

FIFTH DAY - JANUARY 14, 2003
LEGISLATIVE JOURNAL
NINETY-EIGHTH LEGISLATURE
FIRST SESSION

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
 Tuesday, January 14, 2003

PRAYER

The prayer was offered by Senator Janssen.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Bromm presiding.

The roll was called and all members were present except Senators Brashear, Brown, Johnson, Dw. Pedersen, and Raikes who were excused.

CORRECTIONS FOR THE JOURNAL

Page 88, line 47, strike "General Affairs" and insert "Revenue".

Page 90, after line 12, insert: "LR 4CA Natural Resources"

Page 90, line 14, strike "Government, Military and Veterans Affairs" and insert "Executive Board".

The Journal for the fourth day was approved as corrected.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LB 233	Agriculture
LB 234	Health and Human Services
LB 235	Urban Affairs
LB 236	Government, Military and Veterans Affairs
LB 237	Natural Resources
LB 238	Transportation and Telecommunications
LB 239	Health and Human Services
LB 240	Judiciary
LB 241	Health and Human Services
LB 242	Health and Human Services
LB 243	General Affairs
LB 244	Education

LB 245	Health and Human Services
LB 246	Education
LB 247	Banking, Commerce and Insurance
LB 248	Banking, Commerce and Insurance
LB 249	Education
LB 250	Agriculture
LB 251	Business and Labor
LB 252	Banking, Commerce and Insurance
LB 253	Government, Military and Veterans Affairs
LB 254	Natural Resources
LB 255	Judiciary
LB 256	Business and Labor
LB 257	Government, Military and Veterans Affairs
LB 258	Banking, Commerce and Insurance
LB 259	Transportation and Telecommunications
LB 260	Judiciary
LB 261	Government, Military and Veterans Affairs
LB 262	Education
LB 263	Education
LB 264	Education
LB 265	Judiciary
LB 266	General Affairs
LB 267	Judiciary
LB 268	Judiciary
LB 269	Judiciary
LB 270	Judiciary
LB 271	Judiciary
LB 272	Judiciary
LB 273	Agriculture
LB 274	Agriculture
LB 275	Agriculture
LB 276	Agriculture
LB 277	Urban Affairs
LB 278	Business and Labor
LB 279	Transportation and Telecommunications
LB 280	Revenue
LB 281	Revenue
LB 282	Revenue
LB 283	Revenue
LB 284	Revenue
LB 285	Revenue
LB 286	Revenue
LB 287	Revenue
LB 288	Education
LB 289	Education
LB 290	Revenue
LB 291	Revenue
LB 292	Revenue
LB 293	Revenue

LB 294 Judiciary
 LB 295 Revenue
 LB 296 Transportation and Telecommunications
 LB 297 Health and Human Services
 LB 298 Judiciary
 LB 299 Banking, Commerce and Insurance
 LB 300 Judiciary
 LB 301 Natural Resources
 LB 302 Revenue
 LB 303 Transportation and Telecommunications
 LB 304 Judiciary
 LB 305 Natural Resources
 LB 306 Natural Resources
 LB 307 Government, Military and Veterans Affairs
 LB 308 Business and Labor
 LB 309 General Affairs
 LB 310 Government, Military and Veterans Affairs
 LB 311 Executive Board
 LB 312 Government, Military and Veterans Affairs
 LR 8CA Executive Board
 LR 9CA Executive Board
 LR 10CA Judiciary
 LR 11CA General Affairs
 LR 13CA Education

(Signed) Pat Engel, Chairperson
 Legislative Council
 Executive Board

NOTICE OF COMMITTEE HEARINGS

Education Room 1525

LB 67	Tuesday, January 21, 2003	2:00 p.m.
LB 68	Tuesday, January 21, 2003	2:00 p.m.
LB 66	Tuesday, January 21, 2003	2:00 p.m.
LB 106	Tuesday, January 21, 2003	2:00 p.m.

(Signed) Ron Raikes, Chairperson

Banking, Commerce and Insurance Room 1507

LB 107	Tuesday, January 21, 2003	2:00 p.m.
LB 214	Tuesday, January 21, 2003	2:00 p.m.
LB 215	Tuesday, January 21, 2003	2:00 p.m.
LB 70	Tuesday, January 21, 2003	2:00 p.m.
LB 71	Tuesday, January 21, 2003	2:00 p.m.

(Signed) Mark Quandahl, Chairperson

Transportation and Telecommunications

Room 1113

LB 51	Tuesday, January 21, 2003	2:00 p.m.
LB 103	Tuesday, January 21, 2003	2:00 p.m.
LB 137	Tuesday, January 21, 2003	2:00 p.m.
LB 182	Tuesday, January 21, 2003	2:00 p.m.

(Signed) Tom Baker, Chairperson

Urban Affairs

Room 1510

LB 86	Tuesday, January 21, 2003	1:30 p.m.
LB 76	Tuesday, January 21, 2003	1:30 p.m.
LB 78	Tuesday, January 21, 2003	1:30 p.m.
LB 167	Tuesday, January 21, 2003	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

Agriculture

Room 1524

LB 180	Tuesday, January 21, 2003	2:00 p.m.
LB 160	Tuesday, January 21, 2003	2:00 p.m.
LB 157	Tuesday, January 21, 2003	2:00 p.m.

(Signed) Bob Kremer, Chairperson

BILLS ON FIRST READING

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

LEGISLATIVE BILL 313. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to civil procedure; to amend section 25304, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to nonresident security for costs; to harmonize provisions; to repeal the original section; and to outright repeal sections 25-1701 and 25-1702, Revised Statutes Supplement, 2002.

LEGISLATIVE BILL 314. 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 provisions relating to the limitation of actions for certain political subdivisions; and to repeal the original sections.

LEGISLATIVE BILL 315. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to notaries public; to amend sections 33-133, 64-101, 64-102, 64-113, and 64-210, Reissue Revised Statutes of Nebraska; to provide for and change provisions relating to appointments, examinations, notarial acts, and removal; to define terms; to provide powers and duties; to provide penalties; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 316. Introduced by Brashear, 4; Beutler, 28; Brown, 6.

A BILL FOR AN ACT relating to divorce; to amend sections 42-364, 43-1214.01, and 43-2911, Reissue Revised Statutes of Nebraska; to change child custody determination, parenting plan, and mediation and remediation costs provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 317. 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, 2002; to provide for the election of the Attorney General on the nonpartisan ballot; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 318. 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 section; 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 319. Introduced by Smith, 48; Stuthman, 22.

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 320. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to the Judges Retirement Act; to amend section 24-703, Revised Statutes Supplement, 2002; to change

contributions and a fee as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 321. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 75-116, 75-305, and 88-529, Reissue Revised Statutes of Nebraska, and sections 75-128, 75-156, and 75-903, Revised Statutes Supplement, 2002; to provide and change fees; to provide for the disposition of fees; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 322. 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, 2002; 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 323. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to counties; to amend section 23-272, Reissue Revised Statutes of Nebraska; to change provisions relating to regular meetings of certain county boards; and to repeal the original section.

LEGISLATIVE BILL 324. Introduced by Schrock, 38; Connealy, 16.

A BILL FOR AN ACT relating to ethanol; to amend section 66-1344, Revised Statutes Supplement, 2002; to provide a credit for production at new producer-owned ethanol facilities; and to repeal the original section.

LEGISLATIVE BILL 325. Introduced by Preister, 5.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-101, Revised Statutes Supplement, 2002; to state intent; to prohibit certain sales of alcoholic liquor as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 326. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to insurance; to amend section 44-361, Reissue Revised Statutes of Nebraska; to prohibit rebates by risk management pools; and to repeal the original section.

LEGISLATIVE BILL 327. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to public records; to amend section 33-101, Revised Statutes Supplement, 2002; to change fees relating to certain records of the Secretary of State as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 328. Introduced by Schimek, 27.

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 change provisions relating to competitive bidding; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 329. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to jury commissioners; to amend section 25-1625, Reissue Revised Statutes of Nebraska; to change provisions relating to the designation of the jury commissioner in certain counties; and to repeal the original section.

LEGISLATIVE BILL 330. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to economic development; to amend section 81-1255, Reissue Revised Statutes of Nebraska; to change provisions for the visitors committee; and to repeal the original section.

LEGISLATIVE BILL 331. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to counties; to amend section 23-135, Revised Statutes Supplement, 2002; to authorize prepayment for services; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 332. Introduced by Hudkins, 21; Hartnett, 45; Janssen, 15; Jones, 43; Kremer, 34; Vrtiska, 1.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-115, Revised Statutes Supplement, 2002; to change provisions relating to volunteer firefighters, volunteer ambulance drivers, and volunteer emergency care providers; and to repeal the original section.

LEGISLATIVE BILL 333. Introduced by Burling, 33; Connealy, 16; Jones, 43.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 23-186 and 60-6,355, Reissue Revised Statutes of Nebraska; to provide for certificates of title for all-terrain vehicles and minibikes; to define and redefine terms; to provide fees and penalties; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 334. Introduced by Kremer, 34; Jensen, 20; Tyson, 19.

A BILL FOR AN ACT relating to health care; to adopt the Health Care Prompt Payment Act.

LEGISLATIVE BILL 335. Introduced by Kremer, 34; Burling, 33; Byars, 30; Hudkins, 21; McDonald, 41; Stuhr, 24; Stuthman, 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, 2002; to change provisions relating to annexed territory; and to repeal the original sections.

LEGISLATIVE BILL 336. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to juveniles; to amend section 43-408, Revised Statutes Supplement, 2002; to change provisions relating to placement for treatment; and to repeal the original section.

LEGISLATIVE BILL 337. Introduced by Thompson, 14.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-2403 and 43-2406, Revised Statutes Supplement, 2002; to provide funds for juvenile substance abuse treatment; to provide for a surtax on alcoholic liquor as prescribed; to create and provide uses for a fund; to provide duties for the Department of Revenue; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 338. Introduced by Jensen, 20; Burling, 33; Jones, 43; Kremer, 34; Kruse, 13; Dw. Pedersen, 39; Schrock, 38; Stuhr, 24; Tyson, 19.

A BILL FOR AN ACT relating to substance abuse; to amend section 53-160, Reissue Revised Statutes of Nebraska, and section 53-162, Revised Statutes Supplement, 2001; to provide funding for treatment and programs; to make findings; to state intent relating to funds; to provide powers and duties; to create an advisory committee; 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.

LEGISLATIVE BILL 339. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to natural gas; to prohibit the payment of money for installation rights as prescribed.

LEGISLATIVE BILL 340. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to teachers; to amend sections 9-812, 79-8,136, 79-1018.01, and 79-1108, Revised Statutes Supplement, 2002; 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, 79-1108.02, and 79-1328, Revised Statutes Supplement, 2002.

LEGISLATIVE BILL 341. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to teachers; to adopt the Teacher Tuition Reimbursement Program Act.

LEGISLATIVE BILL 342. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to motor vehicle registration; to amend sections 23-186, 60-320, 60-320.01, 60-321, and 60-348, Reissue Revised Statutes of Nebraska, and sections 60-302, 60-1901, and 60-1902, Revised Statutes Supplement, 2002; to change provisions relating to In Transit decals as prescribed; to provide duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 343. Introduced by Connealy, 16; Preister, 5.

A BILL FOR AN ACT relating to labor; to state intent; to prohibit the use of state funds or property to assist, promote, or deter membership in a labor organization as prescribed; and to provide penalties.

LEGISLATIVE BILL 344. Introduced by Connealy, 16; Bourne, 8; Friend, 10.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 2002; to prohibit the installation of certain objects in a motor vehicle inflatable restraint system as prescribed; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 345. Introduced by Connealy, 16; Bourne, 8; Cunningham, 40.

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 346. Introduced by Quandahl, 31.

A BILL FOR AN ACT relating to children; to amend section 43-292, Reissue Revised Statutes of Nebraska; to provide additional grounds for termination of parental rights; and to repeal the original section.

LEGISLATIVE BILL 347. Introduced by Quandahl, 31.

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 348. Introduced by Erdman, 47; Byars, 30; Foley, 29; Jensen, 20.

A BILL FOR AN ACT relating to the State Boat Act; to amend sections 37-324, 37-1211, 37-1216, 37-1220, and 37-1273, Reissue Revised Statutes of Nebraska, and sections 37-1214, 37-1224, 37-1241.04, 37-1241.06, 37-1241.07, and 37-1256, Revised Statutes Supplement, 2002; to require liability insurance as prescribed; to change provisions relating to motorboat registration, the operation of motorboats and personal watercraft and funding; to create the State Watercraft Fund; to provide powers and duties; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 349. Introduced by Redfield, 12.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1495, Revised Statutes Supplement, 2002; to eliminate a filing requirement; and to repeal the original section.

SENATOR CUDABACK PRESIDING

LEGISLATIVE BILL 350. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to husband and wife; to provide for revocation of a legal separation decree; to provide a duty for the Revisor of Statutes; and to state intent.

LEGISLATIVE BILL 351. Introduced by Price, 26.

A BILL FOR AN ACT relating to nursing; to adopt the Nursing Faculty Student Loan Act.

LEGISLATIVE BILL 352. Introduced by Vrtiska, 1; Baker, 44; Cunningham, 40; Hudkins, 21; Janssen, 15; Kremer, 34; Quandahl, 31; Smith, 48.

A BILL FOR AN ACT relating to elections; to amend section 32-610, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to political parties and filing for office; to repeal the original section; and to outright repeal section 32-718, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 353. Introduced by Vrtiska, 1; Cunningham, 40; Erdman, 47; Quandahl, 31; Schimek, 27; Smith, 48.

A BILL FOR AN ACT relating to motor vehicle operators' licenses; to amend section 60-4,125, Revised Statutes Supplement, 2002; to provide for suspension of learner's permits as prescribed; and to repeal the original section.

LEGISLATIVE BILL 354. Introduced by Revenue Committee: Landis, 46, Chairperson; Baker, 44; Bourne, 8; Connealy, 16; Hartnett, 45; Janssen, 15; Redfield, 12.

A BILL FOR AN ACT relating to the State Treasurer; to amend section 84-617, Reissue Revised Statutes of Nebraska; to change administrative fund provisions; and to repeal the original section.

LEGISLATIVE BILL 355. Introduced by Revenue Committee: Landis, 46, Chairperson; Baker, 44; Bourne, 8; Connealy, 16; Hartnett, 45; Janssen, 15; Redfield, 12.

A BILL FOR AN ACT relating to income tax; to amend section 77-2733, Reissue Revised Statutes of Nebraska; to change nonresident income provisions; and to repeal the original section.

LEGISLATIVE BILL 356. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to schools; to amend section 79-458, Revised Statutes Supplement, 2002; to change provisions relating to freeholder petitions; and to repeal the original section.

LEGISLATIVE BILL 357. Introduced by Government, Military and Veterans Affairs Committee: Schimek, 27, Chairperson; Aguilar, 35; Burling, 33; Combs, 32; McDonald, 41; Smith, 48; Vrtiska, 1.

A BILL FOR AN ACT relating to elections; to amend sections 32-308 and 32-312, Reissue Revised Statutes of Nebraska, and sections 32-301 and 32-329, Revised Statutes Supplement, 2002; to change provisions relating to registration of voters; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 358. Introduced by Government, Military and Veterans Affairs Committee: Schimek, 27, Chairperson; Aguilar, 35; Burling, 33; Combs, 32; McDonald, 41; Smith, 48; Vrtiska, 1.

A BILL FOR AN ACT relating to elections; to amend sections 32-103, 32-202, 32-216, 32-320, 32-803, 32-809, 32-817, 32-901 to 32-903, 32-906, 32-909, 32-913, 32-918, 32-921, 32-929, 32-1006, 32-1012, 32-1019, 32-1026, 32-1041 to 32-1045, 32-1202, and 32-1307, Reissue Revised Statutes of Nebraska, and sections 32-101, 32-223, 32-230, 32-810, 32-813, 32-816, 32-914, 32-914.02, 32-915, 32-916, 32-1002, 32-1005, and 32-1007, Revised Statutes Supplement, 2002; to provide for an access system for certain voting information; to require the posting of certain voting information; to change and eliminate provisions relating to voter registration, voting, ballots, instructions to voters, and counting and canvassing ballots; to remove authority for punch card voting systems and voting machines; to harmonize provisions; to repeal the original sections; and to outright repeal sections 32-1046 to 32-1048, Reissue Revised Statutes of Nebraska, and section 32-914.03, Revised Statutes Supplement, 2002.

LEGISLATIVE BILL 359. Introduced by Government, Military and Veterans Affairs Committee: Schimek, 27, Chairperson; Aguilar, 35; Burling, 33; Combs, 32; McDonald, 41; Smith, 48; Vrtiska, 1.

A BILL FOR AN ACT relating to elections; to amend sections 60-312 and 60-319, Reissue Revised Statutes of Nebraska, and sections 32-914, 32-914.03, and 32-947, Revised Statutes Supplement, 2002; to change provisions relating to voter registration; to require identification to register to vote and to vote as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 360. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-438 and 37-439, Revised Statutes Supplement, 2002; to authorize free park entry permits as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 361. Introduced by Mossey, 3; Friend, 10; Smith, 48.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2262.01, Reissue Revised Statutes of Nebraska; to allow a probationer, an inmate, or a parolee to act as an undercover agent or employee as prescribed; to define terms; and to repeal the original section.

LEGISLATIVE BILL 362. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to real property; to amend section 76-2,122, Reissue Revised Statutes of Nebraska, and section 81-885.21, Revised Statutes Supplement, 2002; to change provisions relating to real estate closing agent trust accounts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 363. Introduced by Smith, 48; Baker, 44; Burling, 33; Combs, 32; Cudaback, 36; Engel, 17; Erdman, 47; Hudkins, 21; Janssen, 15; Jones, 43; Kremer, 34; Louden, 49; McDonald, 41; Stuhr, 24; Stuthman, 22; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to animals; to adopt the Prairie Protection Act.

LEGISLATIVE BILL 364. Introduced by Mines, 18.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2315.01, 29-2316, 29-2317, 29-2319, 29-2320, and 29-2321, Reissue Revised Statutes of Nebraska; to define a term; to change provisions relating to review of judgments; and to repeal the original sections.

LEGISLATIVE BILL 365. Introduced by Mines, 18.

A BILL FOR AN ACT relating to cities of the second class and villages; to amend section 17-614, Revised Statutes Supplement, 2002; to change provisions relating to the enactment of ordinances; and to repeal the original section.

LEGISLATIVE BILL 366. Introduced by Mines, 18.

A BILL FOR AN ACT relating to theft; to amend sections 28-516 and 28-517, Reissue Revised Statutes of Nebraska; to change provisions relating to unauthorized use of a propelled vehicle; to restrict affirmative defenses of certain thefts; to change penalties; and to repeal the original sections.

LEGISLATIVE BILL 367. Introduced by Janssen, 15; Hartnett, 45; Schrock, 38.

A BILL FOR AN ACT relating to the State Lottery Act; to amend section 9-812, Revised Statutes Supplement, 2002; to change provisions relating to the transfer of funds; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 368. Introduced by Baker, 44; Burling, 33; Jones, 43.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2704.24, Reissue Revised Statutes of Nebraska; to eliminate the sales and use tax exemption on food; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 369. Introduced by Baker, 44.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2101, Revised Statutes Supplement, 2002; to redefine terms relating to estate taxes and generation-skipping transfer taxes; and to repeal the original section.

LEGISLATIVE BILL 370. Introduced by Baker, 44.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1010, Revised Statutes Supplement, 2002; to change provisions relating to incentive payments; and to repeal the original section.

LEGISLATIVE BILL 371. Introduced by Aguilar, 35; Baker, 44; Jones, 43; Smith, 48.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-1423, Reissue Revised Statutes of Nebraska; to provide responsibility for fulfilling warranty terms as prescribed; and to repeal the original section.

LEGISLATIVE BILL 372. Introduced by Jones, 43; Burling, 33; Erdman, 47; Loudon, 49; Maxwell, 9; McDonald, 41; Schrock, 38.

A BILL FOR AN ACT relating to schools; to amend section 79-1089, Revised Statutes Supplement, 2002; to change provisions relating to audits of Class I districts; and to repeal the original section.

LEGISLATIVE BILL 373. Introduced by Jones, 43; Erdman, 47; Loudon, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 32-519 and 77-1339, Reissue Revised Statutes of Nebraska, and section 23-3202, Revised Statutes Supplement, 2002; to provide that the Property Tax Administrator transfer property assessment function back to counties; to change and eliminate provisions relating to sharing and transferring assessment function; to transfer employees; to harmonize provisions; to repeal the original section; and to outright repeal sections 77-1340 to 77-1340.03, Revised Statutes Supplement, 2002.

LEGISLATIVE BILL 374. Introduced by Connealy, 16; Cunningham, 40.

A BILL FOR AN ACT relating to motor fuel; to amend section 89-186, Reissue Revised Statutes of Nebraska; to eliminate labeling and disclosure requirements; to repeal the original section; and to outright repeal section 66-1214, Reissue Revised Statutes of Nebraska.

RESOLUTION

LEGISLATIVE RESOLUTION 14CA. Introduced by Schimek, 27; Beutler, 28; Cunningham, 40; Janssen, 15.

THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 2004 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 of chance 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, 2003; 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 no such zone may contain lands within the limits of an Indian reservation in Nebraska of a federally recognized Indian tribe 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.

(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 and a tribal-state gaming compact entered into 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 shall make laws creating one interdiction gaming zone and may authorize up to five gaming facilities within the zone. The Legislature shall provide for the operation, regulation, and taxation of gaming in the interdiction gaming zone.

(8) The Legislature shall allocate portions of the revenue from gaming under subsection (7) of this section to counties or other political subdivisions, except that such revenue shall not be allocated within any county in which gaming is conducted under subsection (7) of this section. Each tribe that has its administrative headquarters in Nebraska as of January 1, 2003, and that agrees not to conduct gaming under subsection (6) of this section shall receive five percent of such revenue without having to close or otherwise limit the type or scope of gaming permissible at any tribal facility on Indian lands and in operation on January 1, 2003."

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 the distribution of revenue from gaming.

For

Against".

Referred to the Reference Committee.

NOTICE OF COMMITTEE HEARING

Revenue
Room 1524

LB 291	Wednesday, January 22, 2003	1:30 p.m.
LB 292	Wednesday, January 22, 2003	1:30 p.m.
LB 293	Wednesday, January 22, 2003	1:30 p.m.
LB 80	Wednesday, January 22, 2003	1:30 p.m.
LB 191	Wednesday, January 22, 2003	1:30 p.m.
LB 192	Wednesday, January 22, 2003	1:30 p.m.
LB 223	Wednesday, January 22, 2003	1:30 p.m.
LB 295	Wednesday, January 22, 2003	1:30 p.m.

(Signed) David Landis, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senators Burling and Maxwell asked unanimous consent to have their names added as cointroducers to LB 108. No objections. So ordered.

Senators Aguilar and Thompson asked unanimous consent to have their names added as cointroducers to LB 232. No objections. So ordered.

Senator Schrock asked unanimous consent to have his name added as cointroducer to LB 283. No objections. So ordered.

Senator Burling asked unanimous consent to have his name added as cointroducer to LB 268. No objections. So ordered.

Senator Schimek asked unanimous consent to have her name added as cointroducer to LB 201. No objections. So ordered.

Senator Burling asked unanimous consent to have his name added as cointroducer to LB 280. No objections. So ordered.

ADJOURNMENT

At 11:19 a.m., on a motion by Senator Schrock, the Legislature adjourned until 9:00 a.m., Wednesday, January 15, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

