

FIFTIETH DAY - MARCH 26, 2003

LEGISLATIVE JOURNAL

**NINETY-EIGHTH LEGISLATURE
FIRST SESSION**

FIFTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 26, 2003

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 Senators Byars and Loudon who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-ninth day was approved.

MESSAGES FROM THE GOVERNOR

March 24, 2003

President, Speaker Bromm
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Bromm, and Members:

Contingent upon your approval, the following individual has been appointed to the State Personnel Board.

APPOINTEE:

Mary C. Colacurci, 6731 Flint Ridge Rd, Lincoln, NE 68506

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns

Governor

say/

March 24, 2003

President, Speaker Bromm
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Bromm, and Members:

Contingent upon your approval, the following individual has been appointed to the Nebraska Board of Health.

APPOINTEE:

Pamela List, 330 Lambrecht St, Beemer, NE 68716

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) Mike Johanns
Governor

say/

March 24, 2003

President, Speaker Bromm
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Mr. President, Speaker Bromm, and Members:

Contingent upon your approval, the following individuals have been appointed to the Nebraska Arts Council.

APPOINTEES:

- *Louise Bereuter, 1652 County Rd Z, Cedar Bluffs, NE 68015
- *Robert Wolfe, 38 Eastridge Dr S, York, NE 68467
- Robin Koozer, 1245 Turner Ave, Hastings, NE 68902
- Joan Gibson, 117 N Happy Hollow Blvd, Omaha, NE 68132
- Art Thompson, 19922 Van Dorn, Eagle, NE 68347
- *Meredith Zutavern, PO Box 158, Dunning, NE 68833

The aforementioned names are respectfully submitted for your consideration.

Sincerely,

(Signed) Mike Johanns
Governor

say/

*Reappointments

P.S. Mr. Wolfe is now in the 3rd Congressional District

GENERAL FILE

LEGISLATIVE BILL 46. Title read. Considered.

SPEAKER BROMM PRESIDING

The Standing Committee amendment, AM0770, printed separately and referred to on page 833, was considered.

SENATOR CUDABACK PRESIDING

Senator Brashear offered the following amendment to the Standing Committee amendment:

AM1002

(Amendments to Standing Committee amendments, AM0770)

- 1 1. On page 22, line 1; and page 34, line 11, strike
- 2 "may" and insert "shall".
- 3 2. On page 35, line 5, after "section" insert ", except
- 4 that parole shall not be revoked nor shall the parolee be
- 5 imprisoned for such nonpayment if the parolee is financially unable
- 6 to make the payment".

Senator Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

The Brashear amendment was adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

Senator Synowiecki offered the following amendment to the Standing Committee amendment:

AM0965

(Amendments to Standing Committee amendments, AM0770)

- 1 1. Strike section 6.
- 2 2. On page 17, lines 3 through 27, strike the new
- 3 matter.
- 4 3. On page 18, strike lines 1 through 27.
- 5 4. On page 19, lines 1 through 3, strike the new matter;
- 6 in lines 8 through 20 strike the new matter and reinstate the
- 7 stricken matter; and in line 25 strike "(3)" and insert "(2)".
- 8 5. On page 20, line 12, strike "(4)" and insert "(3)";
- 9 in line 21 strike "(5)" and insert "(4)"; and in line 22 strike
- 10 "(4)" and insert "(3)".
- 11 6. On page 21, line 3, strike "(6)" and insert "(5)";

12 and in line 7, strike "(7)" and insert "(6)".

13 7. Amend the repealer, renumber the remaining sections,
14 and correct internal references accordingly.

SPEAKER BROMM PRESIDING

Senator Cudaback asked unanimous consent to be excused until he returns.
No objections. So ordered.

Senator Synowiecki withdrew his amendment.

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 32 ayes, 0 nays, 15 present and not
voting, and 2 excused and not voting.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Bereuter, Louise - Nebraska Arts Council - General Affairs

Colacurci, Mary C. - State Personnel Board - Government, Military and
Veterans Affairs

Gibson, Joan - Nebraska Arts Council - General Affairs

Koozer, Robin - Nebraska Arts Council - General Affairs

List, Pamela - Nebraska Board of Health - Health and Human Services

Thompson, Art - Nebraska Arts Council - General Affairs

Wolfe, Robert - Nebraska Arts Council - General Affairs

Zutavern, Meredith - Nebraska Arts Council - General Affairs

(Signed) Pat Engel, Chairperson
Legislative Council
Executive Board

AMENDMENT - Print in Journal

Senator Stuthman filed the following amendment to LB 232:
AM0954

- 1 1. Insert the following new section:
- 2 "Sec. 2. Section 23-272, Reissue Revised Statutes of

3 Nebraska, is amended to read:

- 4 23-272. The regular meetings of the county board shall
- 5 be held ~~on the second Tuesday~~ in January."
- 6 2. On page 7, line 14, after "sections" insert
- 7 "23-272,".
- 8 3. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were Jake Williams, Mike Adelman, Laura Todd, Jessica Isaac, and Trudy deGoede from the University of Nebraska at Kearney; 29 high school students and teacher from Maxwell; 42 fourth-grade students and teacher from Avery Elementary School, Bellevue; and 40 fourth-grade students and teachers from Hayward Elementary School, Nebraska City.

RECESS

At 11:47 a.m., on a motion by Senator Vrtiska, 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 Mossey who was excused; and Senators Brashear, Byars, Loudon, and McDonald who were excused until they arrive.

UNANIMOUS CONSENT - Member Excused

Senator D. Pederson asked unanimous consent to be excused until he returns. No objections. So ordered.

AMENDMENT - Print in Journal

Senator Stuthman filed the following amendment to LB 292:
AM1019

(Amendments to Final Reading copy)

- 1 1. Insert the following new sections:
- 2 "Sec. 12. Section 77-1706, Revised Statutes Supplement,
- 3 2002, is amended to read:
- 4 77-1706. All receipts issued by the county treasurer for
- 5 taxes paid to him or her shall be numbered consecutively,
- 6 ~~commencing with the number one on the first sheet issued for the~~
- 7 ~~taxes for any one year. The county treasurer shall not receipt for~~
- 8 ~~more than one year's taxes on the same property in one tax receipt~~

9 but shall keep a separate and distinct series of numbers of
 10 receipts issued for the taxes of each year for which the taxes have
 11 been levied and assessed. The original and duplicate of these
 12 receipts shall be attached together as one, and each duplicate of
 13 each original receipt shall bear the same number as the original
 14 and shall be issued in duplicate. The original shall be presented
 15 to the taxpayer upon payment, and the duplicate shall be retained
 16 by the county treasurer.

17 Sec. 13. Section 77-1707, Reissue Revised Statutes of
 18 Nebraska, is amended to read:

19 77-1707. ~~The county clerk shall, on the delivery of the~~
 20 ~~receipts, charge the county treasurer with the number of receipts~~
 21 ~~delivered, and the county treasurer shall immediately examine the~~
 22 ~~number of receipts and report to the county clerk any irregularity~~
 23 ~~found therein. The county treasurer shall receipt to the county~~
 1 ~~clerk therefor, and shall be held strictly accountable for all~~
 2 receipts, including receipts found missing at regular settlement,
 3 and also for all detached receipts, the duplicates of which do not
 4 show the entry of taxes paid. All irregularities in the issuance
 5 of receipts that render them worthless must be shown on the face of
 6 the original, which must in no case be detached from the
 7 duplicate."

8 2. On page 1, lines 1 and 2, strike "section 18-1743"
 9 and insert "sections 18-1743 and 77-1707"; in line 4 before "and"
 10 insert "77-1706,"; and in line 7 after the semicolon insert "to
 11 change provisions relating to receipts issued by county
 12 treasurers;"

13 3. On page 10, line 5, strike "section 18-1743" and
 14 insert "sections 18-1743 and 77-1707"; and in line 7 before "and"
 15 insert "77-1706,".

16 4. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 117. Title read. Considered.

The Standing Committee amendment, AM0863, found on page 980, was considered.

Senator Brown withdrew her pending amendment, AM0030, found on page 283.

Senator Quandahl renewed his pending amendment, AM0917, found on page 1026, to the Standing Committee amendment.

Senator Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER BROMM PRESIDING

Senator Quandahl withdrew his amendment.

Senator Quandahl offered the following amendment to the Standing Committee amendment:

AM1022

(Amendments to Standing Committee amendments, AM0863)

- 1 1. Insert the following new sections:
- 2 "Section 1. All intangible personal property
- 3 distributable in the course of a demutualization or related
- 4 reorganization of a life insurance corporation that remains
- 5 unclaimed is presumed abandoned two years after the date of the
- 6 distribution of the property.
- 7 Sec. 2. Section 69-1310, Reissue Revised Statutes of
- 8 Nebraska, is amended to read:
- 9 69-1310. (a) Every person holding funds or other
- 10 property, tangible or intangible, presumed abandoned under the
- 11 Uniform Disposition of Unclaimed Property Act shall report to the
- 12 State Treasurer with respect to the property as hereinafter
- 13 provided.
- 14 (b) The report shall be verified and shall include:
- 15 (1) Except with respect to traveler's checks and money
- 16 orders, the name, if known, and last-known address, if any, of each
- 17 person appearing from the records of the holder to be the owner of
- 18 any property presumed abandoned under the act;
- 19 (2) In case of unclaimed funds of life insurance
- 20 corporations, the full name of the insured or annuitant and his or
- 21 her last-known address according to the life insurance
- 22 corporation's records;
- 23 (3) The nature and identifying number, if any, or
- 1 description of the property and the amount appearing from the
- 2 records to be due, except that items of less than twenty-five
- 3 dollars may be reported in the aggregate;
- 4 (4) The date when the property became payable,
- 5 demandable, or returnable, and the date of the last transaction
- 6 with the owner with respect to the property; and
- 7 (5) Other information which the State Treasurer may
- 8 prescribe by rule as necessary for the administration of the act.
- 9 (c) If the person holding property presumed abandoned is
- 10 a successor to other persons who previously held the property for
- 11 the owner, or if the holder has changed his or her name while
- 12 holding the property, he or she shall file with his or her report
- 13 all prior known names and addresses of each holder of the property.
- 14 (d) The report shall be filed before November 1 of each
- 15 year as of June 30 next preceding, but the report of life insurance
- 16 corporations shall be filed before May 1 of each year as of
- 17 December 31 next preceding. A one-time supplemental report shall
- 18 be filed by life insurance corporations with regard to property
- 19 subject to section 1 of this act before November 1, 2003, as of

20 December 31, 2002, as if section 1 of this act had been in effect
 21 before January 1, 2003. The property must accompany the report
 22 unless excused by the State Treasurer for good cause. The State
 23 Treasurer may postpone the reporting date upon written request by
 24 any person required to file a report.

25 (e) If the holder of property presumed abandoned under
 26 the act knows the whereabouts of the owner and if the owner's claim
 27 has not been barred by the statute of limitations, the holder
 1 shall, before filing the annual report, communicate with the owner
 2 and take necessary steps to prevent abandonment from being
 3 presumed. The holder shall exercise due diligence to ascertain the
 4 whereabouts of the owner.

5 (f) Verification, if made by a partnership, shall be
 6 executed by a partner; if made by a limited liability company, by a
 7 member; if made by an unincorporated association or private
 8 corporation, by an officer; and if made by a public corporation, by
 9 its chief fiscal officer.

10 Sec. 4. Section 69-1329, Reissue Revised Statutes of
 11 Nebraska, is amended to read:

12 69-1329. Sections 69-1301 to 69-1329 and section 1 of
 13 this act may be cited as the Uniform Disposition of Unclaimed
 14 Property Act."

15 2. On page 1, line 5, strike "All", show as stricken,
 16 and insert "Except as otherwise provided in this subdivision, all";
 17 and in line 11 after the period insert "All funds received under
 18 section 1 of this act shall be deposited by the State Treasurer in
 19 a separate life insurance corporation demutualization trust fund,
 20 which is hereby created, from which he or she shall make prompt
 21 payment of claims regarding such funds allowed pursuant to the act.
 22 Transfers from the separate life insurance corporation
 23 demutualization trust fund to the General Fund and to the permanent
 24 school fund may be made at the direction of the Legislature.".

25 3. On page 9, line 20, after "sections" insert "69-1310,
 26 69-1329," and after "81-1111" insert a comma.

27 4. Renumber the remaining sections and correct internal
 1 references accordingly.

The Quandahl amendment was adopted with 26 ayes, 4 nays, 15 present and not voting, and 4 excused and not voting.

Senators Cudaback, Landis, and Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

Senator Mines 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 Standing Committee amendment, as amended, was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Senator Brown moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

Senator Brown requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 24:

Aguilar	Combs	Jensen	Maxwell	Smith
Baker	Cunningham	Jones	Mines	Tyson
Bromm	Erdman	Kremer	Pederson, D.	Vrtiska
Brown	Foley	Kruse	Quandahl	Wehrbein
Burling	Friend	Louden	Redfield	

Voting in the negative, 8:

Chambers	Hudkins	Schimek	Stuthman
Connealy	Raikes	Stuhr	Thompson

Present and not voting, 10:

Beutler	Byars	Janssen	Preister	Schrock
Bourne	Hartnett	Johnson	Price	Synowiecki

Excused and not voting, 7:

Brashear	Engel	McDonald	Pedersen, Dw.
Cudaback	Landis	Mossey	

Failed to advance to E & R for review with 24 ayes, 8 nays, 10 present and not voting, and 7 excused and not voting.

STANDING COMMITTEE REPORTS

Business and Labor

LEGISLATIVE BILL 198. Placed on General File as amended.
(Standing Committee amendment, AM0786, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 806. Placed on General File as amended.
Standing Committee amendment to LB 806:

AM0932

- 1 1. Strike original section 1 and insert the following
- 2 new sections:
- 3 "Section 1. There are hereby appropriated the following
- 4 sums of money, or so much thereof as may be required, from the
- 5 General Fund or from other funds as indicated in the state
- 6 treasury, not otherwise appropriated, for the payment of claims
- 7 arising out of miscellaneous items of indebtedness owing by the

8 State of Nebraska.	
9 2002-2003 MISCELLANEOUS CLAIMS	
10 DESCRIPTION	DOLLARS
11 Claim No. 02-412, against the Department of	
12 Environmental Quality, pay to	
13 <u>Western Cooperative Co,</u>	
14 P.O. Box H,	
15 Alliance, NE 69301,	
16 out of the General Fund.	20,501.69
17 Claim No. 02-428, against the Department of Property	
18 Assessment and Taxation, pay to <u>Keith County,</u>	
19 P.O. Box 239,	
20 Ogallala, NE 69153,	
21 out of the General Fund.	139.11
22 Claim No. 02-475, against the Department of Revenue,	
23 pay to <u>MCI Worldcom,</u>	
24 c/o CityVest,	
1 9 East 4th Street,	
2 Tulsa, OK 74103,	
3 out of the General Fund.	33,242.30
4 Claim No. 02-640, against the Department of Banking	
5 and Finance, pay to <u>Oppenheimer Funds,</u>	
6 c/o Katherine Feld,	
7 498 Seventh Ave,	
8 New York, NY 10018,	
9 out of the Securities Act Cash Fund.	45,000.00
10 Claim No. 02-641, against the Department of Banking	
11 and Finance, pay to <u>Oppenheimer Funds,</u>	
12 c/o Katherine Feld,	
13 498 Seventh Ave,	
14 New York, NY 10018,	
15 out of the Securities Act Cash Fund.	45,000.00
16 Claim No. 02-698, against the Department of Banking	
17 and Finance, pay to	
18 <u>Automated Business Development Corporation,</u>	
19 c/o Mary Bucci,	
20 529 Main Street,	
21 Boston, MA 02129,	
22 out of the Securities Act Cash Fund.	127,050.00
23 Claim No. 02-757, against the Department of	
24 Revenue, pay to <u>Gerald and Joan Beller,</u>	
25 P.O. Box 540426,	
26 Omaha, NE 68154,	
27 out of the General Fund.	14,277.02
1 Claim No. 03-163, against the Supreme Court, pay to	
2 <u>Lisa Oliveto and Ann Ebsen, Attorney,</u>	
3 103 Highland Street,	
4 Papillion, NE 68046,	
5 out of the General Fund.	3,075.92

6 Claim No. 03-354, against the Department of Health
 7 and Human Services, pay to
 8 Boys & Girls Home of Nebraska,
 9 100 Futures Drive,
 10 South Sioux City, NE 68776,
 11 out of the General Fund. 13,970.00
 12 Claim No. 03-406, against the Secretary of State,
 13 pay to Nebraska Press Advertising Service,
 14 c/o Allen Beerman,
 15 845 S Street,
 16 Lincoln, NE 68508,
 17 out of the General Fund. 55,341.54
 18 The claims included in this section shall be paid through
 19 program 536 in Agency 65.
 20 For informational purposes only, the appropriations
 21 contained in this section and fund source:
 22 GENERAL FUND 140,547.58
 23 CASH FUNDS 217,050.00
 24 TOTAL 357,597.58
 25 Sec. 2. The following sums of money, or so much thereof
 26 as may be required, are hereby appropriated from the General Fund
 27 or from other funds as indicated in the state treasury, not
 1 otherwise appropriated, for the payment of tort claims which have
 2 been settled by the Attorney General in the district court or in
 3 which court judgments have been entered and which require the
 4 approval of the Legislature for payment.
 5 DESCRIPTION DOLLARS
 6 Tort Claim No. 97-397, against the Department
 7 of Health and Human Services, pay to
 8 Taunia Fuhrman and Michael Coyle, Attorney,
 9 409 S. 17th St.,
 10 Omaha, NE 68102,
 11 out of the General Fund. 194,685.76
 12 The claims included in this section shall be paid through
 13 Program 591 in Agency 65.
 14 For informational purposes only, the appropriations
 15 contained in this section and fund source:
 16 GENERAL FUND 194,685.76
 17 TOTAL 194,685.76".
 18 2. On page 26, line 10, strike "306,047.17" and insert
 19 "271,692.73"; and after line 16 insert:
 20 "Request No. 03-333, made by the Commission
 21 for the Deaf and Hard of Hearing 1,131.00".
 22 3. Renumber the remaining sections accordingly.

(Signed) Floyd P. Vrtiska, Chairperson

Health and Human Services

LEGISLATIVE BILL 724. Placed on General File as amended.

Standing Committee amendment to LB 724:

AM1031

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Sections 1 to 9 of this act shall be known
- 4 and may be cited as the Nebraska Behavioral Health Reform Act.
- 5 Sec. 2. The purpose of the Nebraska Behavioral Health
- 6 Reform Act is to state legislative intent for reform of the
- 7 behavioral health system and for a substantive recodification of
- 8 statutes relating to the funding and delivery of behavioral health
- 9 services in the State of Nebraska. Such statutes include, but are
- 10 not limited to: (1) The Nebraska Comprehensive Community Mental
- 11 Health Services Act; (2) the Nebraska Mental Health Commitment Act;
- 12 (3) the Alcoholism, Drug Abuse, and Addiction Services Act; (4) the
- 13 Rehabilitation and Support Mental Health Services Incentive Act;
- 14 (5) sections 71-5016 to 71-5040; (6) sections 71-5053 to 71-5057;
- 15 and (7) sections 83-305 to 83-357.
- 16 Sec. 3. For purposes of the Nebraska Behavioral Health
- 17 Reform Act:
- 18 (1) Behavioral health system means the statewide array of
- 19 behavioral health services provided by the regional centers or by
- 20 any other public or private facility or practitioner;
- 21 (2) Behavioral health disorder means mental illness or
- 22 alcoholism, drug abuse, or other addictive disorder;
- 23 (3) Behavioral health region means a mental health region
- 24 described in subdivision (6) of section 71-5002;
- 1 (4) Behavioral health services means services provided
- 2 for the prevention, diagnosis, and treatment of behavioral health
- 3 disorders;
- 4 (5) County regional governance system means the system
- 5 for the funding and delivery of community-based behavioral health
- 6 services in the behavioral health regions, including the regional
- 7 governing boards established pursuant to section 71-5004, the
- 8 behavioral health programs and services funded and administered by
- 9 such boards, and the program administrators appointed by such
- 10 boards;
- 11 (6) Mental health board means a mental health board
- 12 created pursuant to section 83-1017;
- 13 (7) Nebraska Health and Human Services System means the
- 14 Department of Health and Human Services, the Department of Health
- 15 and Human Services Regulation and Licensure, and the Department of
- 16 Health and Human Services Finance and Support; and
- 17 (8) Regional center means one of the state hospitals for
- 18 the mentally ill designated in section 83-305.
- 19 Sec. 4. The Legislature finds that:
- 20 (1) The separate and distinct funding and administrative

21 mechanisms of the regional centers and the county regional
22 governance system present significant barriers to statewide
23 coordination of the behavioral health system;

24 (2) The number of inpatients at the regional centers is
25 significantly less than the originally designed capacity of such
26 centers and many regional center buildings are uninhabitable or
27 require significant expenditures of state funds for maintenance and
1 renovation;

2 (3) The size and scope of the administrative bureaucracy
3 in each behavioral health region has significantly expanded since
4 passage of the Nebraska Comprehensive Community Mental Health
5 Services Act and each regional governing board both provides
6 behavioral health services and administers state and other funds
7 for the provision of such services;

8 (4) The availability of community-based behavioral health
9 services in the State of Nebraska is inadequate to meet the need

10 for such services; and
11 (5) Many persons with behavioral health disorders are
12 admitted for inpatient treatment when outpatient treatment would be
13 a clinically appropriate and less restrictive treatment alternative
14 for such persons, mental health board commitments lack uniformity
15 statewide, and persons are frequently retained in emergency
16 protective custody after being committed for treatment by a mental
17 health board and prior to the commencement of such treatment.

18 Sec. 5. It is the intent of the Legislature that
19 statutes relating to the regional centers be revised and recodified
20 to:

21 (1) Decrease reliance on the regional centers for the
22 inpatient treatment of behavioral health disorders and consolidate
23 the inpatient treatment currently provided at such centers, which
24 may include the designation of one inpatient regional center
25 facility with a single administrative and clinical staff for all
26 regional center operations;

27 (2) Reinvest revenue from the reduction or elimination of
1 inpatient regional center services into the statewide development
2 of community-based behavioral health services; and

3 (3) Provide for more accountable and cost-effective
4 utilization of professional staff at the regional centers,
5 consistent with the clinical needs of patients at such centers.

6 Sec. 6. It is the intent of the Legislature that
7 statutes relating to the county regional governance system be
8 revised and recodified to:

9 (1) Change membership of the regional governing boards to
10 include elected officials and other persons with a broad range of
11 interests and expertise in the provision of behavioral health
12 services in the region and change the method for the appointment of
13 such members to such boards;

14 (2) Limit and redefine the powers and duties of the
15 regional governing boards, while preserving local control to the

16 greatest possible extent in each behavioral health region;
17 (3) Eliminate the county matching funds requirement in
18 sections 71-5009 and 71-5027 and require local funding for
19 behavioral health services provided in each behavioral health
20 region based on a maintenance of effort requirement established by
21 the department, including funding from counties and other public
22 and private sources; and

23 (4) Restrict or prohibit the regional governing boards
24 from directly providing behavioral health services in the region
25 without state approval.

26 Sec. 7. It is the intent of the Legislature that
27 statutes relating to the statewide administration and funding of
1 the behavioral health system be revised and recodified to:

2 (1) Reduce the overall growth of state expenditures for
3 the system and maximize access to federal medicaid funding for
4 community-based behavioral health services;

5 (2) Provide additional support and guidance for the
6 statewide development of community-based behavioral health
7 services;

8 (3) Require that all public funding for the behavioral
9 health system, including community-based funding, regional center
10 funding, and medicaid funding, be integrated within the Nebraska
11 Health and Human Services System to provide for the most efficient
12 and effective transition of persons to the least costly and least
13 restrictive treatment environment possible consistent with the
14 clinical needs of such persons; and

15 (4) Restructure the statewide administration of the
16 behavioral health system and require the appointment of a chief
17 administrative and clinical officer for behavioral health within
18 the Nebraska Health and Human Services System.

19 Sec. 8. It is the intent of the Legislature that the
20 Nebraska Mental Health Commitment Act be revised and recodified to:

21 (1) Limit the number of mental health boards and change
22 provisions relating to such boards;

23 (2) Permit physicians and psychologists to initiate
24 emergency protective custody procedures;

25 (3) Encourage outpatient community-based commitments,
26 avoid more costly and inappropriate inpatient commitments, and
27 facilitate the transition of persons from the regional centers to
1 less restrictive community-based treatment alternatives consistent
2 with the clinical needs of such persons; and

3 (4) Clarify the authority and obligation of counties
4 relating to the emergency protective custody of persons after
5 commitment by a mental health board and prior to the admission of
6 such persons for treatment pursuant to such commitment.

7 Sec. 9. The chairperson of the Health and Human Services
8 Committee of the Legislature shall prepare and introduce
9 legislation or amendments to legislation in the Ninety-eighth
10 Legislature, Second Session, to implement sections 5 to 8 of this

11 act.".

(Signed) Jim Jensen, Chairperson

AMENDMENTS - Print in Journal

Senator Schrock filed the following amendment to LB 479:
AM1018

(Amendments to Standing Committee amendments, AM0852)

- 1 1. Insert the following new sections:
- 2 "Section 1. Section 66-489, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 66-489. (1) At Commencing July 1, 2004, and continuing
- 5 through September 30, 2011, at the time of filing the return
- 6 required by section 66-488, such supplier, distributor, wholesaler,
- 7 or importer shall, in addition to the tax imposed pursuant to
- 8 sections 66-4,140, 66-4,142, 66-4,145, and 66-4,146 and in addition
- 9 to the other taxes provided for by law, pay a tax of ~~ten and~~
- 10 ~~one-half eleven~~ cents per gallon upon all motor vehicle fuel as
- 11 shown by such return. Commencing October 1, 2011, at the time of
- 12 filing the return required by section 66-488, such supplier,
- 13 distributor, wholesaler, or importer shall, in addition to the tax
- 14 imposed pursuant to sections 66-4,140, 66-4,142, 66-4,145, and
- 15 66-4,146 and in addition to the other taxes provided for by law,
- 16 pay a tax of ten and one-half cents per gallon upon all motor
- 17 vehicle fuel as shown by such return. There ; ~~except that there~~
- 18 shall be no tax on the motor vehicle fuel reported if (a) the
- 19 required taxes on the motor vehicle fuel have been paid, (b) the
- 20 motor vehicle fuel has been sold to a licensed exporter exclusively
- 21 for resale or use in another state, (c) the motor vehicle fuel has
- 22 been sold from a Nebraska barge line terminal, pipeline terminal,
- 23 or refinery by a licensed supplier to a licensed distributor, (d)
- 1 the motor vehicle fuel has been sold by a licensed distributor or
- 2 licensed importer to a licensed distributor or to a licensed
- 3 wholesaler and the seller acquired ownership of the motor vehicle
- 4 fuel directly from a licensed supplier at or from a refinery,
- 5 barge, barge line, or pipeline terminal in this state or was the
- 6 first importer of such fuel into this state, or (e) as otherwise
- 7 provided in this section. Such supplier, distributor, wholesaler,
- 8 or importer shall remit such tax to the department.
- 9 (2) Agricultural ethyl alcohol shall be exempt from the
- 10 taxes imposed under this section and sections 66-4,140, 66-4,142,
- 11 66-4,145, and 66-4,146 and any other taxes provided for by law
- 12 until the agricultural ethyl alcohol is (a) sold to any person who
- 13 is not a Nebraska licensed motor vehicle fuels supplier,
- 14 distributor, wholesaler, or importer, (b) placed directly into a
- 15 motor vehicle, or (c) blended with gasoline. Agricultural ethyl
- 16 alcohol that is blended with gasoline shall become subject to the
- 17 taxes imposed under this section and sections 66-4,140, 66-4,142,

18 66-4,145, and 66-4,146 and any other taxes provided for by law at
19 the same time as the gasoline with which it is blended becomes
20 subject to such taxes or upon blending if such taxes have already
21 been paid on the gasoline.

22 (3)(a) Motor vehicle fuel, methanol, and all blending
23 agents or fuel expanders shall be exempt from the taxes imposed by
24 this section and sections 66-4,140, 66-4,142, 66-4,145, and
25 66-4,146, when the fuel is used for buses equipped to carry more
26 than seven persons for hire and engaged entirely in the
27 transportation of passengers for hire within municipalities or
1 within a radius of six miles thereof.

2 (b) The owner or agent of any bus equipped to carry more
3 than seven persons for hire and engaged entirely in the
4 transportation of passengers for hire within municipalities, or
5 within a radius of six miles thereof, in lieu of the excise tax
6 provided for in this section, shall pay an equalization fee of a
7 sum equal to twice the amount of the registration fee applicable to
8 such vehicle under the laws of this state. Such equalization fee
9 shall be paid in the same manner as the registration fee and be
10 disbursed and allocated as registration fees.

11 (c) Nothing in this section shall be construed as
12 permitting motor vehicle fuel to be sold tax exempt. The
13 department shall refund tax paid on motor vehicle fuel used in
14 buses deemed exempt by this section.

15 Sec. 2. Section 66-499, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 66-499. All sums of money received under sections 66-489
18 and 66-4,105 by the State Treasurer shall be credited to the
19 Highway Trust Fund, except that commencing July 1, 2004, and
20 continuing through September 30, 2011, one-half cent per gallon of
21 motor vehicle fuel shall be credited to the Ethanol Production
22 Incentive Cash Fund. The State Treasurer shall then transfer such
23 amounts to the General Fund as the department determines are equal
24 to the credits and refunds allowed under sections 66-4,118 to
25 66-4,132 and the amounts required by section 66-4,124.

26 Sec. 3. Section 66-4,105, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 66-4,105. ~~There~~ Commencing July 1, 2004, and continuing
2 through September 30, 2011, there is hereby levied and imposed an
3 excise tax of ~~ten and one-half~~ eleven cents per gallon, increased
4 by the amounts imposed or determined under sections 66-4,140,
5 66-4,142, 66-4,145, and 66-4,146, upon the use of all motor vehicle
6 fuel used in this state and due the State of Nebraska under section
7 66-489. Commencing October 1, 2011, there is hereby levied and
8 imposed an excise tax of ten and one-half cents per gallon,
9 increased by the amounts imposed or determined under sections
10 66-4,140, 66-4,142, 66-4,145, and 66-4,146, upon the use of all
11 motor vehicle fuel used in this state and due the State of Nebraska
12 under section 66-489. Users of motor vehicle fuel subject to

13 taxation under this section shall be allowed the same exemptions,
 14 deductions, and rights of reimbursement as are authorized and
 15 permitted by Chapter 66, article 4. For purposes of this section
 16 and section 66-4,106, use shall mean the purchase or consumption of
 17 motor vehicle fuel in this state."

18 2. On page 12, line 19, strike "and" and show as
 19 stricken; and in line 21 after "66-1345.04" insert ", and (g)
 20 credited to the Ethanol Production Incentive Cash Fund pursuant to
 21 section 66-499".

22 3. On page 15, lines 21 and 22, strike "one" and insert
 23 "three-fourths".

24 4. On page 17, line 25, strike "section" and insert
 25 "sections 66-489, 66-499, 66-4,105, and".

26 5. Renumber the remaining sections and correct internal
 27 references accordingly.

Senator Beutler filed the following amendment to LB 165:
 AM0953

(Amendments to E & R amendments, AM7080)

1 1. On page 8, line 21, after "plant" insert "that
 2 provides for compensation on an at-cost basis. This section does
 3 not authorize indemnification for any direct damages from the
 4 misconduct of an entity engaged in management or operation of a
 5 nuclear power plant. Indemnification under this section shall not
 6 alter the limitation of liability applicable to a political
 7 subdivision under the Political Subdivisions Tort Claims Act and
 8 shall apply to any public or private entity acting for a public
 9 power district or a public power and irrigation district pursuant
 10 to a contract for the management or operation of a nuclear power
 11 plant".

Senator Bromm filed the following amendment to LB 524:
 AM0836

(Amendments to Final Reading copy)

1 1. Insert the following new sections:
 2 "Sec. 20. Section 33-101, Revised Statutes Supplement,
 3 2002, is amended to read:
 4 33-101. There shall be paid to the Secretary of State
 5 the following fees:
 6 (1) For certificate or exemplification with seal, ten
 7 dollars;
 8 (2) For copies of records, for each page, a fee of one
 9 dollar;
 10 (3) For accessing records by electronic means:
 11 (a) For ~~information in the Secretary of State's business~~
 12 ~~division data base on a business or nonprofit corporation, limited~~
 13 ~~liability company, limited liability partnership, or limited~~
 14 ~~partnership: Seventy five cents for each business entity searched~~
 15 ~~on an individual basis; and for batch requests of business entity~~

16 information, fifteen dollars for up to one thousand business
17 entities accessed and an additional fifteen dollars for each
18 additional one thousand business entities accessed over one
19 thousand;

20 (b) For information in the Secretary of State's Uniform
21 Commercial Code Division data base, including records filed
22 pursuant to the Uniform Commercial Code, Chapter 52, article 2, 5,
23 7, 9, 10, 11, 12, or 14, Chapter 54, article 2, or the Uniform
1 State Tax Lien Registration and Enforcement Act, for batch requests
2 searched by debtor location, fifteen dollars for up to one thousand
3 records accessed and an additional fifteen dollars for each
4 additional one thousand records accessed over one thousand;

5 (c) For an electronically transmitted letter indicating
6 whether a business is properly registered with the Secretary of
7 State and authorized to do business in the state, six dollars and
8 fifty cents; ~~and~~

9 (d) For the entire contents of the data base regarding
10 corporations and the Uniform Commercial Code, but excluding
11 electronic images, three hundred dollars weekly subscription rate,
12 one thousand dollars monthly subscription rate for a twice-monthly
13 service, and eight hundred dollars monthly subscription rate;

14 (e) For images of records accessed over the Internet or
15 by other electronic means other than facsimile machine, forty-five
16 cents for each page or image of a page, not to exceed two thousand
17 dollars per request for batch requests; and

18 (f) For the entire contents of the image data base
19 regarding corporations and the Uniform Commercial Code, eight
20 hundred dollars monthly subscription rate;

21 (4) For recording articles of association or
22 incorporation, amendments, revised or restated articles, changes of
23 registered office or registered agent, increase or decrease of
24 capital stock, merger or consolidation, statement of intent to
25 dissolve, and consent to dissolution, revocation of dissolution,
26 articles of dissolution, domestic or foreign, profit or nonprofit,
27 five dollars per page;

1 (5) For taking acknowledgment, ten dollars;

2 (6) For administering oath, ten dollars;

3 (7) For filings by for-profit corporations and
4 associations required or permitted by law to file articles of
5 incorporation or organization with the Secretary of State, the fees
6 provided in section 21-2005 unless otherwise specifically provided
7 by law; and

8 (8) For filings by nonprofit corporations and
9 associations required or permitted by law to file articles of
10 incorporation or organization with the Secretary of State, the fees
11 provided in section 21-1905 unless otherwise specifically provided
12 by law.

13 All fees collected pursuant to subdivision (3) of this
14 section shall be deposited in the Records Management Cash Fund and

15 shall be distributed as provided in any agreements between the
 16 State Records Board and the Secretary of State.
 17 Sec. 22. Original section 33-101, Revised Statutes
 18 Supplement, 2002, is repealed."
 19 2. On page 1, line 1, strike "corporations" and insert
 20 "state government"; in line 7 before "occupation" insert
 21 "corporate" and after the semicolon insert "to change fees relating
 22 to certain records of the Secretary of State"; and in lines 8 and 9
 23 strike "an operative date" and insert "operative dates".
 24 3. Renumber the remaining sections and correct the
 25 operative date section so that the sections added by this amendment
 26 become operative three calendar months after the adjournment of
 27 this legislative session.

Senator Schrock filed the following amendment to LB 619:
 AM1017

(Amendments to E & R amendments, AM7082)

1 1. Insert the following new sections:
 2 "Sec. 9. Section 46-656.01, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 46-656.01. Sections 46-656.01 to 46-656.67 and section
 5 11 of this act shall be known and may be cited as the Nebraska
 6 Ground Water Management and Protection Act.
 7 Sec. 11. (1) Whenever a natural resources district
 8 pursuant to subsection (16) of section 46-656.28 has temporarily
 9 suspended the drilling of new wells in all or part of the district,
 10 ground water withdrawn outside the affected area shall not be
 11 transported for use inside such area unless (a) such withdrawal and
 12 transport began before the temporary suspension took effect, (b)
 13 the water is used solely for domestic purposes, or (c) such
 14 withdrawal and transport is approved in advance by the district
 15 imposing the temporary suspension and, if the water is withdrawn in
 16 another natural resources district, by the other district.
 17 (2) Whenever a natural resources district pursuant to
 18 subdivision (1)(k) of section 46-656.25 has closed all or part of
 19 the district to the issuance of additional well permits, ground
 20 water withdrawn outside the affected area shall not be transported
 21 for use inside such area unless (a) such withdrawal and transport
 22 began before the affected area was closed to the issuance of
 23 additional well permits, (b) the water is used solely for domestic
 1 purposes, or (c) such withdrawal and transport is approved in
 2 advance by the district that closed the affected area to additional
 3 well permits and, if the water is withdrawn in another natural
 4 resources district, by the other district.
 5 Sec. 12. Section 46-656.12, Revised Statutes Supplement,
 6 2002, is amended to read:
 7 46-656.12. Each district shall prepare a ground water
 8 management plan based upon the best available information and
 9 submit such plan to the Director of Natural Resources for review

10 and approval.

11 The plan shall include, but not be limited to, the
12 identification to the extent possible of:

13 (1) Ground water supplies within the district including
14 transmissivity, saturated thickness maps, and other ground water
15 reservoir information, if available;

16 (2) Local recharge characteristics and rates from any
17 sources, if available;

18 (3) Average annual precipitation and the variations
19 within the district;

20 (4) Crop water needs within the district;

21 (5) Current ground water data-collection programs;

22 (6) Past, present, and potential ground water use within
23 the district;

24 (7) Ground water quality concerns within the district;

25 (8) Proposed water conservation and supply augmentation
26 programs for the district;

27 (9) The availability of supplemental water supplies,
1 including the opportunity for ground water recharge;

2 (10) The opportunity to integrate and coordinate the use
3 of water from different sources of supply;

4 (11) Ground water management objectives, including a
5 proposed ground water reservoir life goal for the district. For
6 management plans adopted or revised after July 19, 1996, the ground
7 water management objectives may include any proposed integrated
8 management objectives for hydrologically connected ground water and
9 surface water supplies but a management plan does not have to be
10 revised prior to the adoption or implementation of a joint action
11 plan pursuant to section 46-656.28;

12 (12) Existing subirrigation uses within the district;

13 (13) The relative economic value of different uses of
14 ground water proposed or existing within the district; and

15 (14) The geographic and stratigraphic boundaries of any
16 proposed management area.

17 If the expenses incurred by a district preparing a ground
18 water management plan exceed twenty-five percent of the district's
19 current budget, the district may make application to the Nebraska
20 Resources Development Fund for assistance.

21 If a control area, management area, or special ground
22 water quality protection area has been designated in a district
23 prior to July 19, 1996, the area shall be designated a management
24 area but the district shall not be required to adopt or amend its
25 existing rules, regulations, action plan, or ground water
26 management plan, due to that change in designation, for the
27 geographical area of the district included in such control area,

1 management area, or special ground water quality protection area.

2 A district may change references from control area or special
3 ground water quality protection area to management area without
4 holding a public hearing. Before taking any action described in

5 the remainder of this section, a district shall hold a public
6 hearing within the district. Notice of the hearing shall be given
7 as provided in section 46-656.19. If the changes made by Laws
8 1996, LB 108, require substantive changes to the district's rules,
9 regulations, or plans, the district shall enact appropriate
10 amendments to such rules, regulations, or plans. A district in
11 which a special ground water quality protection area was designated
12 prior to July 19, 1996, shall insure compliance with section
13 46-656.29. A district in which a control area, management area, or
14 special ground water quality protection area was designated prior
15 to July 19, 1996, may adopt any of the controls permitted by
16 section 46-656.25."
17 2. Renumber the remaining sections, amend the repealer,
18 and correct internal references accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 63. Introduced by Kremer, 34.

PURPOSE: The purpose of this resolution is to study whether Nebraska should enact statutes regarding prompt payment of claims for health care services submitted to health insurers. The study should include a review of the provisions of LB 334 which was introduced in the 2003 session and which is pending in the Banking, Commerce and Insurance Committee. In order to carry out the purpose of this resolution, the committee should seek the assistance of the Department of Insurance 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-EIGHTH LEGISLATURE OF NEBRASKA, FIRST 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 64. Introduced by Tyson, 19.

WHEREAS, one violent crime is committed in America every 5 seconds and one property crime is committed every 1.6 seconds; and

WHEREAS, 25.9 million Americans are victims of crime each year, and of those, 6.3 million are victims of violent crime; and

WHEREAS, drunk driving is the nation's most frequently committed crime, 48 Americans die each day in alcohol-related crashes, and 59 Americans are injured in alcohol-related crashes each hour; and

WHEREAS, despite the recent reduction in the rate of crime, far too many persons still suffer the impact of crime; and

WHEREAS, crime victims play an imperative role in bringing offenders to justice; and

WHEREAS, victims of crimes deserve respect, resources, restoration, and justice; and

WHEREAS, as we carry victims' rights into 2003 and beyond, we must bring honor to victims; and

WHEREAS, underserved crime victims, including those who are elderly, disabled, or living in rural populations, receive the same services as other victims of crime; and

WHEREAS, as a nation devoted to liberty and justice for all, America must increase its efforts to protect, restore, and expand crime victims' rights and services; and

WHEREAS, Mothers Against Drunk Driving, Nebraska, is joining forces with victim service programs, criminal justice officials, and concerned citizens throughout Nebraska and America to observe National Crime Victims' Week.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature designates the week of April 6-12, 2003, as Nebraska Crime Victims' Rights Week.

2. That the Legislature reaffirms a commitment to respect and enforce victims' rights and address their needs during 2003 Nebraska Crime Victims' Rights Week and throughout the year.

3. That this resolution be presented to Mothers Against Drunk Driving, Nebraska, on April 7, 2003.

Laid over.

LEGISLATIVE RESOLUTION 65. Introduced by Burling, 33.

WHEREAS, the NAIA Division II National Championship match for 2003 saw a memorable match-up between two outstanding teams from Hastings College and Dakota Wesleyan; and

WHEREAS, The Hastings College Lady Broncos, after a superbly hard-fought contest, emerged triumphant with an exciting fifty-nine to fifty-three victory; and

WHEREAS, the skill, experience, and determination of the Lady Broncos led to their second consecutive NAIA National Championship; and

WHEREAS, The Hastings community and the State of Nebraska can be proud of these outstanding players and their coaches; 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-EIGHTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its heartiest congratulations to the members of the 2003 Hastings College Lady Broncos NAIA Division II National Champion 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.

UNANIMOUS CONSENT - Add Cointroducer

Senator Stuthman asked unanimous consent to have his name added as cointroducer to LB 232. No objections. So ordered.

VISITORS

Visitors to the Chamber were Linda Olson from O'Neill; 58 elementary students and teachers from Geneva; students from Columbus High School, Columbus Scotus High School, and Lakeview High School, Columbus; Jayne Boyer from York and Shelley Mayhew from Beatrice; and Joe Skavdahl from Harrison.

ADJOURNMENT

At 4:05 p.m., on a motion by Senator Mines, the Legislature adjourned until 9:00 a.m., Thursday, March 27, 2003.

Patrick J. O'Donnell
Clerk of the Legislature

