state aid formula.
- 1206 * Change and eliminate provisions relating to schools.

RICK MCDONALD (Deceased)

(The following resolution is a carryover resolution
with no other introducer)

- LR**
- 21 CA Constitutional amendment to state that political subdivision employees, including school district employees, are not executive officers.

VICKIE D. MCDONALD**LB**

- 446 * Change provisions relating to airports.
 774 * Change measuring of blood-alcohol or breath-alcohol concentration provisions for certain unlawful acts.
 824 * Adopt the Homicide of the Unborn Child Act.
 935 * Change and eliminate provisions relating to elections and petitions.
 973 * Change life insurance death benefits for volunteer fire companies.
 980 * Eliminate recognition of holiday proclamations by the President.
 1022 * Change property tax depreciation schedules for certain equipment.
 1023 * Provide for a Water Policy Task Force.
 1024 * Exempt agricultural machinery repairs and parts from sales tax.
 1054 * Change provisions relating to elections and civil rights.
 1064 * Change a date relating to homestead exemptions.
 1115 * Authorize drug court programs.
 1132 * Change provisions relating to duties of and loans made by the Nebraska Railway Council.
 1179 * Transfers funds within the Department of Economic Development.
 1189 * Provide a late permit and fee relating to open burning.

DWITE PEDERSEN**LB**

- 12 Provide requirements for persons dispensing medications in facilities operated by the Dept. of Correctional Services.
 12A Appropriation Bill.
 29 * Change collective bargaining representation provisions.
 112 * Change provisions for work arrangements for persons committed to the Dept. of Correctional Services.
 140 * Provide for a state meat inspection pilot program.
 150 * Change provisions relating to sexual assault and controlled substances schedules.
 158 * Create the Community Criminal Justice Treatment Task Force.
 159 * Change provisions for the expungement of certain criminal history record information.
 185 * Require a minimum number of persons for a train crew.
 228 * Appropriate funds to the Nebraska Commission on Law Enforcement and Criminal Justice for a substance abuse treatment task force.
 271 * Adopt the Elementary and Secondary Scholarship Assistance Act.
 272 * Adopt the Nebraska Juvenile Justice Institute Act.
 296 Create the offense of disarming an officer.
 297 Change and eliminate provisions of the Dept. of Correctional

INTRODUCERS OF BILLS AND RESOLUTIONS
REFERRED TO COMMITTEE

2019

- 306 * Services and create the Legislative Advisory Committee for Corrections and the Inmate Disciplinary Appeal Board.
Change provisions for the transfer of funds to the Compulsive Gamblers Assistance Fund.
- 340 * Create the crime of criminal impersonation of a person entitled to notification regarding abortion.
- 341 * Change provisions relating to abortion, voluntary and informed consent, printed materials, notification, and civil liability.
- 342 * Change provisions relating to abortion, notification, and eliminate provisions requiring school districts to provide written information.
- 351 * Change the penalty for unlawful possession of a firearm on school grounds.
- 352 * Provide for a driver's safety training program as pretrial diversion.
- 373 * Change certain name and charter amendment requirements for public power districts.
- 384 * Adopt the Municipal Natural Gas System Condemnation Act.
- 392 * Change provisions for valuation of agricultural land and horticultural land.
- 394 * Change provisions relating to student records.
- 395 * Require voters to present proof of identity prior to voting.
- 401 * Create the Nebraska Higher Education Board of Regents.
- 402 Create the criminal offense of unlawfully taking motor vehicle fuel.
- 403 Adopt the Community-Based Alternatives Sanctions Act and eliminate the Community Correctional Facilities and Programs Act.
- 426 * Adopt the Peace Officer Employer-Employee Relations Act.
- 462 * Regulate and prohibit the use of human fetal tissue.
- 471 * Change juvenile justice placement, confinement, and parole provisions.
- 479 * Change provisions for the commitment of mentally incompetent persons to the Dept. of Health and Human Services.
- 492 * Create a bargaining unit of employees of the Nebraska veterans homes.
- 494 * Provide for five-year issuance of license plates.
- 496 * Adopt the Concealed Handgun Permit Act.
- 500 * Change provisions relating to controlled substances.
- 501 * Change provisions for custody and placement of intoxicated and mentally ill dangerous persons.
- 503 * Change provisions governing disposition of the remains of deceased persons.
- 530 * Create the Mental and Behavioral Health and Substance Abuse Services Task Force.
- 584 * Change motorcycle and moped operation, licensure, and violation provisions.

- 595 * Change provisions for preadjudication and postadjudication costs associated with juveniles.
- 597 * State intent relating to pay rates for behavioral health services.
- 602 * Redefine general fund budget of expenditures under the Tax Equity and Educational Opportunities Support Act.
- 607 Change structured programming provisions under the Nebraska Treatment and Corrections Act.
- 608 Change assault, custody, and parole provisions.
- 610 Provide Dept. of Correctional Services duties relating to prisoner release or parole.
- 611 * Create the Correctional Improvement Committee and provide for correctional improvement studies and programs.
- 642 Provide duties with respect to a child fatality or near fatality.
- 682 * Adopt the Nebraska Behavioral Health Services Act.
- 683 * Appropriate funds to the Coordinating Commission for Postsecondary Education for awards.
- 691 *** Appropriate funds to the Dept. of Health and Human Services for substance abuse and mental health services and programming for juveniles in state custody.
- 723 Authorize applications to the Board of Pardons by inmates to commutation of sentences.
- 724 Provide for generic organizational license plates.
- 738 Change parole and work release provisions.
- 767 * Adopt the Substance Abuse and Crime Prevention Act.
- 791 * Change provisions for transfer of funds under the State Lottery Act.
- 815 * Include anhydrous ammonia under drug paraphernalia provisions.
- 823 * Provide that the term person includes an unborn child for purposes of wrongful death actions.
- 824 * Adopt the Homicide of the Unborn Child Act.
- 842 * Change child custody determination provisions relating to divorce.
- 895 * Adopt the Interstate Compact for Adult Offender Supervision.
- 951 * Change provisions relating to Department of Correctional Services' braille products and contracts.
- 955 * Change resident postsecondary tuition provisions.
- 964 * Authorize the Auditor of Public Accounts to conduct performance audits.
- 970 * Change city of the first class ward provisions.
- 980 * Eliminate recognition of holiday proclamations by the President.
- 1023 * Provide for a Water Policy Task Force.
- 1073 * Change provisions and penalties relating to occupant protection systems.
- 1093 * Change and transfer provisions relating to parole administration.
- 1115 * Authorize drug court programs.
- 1131 * Change motor vehicle dealer franchise's community

INTRODUCERS OF BILLS AND RESOLUTIONS 2021
REFERRED TO COMMITTEE

- restrictions.
- 1143 Provide for solicitation of contributions on city streets.
1225 Provide an income tax credit for public school teachers.
1227 * Adopt the Interstate Compact for Adult Offender Supervision.
1290 * Authorize certain public officials and employees to participate in the state insurance program.

LR

- 6 CA* Constitutional amendment to permit gaming on Indian lands.
293 CA* Constitutional amendment to authorize members of the Legislature to participate in the state group insurance program.

DON PEDERSON

LB

- 185 * Require a minimum number of persons for a train crew.
380 * State intent relating to countywide school districts.
395 * Require voters to present proof of identity prior to voting.
531 * Change state building capital improvement depreciation charge provisions.
534 * Authorize local authorities to pass traffic regulation ordinances and resolutions relating to photographic evidence.
648 Change provisions for combined improvement relating to municipalities.
649 Change provisions for sanitary sewer extension districts and water extension districts.
700 * Create the Dept. of Building Renewal and eliminate the Task Force for Building Renewal.
902 Change hunting posting provisions.
905 * Change estate and generation-skipping transfer tax provisions.
927 Change trust deed provisions.
946 * Change funding provisions of tax incentive laws.
961 * Create the State Fair Commission.
1039 * Change motor fuel tax rates and diesel fuel tax refund provisions.
1067 * Prohibit activities relating to human reproductive cloning.
1110 * Change service awards for voluntary emergency responders.
1124 * Provide an exception to school levy limitations for certain medical costs.
1278 * Provide for indirect damages in certain anti-trust actions.

DONALD PREISTER

LB

- 29 * Change collective bargaining representation provisions.
82 * Change provisions relating to crimes and offenses.
153 Require certain employees to pay for collective bargaining and contract enforcement.
227 * Change provisions of the Nebraska Clean Indoor Air Act.
262 Change provisions relating to the Nebraska Emergency Planning and Community Right to Know Act.

- 271 * Adopt the Elementary and Secondary Scholarship Assistance Act.
- 272 * Adopt the Nebraska Juvenile Justice Institute Act.
- 276 * Provide and change penalties relating to criminal impersonation, financial transaction devices, payment cards, and personal information.
- 288 * Appropriate funds to the Organ and Tissue Donor Awareness and Education Fund.
- 397 Change special master provisions under the State Employees Collective Bargaining Act.
- 476 * Require public elementary schools to establish guidelines for instruction regarding infant handling.
- 479 * Change provisions for the commitment of mentally incompetent persons to the Dept. of Health and Human Services.
- 498 * Exempt certain clothing and footwear from sales and use taxation for a certain period of time.
- 502 Change natural gas taxation provisions.
- 504 * Appropriate funds to the Dept. of Natural Resources.
- 512 * Provide for a net-metering system for electrical energy.
- 524 * Provide for community action services.
- 529 * Adopt the Employment Screening and Protection Act.
- 644 Adopt the Electronic Equipment Recycling Act.
- 645 Provide for a renewable portfolio standard and renewable energy credits.
- 774 * Change measuring of blood-alcohol or breath-alcohol concentration provisions for certain unlawful acts.
- 775 * Change child abuse provisions.
- 776 * Change penalties for persons under twenty-one years of age driving under the influence.
- 823 * Provide that the term person includes an unborn child for purposes of wrongful death actions.
- 824 * Adopt the Homicide of the Unborn Child Act.
- 926 * Adopt the Address Confidentiality Act.
- 929 * Provide for a program statement for construction of a new veterans home.
- 955 * Change resident postsecondary tuition provisions.
- 993 * Create the Game and Parks Commission Advisory Board.
- 1003 * Change provisions relating to the environment.
- 1004 * Create the Game and Parks Commission Advisory Board.
- 1007 * Change provisions relating to motor vehicle towing and storage costs.
- 1023 * Provide for a Water Policy Task Force.
- 1039 * Change motor fuel tax rates and diesel fuel tax refund provisions.
- 1066 * Change penalty for violation of a cease and desist order issued by a natural resources district.
- 1073 * Change provisions and penalties relating to occupant protection systems.

INTRODUCERS OF BILLS AND RESOLUTIONS 2023
REFERRED TO COMMITTEE

- 1140 * Change membership and duties of the Environmental Quality Council.
- 1148 * Provide for a legislative study and report on prescription drug assistance.
- 1187 * Change testing procedures relating to driving under the influence.
- 1244 * Create a renewable energy tax credit.
- 1263 * Adopt the Nebraska Senior Drug Program Act.
- 1267 * Provide for fees for radioactive waste shipments.
- 1291 Provide for a Scrap Tire Grant Trust Fund and Scrap Tire Grant Program to be administered by the Nebraska Environmental Trust Board.
- 1292 Prohibit smoking in buildings of political subdivisions.
- 1293 Eliminate Small Claims Court filing limitations for political subdivisions under the Integrated Solid Waste Management Act.
- 1294 Adopt the Pesticide Notification Act.
- 1295 Adopt the Local Pesticide Notification Act.
- 1296 Adopt the School Pesticide Notification Act.
- 1297 Exempt certain net metering electrical generating facilities from Nebraska Power Review Board approval provisions.
- 1306 Prohibit sales of alcohol within five miles of certain areas of Indian Country.

MARIAN L. PRICE

LB

- 140 * Provide for a state meat inspection pilot program.
- 141 * Change income tax adjustments relating to the Nebraska educational savings plan trust.
- 145 * Require mental health regions to provide services to jails and detention centers.
- 227 * Change provisions of the Nebraska Clean Indoor Air Act.
- 241 Provide for licensure for esthetics instructors and schools of esthetics.
- 241 A Appropriation Bill.
- 264 * Prohibit tattooing and body piercing on minors.
- 272 * Adopt the Nebraska Juvenile Justice Institute Act.
- 276 * Provide and change penalties relating to criminal impersonation, financial transaction devices, payment cards, and personal information.
- 282 * Provide income tax adjustments for long-term care insurance premiums.
- 287 * Adopt the Post-Organ-Transplant Program Act.
- 288 * Appropriate funds to the Organ and Tissue Donor Awareness and Education Fund.
- 322 * Create the Child Care Licensure Act.
- 326 * Adopt the Nebraska Read, Educate, and Develop Youth Act.
- 330 * Prohibit schools to use or display social security numbers.

- 370 Provide for birth and adoption unemployment benefits.
- 380 * State intent relating to countywide school districts.
- 394 * Change provisions relating to student records.
- 396 * Adopt the Advanced Practice Registered Nurse Act.
- 399 * Adopt the Outpatient Surgical Procedures Data Act.
- 421 * Change the calculation of local effort rate and adjust levy amounts relating to school finance.
- 460 * Change provisions relating to school reorganizations and allowable budget reserves.
- 479 * Change provisions for the commitment of mentally incompetent persons to the Dept. of Health and Human Services.
- 597 * State intent relating to pay rates for behavioral health services.
- 602 * Redefine general fund budget of expenditures under the Tax Equity and Educational Opportunities Support Act.
- 605 * Provide additional penalties for littering.
- 616 Provide for road maintenance agreements and relinquishment of street improvement funds.
- 736 Redefine allowable costs under the Special Education Act.
- 795 * Change firearm storage and sale provisions.
- 866 * Adopt the Safe at Home Act that provides for confidentiality of addresses.
- 872 * Create the offense of leaving a child unattended in a motor vehicle.
- 891 * Change administrative structure of the Nebraska Environmental Trust Board.
- 896 * Change respite care licensing and funding provisions.
- 926 * Adopt the Address Confidentiality Act.
- 932 Change provisions relating to city council meetings for cities of the primary class.
- 933 Change emergency medical services confidentiality provisions.
- 958 * Change provisions relating to health care facilities and personnel.
- 978 * Provide rights for trainers of dogs for disabled persons.
- 980 * Eliminate recognition of holiday proclamations by the President.
- 982 * Change provisions relating to Americanism instruction.
- 983 * Prohibit minors from disaffirming certain contracts.
- 985 * Provide accommodation for trainers of dogs for disabled persons.
- 988 * Change eligibility under the Early Intervention Act.
- 1028 * Change occupant protection provisions for motor vehicles and school buses.
- 1080 * Change provisions and penalties relating to tobacco products and tobacco licensees.
- 1082 * Require schools to adopt a bullying policy.
- 1083 * Require schools to adopt a bullying policy and prohibit certain acts relating to firearms.
- 1124 * Provide an exception to school levy limitations for certain

INTRODUCERS OF BILLS AND RESOLUTIONS
REFERRED TO COMMITTEE

2025

- medical costs.
- 1148 * Provide for a legislative study and report on prescription drug assistance.
- 1162 * Provide a quality education incentive factor in the state aid formula.
- 1169 * Provide for a study of kindergarten readiness.
- 1170 * Change the state aid formula to account for qualified early childhood education programs.
- 1180 Provide for evaluation and disciplinary procedures for noncertificated school staff.
- 1206 * Change and eliminate provisions relating to schools.
- 1210 Provide for titling, registration, and taxation of kit or assembled automobiles.
- 1263 * Adopt the Nebraska Senior Drug Program Act.

MARK QUANDAHL

LB

- 116 Change provisions for termination of rental agreements under the Uniform Residential Landlord and Tenant Act.
- 117 Change provisions for renunciation of succession and the right of retainer under the Nebraska Probate Code.
- 276 * Provide and change penalties relating to criminal impersonation, financial transaction devices, payment cards, and personal information.
- 291 * Provide for license plates recognizing service in the United States Armed Forces.
- 338 * Change provisions relating to minors under the Nebraska Liquor Control Act.
- 340 * Create the crime of criminal impersonation of a person entitled to notification regarding abortion.
- 341 * Change provisions relating to abortion, voluntary and informed consent, printed materials, notification, and civil liability.
- 342 * Change provisions relating to abortion, notification, and eliminate provisions requiring school districts to provide written information.
- 384 * Adopt the Municipal Natural Gas System Condemnation Act.
- 391 * Adopt the Nebraska Schools Construction Alternatives Act.
- 426 * Adopt the Peace Officer Employer-Employee Relations Act.
- 476 * Require public elementary schools to establish guidelines for instruction regarding infant handling.
- 479 * Change provisions for the commitment of mentally incompetent persons to the Dept. of Health and Human Services.
- 496 * Adopt the Concealed Handgun Permit Act.
- 530 * Create the Mental and Behavioral Health and Substance Abuse Services Task Force.
- 531 * Change state building capital improvement depreciation charge provisions.

- 534 * Authorize local authorities to pass traffic regulation ordinances and resolutions relating to photographic evidence.
- 556 * Change provisions for valuation of agricultural and horticultural land.
- 558 * Change Election Act provisions relating to election workers, petition procedures, voters, and ballots.
- 575 * Change provisions for assessments and bonds relating to municipalities.
- 584 * Change motorcycle and moped operation, licensure, and violation provisions.
- 662 * Change procedures for the transfer of the assessment function to the Property Tax Administrator.
- 715 * Adopt the Recruiting Educators to Nebraska Act.
- 805 * Change petition signer, circulator, and verification provisions.
- 823 * Provide that the term person includes an unborn child for purposes of wrongful death actions.
- 824 * Adopt the Homicide of the Unborn Child Act.
- 903 * Adopt the Interstate Compact Sunshine Act.
- 952 * Change adoption and adoption records provisions.
- 964 * Authorize the Auditor of Public Accounts to conduct performance audits.
- 965 * Restrict government collection and use of personally identifiable information.
- 966 * Change public records provisions.
- 977 * Change veterans' aid application procedures.
- 979 * Change inmate medical expense payment provisions.
- 980 * Eliminate recognition of holiday proclamations by the President.
- 982 * Change provisions relating to Americanism instruction.
- 983 * Prohibit minors from disaffirming certain contracts.
- 1010 * Provide powers for military officers to act as notaries public.
- 1012 Authorize certain installment sales and loan fees.
- 1048 Eliminate certain publication requirements for business entities.
- 1067 * Prohibit activities relating to human reproductive cloning.
- 1080 * Change provisions and penalties relating to tobacco products and tobacco licensees.
- 1090 * Authorize credit unions to receive funds of political subdivisions for deposit.
- 1114 * Require uniform prescription drug information cards for certain insurance coverage.
- 1115 * Authorize drug court programs.
- 1116 * Eliminate ignition interlock devices as an option for certain DUI violations.
- 1117 * Exempt certain members of the armed forces from income tax.
- 1181 Provide for guidelines for support ordered under the Nebraska Juvenile Code.
- 1182 Provide priority for criminal trials involving child victims or child witnesses.

INTRODUCERS OF BILLS AND RESOLUTIONS
REFERRED TO COMMITTEE

2027

- 1205 Prohibit nonconsensual common law liens as prescribed.
1215 * Change loan provisions with respect to mortgages, installment loans, and trust deeds.

LR

- 2 CA* Constitutional amendment to increase legislative salaries.

RON RAIKES

LB

- 205 * Change the income tax rate.
206 * Change the sales and use tax rate.
207 * Change the income tax and sales and use tax rates.
227 * Change provisions of the Nebraska Clean Indoor Air Act.
248 * Change provisions relating to other actual receipts under the Tax Equity and Educational Opportunities Support Act.
272 * Adopt the Nebraska Juvenile Justice Institute Act.
305 A Appropriation Bill.
350 * Provide for collective bargaining deadlines for school district employees.
364 * Change provisions for allocation of funds under the State Scholarship Award Program Act.
367 * Direct the Legislative Fiscal Analyst to create a price index.
421 * Change the calculation of local effort rate and adjust levy amounts relating to school finance.
479 * Change provisions for the commitment of mentally incompetent persons to the Dept. of Health and Human Services.
513 * Change provisions relating to education.
520 Change provisions for calculation of local system formula need under the Tax Equity and Educational Opportunities Support Act.
521 Change allowable growth percentage provisions under the Tax Equity and Educational Opportunities Support Act.
522 Change allowable growth rate provisions under the Tax Equity and Educational Opportunities Support Act.
528 Change income tax rates, schedules, and calculations.
531 * Change state building capital improvement depreciation charge provisions.
597 * State intent relating to pay rates for behavioral health services.
600 * Change agricultural and horticultural land valuation provisions.
609 Change equalization aid and the minimum levy adjustment under the Tax Equity and Educational Opportunities Support Act.
674 Change homestead exemption income eligibility provisions.
675 Change Commission of Industrial Relations provisions involving employees of a school district or an educational service unit.
689 Provide for indexed formula need under the Tax Equity and

- Educational Opportunities Support Act.
- 690 Change provisions for calculation of formula need under the Tax Equity and Educational Opportunities Support Act.
- 745 Change provisions of the Master Teacher program and the Attracting Excellence to Teaching Program.
- 746 Change provisions for calculation of formula need under the Tax Equity and Educational Opportunities Support Act.
- 747 Change provisions for the local effort rate under the Tax Equity and Educational Opportunities Support Act.
- 748 Change provisions for calculation of state aid, allowable growth rates, and the Hardship Fund under the Tax Equity and Educational Opportunities Support Act.
- 780 Change provisions relating to legal rates for published notices.
- 812 * Change adjusted formula student provisions under the Tax Equity and Educational Opportunities Support Act.
- 961 * Create the State Fair Commission.
- 995 * Authorize electronic tax returns, payments, and refunds.
- 1006 * Change provisions relating to sales under the Uniform Commercial Code.
- 1060 * Change ethanol production credits and grain tax rates.
- 1097 * Change budget limitation provisions.
- 1098 * Change information on and duties related to tax statements.
- 1123 Provide an exception to competitive bidding requirements under the County Purchasing Act.
- 1169 * Provide for a study of kindergarten readiness.
- 1169 A Appropriation Bill.
- 1170 * Change the state aid formula to account for qualified early childhood education programs.
- 1171 Adopt the Free Instruction Act and change fee provisions relating to records, transportation, and eye protective devices.
- 1172 Adopt the Public Elementary and Secondary Student Fee Authorization Act.
- 1173 Adopt the Public Elementary and Secondary Student Fee Authorization Act.
- 1174 Adopt the Public Elementary and Secondary Student Fee Authorization Act and change employment provisions and state aid calculations.
- 1175 Provide for a student fee subsidy within the state aid formula.
- 1183 * Change scholarship provisions for students in private postsecondary educational institutions.
- 1188 Prohibit receiving tax incentives under multiple tax incentive laws.
- 1204 Provide for adjustment of state aid and property tax receipts due to certain property transfers as prescribed.
- 1206 * Change and eliminate provisions relating to schools.
- 1212 * Change prohibition on reorganization of certain affiliated Class I school districts.
- 1242 Change distribution of inheritance tax revenue.
- 1251 Create the Public Education Finance Study Commission.

INTRODUCERS OF BILLS AND RESOLUTIONS
REFERRED TO COMMITTEE

2029

- 1252 Provide for certification of state aid as prescribed.
- 1253 Provide for using resident membership for freeholder petitions and cooperative programs.
- 1254 Authorize assessment of charges and fees for certain school activities.
- 1285 * Create the Livestock Industry Issue Task Force.

PAM REDFIELD

LB

- 26 * Prohibit acts relating to unsolicited electronic mail and advertising.
- 27 Change magistrate examination provisions.
- 28 * Change an exemption amount subject to inheritance tax and create the County Inheritance Tax Replacement Fund.
- 29 * Change collective bargaining representation provisions.
- 30 * Adopt the In the Line of Duty Dependent Education Act.
- 57 * Exempt copies of public records from sales and use tax.
- 63 * Change provisions for operating a motor vehicle to avoid arrest.
- 125 * Change restrictions on exit polls and other interviews with voters on election day.
- 227 * Change provisions of the Nebraska Clean Indoor Air Act.
- 271 * Adopt the Elementary and Secondary Scholarship Assistance Act.
- 276 * Provide and change penalties relating to criminal impersonation, financial transaction devices, payment cards, and personal information.
- 277 Change income tax rate schedules and deduction amounts.
- 277 A Appropriation Bill.
- 330 * Prohibit schools to use or display social security numbers.
- 338 * Change provisions relating to minors under the Nebraska Liquor Control Act.
- 350 * Provide for collective bargaining deadlines for school district employees.
- 384 * Adopt the Municipal Natural Gas System Condemnation Act.
- 394 * Change provisions relating to student records.
- 425 * Provide for firefighter license plates.
- 479 * Change provisions for the commitment of mentally incompetent persons to the Dept. of Health and Human Services.
- 488 * Create the motor vehicle insurance data base.
- 531 * Change state building capital improvement depreciation charge provisions.
- 533 * Change grant approval conditions under the Local Civic, Cultural, and Convention Center Financing Act.
- 584 * Change motorcycle and moped operation, licensure, and violation provisions.
- 613 ** Change the Educational Innovation Fund and mentor teacher

- program provisions.
- 662 * Change procedures for the transfer of the assessment function to the Property Tax Administrator.
- 715 * Adopt the Recruiting Educators to Nebraska Act.
- 785 * Change eminent domain provisions with respect to railroads.
- 823 * Provide that the term person includes an unborn child for purposes of wrongful death actions.
- 824 * Adopt the Homicide of the Unborn Child Act.
- 870 * Prohibit certain actions relating to payment cards.
- 903 * Adopt the Interstate Compact Sunshine Act.
- 904 * Change provisions of the Telemarketing and Prize Promotions Act.
- 907 * Change a sales tax exemption for molds, dies, and patterns.
- 943 * Change provisions relating to homestead exemptions.
- 944 Adopt the Service Contract Companies Act.
- 964 * Authorize the Auditor of Public Accounts to conduct performance audits.
- 965 * Restrict government collection and use of personally identifiable information.
- 966 * Change public records provisions.
- 980 * Eliminate recognition of holiday proclamations by the President.
- 982 * Change provisions relating to Americanism instruction.
- 995 * Authorize electronic tax returns, payments, and refunds.
- 1010 * Provide powers for military officers to act as notaries public.
- 1044 * Change tax deed notice requirements.
- 1067 * Prohibit activities relating to human reproductive cloning.
- 1070 * Provide an alternative method to provide reports to the Legislature.
- 1097 * Change budget limitation provisions.
- 1117 * Exempt certain members of the armed forces from income tax.
- 1119 * Change size of tractors required to have tractor testing prior to sale.
- 1176 * Change calculations relating to homesteads.
- 1237 Change the base limitation for budget limitation purposes for cities and villages.
- 1272 * Create the Environmental Response Contingency Fund and change lottery money distribution.

JENNIE ROBAK

LB

- 72 Change provisions for lunch period requirements for employees.
- 74 Change the statute of limitations for malpractice or professional negligence actions under the Nebraska-Medical Liability Act.
- 82 * Change provisions relating to crimes and offenses.
- 140 * Provide for a state meat inspection pilot program.
- 145 * Require mental health regions to provide services to jails and

INTRODUCERS OF BILLS AND RESOLUTIONS
REFERRED TO COMMITTEE

2031

- detention centers.
- 158 * Create the Community Criminal Justice Treatment Task Force.
- 159 * Change provisions for the expungement of certain criminal history record information.
- 164 * Provide for medical assistance for persons with a medically improved disability.
- 231 Extend closing hours for certain liquor retail licenses.
- 264 * Prohibit tattooing and body piercing on minors.
- 272 * Adopt the Nebraska Juvenile Justice Institute Act.
- 287 * Adopt the Post-Organ-Transplant Program Act.
- 288 * Appropriate funds to the Organ and Tissue Donor Awareness and Education Fund.
- 322 * Create the Child Care Licensure Act.
- 345 Prohibit the use of a fuel power booster delivery system on a motor vehicle.
- 347 Change provisions for prosecutions for sale of liquor to a minor and retail license suspension.
- 369 * Change provisions relating to annexation and schools.
- 378 * Change provisions for calculation of the local effort rate under the Tax Equity and Educational Opportunities Support Act.
- 394 * Change provisions relating to student records.
- 412 Provide immunity from liability for volunteers.
- 413 Change provisions relating to ingesting a controlled substance.
- 452 Provide for liens for chiropractors.
- 453 Adopt the Attorney-Client Conference Act.
- 479 * Change provisions for the commitment of mentally incompetent persons to the Dept. of Health and Human Services.
- 519 * Change state aid calculations for schools.
- 530 * Create the Mental and Behavioral Health and Substance Abuse Services Task Force.
- 561 Require the state to reimburse counties for election expenses relating to constitutional amendments.
- 563 Change insurance provisions relating to insurance coverage of mental health conditions.
- 584 * Change motorcycle and moped operation, licensure, and violation provisions.
- 597 * State intent relating to pay rates for behavioral health services.
- 658 Change provisions relating to lotteries and gambling.
- 680 * Change lottery ticket sale provisions with respect to vending or dispensing devices.
- 682 * Adopt the Nebraska Behavioral Health Services Act.
- 697 Provide for school safety plans and create a fund.
- 802 * Change gambling provisions and authorize the use of electronic pickle card devices and lottery equipment.
- 815 * Include anhydrous ammonia under drug paraphernalia provisions.
- 816 Adopt the Elevator Regulation Act.

- 824 * Adopt the Homicide of the Unborn Child Act.
- 955 * Change resident postsecondary tuition provisions.
- 959 Change hours of sale for alcoholic liquor.
- 1028 * Change occupant protection provisions for motor vehicles and school buses.
- 1029 Authorize the State Records Board to grant funds for electronic access to public records.
- 1075 * Provide for firearm range and owner liability and immunity from liability as prescribed.
- 1115 * Authorize drug court programs.
- 1133 * Change penalties relating to alcoholic liquor violations by minors.
- 1135 * Provide for a presumption of possession of alcoholic liquor by minors.
- 1178 Redefine qualified employee leasing company under the Employment and Investment Growth Act.
- 1285 * Create the Livestock Industry Issue Task Force.
- 1305 * Change provisions relating to transfer of school district territory as a result of annexation of property by cities.

LR

- 6CA* Constitutional amendment to permit gaming on Indian lands.

DiAnna SCHIMEK**LB**

- 29 * Change collective bargaining representation provisions.
- 30 * Adopt the In the Line of Duty Dependent Education Act.
- 77 * Change the hours during which the election polls are open.
- 79 * Change provisions for offenses against animals.
- 93 Change and eliminate provisions relating to boards, committees, councils, panels, and a commission.
- 94 Change provisions of the school option enrollment program.
- 95 Permit the consumption of alcoholic beverages in charter limousines.
- 99 Require notice of recording of constructions liens to a contracting owner by a claimant.
- 140 * Provide for a state meat inspection pilot program.
- 145 * Require mental health regions to provide services to jails and detention centers.
- 164 * Provide for medical assistance for persons with a medically improved disability.
- 185 * Require a minimum number of persons for a train crew.
- 190 * Authorize enforcement of occupant protection system requirements.
- 227 * Change provisions of the Nebraska Clean Indoor Air Act.
- 251 Change provisions relating to elections and vacancies.
- 264 * Prohibit tattooing and body piercing on minors.
- 273 * Provide for cultivation of industrial hemp.
- 274 * Prohibit the obstruction of highways in first and second class cities, villages, and certain rural highways.

INTRODUCERS OF BILLS AND RESOLUTIONS
REFERRED TO COMMITTEE

2033

- 276 * Provide and change penalties relating to criminal impersonation, financial transaction devices, payment cards, and personal information.
- 287 * Adopt the Post-Organ-Transplant Program Act.
- 307 Prohibit obstruction of highways by trains in primary class cities.
- 323 * Create the Neighborhood Development Act.
- 379 * Provide medicare supplement insurance for retired state employees.
- 391 * Adopt the Nebraska Schools Construction Alternatives Act.
- 406 Repeal provisions relating to the employee buy-out programs administered by Dept. of Administrative Services.
- 415 * Change farm labor contractor provisions.
- 456 Change state agency workers' compensation provisions.
- 479 * Change provisions for the commitment of mentally incompetent persons to the Dept. of Health and Human Services.
- 492 * Create a bargaining unit of employees of the Nebraska veterans homes.
- 512 * Provide for a net-metering system for electrical energy.
- 524 * Provide for community action services.
- 531 * Change state building capital improvement depreciation charge provisions.
- 533 * Change grant approval conditions under the Local Civic, Cultural, and Convention Center Financing Act.
- 558 * Change Election Act provisions relating to election workers, petition procedures, voters, and ballots.
- 559 Change provisions relating to counting and recounting votes.
- 597 * State intent relating to pay rates for behavioral health services.
- 612 * Change medical assistance program provisions with respect to coverage for anti-obesity drugs.
- 661 * Provide for a task force and study of the Omaha to Lincoln Interstate 80 corridor.
- 687 * Change state and county retirement system contribution rates and state intent regarding system changes.
- 721 Change privacy rights with respect to medical registries.
- 722 Change provisions relating to military leave.
- 796 Change municipal meeting and recall petition provisions.
- 863 * Change provisions relating to real estate disclosure statements and licensure and regulation of real estate professionals.
- 868 Require a report on the progress of the Nebraska Information System.
- 869 * Eliminate a duty of the Nebraska Lewis and Clark Bicentennial Commission.
- 870 * Prohibit certain actions relating to payment cards.
- 871 Change real estate disclosure statement and errors and omissions insurance provisions.
- 872 * Create the offense of leaving a child unattended in a motor

- vehicle.
- 895 * Adopt the Interstate Compact for Adult Offender Supervision.
- 909 * Change provisions relating to tribal-state gaming compacts.
- 926 * Adopt the Address Confidentiality Act.
- 926 A Appropriation Bill.
- 928 * Change a provision for correction of a levy.
- 929 * Provide for a program statement for construction of a new veterans home.
- 935 * Change and eliminate provisions relating to elections and petitions.
- 945 * Authorize payments to government entities by electronic funds transfers.
- 952 * Change adoption and adoption records provisions.
- 954 * Provide for the design of a new state flag.
- 955 * Change resident postsecondary tuition provisions.
- 1013 Change property tax penalty provisions.
- 1039 * Change motor fuel tax rates and diesel fuel tax refund provisions.
- 1041 * Include funding for administrative license revocation appeals in the Attorney General's budget.
- 1054 * Change provisions relating to elections and civil rights.
- 1064 * Change a date relating to homestead exemptions.
- 1082 * Require schools to adopt a bullying policy.
- 1083 * Require schools to adopt a bullying policy and prohibit certain acts relating to firearms.
- 1108 Authorize certain Lottery Division computer information and financial account numbers be withheld from the public.
- 1169 * Provide for a study of kindergarten readiness.
- 1222 Change filing fee provisions under the Election Act.
- 1227 * Adopt the Interstate Compact for Adult Offender Supervision.
- 1263 * Adopt the Nebraska Senior Drug Program Act.
- LR**
- 2 CA * Constitutional amendment to increase legislative salaries.
- 6 CA * Constitutional amendment to permit gaming on Indian lands.
- 14 CA * Constitutional amendment to authorize property tax exemption for historically significant real property.
- 277 CA * Constitutional amendment to change the prohibition on a felon's right to vote.

ED SCHROCK

LB

- 132 Allow park entry permits to be purchased through the Game and Parks Commission's web site.
- 140 * Provide for a state meat inspection pilot program.
- 141 * Change income tax adjustments relating to the Nebraska educational savings plan trust.
- 184 * Provide an exemption from motor vehicle taxes and fees for Purple Heart recipients.
- 227 * Change provisions of the Nebraska Clean Indoor Air Act.

INTRODUCERS OF BILLS AND RESOLUTIONS
REFERRED TO COMMITTEE

2035

- 273 * Provide for cultivation of industrial hemp.
- 287 * Adopt the Post-Organ-Transplant Program Act.
- 373 * Change certain name and charter amendment requirements for public power districts.
- 392 * Change provisions for valuation of agricultural land and horticultural land.
- 404 * Provide for a task force and a study covering ground water and surface water.
- 474 * Change Nebraska Wheat Development, Utilization, and Marketing Board provisions.
- 479 * Change provisions for the commitment of mentally incompetent persons to the Dept. of Health and Human Services.
- 496 * Adopt the Concealed Handgun Permit Act.
- 500 * Change provisions relating to controlled substances.
- 504 * Appropriate funds to the Dept. of Natural Resources.
- 533 * Change grant approval conditions under the Local Civic, Cultural, and Convention Center Financing Act.
- 555 * Provide for collection of funds for decommissioning a nuclear power plant.
- 571 * Change cemetery eminent domain provisions.
- 584 * Change motorcycle and moped operation, licensure, and violation provisions.
- 600 * Change agricultural and horticultural land valuation provisions.
- 605 * Provide additional penalties for littering.
- 680 * Change lottery ticket sale provisions with respect to vending or dispensing devices.
- 684 * Change warning sign provisions for equine activities.
- 762 Change environmental audit provisions.
- 763 Change provisions for storage facilities and livestock waste control facilities.
- 764 Provide powers to cities, villages, and natural resources districts relating to run-off waters.
- 766 Provide reciprocal immunity from motor vehicle registration and display requirements.
- 774 * Change measuring of blood-alcohol or breath-alcohol concentration provisions for certain unlawful acts.
- 786 Provide penalties for contraband in detention facilities.
- 787 * Change provisions for limited permits under the Game Law.
- 815 * Include anhydrous ammonia under drug paraphernalia provisions.
- 823 * Provide that the term person includes an unborn child for purposes of wrongful death actions.
- 824 * Adopt the Homicide of the Unborn Child Act.
- 889 Increase membership on the Water Well Standards and Contractors' Licensing Board.
- 890 Change provisions relating to water well registration fees.

- 899 * Provide requirements relating to renewable fuel.
936 Authorize drainage programs and storm sewer systems for cities, villages, and natural resources districts.
937 Provide for payments from the Nebraska Soil and Water Conservation Fund for certain management practices.
938 Provide for certain erosion control payments from the Nebraska Soil and Water Conservation Fund.
939 Adopt the Private Onsite Wastewater Treatment System Standards and Contractor Licensing Act.
940 Change penalty and enforcement provisions relating to water well registration.
941 Change provisions relating to fees of the Department of Natural Resources.
942 Change solid waste disposal permit provisions.
980 * Eliminate recognition of holiday proclamations by the President.
993 * Create the Game and Parks Commission Advisory Board.
1003 * Change provisions relating to the environment.
1003 A Appropriation Bill.
1004 * Create the Game and Parks Commission Advisory Board.
1006 * Change provisions relating to sales under the Uniform Commercial Code.
1022 * Change property tax depreciation schedules for certain equipment.
1023 * Provide for a Water Policy Task Force.
1023 A Appropriation Bill.
1024 * Exempt agricultural machinery repairs and parts from sales tax.
1039 * Change motor fuel tax rates and diesel fuel tax refund provisions.
1051 * Change an appropriation to the Department of Roads.
1066 * Change penalty for violation of a cease and desist order issued by a natural resources district.
1068 * Change provisions relating to pickle cards.
1080 * Change provisions and penalties relating to tobacco products and tobacco licensees.
1130 Change and eliminate provisions relating to tire fees, storage, and disposal and grants under the Waste Reduction and Recycling Incentive Act.
1134 * Provide for a separate cost grouping for certain unified systems under the Tax Equity and Educational Opportunities Support Act.
1209 Include feeder livestock and feeder grain in the Nebraska Livestock Sellers Protective Act.
1219 Appropriate funds to the Nebraska Natural Resources Commission.
1255 Reduce fees to the Underground Storage Tank Fund.
1256 Provide that certain contracts of the Central Interstate Low Level Radioactive Waste Compact Commission are null and void.

INTRODUCERS OF BILLS AND RESOLUTIONS
REFERRED TO COMMITTEE

2037

LR

- 6 CA* Constitutional amendment to permit gaming on Indian lands.

ADRIAN SMITH

LB

- 26 * Prohibit acts relating to unsolicited electronic mail and advertising.
- 28 * Change an exemption amount subject to inheritance tax and create the County Inheritance Tax Replacement Fund.
- 125 * Change restrictions on exit polls and other interviews with voters on election day.
- 140 * Provide for a state meat inspection pilot program.
- 141 * Change income tax adjustments relating to the Nebraska educational savings plan trust.
- 276 * Provide and change penalties relating to criminal impersonation, financial transaction devices, payment cards, and personal information.
- 306 * Change provisions for the transfer of funds to the Compulsive Gamblers Assistance Fund.
- 338 * Change provisions relating to minors under the Nebraska Liquor Control Act.
- 340 * Create the crime of criminal impersonation of a person entitled to notification regarding abortion.
- 341 * Change provisions relating to abortion, voluntary and informed consent, printed materials, notification, and civil liability.
- 342 * Change provisions relating to abortion, notification, and eliminate provisions requiring school districts to provide written information.
- 392 * Change provisions for valuation of agricultural land and horticultural land.
- 394 * Change provisions relating to student records.
- 395 * Require voters to present proof of identity prior to voting.
- 454 * Change provisions for ballots cast by presidential electors.
- 470 * Change powers and duties of patrol officers and carrier enforcement officers.
- 474 * Change Nebraska Wheat Development, Utilization, and Marketing Board provisions.
- 479 * Change provisions for the commitment of mentally incompetent persons to the Dept. of Health and Human Services.
- 494 * Provide for five-year issuance of license plates.
- 496 * Adopt the Concealed Handgun Permit Act.
- 499 * Change provisions relating to motor vehicle registration and commercial motor vehicles.
- 524 * Provide for community action services.
- 529 * Adopt the Employment Screening and Protection Act.
- 530 * Create the Mental and Behavioral Health and Substance Abuse Services Task Force.

- 531 * Change state building capital improvement depreciation charge provisions.
- 556 * Change provisions for valuation of agricultural and horticultural land.
- 558 * Change Election Act provisions relating to election workers, petition procedures, voters, and ballots.
- 584 * Change motorcycle and moped operation, licensure, and violation provisions.
- 584 A Appropriation Bill.
- 601 * Adopt the Health Care Prompt Payment Act.
- 605 * Provide additional penalties for littering.
- 662 * Change procedures for the transfer of the assessment function to the Property Tax Administrator.
- 684 * Change warning sign provisions for equine activities.
- 785 * Change eminent domain provisions with respect to railroads.
- 789 * Appropriate funds for mental health services.
- 798 * Change insurance provisions with respect to creditors claims.
- 812 * Change adjusted formula student provisions under the Tax Equity and Educational Opportunities Support Act.
- 823 * Provide that the term person includes an unborn child for purposes of wrongful death actions.
- 824 * Adopt the Homicide of the Unborn Child Act.
- 847 * Change provisions for victim's rights.
- 867 * Provide for the issuance of one license plate.
- 877 Provide the Military Department with powers relating to the Civil Air Patrol.
- 877 A Appropriation Bill.
- 881 * Change tax deadlines relating to persons in military service.
- 883 * Authorize the charging of fees for insufficient funds motor vehicle transactions.
- 884 * Change provisions relating to tax penalties, payments, and fees.
- 910 Change adverse possession provisions.
- 928 * Change a provision for correction of a levy.
- 974 * Redefine recreational purposes for liability purposes.
- 979 * Change inmate medical expense payment provisions.
- 980 * Eliminate recognition of holiday proclamations by the President.
- 982 * Change provisions relating to Americanism instruction.
- 988 * Change eligibility under the Early Intervention Act.
- 1008 * Change candidate filing form provisions.
- 1023 * Provide for a Water Policy Task Force.
- 1044 * Change tax deed notice requirements.
- 1054 * Change provisions relating to elections and civil rights.
- 1064 * Change a date relating to homestead exemptions.
- 1116 * Eliminate ignition interlock devices as an option for certain DUI violations.
- 1117 * Exempt certain members of the armed forces from income tax.
- 1118 Change insurance licensee continuing education requirements.

INTRODUCERS OF BILLS AND RESOLUTIONS
REFERRED TO COMMITTEE

2039

- 1119 * Change size of tractors required to have tractor testing prior to sale.
- 1135 * Provide for a presumption of possession of alcoholic liquor by minors.
- 1187 * Change testing procedures relating to driving under the influence.
- 1271 Change Licensing of Truth and Deception Examiners Act provisions.
- 1304 * Change excise tax rates and intent relating to ethanol.

LR

- 14 CA* Constitutional amendment to authorize property tax exemption for historically significant real property.
- 18 CA* Constitutional amendment to change the membership of the Board of Regents of the University of Nebraska.

ELAINE STUHR

LB

- 140 * Provide for a state meat inspection pilot program.
- 141 * Change income tax adjustments relating to the Nebraska educational savings plan trust.
- 264 * Prohibit tattooing and body piercing on minors.
- 265 * Provide for Nebraska Pioneer Farm Family License Plates.
- 276 * Provide and change penalties relating to criminal impersonation, financial transaction devices, payment cards, and personal information.
- 315 Provide duties for schools relating to students with limited English proficiency.
- 326 * Adopt the Nebraska Read, Educate, and Develop Youth Act.
- 394 * Change provisions relating to student records.
- 404 * Provide for a task force and a study covering ground water and surface water.
- 414 * Create the Organic Agriculture Task Force.
- 415 * Change farm labor contractor provisions.
- 479 * Change provisions for the commitment of mentally incompetent persons to the Dept. of Health and Human Services.
- 496 * Adopt the Concealed Handgun Permit Act.
- 504 * Appropriate funds to the Dept. of Natural Resources.
- 531 * Change state building capital improvement depreciation charge provisions.
- 535 * Change local system formula resources computations under the Tax Equity and Educational Opportunities Support Act.
- 553 Change provisions for motor vehicle registration of trucks.
- 555 * Provide for collection of funds for decommissioning a nuclear power plant.
- 597 * State intent relating to pay rates for behavioral health services.
- 600 * Change agricultural and horticultural land valuation provisions.

- 605 * Provide additional penalties for littering.
- 643 * Provide reimbursement for summer enrichment programs and before-and-after-school programs.
- 647 Provide requirements for school textbook contracts and change provisions governing educational service units.
- 661 * Provide for a task force and study of the Omaha to Lincoln Interstate 80 corridor.
- 662 * Change procedures for the transfer of the assessment function to the Property Tax Administrator.
- 687 A Appropriation Bill.
- 709 * Restrict eminent domain powers of natural resources districts.
- 715 * Adopt the Recruiting Educators to Nebraska Act.
- 777 * Change provisions of the Nongame and Endangered Species Conservation Act.
- 778 * Provide for the confidentiality and disclosure of certain information by the Game and Parks Commission.
- 787 * Change provisions for limited permits under the Game Law.
- 812 * Change adjusted formula student provisions under the Tax Equity and Educational Opportunities Support Act.
- 813 * Adopt the Public Facilities Construction and Finance Act.
- 823 * Provide that the term person includes an unborn child for purposes of wrongful death actions.
- 824 * Adopt the Homicide of the Unborn Child Act.
- 870 * Prohibit certain actions relating to payment cards.
- 931 Change farm labor contractor provisions.
- 931 A Appropriation Bill.
- 980 * Eliminate recognition of holiday proclamations by the President.
- 982 * Change provisions relating to Americanism instruction.
- 985 * Provide accommodation for trainers of dogs for disabled persons.
- 988 * Change eligibility under the Early Intervention Act.
- 1006 * Change provisions relating to sales under the Uniform Commercial Code.
- 1022 * Change property tax depreciation schedules for certain equipment.
- 1023 * Provide for a Water Policy Task Force.
- 1024 * Exempt agricultural machinery repairs and parts from sales tax.
- 1039 * Change motor fuel tax rates and diesel fuel tax refund provisions.
- 1050 * Require titling and registration of on-trail all-terrain vehicles.
- 1051 * Change an appropriation to the Department of Roads.
- 1066 * Change penalty for violation of a cease and desist order issued by a natural resources district.
- 1080 * Change provisions and penalties relating to tobacco products and tobacco licensees.
- 1093 * Change and transfer provisions relating to parole administration.

INTRODUCERS OF BILLS AND RESOLUTIONS 2041
REFERRED TO COMMITTEE

- 1147 * Provide for pioneer family and shrine hospital license plates.
- 1179 * Transfers funds within the Department of Economic Development.
- 1203 Change abatement of nuisance provisions for certain cities and villages.
- 1206 * Change and eliminate provisions relating to schools.
- 1217 * Adopt the Security Services Act to regulate security guards and security companies.
- 1270 * Provide requirements for net metering systems for electrical energy.

LR

- 283 CA* Authorize an increase in the number of members of the Legislature.

DEBORAH S. SUTTLE

LB

- 21 * Require a report on a federal medicaid program amendment or waiver.
- 21 A Appropriation Bill.
- 22 Provide for licensure and regulation of interpreters for deaf and hard of hearing persons.
- 22 A Appropriation Bill.
- 145 * Require mental health regions to provide services to jails and detention centers.
- 158 * Create the Community Criminal Justice Treatment Task Force.
- 227 * Change provisions of the Nebraska Clean Indoor Air Act.
- 264 * Prohibit tattooing and body piercing on minors.
- 272 * Adopt the Nebraska Juvenile Justice Institute Act.
- 287 * Adopt the Post-Organ-Transplant Program Act.
- 320 Change penalty provisions for failure to report a motor vehicle accident.
- 321 Change malpractice provisions under the Nebraska-Medical Liability Act.
- 322 * Create the Child Care Licensure Act.
- 323 * Create the Neighborhood Development Act.
- 325 Change metropolitan class city property acquisition and zoning provisions.
- 326 * Adopt the Nebraska Read, Educate, and Develop Youth Act.
- 326 A Appropriation Bill.
- 327 Change parental liability provisions with respect to juveniles.
- 328 Provide for a self-directed care system for disabled medicaid beneficiaries.
- 344 Provide for implementing a federal medicaid substance abuse and alcoholism option.
- 396 * Adopt the Advanced Practice Registered Nurse Act.
- 399 * Adopt the Outpatient Surgical Procedures Data Act.
- 400 * Change training and licensure provisions under the Quality Child Care Act.

- 421 * Change the calculation of local effort rate and adjust levy amounts relating to school finance.
- 434 Adopt the Habitual Sex Offender Act.
- 467 Change provisions for contracting for education costs.
- 479 * Change provisions for the commitment of mentally incompetent persons to the Dept. of Health and Human Services.
- 513 * Change provisions relating to education.
- 530 * Create the Mental and Behavioral Health and Substance Abuse Services Task Force.
- 530 A Appropriation Bill.
- 548 Provide requirements for Alzheimer's special care units.
- 578 Provide for a comprehensive eye examination for children entering school.
- 597 * State intent relating to pay rates for behavioral health services.
- 602 * Redefine general fund budget of expenditures under the Tax Equity and Educational Opportunities Support Act.
- 612 * Change medical assistance program provisions with respect to coverage for anti-obesity drugs.
- 698 Provide for a study of increasing costs related to medicaid patients in nursing facilities.
- 769 * Create the Office of Juvenile Services as an executive department.
- 774 * Change measuring of blood-alcohol or breath-alcohol concentration provisions for certain unlawful acts.
- 775 * Change child abuse provisions.
- 776 * Change penalties for persons under twenty-one years of age driving under the influence.
- 795 * Change firearm storage and sale provisions.
- 879 Change auxiliary driving light provisions.
- 880 Adopt the Teacher Tuition Reimbursement Program Act.
- 881 * Change tax deadlines relating to persons in military service.
- 896 * Change respite care licensing and funding provisions.
- 956 Change child care licensure provisions.
- 958 * Change provisions relating to health care facilities and personnel.
- 958 A Appropriation Bill.
- 988 * Change eligibility under the Early Intervention Act.
- 1007 * Change provisions relating to motor vehicle towing and storage costs.
- 1015 Change the Childhood Vaccine Act and create an immunization registry.
- 1028 * Change occupant protection provisions for motor vehicles and school buses.
- 1047 Require insurance coverage for foods for inherited metabolic diseases.
- 1050 * Require titling and registration of on-trail all-terrain vehicles.
- 1117 * Exempt certain members of the armed forces from income tax.
- 1201 Change and add provisions relating to state aid demographic factors and provide exceptions to levy and expenditure limits.

INTRODUCERS OF BILLS AND RESOLUTIONS
REFERRED TO COMMITTEE

2043

JOHN SYNOWIECKI

LB

- 63 * Change provisions for operating a motor vehicle to avoid arrest.
- 955 * Change resident postsecondary tuition provisions.
- 977 * Change veterans' aid application procedures.
- 1043 * Change court fees.
- 1054 * Change provisions relating to elections and civil rights.
- 1275 * Develop a pilot project for individual development accounts.
- 1283 Adopt the Abandoned Infants Safe Haven Act.

LR

- 294 CA Constitutional amendment to change the prohibition on a felon's right to vote.

NANCY THOMPSON

LB

- 21 * Require a report on a federal medicaid program amendment or waiver.
- 35 Authorize construction projects for the Youth Rehabilitation Centers at Geneva and Kearney.
- 37 Change eminent domain provisions for first class cities and second class cities and villages.
- 40 Prohibit the sale and distribution of fever thermometers containing mercury.
- 145 * Require mental health regions to provide services to jails and detention centers.
- 158 * Create the Community Criminal Justice Treatment Task Force.
- 164 * Provide for medical assistance for persons with a medically improved disability.
- 227 * Change provisions of the Nebraska Clean Indoor Air Act.
- 228 * Appropriate funds to the Nebraska Commission on Law Enforcement and Criminal Justice for a substance abuse treatment task force.
- 264 * Prohibit tattooing and body piercing on minors.
- 272 * Adopt the Nebraska Juvenile Justice Institute Act.
- 272 A Appropriation Bill.
- 276 * Provide and change penalties relating to criminal impersonation, financial transaction devices, payment cards, and personal information.
- 287 * Adopt the Post-Organ-Transplant Program Act.
- 287 A Appropriation Bill.
- 288 * Appropriate funds to the Organ and Tissue Donor Awareness and Education Fund.
- 399 * Adopt the Outpatient Surgical Procedures Data Act.
- 423 Change designated smoking area provisions under the Nebraska Clean Indoor Air Act.
- 470 * Change powers and duties of patrol officers and carrier enforcement officers.

- 471 * Change juvenile justice placement, confinement, and parole provisions.
- 479 * Change provisions for the commitment of mentally incompetent persons to the Dept. of Health and Human Services.
- 595 * Change provisions for preadjudication and postadjudication costs associated with juveniles.
- 597 * State intent relating to pay rates for behavioral health services.
- 602 * Redefine general fund budget of expenditures under the Tax Equity and Educational Opportunities Support Act.
- 611 * Create the Correctional Improvement Committee and provide for correctional improvement studies and programs.
- 625 Adopt the Encouraging Paraeducators To Teach Program Act.
- 676 Appropriate funds to the Dept. of Education for the Attracting Excellence to Teaching Program Act.
- 683 * Appropriate funds to the Coordinating Commission for Postsecondary Education for awards.
- 691 *** Appropriate funds to the Dept. of Health and Human Services for substance abuse and mental health services and programming for juveniles in state custody.
- 769 * Create the Office of Juvenile Services as an executive department.
- 795 * Change firearm storage and sale provisions.
- 882 * Change private detective licensing provisions.
- 908 Change sheriff's office merit commission membership provisions.
- 911 * Encourage government purchases of calcium rich products.
- 961 * Create the State Fair Commission.
- 1025 * Increase and change allocation of the cigarette tax.
- 1028 * Change occupant protection provisions for motor vehicles and school buses.
- 1073 * Change provisions and penalties relating to occupant protection systems.
- 1073 A Appropriation Bill.
- 1074 Change provisions relating to provisional operators' permits with respect to passengers.
- 1079 Provide for tuition reimbursement for teachers and paraeducators and reallocate the Education Innovation Fund.
- 1081 * Authorize federal undercover drivers' licenses and license plates.
- 1093 * Change and transfer provisions relating to parole administration.
- 1104 * Increase the gallonage tax on beer.
- 1115 * Authorize drug court programs.
- 1151 * Change vehicle registration fee provisions for metropolitan class cities.
- 1152 Provide for hospital patient visitation rights.
- 1200 Change County Purchasing Act provisions.
- 1202 Authorize city and county juvenile pretrial diversion programs.

INTRODUCERS OF BILLS AND RESOLUTIONS
REFERRED TO COMMITTEE

2045

- 1223 Create the Office of Juvenile Services as a separate executive department.
- 1276 Expand first class city extraterritorial jurisdiction relating to zoning.
- 1299 * Change the definition of restricted funds for budget limitation purposes.
- LR
- 6 CA* Constitutional amendment to permit gaming on Indian lands.

GENE TYSON

- LB
- 139 * Exempt certain United States Postal Service delivery charges from sales and use taxes.
- 221 Change provisions and penalty provisions relating to threatening to use explosives.
- 264 * Prohibit tattooing and body piercing on minors.
- 271 * Adopt the Elementary and Secondary Scholarship Assistance Act.
- 276 * Provide and change penalties relating to criminal impersonation, financial transaction devices, payment cards, and personal information.
- 291 * Provide for license plates recognizing service in the United States Armed Forces.
- 301 * Change exempted activities under the Engineers and Architects Regulation Act.
- 380 * State intent relating to countywide school districts.
- 473 Change search warrant provisions.
- 479 * Change provisions for the commitment of mentally incompetent persons to the Dept. of Health and Human Services.
- 496 * Adopt the Concealed Handgun Permit Act.
- 499 * Change provisions relating to motor vehicle registration and commercial motor vehicles.
- 500 * Change provisions relating to controlled substances.
- 535 * Change local system formula resources computations under the Tax Equity and Educational Opportunities Support Act.
- 575 * Change provisions for assessments and bonds relating to municipalities.
- 580 Change provisions of the Radiation Control Act.
- 580 A Appropriation Bill.
- 581 Change provisions relating to surnames.
- 584 * Change motorcycle and moped operation, licensure, and violation provisions.
- 605 * Provide additional penalties for littering.
- 679 * Change provisions of the Nebraska Public Safety Wireless Communication System Act.
- 685 * Change prescription drug provisions under medical benefit contracts.

- 785 * Change eminent domain provisions with respect to railroads.
- 811 * Incorporate and adopt different standards under the state building code.
- 812 * Change adjusted formula student provisions under the Tax Equity and Educational Opportunities Support Act.
- 813 * Adopt the Public Facilities Construction and Finance Act.
- 823 * Provide that the term person includes an unborn child for purposes of wrongful death actions.
- 824 * Adopt the Homicide of the Unborn Child Act.
- 974 * Redefine recreational purposes for liability purposes.
- 977 * Change veterans' aid application procedures.
- 980 * Eliminate recognition of holiday proclamations by the President.
- 982 * Change provisions relating to Americanism instruction.
- 983 * Prohibit minors from disaffirming certain contracts.
- 1005 * Change law enforcement officer's primary jurisdiction with respect to DUI chemical testing procedures.
- 1023 * Provide for a Water Policy Task Force.
- 1028 * Change occupant protection provisions for motor vehicles and school buses.
- 1039 * Change motor fuel tax rates and diesel fuel tax refund provisions.
- 1043 * Change court fees.
- 1075 * Provide for firearm range and owner liability and immunity from liability as prescribed.
- 1076 Require criminal history record checks for applicants for certain licenses.
- 1077 Change penalty provisions under the Engineers and Architects Regulation Act.
- 1078 Adopt the Nebraska Municipal Comparability Act.
- 1087 * Provide an exemption from levy limits for library technology purchases.
- 1114 * Require uniform prescription drug information cards for certain insurance coverage.
- 1115 * Authorize drug court programs.
- 1138 Create a fund and impose a surcharge under the Emergency Management Act.
- 1186 * Change provisions relating to authorized weaponry for hunting certain wild animals.
- 1211 * Authorize the regulation of wireless carriers, public safety communication projects, and the use of funds.
- 1212 * Change prohibition on reorganization of certain affiliated Class I school districts.
- 1262 Authorize municipalities to relinquish street improvement funds to counties as prescribed.

FLOYD P. VRTISKA

LB

- 102 * Provide a size, weight, and load exemption for authorized emergency vehicles.
- 147 * Provide for Shriner's license plates.
- 157 * Change provisions for motor vehicle certificates of title.
- 273 * Provide for cultivation of industrial hemp.
- 290 * Change provisions for valuation of agricultural and horticultural land and school state aid calculations.
- 378 * Change provisions for calculation of the local effort rate under the Tax Equity and Educational Opportunities Support Act.
- 391 * Adopt the Nebraska Schools Construction Alternatives Act.
- 392 * Change provisions for valuation of agricultural land and horticultural land.
- 415 * Change farm labor contractor provisions.
- 422 * Change the calculation of state aid value.
- 429 * Change provisions relating to benefits under the federal Food Stamp Act program.
- 460 * Change provisions relating to school reorganizations and allowable budget reserves.
- 474 * Change Nebraska Wheat Development, Utilization, and Marketing Board provisions.
- 491 * Change provisions for letting road contracts and regulating engine brakes.
- 496 * Adopt the Concealed Handgun Permit Act.
- 517 * Change provisions governing in forma pauperis proceedings.
- 531 * Change state building capital improvement depreciation charge provisions.
- 558 * Change Election Act provisions relating to election workers, petition procedures, voters, and ballots.
- 584 * Change motorcycle and moped operation, licensure, and violation provisions.
- 600 * Change agricultural and horticultural land valuation provisions.
- 700 * Create the Dept. of Building Renewal and eliminate the Task Force for Building Renewal.
- 709 * Restrict eminent domain powers of natural resources districts.
- 782 * Adopt the Community Scholarship Partnership Program Act.
- 823 * Provide that the term person includes an unborn child for purposes of wrongful death actions.
- 824 * Adopt the Homicide of the Unborn Child Act.
- 867 * Provide for the issuance of one license plate.
- 912 * Extend the termination date of the Farm Mediation Act.
- 928 * Change a provision for correction of a levy.
- 948 * Exempt agricultural machinery repairs and parts from sales tax.
- 973 * Change life insurance death benefits for volunteer fire companies.

- 980 * Eliminate recognition of holiday proclamations by the President.
- 982 * Change provisions relating to Americanism instruction.
- 1018 Change county budget-making authority and county clerk duties.
- 1022 * Change property tax depreciation schedules for certain equipment.
- 1023 * Provide for a Water Policy Task Force.
- 1024 * Exempt agricultural machinery repairs and parts from sales tax.
- 1025 * Increase and change allocation of the cigarette tax.
- 1039 * Change motor fuel tax rates and diesel fuel tax refund provisions.
- 1041 * Include funding for administrative license revocation appeals in the Attorney General's budget.
- 1051 * Change an appropriation to the Department of Roads.
- 1054 * Change provisions relating to elections and civil rights.
- 1064 * Change a date relating to homestead exemptions.
- 1104 * Increase the gallonage tax on beer.
- 1134 * Provide for a separate cost grouping for certain unified systems under the Tax Equity and Educational Opportunities Support Act.
- 1147 * Provide for pioneer family and shrine hospital license plates.
- 1167 * Change Nebraska Workforce Investment Board provisions.
- 1192 * Adopt the Unfunded Mandates Reform Act.
- 1257 * Change boundaries of legislative districts.
- 1285 * Create the Livestock Industry Issue Task Force.
- LR**
- 283 CA* Authorize an increase in the number of members of the Legislature.

ROGER R. WEHRBEIN

LB

- 144 Delete obsolete language relating to the Cash Reserve Fund.
- 175 * Change provisions relating to required payments by wineries to the Nebraska Liquor Control Commission.
- 185 * Require a minimum number of persons for a train crew.
- 195 * Provide for recommendations for an agriculture continuing education program.
- 205 * Change the income tax rate.
- 206 * Change the sales and use tax rate.
- 207 * Change the income tax and sales and use tax rates.
- 259 Authorize license and occupation taxes by counties.
- 274 * Prohibit the obstruction of highways in first and second class cities, villages, and certain rural highways.
- 282 * Provide income tax adjustments for long-term care insurance premiums.
- 305 * Provide for teacher salary increases and a funding mechanism.
- 364 * Change provisions for allocation of funds under the State

INTRODUCERS OF BILLS AND RESOLUTIONS
REFERRED TO COMMITTEE

2049

- Scholarship Award Program Act.
- 523 * Adopt and ratify the Southern Dairy Compact.
- 531 * Change state building capital improvement depreciation charge provisions.
- 592 * Adopt the Agricultural Production Contract Act.
- 650 Provide for special-purpose education programs and provide duties for the Dept. of Health and the State Dept. of Education.
- 651 Authorize certain county assessors to reassume county assessment functions transferred to the Property Tax Administrator.
- 653 Authorize transfers from the Uniform Commercial Code Cash Fund to the Records Management Cash Fund.
- 700 * Create the Dept. of Building Renewal and eliminate the Task Force for Building Renewal.
- 803 * Adopt the Nebraska Pork Industry Development Act.
- 815 * Include anhydrous ammonia under drug paraphernalia provisions.
- 869 * Eliminate a duty of the Nebraska Lewis and Clark Bicentennial Commission.
- 891 * Change administrative structure of the Nebraska Environmental Trust Board.
- 905 * Change estate and generation-skipping transfer tax provisions.
- 906 Change Drinking Water Facilities Loan Fund transfer provisions.
- 912 * Extend the termination date of the Farm Mediation Act.
- 928 * Change a provision for correction of a levy.
- 929 * Provide for a program statement for construction of a new veterans home.
- 946 * Change funding provisions of tax incentive laws.
- 1030 * Change procedures for state assumption of property tax assessment.
- 1039 * Change motor fuel tax rates and diesel fuel tax refund provisions.
- 1051 * Change an appropriation to the Department of Roads.
- 1142 Change funding provisions for the Nebraska Child Abuse Prevention Fund.
- 1151 * Change vehicle registration fee provisions for metropolitan class cities.
- 1164 Authorize fund transfers from the Charitable Gaming Division Fund and change distribution of charitable gaming taxes.
- 1165 Change qualifications of certain state property tax officials.
- 1166 Authorize fund transfers from the Compensation Court Cash Fund.
- 1184 * Subject payments to risk management pools to levy limitations.
- 1191 Change the cash reserve requirement used for state tax and budget provisions.
- 1193 * Provide for insurance regulation of risk management pools.

- 1197 Provide for transfers from the Tobacco Products Administration Cash Fund to the General Fund.
- 1211 * Authorize the regulation of wireless carriers, public safety communication projects, and the use of funds.
- 1234 Change provisions relating to the Department of Property Assessment and Taxation Cash Fund.
- 1235 Change Deferred Building Renewal Act provisions regarding depreciation charges and expenditures from certain funds.
- 1236 Change membership and operation provisions for the State Board of Agriculture.
- 1285 * Create the Livestock Industry Issue Task Force.

LR

- 14 CA* Constitutional amendment to authorize property tax exemption for historically significant real property.

WILLIAM R. "BOB" WICKERSHAM**LB**

- 20 * Change sales tax provisions relating to magazines and journals.
- 91 * Extend benefits to certain cooperatives under the Employment and Investment Growth Act.
- 91 A Appropriation Bill.
- 109 * Change provisions relating to retirement age and benefits for judges.
- 120 Change provisions relating to valuation of agricultural and horticultural land.
- 121 Change the base limit applicable to school districts and other political subdivisions.
- 123 * Provide a sales and use tax exemption for certain drainage districts and county fair boards.
- 124 Change information on and duties related to tax statements.
- 185 * Require a minimum number of persons for a train crew.
- 205 * Change the income tax rate.
- 206 * Change the sales and use tax rate.
- 206 A Appropriation Bill.
- 207 * Change the income tax and sales and use tax rates.
- 248 * Change provisions relating to other actual receipts under the Tax Equity and Educational Opportunities Support Act.
- 282 * Provide income tax adjustments for long-term care insurance premiums.
- 291 * Provide for license plates recognizing service in the United States Armed Forces.
- 364 * Change provisions for allocation of funds under the State Scholarship Award Program Act.
- 378 * Change provisions for calculation of the local effort rate under the Tax Equity and Educational Opportunities Support Act.
- 384 * Adopt the Municipal Natural Gas System Condemnation Act.
- 421 * Change the calculation of local effort rate and adjust levy amounts relating to school finance.

INTRODUCERS OF BILLS AND RESOLUTIONS
REFERRED TO COMMITTEE

2051

- 422 * Change the calculation of state aid value.
- 427 Authorize enforcement of federal orders on federal lands by law enforcement and conservation officers.
- 469 * Create the Program for Summer Learning.
- 474 * Change Nebraska Wheat Development, Utilization, and Marketing Board provisions.
- 496 * Adopt the Concealed Handgun Permit Act.
- 507 Provide for an audit of tax incentive programs.
- 507 A Appropriation Bill.
- 510 Disallow refunds of certain sales tax under the Employment and Investment Growth Act.
- 519 * Change state aid calculations for schools.
- 533 * Change grant approval conditions under the Local Civic, Cultural, and Convention Center Financing Act.
- 568 Change budget and audit provisions.
- 584 * Change motorcycle and moped operation, licensure, and violation provisions.
- 605 * Provide additional penalties for littering.
- 622 Change funding provisions under the Judges Retirement Act.
- 684 * Change warning sign provisions for equine activities.
- 789 * Appropriate funds for mental health services.
- 813 * Adopt the Public Facilities Construction and Finance Act.
- 883 * Authorize the charging of fees for insufficient funds motor vehicle transactions.
- 884 * Change provisions relating to tax penalties, payments, and fees.
- 885 Change provisions relating to corporate reports and occupation taxes.
- 886 Change the documentary stamp tax.
- 887 Update Internal Revenue Code citations.
- 888 * Provide keeping of automobile liability insurance records in the vehicle titling and registration computer system.
- 905 * Change estate and generation-skipping transfer tax provisions.
- 945 * Authorize payments to government entities by electronic funds transfers.
- 946 * Change funding provisions of tax incentive laws.
- 947 Change taxation provisions relating to mobile telecommunications service.
- 953 Change the sales and use tax rate.
- 989 A Appropriation Bill.
- 994 A Appropriation Bill.
- 995 * Authorize electronic tax returns, payments, and refunds.
- 996 Change cigarette tax and liquor tax provisions.
- 1026 * Adopt the Water Rights Leasing Act.
- 1027 Change the School Employees Retirement Act with respect to termination of employment.
- 1030 * Change procedures for state assumption of property tax assessment.

- 1033 * Change scope of practice provisions for certain out of hospital emergency care provisions.
- 1033 A Appropriation Bill.
- 1042 Define educational purposes for property tax exemption.
- 1060 * Change ethanol production credits and grain tax rates.
- 1085 A Appropriation Bill.
- 1097 * Change budget limitation provisions.
- 1098 * Change information on and duties related to tax statements.
- 1099 Change budget limitations for political subdivisions and schools.
- 1121 Provide duties for the Department of Revenue relating to multistate sales and use tax collection.
- 1122 Impose sales tax on certain services.
- 1125 Prorate distributions under the County Property Tax Relief Program.
- 1136 * Provide public access to information under the Employment and Investment Growth Act.
- 1183 * Change scholarship provisions for students in private postsecondary educational institutions.
- 1206 * Change and eliminate provisions relating to schools.

* With others.

** At the request of the Governor.

*** With others and at the request of the Governor.

AGRICULTURE

LB

- 208 Change provisions relating to disposal of dead animals and livestock disposal facilities and rendering substations.
435 Adopt the Agricultural Suppliers Lease Protection Act and change powers of the Public Service Commission.
592 * Adopt the Agricultural Production Contract Act.
803 * Adopt the Nebraska Pork Industry Development Act.
919 Change domesticated cervine animal provisions.

BUSINESS AND LABOR

LB

- 417 Change workers' compensation settlement provisions.
921 Change employment security law provisions.
1040 Approve payment of certain claims against the state.
1168 Create a task force to study fatigue as it relates to railroad employees.
1308 Disapprove payment of certain claims against the state.

EDUCATION

LB

- 305 * Provide for teacher salary increases and a funding mechanism.

EXECUTIVE BOARD

LB

- 857 Revisor bill to update statutory references relating to banking and finance.
858 Revisor bill to transfer sections relating to domestic animals.
859 Revisor bill to repeal Department of Economic Development provisions which terminated June 30, 1999.
860 Revisor bill to harmonize provisions relating to deposits of cities of the first class.
1307 Change allocation of space in the State Capitol building.

GENERAL AFFAIRS

LB

- 224 Terminate a fund relating to horseracing and provide for remittance of fines to the permanent school fund.
1126 Authorize charitable gaming license and permit administrative actions for liquor violations and change keg deposit provisions.

GOVERNMENT, MILITARY AND VETERANS AFFAIRS

LB

- 428 * Change recall election provisions.
930 Eliminate certain boards, committees, councils, and panels.

HEALTH AND HUMAN SERVICES**LB**

- 1021 Change continuing education, radiation control, swimming pool, medication aide, and medical registry provisions.
- 1062 Change health and human services provisions.

LEGISLATIVE PROGRAM EVALUATION**LB**

- 604 Change the authority of the Dept. of Correctional Services to invest inmate funds.

NEBRASKA RETIREMENT SYSTEMS**LB**

- 407 Change retirement provisions.
- 686 Change retirement system actuarial valuation, contribution, and fund provisions.
- 687 * Change state and county retirement system contribution rates and state intent regarding system changes.
- 1019 Change provisions relating to retirement fund investment options and the Nebraska Investment Council.
- 1111 Change county, judges, state patrol, state employee, and school employee retirement system provisions.

REVENUE**LB**

- 174 Change and eliminate provisions relating to occupation taxes and provide for a corporate income tax.
- 989 Change provisions relating to revenue and taxation.
- 990 Change assessment practices relating to improvements on leased lands.
- 991 Change Highway Trust Fund provisions.
- 992 Change homestead exemption certification and application provisions.
- 994 Change provisions relating to payments and revenue.
- 1085 Change provisions relating to taxation on services, income, and property as prescribed.

TRANSPORTATION AND TELECOMMUNICATIONS**LB**

- 283 Rename the Department of Roads to the Department of Transportation.
- 439 Change provisions for compensation and meetings of the State Highway Commission.
- 470 * Change powers and duties of patrol officers and carrier enforcement officers.
- 688 Change salvage certificate of title provisions.
- 917 Reorganize, change, and eliminate provisions relating to telecommunications and technology.

INTRODUCERS OF BILLS AND RESOLUTIONS
REFERRED TO COMMITTEE

2055

- 997 Change procedures for appeals from the Public Service Commission.
- 998 Adopt federal motor carrier safety and hazardous material regulations.
- 999 Change commercial motor vehicle provisions.
- 1081 * Authorize federal undercover drivers' licenses and license plates.
- 1105 * Change provisions relating to transportation and telecommunications.
- 1211 * Authorize the regulation of wireless carriers, public safety communication projects, and the use of funds.

URBAN AFFAIRS

LB

- 806 Change provisions of the Municipal Natural Gas Regulation Act.
- 807 Change the Municipal Natural Gas Regulation Act.
- 810 Change sanitary and improvement district formation, trustees, and fund provisions.
- 811 * Incorporate and adopt different standards under the state building code.
- 1238 Change application provisions for handicapped and disabled persons' license plates.
- 1239 Change election and recall provisions for sanitary and improvement districts.

* With others.

** At the request of the Governor.

*** With others and at the request of the Governor.

**LEGISLATIVE BILLS AND RESOLUTIONS
HEARD BY COMMITTEE**

**NINETY-SEVENTH LEGISLATURE
SECOND SESSION
2002**

Agriculture

Chairperson - Merton L. Dierks

| | | | | | |
|------|------|------|------|------|------|
| 140 | 195 | 196 | 208 | 273 | 414 |
| 435 | 436 | 437 | 474 | 523 | 587 |
| 588 | 589 | 591 | 592 | 684 | 695 |
| 803 | 912 | 914 | 915 | 916 | 919 |
| 961 | 1055 | 1056 | 1057 | 1058 | 1119 |
| 1209 | 1236 | 1285 | 1294 | 1295 | 1296 |

Appropriations

Chairperson - Roger R. Wehrbein

| | | | | | |
|------|------|------|------|------|------|
| 35 | 144 | 189 | 228 | 288 | 306 |
| 336 | 344 | 367 | 504 | 531 | 597 |
| 630 | 631 | 635 | 653 | 655 | 676 |
| 683 | 691 | 705 | 758 | 789 | 906 |
| 929 | 1041 | 1051 | 1100 | 1101 | 1142 |
| 1164 | 1166 | 1177 | 1179 | 1191 | 1197 |
| 1219 | 1234 | 1235 | 1249 | 1309 | 1310 |

Banking, Commerce and Insurance

Chairperson - David M. Landis

| | | | | | |
|------|------|------|------|------|------|
| 58 | 298 | 361 | 385 | 455 | 547 |
| 563 | 601 | 685 | 719 | 798 | 825 |
| 826 | 835 | 863 | 864 | 871 | 885 |
| 888 | 897 | 900 | 944 | 957 | 962 |
| 963 | 967 | 968 | 981 | 986 | 1006 |
| 1012 | 1016 | 1020 | 1047 | 1048 | 1071 |
| 1089 | 1090 | 1092 | 1094 | 1106 | 1114 |
| 1118 | 1139 | 1153 | 1163 | 1193 | 1198 |
| 1199 | 1205 | 1215 | | | |

Business and Labor

Chairperson - Matt Connealy

| | | | | | |
|------|------|------|------|------|------|
| 29 | 72 | 153 | 185 | 350 | 370 |
| 397 | 415 | 417 | 456 | 492 | 626 |
| 627 | 633 | 675 | 783 | 816 | 921 |
| 931 | 1001 | 1040 | 1078 | 1155 | 1157 |
| 1158 | 1167 | 1168 | 1185 | 1194 | 1231 |
| 1275 | 1308 | | | | |

Education

Chairperson - Ron Raikes

| | | | | | |
|-------|-------|--------|------|------|------|
| 30 | 94 | 248 | 271 | 305 | 315 |
| 326 | 330 | 364 | 369 | 378 | 380 |
| 394 | 401 | 421 | 460 | 467 | 469 |
| 476 | 513 | 519 | 520 | 521 | 522 |
| 532 | 535 | 560 | 578 | 602 | 609 |
| 613 | 625 | 643 | 647 | 650 | 654 |
| 660 | 669 | 689 | 690 | 697 | 701 |
| 708 | 715 | 736 | 745 | 746 | 747 |
| 748 | 782 | 812 | 880 | 898 | 955 |
| 982 | 987 | 1046 | 1059 | 1072 | 1079 |
| 1082 | 1102 | 1134 | 1141 | 1159 | 1162 |
| 1169 | 1170 | 1171 | 1172 | 1173 | 1174 |
| 1175 | 1180 | 1183 | 1201 | 1204 | 1206 |
| 1212 | 1213 | 1226 | 1248 | 1250 | 1251 |
| 1252 | 1253 | 1254 | 1259 | 1273 | 1305 |
| LR5CA | LR8CA | LR18CA | | | |

Executive Board

Chairperson - George Coordsen

| | | | | | |
|-------|--------|---------|---------|---------|------|
| 445 | 1011 | 1014 | 1257 | 1290 | 1307 |
| LR2CA | LR16CA | LR283CA | LR289CA | LR293CA | |

General Affairs

Chairperson - Ray Janssen

| | | | | | |
|------|------|-------|---------|---------|------|
| 175 | 224 | 231 | 338 | 347 | 371 |
| 545 | 546 | 571 | 572 | 658 | 680 |
| 791 | 802 | 814 | 873 | 909 | 950 |
| 959 | 1068 | 1126 | 1127 | 1133 | 1135 |
| 1247 | 1306 | LR6CA | LR282CA | LR292CA | |

Government, Military and Veterans Affairs**Chairperson - DiAnna R. Schimek**

| | | | | | |
|---------|------|------|-------|--------|---------|
| 16 | 77 | 93 | 125 | 251 | 262 |
| 391 | 395 | 406 | 428 | 446 | 454 |
| 482 | 558 | 559 | 561 | 700 | 704 |
| 707 | 722 | 731 | 732 | 780 | 796 |
| 805 | 813 | 866 | 868 | 869 | 877 |
| 882 | 903 | 908 | 926 | 930 | 932 |
| 935 | 945 | 951 | 954 | 964 | 965 |
| 966 | 975 | 977 | 980 | 1000 | 1008 |
| 1018 | 1029 | 1031 | 1049 | 1054 | 1070 |
| 1084 | 1086 | 1108 | 1123 | 1129 | 1138 |
| 1189 | 1192 | 1200 | 1222 | 1233 | 1240 |
| 1264 | 1271 | 1302 | LR4CA | LR21CA | LR277CA |
| LR294CA | | | | | |

Health and Human Services**Chairperson - Jim Jensen**

| | | | | | |
|------|------|------|------|------|------|
| 21 | 22 | 164 | 227 | 235 | 241 |
| 255 | 287 | 301 | 322 | 328 | 331 |
| 396 | 399 | 400 | 423 | 429 | 452 |
| 479 | 524 | 529 | 530 | 548 | 557 |
| 580 | 583 | 612 | 682 | 698 | 721 |
| 770 | 862 | 892 | 894 | 896 | 911 |
| 933 | 952 | 956 | 958 | 978 | 985 |
| 988 | 1015 | 1017 | 1021 | 1032 | 1033 |
| 1035 | 1062 | 1077 | 1095 | 1096 | 1107 |
| 1148 | 1152 | 1154 | 1207 | 1216 | 1224 |
| 1261 | 1263 | 1274 | 1277 | 1292 | |

Judiciary**Chairperson - Kermit A. Brashear**

| | | | | | |
|-----|-----|-----|-----|-----|-----|
| 12 | 14 | 18 | 19 | 27 | 37 |
| 40 | 42 | 62 | 63 | 66 | 74 |
| 79 | 80 | 82 | 86 | 87 | 88 |
| 99 | 110 | 112 | 116 | 117 | 145 |
| 150 | 158 | 159 | 161 | 176 | 188 |
| 212 | 221 | 264 | 272 | 276 | 281 |
| 296 | 297 | 304 | 321 | 327 | 333 |
| 340 | 341 | 342 | 343 | 348 | 351 |
| 352 | 353 | 355 | 356 | 381 | 402 |
| 403 | 412 | 413 | 426 | 434 | 453 |
| 462 | 471 | 473 | 496 | 497 | 500 |

| | | | | | |
|------|------|------|------|------|------|
| 501 | 503 | 517 | 534 | 564 | 565 |
| 566 | 567 | 577 | 581 | 595 | 599 |
| 604 | 605 | 607 | 608 | 610 | 611 |
| 642 | 696 | 718 | 723 | 738 | 752 |
| 753 | 754 | 756 | 767 | 769 | 775 |
| 779 | 784 | 785 | 786 | 795 | 815 |
| 823 | 824 | 834 | 842 | 843 | 844 |
| 846 | 847 | 848 | 861 | 865 | 870 |
| 872 | 874 | 875 | 876 | 895 | 901 |
| 910 | 927 | 949 | 969 | 974 | 979 |
| 983 | 1005 | 1009 | 1010 | 1034 | 1043 |
| 1061 | 1065 | 1067 | 1075 | 1076 | 1080 |
| 1083 | 1091 | 1093 | 1109 | 1115 | 1120 |
| 1156 | 1181 | 1182 | 1187 | 1190 | 1196 |
| 1202 | 1217 | 1218 | 1220 | 1223 | 1227 |
| 1265 | 1266 | 1268 | 1278 | 1279 | 1281 |
| 1282 | 1283 | 1287 | 1289 | 1293 | 1303 |

Natural Resources

Chairperson - Ed Schrock

| | | | | | |
|------|------|------|------|------|------|
| 132 | 373 | 404 | 427 | 458 | 512 |
| 555 | 628 | 632 | 634 | 644 | 645 |
| 709 | 762 | 763 | 764 | 777 | 778 |
| 787 | 837 | 889 | 890 | 891 | 899 |
| 902 | 913 | 936 | 937 | 938 | 939 |
| 940 | 941 | 942 | 960 | 993 | 1003 |
| 1004 | 1023 | 1026 | 1066 | 1103 | 1130 |
| 1140 | 1186 | 1241 | 1255 | 1256 | 1267 |
| 1270 | 1272 | 1288 | 1291 | 1297 | |

Nebraska Retirement Systems

Chairperson - Jon Bruning

| | | | | | |
|------|------|------|-----|------|------|
| 109 | 379 | 407 | 619 | 622 | 686 |
| 687 | 726 | 728 | 801 | 1019 | 1027 |
| 1038 | 1111 | 1144 | | | |

Revenue

Chairperson - William R. Wickersham

| | | | | | |
|-----|-----|-----|-----|-----|-----|
| 20 | 28 | 57 | 91 | 120 | 121 |
| 123 | 124 | 139 | 141 | 174 | 205 |
| 206 | 207 | 259 | 277 | 282 | 290 |
| 332 | 392 | 422 | 487 | 498 | 502 |
| 507 | 510 | 528 | 533 | 556 | 568 |

BILLS AND RESOLUTIONS IN COMMITTEE

2061

| | | | | | |
|------|------|------|------|------|--------|
| 600 | 651 | 662 | 674 | 712 | 725 |
| 727 | 841 | 878 | 881 | 884 | 886 |
| 887 | 893 | 905 | 907 | 920 | 928 |
| 934 | 943 | 946 | 947 | 948 | 953 |
| 989 | 990 | 991 | 992 | 994 | 995 |
| 996 | 1013 | 1022 | 1024 | 1025 | 1030 |
| 1036 | 1037 | 1039 | 1042 | 1044 | 1045 |
| 1053 | 1060 | 1063 | 1064 | 1085 | 1087 |
| 1097 | 1098 | 1099 | 1104 | 1112 | 1113 |
| 1117 | 1121 | 1122 | 1124 | 1125 | 1128 |
| 1136 | 1137 | 1145 | 1146 | 1149 | 1160 |
| 1165 | 1176 | 1178 | 1184 | 1188 | 1208 |
| 1214 | 1221 | 1225 | 1232 | 1237 | 1242 |
| 1243 | 1244 | 1245 | 1246 | 1260 | 1280 |
| 1284 | 1299 | 1300 | 1301 | 1304 | LR14CA |

Transportation and Telecommunications

Chairperson - Curt Bromm

| | | | | | |
|------|------|------|------|------|------|
| 26 | 44 | 64 | 95 | 102 | 147 |
| 157 | 160 | 178 | 184 | 190 | 265 |
| 274 | 283 | 291 | 293 | 307 | 311 |
| 312 | 316 | 320 | 345 | 388 | 425 |
| 439 | 447 | 470 | 488 | 490 | 491 |
| 494 | 499 | 553 | 584 | 616 | 636 |
| 661 | 679 | 688 | 724 | 741 | 766 |
| 774 | 776 | 830 | 839 | 867 | 879 |
| 883 | 904 | 917 | 918 | 922 | 923 |
| 924 | 925 | 971 | 972 | 976 | 997 |
| 998 | 999 | 1002 | 1007 | 1028 | 1050 |
| 1052 | 1069 | 1073 | 1074 | 1081 | 1088 |
| 1105 | 1116 | 1131 | 1132 | 1147 | 1150 |
| 1195 | 1210 | 1211 | 1228 | 1238 | 1269 |
| 1286 | 1298 | | | | |

Urban Affairs

Chairperson - D. Paul Hartnett

| | | | | | |
|------|------|------|------|------|------|
| 323 | 325 | 384 | 480 | 481 | 575 |
| 648 | 649 | 670 | 729 | 806 | 807 |
| 810 | 811 | 970 | 973 | 984 | 1110 |
| 1143 | 1151 | 1161 | 1203 | 1229 | 1230 |
| 1239 | 1258 | 1262 | 1276 | | |

SUMMARY OF LEGISLATION
NINETY-SEVENTH LEGISLATURE
SECOND SESSION
2002

The following table shows the final disposition

Length 60 days

Number of Bills Introduced (excluding "A" bills), 97th Legislature: 1310
 1st Session: 856 2nd Session: 454
 Number of Carryover Bills and Resolutions, 1st Session: 472
 Number of "A" Bills Introduced, 97th Legislature: 114
 1st Session: 83 2nd Session: 31
 Number of Carryover "A" Bills: 27
 Number of Resolutions Introduced, 97th Legislature: 469
 1st Session: 275 2nd Session: 194
 Number of CA Resolutions Introduced, 97th Legislature: 19
 1st Session: 12 2nd Session: 7
 Number of Carryover Resolutions: 9
 Number of Resolutions Delivered to Secretary of State, 97th Legislature: 2
 1st Session: 1 2nd Session: 1
 Number of Bills to Become Law, 97th Legislature: 377
 1st Session: 254 2nd Session: 123

Approved by Governor (119):

| | | | | | |
|-------|-------|-------|-------|-------|------|
| 21e | 22 | 29 | 57 | 58 | 82 |
| 93 | 112 | 123 | 176 | 188 | 235 |
| 235A | 241 | 241A | 251 | 259 | 276 |
| 326 | 326A | 384 | 385 | 391 | 406 |
| 407e | 417 | 435 | 435A | 436 | 436A |
| 446 | 458 | 460e | 470 | 470A | 474e |
| 482 | 488 | 488A | 491 | 499 | 500 |
| 545 | 547 | 547A | 564 | 568e | 589 |
| 604 | 616e | 642 | 647 | 649 | 684 |
| 687e | 687Ae | 719 | 722 | 729 | 752 |
| 824e | 830 | 830A | 848e | 848Ae | 857 |
| 858e | 859 | 860 | 863 | 873e | 876e |
| 876A | 898Ae | 905 | 912 | 921e | 931e |
| 932 | 935 | 947 | 951 | 952 | 952A |
| 957e | 970 | 977 | 989e | 989A | 994e |
| 994Ae | 1003 | 1003A | 1018 | 1021 | 1033 |
| 1033A | 1040e | 1054 | 1062e | 1062A | 1071 |
| 1073 | 1086 | 1089 | 1094 | 1101e | 1105 |
| 1110e | 1126 | 1139 | 1148e | 1168e | 1172 |
| 1211e | 1236 | 1278 | 1303 | 1310e | |

Line-item Veto (1):

1309e**

Returned by Governor Without Approval (2):

22A 931A

Passed Notwithstanding Objections of Governor (3):

898e 1085 1085Ae

Became Law Without Governor's Signature (0).

Failed on Final Reading (1):

1290e

Resolution CA Delivered to Secretary of State (1):

LR4CA

Indefinitely Postponed (834):

| | | | | | |
|------|------|------|------|------|------|
| 12 | 12A | 14 | 16 | 18 | 19 |
| 20 | 21A | 26 | 27 | 28 | 30 |
| 35 | 37 | 40 | 42 | 44 | 62 |
| 63 | 64 | 66 | 72 | 74 | 77 |
| 79 | 80 | 82A | 86 | 87 | 88 |
| 91 | 91A | 94 | 95 | 99 | 102 |
| 109 | 110 | 116 | 117 | 120 | 121 |
| 124 | 125 | 132 | 139 | 140 | 141 |
| 144 | 145 | 147 | 150 | 153 | 157 |
| 157A | 158 | 159 | 160 | 161 | 164 |
| 174 | 175 | 178 | 184 | 185 | 189 |
| 190 | 195 | 196 | 205 | 206 | 206A |
| 207 | 208 | 212 | 221 | 224 | 227 |
| 228 | 231 | 248 | 255 | 262 | 264 |
| 265 | 271 | 272 | 272A | 273 | 274 |
| 277 | 277A | 281 | 282 | 283 | 287 |
| 287A | 288 | 290 | 291 | 293 | 296 |
| 297 | 298 | 301 | 304 | 305 | 305A |
| 306 | 307 | 311 | 312 | 315 | 316 |
| 320 | 321 | 322 | 323 | 325 | 327 |
| 328 | 330 | 331 | 332 | 333 | 336 |
| 338 | 340 | 341 | 342 | 343 | 344 |
| 345 | 347 | 348 | 350 | 351 | 352 |
| 353 | 355 | 356 | 361 | 364 | 367 |
| 369 | 370 | 371 | 373 | 378 | 379 |
| 380 | 381 | 388 | 392 | 394 | 395 |
| 396 | 397 | 399 | 399A | 400 | 400A |
| 401 | 402 | 403 | 404 | 412 | 413 |
| 414 | 415 | 421 | 422 | 423 | 425 |
| 426 | 427 | 428 | 429 | 429A | 434 |
| 437 | 439 | 440A | 445 | 447 | 452 |

SUMMARY OF LEGISLATION

2065

| | | | | | |
|------|------|------|------|------|------|
| 453 | 454 | 455 | 456 | 462 | 467 |
| 469 | 471 | 473 | 476 | 479 | 479A |
| 480 | 481 | 487 | 490 | 492 | 494 |
| 496 | 497 | 498 | 501 | 502 | 503 |
| 504 | 507 | 507A | 510 | 512 | 513 |
| 517 | 519 | 520 | 521 | 522 | 523 |
| 524 | 528 | 529 | 530 | 530A | 531 |
| 532 | 533 | 534 | 535 | 546 | 548 |
| 549A | 553 | 555 | 556 | 557 | 558 |
| 559 | 560 | 561 | 563 | 565 | 566 |
| 567 | 571 | 572 | 575 | 577 | 578 |
| 580 | 580A | 581 | 583 | 584 | 584A |
| 587 | 588 | 591 | 592 | 595 | 597 |
| 599 | 600 | 600A | 601 | 602 | 605 |
| 607 | 608 | 609 | 610 | 611 | 612 |
| 613 | 619 | 622 | 625 | 626 | 627 |
| 628 | 630 | 631 | 632 | 633 | 634 |
| 635 | 636 | 643 | 644 | 645 | 648 |
| 650 | 651 | 653 | 654 | 655 | 658 |
| 660 | 661 | 661A | 662 | 669 | 670 |
| 674 | 675 | 676 | 679 | 680 | 682 |
| 683 | 685 | 686 | 688 | 689 | 690 |
| 691 | 695 | 696 | 697 | 698 | 700 |
| 701 | 704 | 705 | 707 | 708 | 709 |
| 712 | 715 | 718 | 721 | 723 | 724 |
| 725 | 726 | 727 | 728 | 731 | 732 |
| 736 | 738 | 741 | 745 | 746 | 747 |
| 748 | 753 | 754 | 754A | 756 | 758 |
| 758A | 762 | 763 | 764 | 766 | 767 |
| 769 | 770 | 774 | 775 | 776 | 777 |
| 778 | 779 | 780 | 782 | 783 | 784 |
| 785 | 786 | 787 | 789 | 791 | 795 |
| 796 | 798 | 801 | 802 | 803 | 805 |
| 806 | 807 | 810 | 811 | 812 | 813 |
| 814 | 815 | 816 | 823 | 825 | 826 |
| 834 | 835 | 837 | 839 | 841 | 842 |
| 843 | 844 | 846 | 847 | 861 | 862 |
| 862A | 864 | 865 | 866 | 867 | 868 |
| 869 | 870 | 871 | 872 | 874 | 875 |
| 877 | 877A | 878 | 879 | 880 | 881 |
| 882 | 883 | 884 | 885 | 886 | 887 |
| 888 | 889 | 890 | 891 | 892 | 892A |
| 893 | 894 | 895 | 896 | 897 | 899 |
| 900 | 901 | 902 | 903 | 904 | 906 |
| 907 | 908 | 909 | 910 | 911 | 914 |
| 915 | 916 | 917 | 918 | 919 | 920 |
| 922 | 923 | 924 | 925 | 926 | 926A |
| 927 | 928 | 929 | 930 | 933 | 934 |
| 936 | 937 | 938 | 939 | 940 | 941 |

| | | | | | |
|------|-------|-------|-------|-------|-------|
| 942 | 943 | 944 | 945 | 946 | 948 |
| 949 | 950 | 953 | 954 | 955 | 956 |
| 958 | 958A | 959 | 960 | 961 | 962 |
| 963 | 964 | 965 | 966 | 967 | 968 |
| 969 | 971 | 972 | 973 | 974 | 975 |
| 976 | 978 | 979 | 980 | 981 | 982 |
| 983 | 984 | 985 | 986 | 987 | 988 |
| 991 | 992 | 993 | 995 | 996 | 997 |
| 998 | 999 | 1000 | 1001 | 1002 | 1004 |
| 1005 | 1006 | 1007 | 1008 | 1009 | 1010 |
| 1011 | 1012 | 1013 | 1014 | 1015 | 1016 |
| 1017 | 1019 | 1020 | 1022 | 1023 | 1023A |
| 1024 | 1025 | 1026 | 1027 | 1028 | 1029 |
| 1030 | 1031 | 1032 | 1034 | 1035 | 1036 |
| 1037 | 1038 | 1039 | 1041 | 1042 | 1043 |
| 1044 | 1045 | 1046 | 1047 | 1048 | 1049 |
| 1050 | 1051 | 1052 | 1053 | 1055 | 1056 |
| 1057 | 1058 | 1059 | 1060 | 1061 | 1063 |
| 1064 | 1065 | 1066 | 1067 | 1068 | 1069 |
| 1070 | 1072 | 1073A | 1074 | 1075 | 1076 |
| 1077 | 1078 | 1079 | 1080 | 1081 | 1082 |
| 1083 | 1084 | 1087 | 1088 | 1090 | 1091 |
| 1092 | 1093 | 1095 | 1096 | 1096A | 1097 |
| 1098 | 1099 | 1100 | 1102 | 1103 | 1104 |
| 1106 | 1107 | 1108 | 1109 | 1111 | 1112 |
| 1113 | 1114 | 1115 | 1116 | 1117 | 1118 |
| 1119 | 1120 | 1121 | 1122 | 1123 | 1124 |
| 1125 | 1127 | 1128 | 1129 | 1130 | 1131 |
| 1132 | 1133 | 1134 | 1135 | 1136 | 1137 |
| 1138 | 1140 | 1141 | 1142 | 1143 | 1144 |
| 1145 | 1146 | 1149 | 1149A | 1150 | 1151 |
| 1152 | 1153 | 1154 | 1155 | 1156 | 1157 |
| 1158 | 1159 | 1160 | 1161 | 1162 | 1163 |
| 1164 | 1165 | 1166 | 1167 | 1169 | 1169A |
| 1170 | 1171 | 1173 | 1174 | 1175 | 1176 |
| 1177 | 1178 | 1179 | 1180 | 1181 | 1182 |
| 1183 | 1184 | 1185 | 1186 | 1187 | 1188 |
| 1189 | 1190 | 1191 | 1192 | 1193 | 1194 |
| 1195 | 1195A | 1196 | 1197 | 1198 | 1199 |
| 1200 | 1201 | 1202 | 1203 | 1204 | 1205 |
| 1206 | 1207 | 1208 | 1209 | 1210 | 1212 |
| 1213 | 1214 | 1215 | 1216 | 1217 | 1218 |
| 1219 | 1220 | 1221 | 1222 | 1223 | 1224 |
| 1225 | 1226 | 1227 | 1228 | 1229 | 1230 |
| 1231 | 1232 | 1233 | 1234 | 1235 | 1237 |
| 1238 | 1239 | 1240 | 1241 | 1242 | 1243 |
| 1244 | 1245 | 1246 | 1247 | 1248 | 1249 |
| 1250 | 1251 | 1252 | 1253 | 1254 | 1255 |
| 1256 | 1257 | 1258 | 1259 | 1260 | 1261 |

SUMMARY OF LEGISLATION

2067

| | | | | | |
|---------|---------|---------|---------|---------|---------|
| 1262 | 1263 | 1264 | 1265 | 1266 | 1267 |
| 1268 | 1269 | 1270 | 1271 | 1272 | 1273 |
| 1274 | 1275 | 1276 | 1277 | 1279 | 1280 |
| 1281 | 1282 | 1283 | 1284 | 1285 | 1286 |
| 1287 | 1288 | 1289 | 1290A | 1291 | 1292 |
| 1293 | 1294 | 1295 | 1296 | 1297 | 1298 |
| 1299 | 1300 | 1301 | 1302 | 1304 | 1305 |
| 1306 | 1307 | 1308 | LR2CA | LR5CA | LR6CA |
| LR8CA | LR14CA | LR16CA | LR18CA | LR21CA | LR277CA |
| LR282CA | LR283CA | LR289CA | LR292CA | LR293CA | LR294CA |

Withdrawn (3):

| | | |
|-----|-----|------|
| 913 | 990 | 1147 |
|-----|-----|------|

Resolutions Adopted (50):

| | | | | | |
|-------|-------|-------|-------|-------|-------|
| LR276 | LR278 | LR279 | LR280 | LR281 | LR284 |
| LR285 | LR286 | LR287 | LR288 | LR290 | LR291 |
| LR295 | LR296 | LR297 | LR298 | LR299 | LR300 |
| LR301 | LR302 | LR303 | LR304 | LR305 | LR306 |
| LR307 | LR308 | LR309 | LR310 | LR311 | LR312 |
| LR313 | LR314 | LR315 | LR316 | LR317 | LR319 |
| LR327 | LR348 | LR386 | LR454 | LR457 | LR458 |
| LR459 | LR460 | LR461 | LR462 | LR463 | LR466 |
| LR467 | LR468 | | | | |

(Totals in parentheses include bills, A bills, and resolutions of each section.)

**Line-item veto partially overridden

***All Line-item veto overridden

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| | |
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- 4CA Constitutional amendment to authorize revenue bonds to develop
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(Landis)..... 73, 725, 1265, 1332, 1439, 1507,
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- 5CA Constitutional amendment to eliminate constitutional references to
the Board of Educational Lands and Funds
(Baker)..... 75, 1800
- 6CA Constitutional amendment to permit gaming on Indian lands
(Schimek, Janssen, Aguilar, Bourne, Connealy, Cudaback,
Cunningham, Hilgert, Dw. Pedersen, Robak, Schrock,
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- 8CA Constitutional amendment to create the Nebraska Higher
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- 14CA Constitutional amendment to authorize property tax exemption for
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(Hartnett, Brown, Smith, Wehrbein, Schimek,
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- 16CA Create an Ethics and Compensation Review Commission for the
Legislature
(Beutler)..... 78, 195, 1800
- 18CA Constitutional amendment to change the membership of the Board
of Regents of the University of Nebraska
(Smith, Engel, Erdman)..... 80, 1800
- 21CA Constitutional amendment to state that political subdivision
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officers
(McDonald)..... 81, 280, 1800
- 276 Recognize Beth Dodson, Leslie Steinbeck, Bethany Nichelson,
and Jess Schneider for the successful rescue of an injured Fremont
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(D. Pederson)..... 125, 233
- 277CA Constitutional amendment to change the prohibition on a felon's
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(Schimek, Kruse)..... 142, 156, 159, 235, 1800
- 278 Extend sympathy to the family of Mary Turner
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Cudaback, Cunningham, Dierks, Engel, Erdman, Foley, Hartnett,
Hudkins, Janssen, Jensen, Jones, Kremer, Kruse, Landis, Maxwell,
McDonald, Dw. Pedersen, D. Pederson, Preister, Price, Quandahl,
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- 279 Congratulate the Hampton High School volleyball team for
winning the Class D-2 state championship
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| 280 | Congratulate the Aurora High School volleyball team for winning the Class B state championship (Kremer)..... | 193, 300 |
| 281 | Congratulate the Gering High School Mock Trial team for winning the 2001 Nebraska Mock Trial competition (Smith)..... | 193, 300 |
| 282CA | Constitutional amendment to authorize games of chance (Coordsen)..... | 194, 221, 276, 1800 |
| 283CA | Authorize an increase in the number of members of the Legislature (Jones, Baker, Bromm, Cunningham, Dierks, Erdman, Stuhr, Vrtiska)..... | 195, 221, 399, 670 |
| 284 | Congratulate Edward J. Neville for earning the rank of Eagle Scout (Foley)..... | 199, 300 |
| 285 | Congratulate Jesse Edminsten on his 108th birthday (Cudaback)..... | 269, 330 |
| 286 | Congratulate the Seward High School football team for winning the Class B state championship (Stuhr)..... | 281, 395 |
| 287 | Declare January 23, 2002, as the official commencement of the Pick Your Path to Health and Focus on Total Fitness campaigns (Schimek, Price, Stuhr, Thompson, Suttle, Jensen, Redfield, Byars, Robak, Hudkins, Brown)..... | 285, 395 |
| 288 | Congratulate Trenton J. Harris for earning the rank of Eagle Scout (Foley)..... | 285, 395 |
| 289CA | Change residency requirements for members of the Legislature (Brown)..... | 298, 344, 399, 648 |
| 290 | Congratulate the Columbus Scotus High School volleyball team for winning the Class C-1 state championship (Robak)..... | 311, 429 |
| 291 | Congratulate the Howells High School football team for winning the Class D-1 state championship (Robak)..... | 312, 429 |
| 292CA | Constitutional amendment to authorize gaming on Indian lands and interdiction gaming zones (Beutler)..... | 331, 373, 480, 657, 1800 |
| 293CA | Constitutional amendment to authorize members of the Legislature to participate in the state group insurance program (Bromm, Dw. Pedersen)..... | 332, 373, 399, 1800 |
| 294CA | Constitutional amendment to change the prohibition on a felon's right to vote (Synowiecki)..... | 333, 373, 486, 776 1800 |
| 295 | Declare February 19, 2002, as Rural Education Day in Nebraska (Coordsen)..... | 623, 746 |
| 296 | Extend appreciation and congratulations to the honorees for their service to the State of Nebraska (Kristensen)..... | 649, 746 |
| 297 | Congratulate Matt Bates for winning the Class A 171-pound state wrestling championship (Robak)..... | 660, 764 |

- 298 Congratulate Darrell Olmer for winning the Class D 152-pound state wrestling championship
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- 299 Congratulate Jared Nygren for winning the Class D 275-pound state wrestling championship
(Robak)..... 725, 806
- 300 Congratulate Rev. Howard and Mary Holverson on their 70th wedding anniversary
(Price)..... 749, 838
- 301 Congratulate the Lincoln Christian High School girls basketball team for winning the Class C-1 state championship
(Raikes, Price, Beutler, Foley, Schimek, Hudkins, Byars, Landis)..... 825, 929
- 302 Congratulate the West Point Central Catholic High School girls basketball team for winning the Class C-2 state championship
(Connealy)..... 826, 929
- 303 Congratulate the Chambers High School girls basketball team for winning the Class D-2 state championship
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- 304 Congratulate the Bellevue East High School girls' basketball team for winning the Class A state championship
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- 305 Congratulate the Minatare High School LifeSmarts Quiz Bowl team for winning the state LifeSmarts Quiz Bowl
(Smith)..... 873, 1017
- 306 Congratulate the Nemaha Valley High School Academic Decathlon Team for winning the 2002 Academic Decathlon State Championship
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- 307 Congratulate Chris Schroeder for earning the rank of Eagle Scout
(Foley)..... 887, 1017
- 308 Declare March 20, 2002, as Abbott Sisters' Day
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- 309 Congratulate the Grand Island High School boys' basketball team for winning the Class A state championship
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- 310 Congratulate the Spencer-Naper High School boys' basketball team for winning the Class D-1 state championship
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- 311 Congratulate the Cody-Kilgore High School boys' basketball team for winning the Class D-2 state championship
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- 312 Congratulate the Randolph High School boys' basketball team for winning the Class C-2 state championship
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- 313 Congratulate the Freeman High School girls' basketball team for winning the Class D-1 state championship
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- 314 Congratulate the Norris High School boys' basketball team for winning the Class B state championship
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- 315 Congratulate the Bishop Neumann High School boys' basketball team for winning the Class C-1 state championship (Bromm, Hudkins) 918, 1045
- 316 Congratulate the Hastings College Lady Broncos basketball team for winning the NAIA Division II National championship (Burling) 1018, 1186
- 317 Congratulate the South Sioux City High School girls' basketball team for winning the Class B state championship (Engel) 1041, 1186
- 318 Interim study to examine the prohibition of certain telephone solicitations (Vrtiska) 1050, 1565
- 319 Congratulate Kyle Bowers for earning the rank of Eagle Scout (Erdman) 1075, 1337
- 320 Interim study to examine methods of making state and local government more efficient and cost effective (Bourne, Quandahl, Aguilar) 1078, 1181, 1565
- 321 Interim study to review the growth in Medicaid expenditures (Bourne, Erdman, Quandahl, Aguilar) 1079, 1135, 1181, 1565
- 322 Interim study to review the expenditures of the Department of Correctional Services (Bourne, Quandahl, Aguilar) 1079, 1181, 1565
- 323 Interim study to review state funds allocated as aid to local governments (Bourne, Erdman, Quandahl, Aguilar) 1079, 1135, 1181, 1566
- 324 Interim study to examine state aid to schools under the Tax Equity and Educational Opportunities Support Act (Bourne, Quandahl, Aguilar) 1080, 1181, 1566
- 325 Interim study to examine the concept of zero-based budgeting for Nebraska state agency appropriations (Bourne, Erdman, Quandahl, Aguilar) 1080, 1135, 1181, 1566
- 326 Interim study to examine how to provide legislative oversight of federal funds allocated to the state to prepare for possible acts of terrorism (Schimek, Jensen, Wehrbein) 1113, 1566
- 327 Congratulate Mary Our Queen School, Westside Middle School, and Ralston Middle School, for their achievements in the Math Counts Competition (Redfield) 1114, 1337
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- 345 Interim study to examine the recycling of hazardous wastes into fertilizers
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- 346 Interim study to examine issues raised by introduction of LB 399, 2001, the Outpatient Surgical Procedures Data Act (Cunningham, Byars, Jensen)..... 1214, 1567
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- 411 Interim study to examine health and human services issues (Jensen) 1360, 1573
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- 413 Interim study to examine whether the guest statute is fair to those injured in motor vehicle accidents (Brashear) 1361, 1573
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- 438 Interim study of the impact to the state and the motoring public
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- 456 Interim study of the feasibility of reducing General Fund appropriations to the Public Service Commission and assess costs of administering the regulatory functions
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- 458 Congratulate Kathy Gurnsey as the 2002 Nebraska Mother of the Year
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- 459 Authorize issuance of revenue bonds for renovation of residence hall facilities at Wayne State College and Peru State College
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| 461 | Congratulate Jay Canada on achieving the rank of Eagle Scout (Schrock) | 1673, 1796, 1797 |
| 462 | Declare May, 2002, as Scholarship Month in Nebraska (Raikes) | 1673, 1796, 1797 |
| 463 | Approve naming the new multipurpose building at the Youth Rehabilitation and Treatment Center-Geneva the LaFlesche Cottage (Coordsen) | 1678, 1796, 1797 |
| 464 | Interim study of the structure of the Metropolitan Area Transit Authority (Urban Affairs Committee) | 1705, 1763 |
| 465 | Interim study to develop legislation for the future use of proceeds from the state lottery allocated to the Education Innovation Fund (Education Committee) | 1714, 1764 |
| 466 | Congratulate Aaron Byrnes for earning the rank of Eagle Scout (Foley) | 1730, 1796, 1797 |
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SECOND SESSION
2002

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Compiled by

Patrick J. O'Donnell
Clerk of the Legislature

Carol Koranda, Index Clerk

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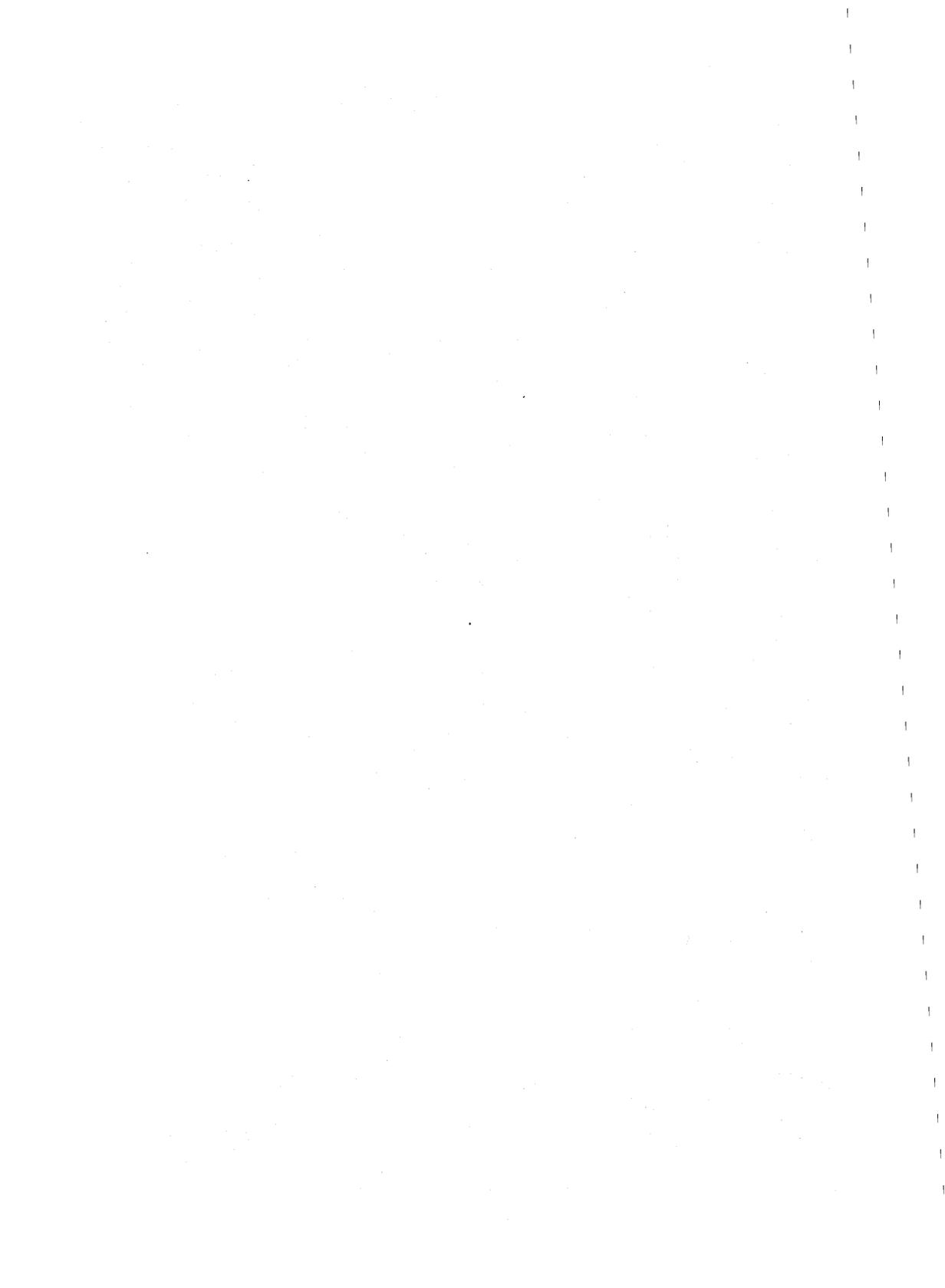
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SECOND SESSION
2002**

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